



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

COMMITTEES SECTION

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www.parliament.gov.za

23 April 2020

Mr FA Mbalula, MP
Minister of Transport
PRETORIA

Dear Minister,

INVITATION TO BRIEF A JOINT COMMITTEE ON COVID-19 MATTERS: 30 APRIL 2020

The Minister is cordially invited to brief a joint virtual meeting of the Portfolio Committee on Transport and the Select Committee on Transport, Public Service and Administration, Public Works and Infrastructure on Covid-19 related matters.

The Minister is kindly requested to brief the Committees and provide an update on the implementation of Covid-19 regulations in terms of the following aspects:

1. The current adherence to the regulations and implementation by the Department of Transport thereof in terms of the following:
 - o Statistics of vehicle movement from 26 March 2020 to date on all roads that have vehicle counting technology installed (TomTom vehicle movement information, ETC vehicle count technology on Gauteng Highways, SANRAL toll gate vehicle count information, Provincial road vehicle count technology installed on roads)
 - o Level of compliance with regulations by Public transport operators per category
 - o Indicate how non-compliance (if any) has been reprimanded;
2. Assessing specific sectors of transportation of people involved in essential services;
3. Transportation of essential goods;
4. Transportation of petroleum products from source of production, refineries, storage facilities to service stations;
5. Transportation of goods from the ports in terms of :
 - o Figures of cross border road traffic to/from neighbouring countries
 - o Level of compliance (statistics) in the Maritime and Aviation sector
 - o Indicate how non-compliance (if any) has been reprimanded;

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6. Transportation of mine workers under new regulations;
7. Health safety standards on public transport; and
8. Plans for the phased introduction of transport that is not operational during the lockdown period, including the future of Public Transport (all modes) and mitigation measures to be put in place (such as adherence to social distancing and continued sanitizing of transport).

The details of the meeting are as follows:

Date: Thurs, 30 April 2020
Time: 10:00 – 12:00
Venue: Virtual Platform (MS Teams)

For further inquiries regarding the meeting, kindly liaise with Mr Hlupheka Mtleni (Committee Secretary) on hmtleni@parliament.gov.za and Ms Valerie Carelse (Committee Secretary) on vcarelse@parliament.gov.za

Yours sincerely,

Signed electronically

MR MJ ZWANE, MP
CHAIRPERSON: PC ON TRANSPORT

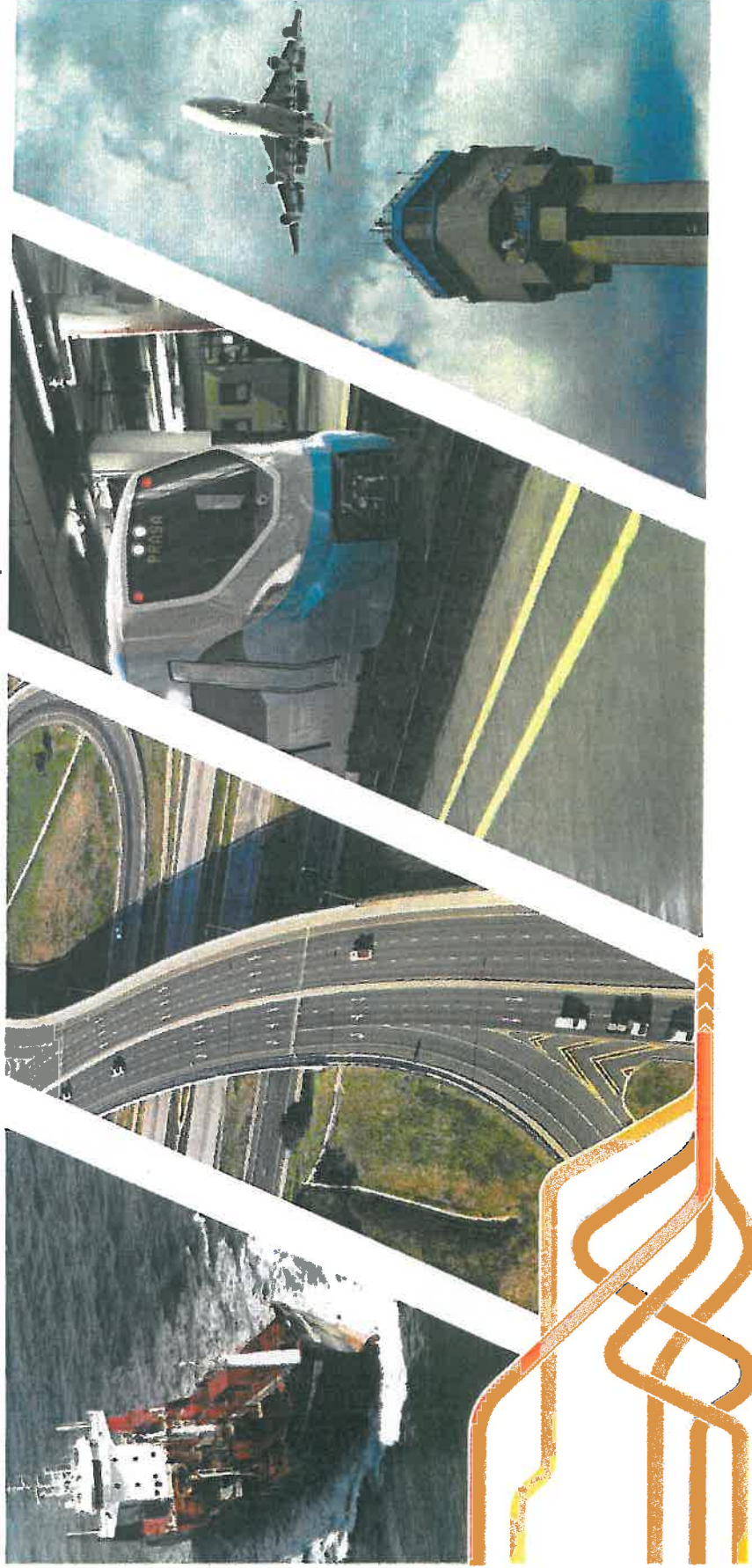
Signed electronically

MR MK MMOIEMANG, MP
**CHAIRPERSON: SC ON TRANSPORT,
PUBLIC SERVICE AND
ADMINISTRATION, PUBLIC WORKS
AND INFRASTRUCTURE**

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PREVENTION AND COMBAT AGAINST COVID 19

A presentation to the Portfolio Committee on Transport and the Select Committee on Transport, Public Service and Administration, Public Works and Infrastructure on Covid-19
(JOINT COMMITTEE ON COVID 19)



By Hon Minister of Transport, Fikile Mabalula, MP



transport

Department:
Transport
REPUBLIC OF SOUTH AFRICA



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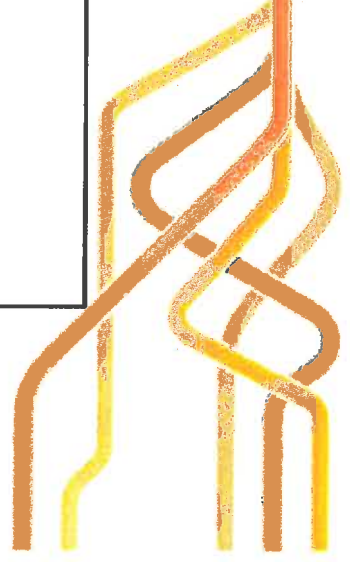
CONTENT

1. **INTRODUCTION**
2. **Vehicle movement, compliance and accountability**
3. **Transportation of people involved in essential services**
4. **Transportation of essential goods**
5. **Transportation of petroleum products**
6. **Transportation of goods from the ports:**
 - *Figures of cross border road traffic to/from neighbouring countries*
 - *Level of compliance (statistics) in the Maritime and Aviation sector*
 - *Indicate how non-compliance (if any) has been reprimanded*
7. **Transportation of mine workers under new regulations**
8. **Health safety standards on public transport; and**
9. **Plans for the phased introduction of public transport in terms of the Alert Levels of lockdown**
10. **CONCLUSION**

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INTRODUCTION

- ❖ On Monday 23 March 2020, the President of the Republic had announced that South Africa will be under a 21 days' lockdown from Friday 27 March to Thursday 16 April 2020 in an effort to flatten the infection curve of the Covid-19 pandemic.
- ❖ The Minister of Transport, Honourable Fikile Mbalula, MP, responded swiftly and issued a suite of regulations and directions in line with the declaration of the State of National Disaster as declared by the Minister of COGTA in terms of the Disaster Management Act, 2002 (Act 57 of 2002) to reinforce the message of the His Excellency President, Cyril Ramaphosa.



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VEHICLE MOVEMENT COMPLIANCE AND ACCOUNTABILITY

1. To date Law Enforcement Agencies are mounting daily static roadblocks on major routes across the country.
2. In addition not only are Traffic Officers part of the static roadblocks but they also execute traffic normal law enforcement duties as well as enforce COVID 19 transport regulations at:
 - ▶ Suburbs and townships,
 - ▶ Entrances and exit points of Provinces,
 - ▶ Taxi ranks,
 - ▶ Port of Entries.
3. The RTMC control room serves as the central point for collation, validation and dissemination of Traffic and transport related reports and activities country wide on a daily basis.

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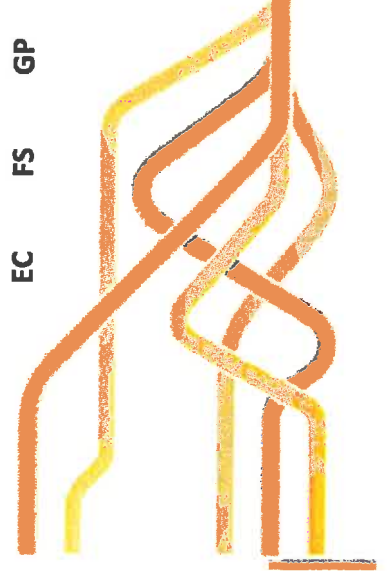
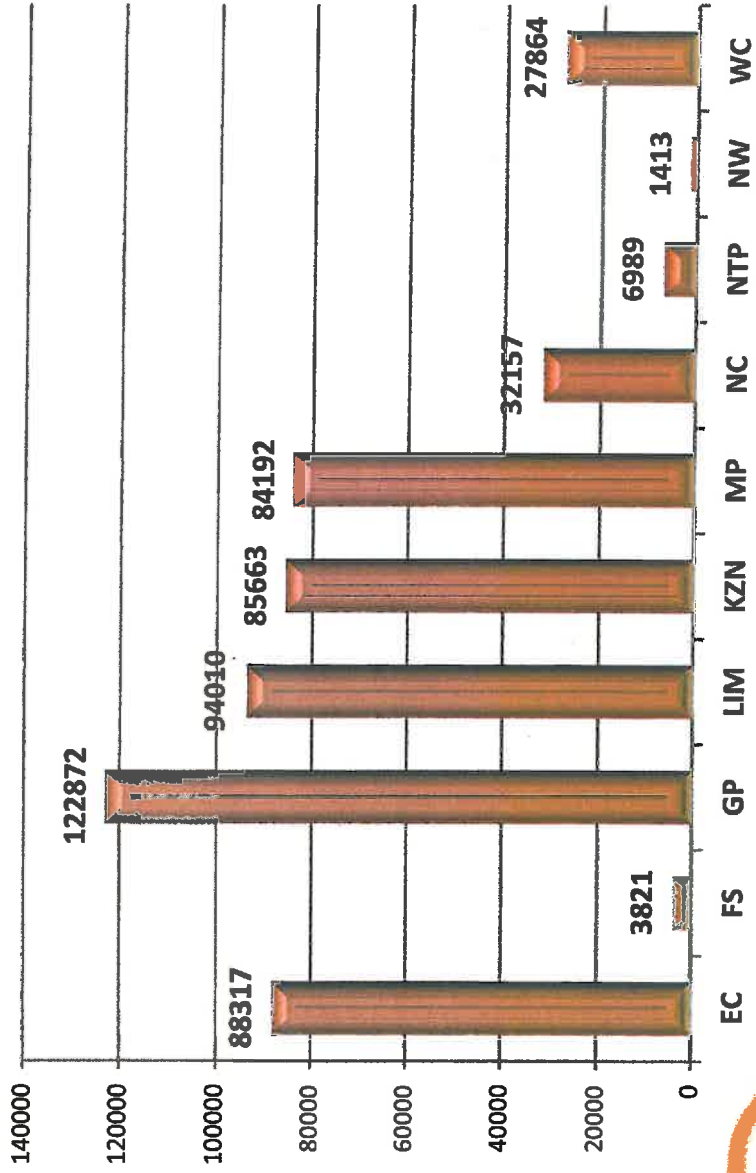
VEHICLE MOVEMENT COMPLIANCE AND ACCOUNTABILITY (Cont.)

(Law enforcement performance: 26 March 24 April 2020)

Period	K78 Road Blocks	Vehicles stopped and checked	Notices issued	Vehicles discontinued	Vehicles impounded	Pedestrians arrested	Arrests
27 March - 23 April 2020	2 414	547 298	34 582	800	963	335	2451

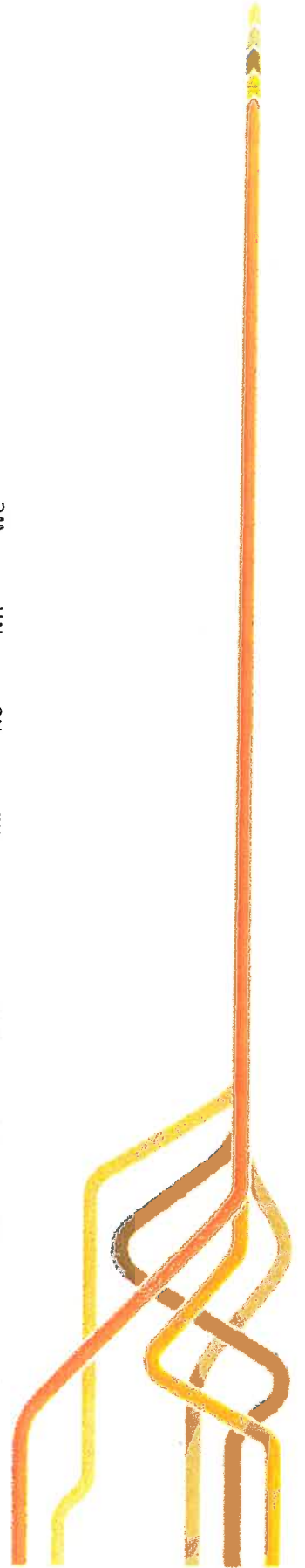
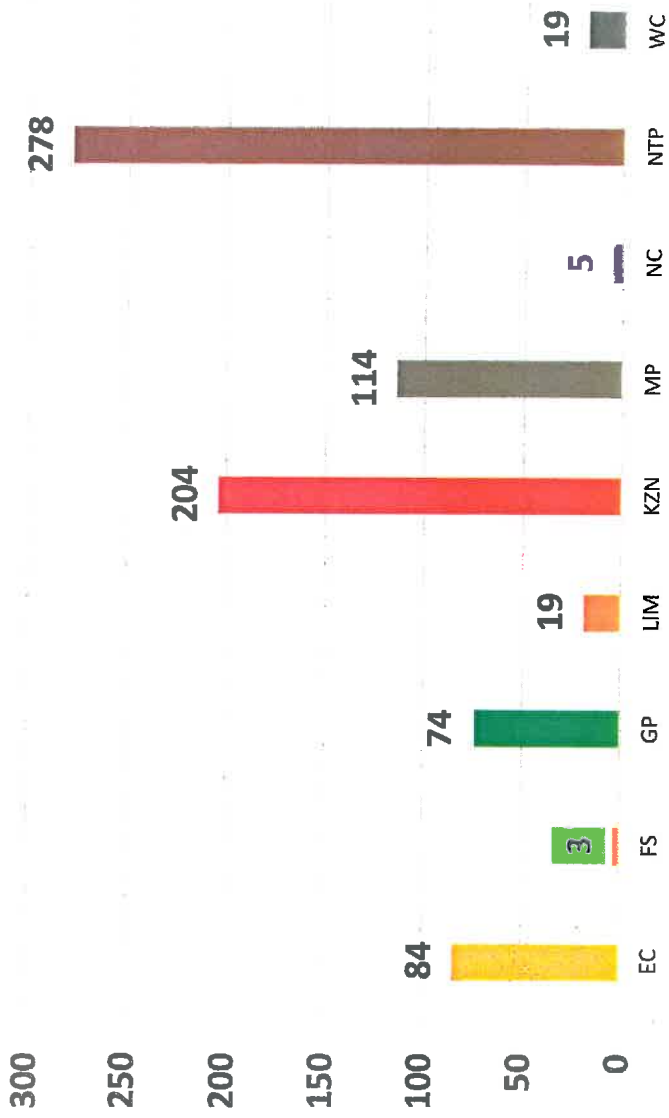
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VEHICLES STOPPED AND CHECKED



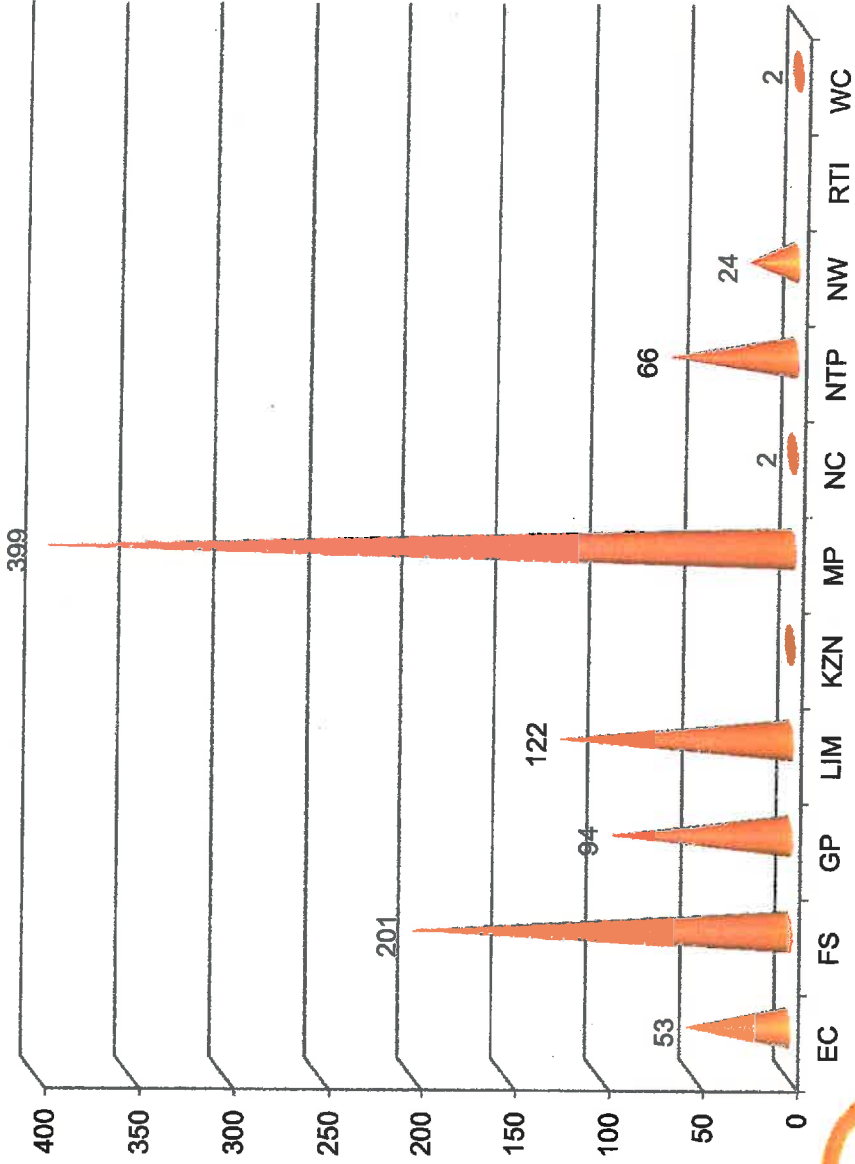
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VEHICLES DISCONTINUED



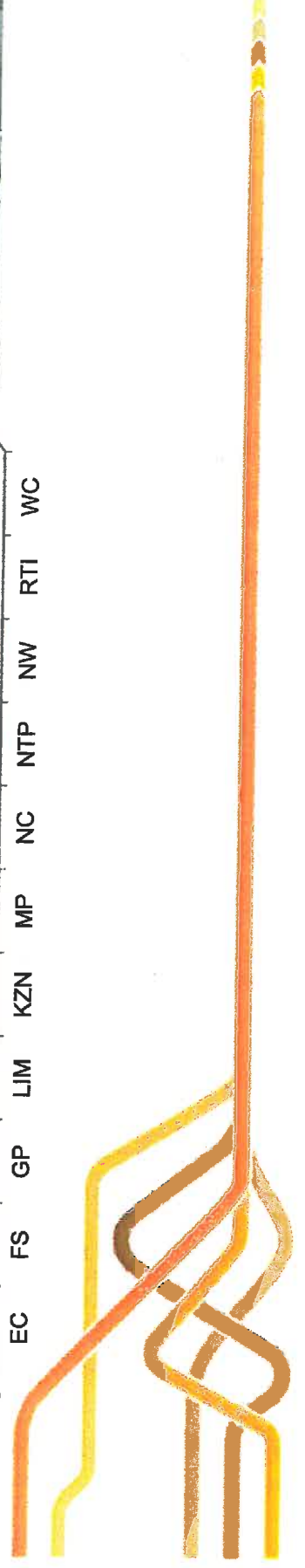
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VEHICLES IMPOUNDED



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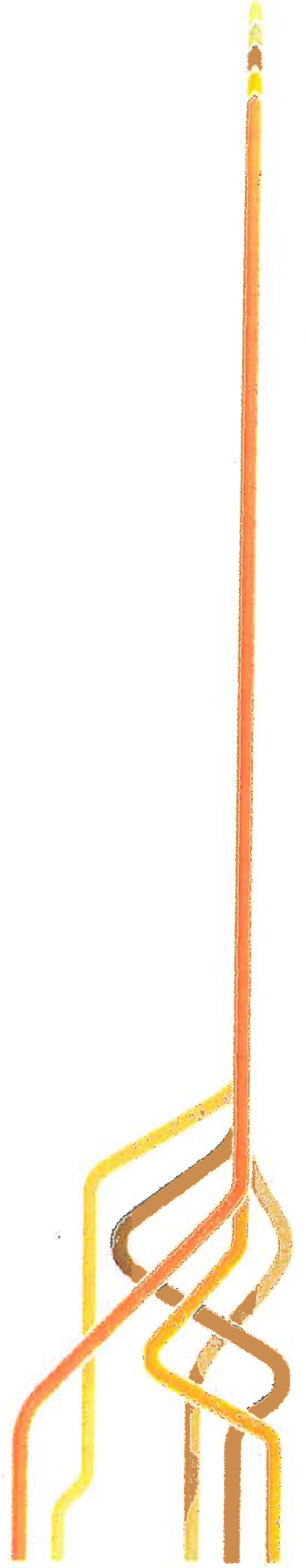
ARRESTS

Arrests	EC	FS	GP	LIM	KZN	MP	NC	NTP	NW	WC	Total
Drunken Driving	1	1	50	2	3	0	0	3	2	5	67
No Driving License	3	0	2	2	0	0	0	0	0	0	7
Speed	5	0	21	2	0	0	0	0	0	3	31
Overload Goods	0	0	6	0	1	0	0	0	0	0	7
Overload Passengers	0	0	0	0	0	0	1	0	0	0	1
Reckless & Negligent	0	0	4	0	1	1	0	2	0	0	8
Permits / Operating Permits offences	0	42	45	0	1	14	0	81	0	0	183
Warrants Executed	0	0	1	104	13	0	0	6	0	0	124
False Documentation	4	0	7	0	0	1	0	3	0	5	20
Other Arrests	31	114	526	119	93	52	0	978	0	90	2003
Total	44	157	662	229	112	68	1	1073	2	103	2451

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PUBLIC TRANSPORT OFFENCES

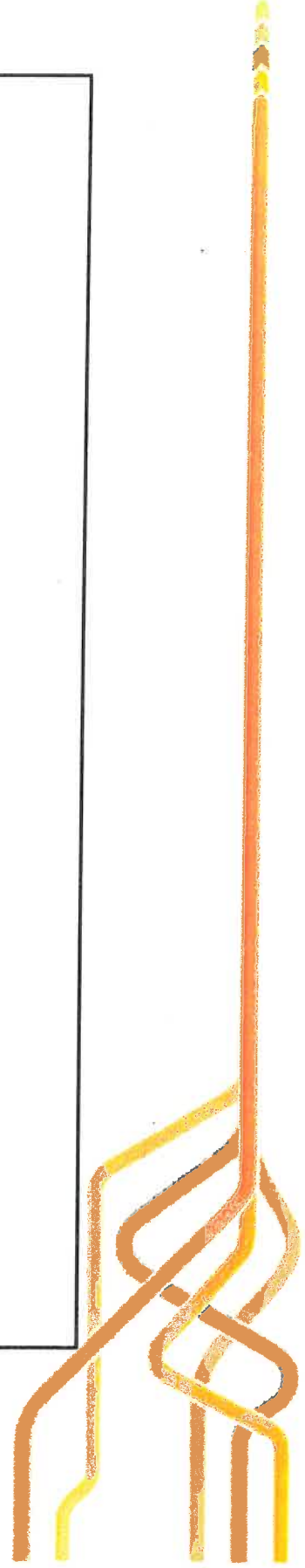
Public Transport Category	Offence type (non-compliance)	Total
Minibus/ Midibus Taxis	Carrying more than 70% passengers (minibus/ midibus)	2004
Buses	Carrying more than 50% passengers (bus)	7
Total		2011



TRANSPORTATION OF ESSENTIAL GOODS

National Ports Act (COVID-19 Restrictions on the movement of persons and crew) Regulations, 2020 issued and published on 18 March 2020 allowed the loading and off-loading of cargo in all South African Ports;

The transportation of essential goods from the port terminals was subject to strict COVID -19 containment protocols of sanitisation of the received cargo before it was transported to its intended destinations.



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TRANSPORTATION OF PETROLEUM PRODUCTS

(from source of production, refineries, storage facilities to service stations)

Number of petroleum vessels handled by the port system from 26 March to date

TRANSNET NATIONAL PORTS AUTHORITY ALL PORTS NUMBER OF MOVEMENTS PETROLEUM VESSEL TYPES				
Vessel Type	Movement Type			Total
	Arrival	Sailing	Shifting	
Chemical Tanker	25	24	3	52
Combined Chemical And Oil Tanker	25	24	10	59
Crude Oil Tanker	9	10	0	19
Product Tanker	35	36	2	73
Tanker (Unspecified)	2	2	0	4
Total	96	96	15	207

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TRANSPORTATION OF PETROLEUM PRODUCTS

(from source of production, refineries, storage facilities to service stations)

❖ The transportation of petroleum products falls under the domain of the Department of Mineral Resources as well as that they are transported on our roads.

❖ South African Fuel Industry

✓ The major petroleum products that are sold in South Africa are petrol, diesel, jet fuel, illuminating paraffin, fuel oil and liquefied gas (LPG). Petrol and diesel are the major liquid fuels that are used in South Africa.

❖ Distribution

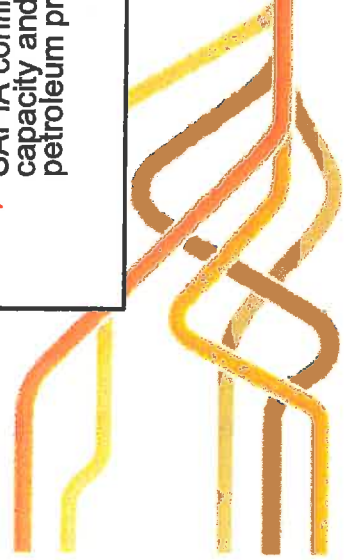
✓ Petroleum products are moved from refineries by pipelines, rail, sea and road to approximately 200 depots, 4 600 service stations and 100 000 direct consumers who are mostly farmers

❖ Media Statement

✓ As at 21 April 2020 the South African Petroleum Industry Association (SAPIA) confirmed that there will be no shortage of diesel, jet fuel, illuminating paraffin, lubricants and petrol during this extension of the National Lockdown;

✓ However, despite revised regulations for the extended National Lockdown indicating that some sectors can resume work, all refineries are not able to operate at full capacity at this stage as the industry has experienced a demand decline of close to 60% since the start of the lockdown.

✓ SAPIA confirmed that the decrease in demand resulted in excess product and limited storage capacity and that all these decisions have not put the security of supply at risk and that most petroleum products will be supplied as per the demand.

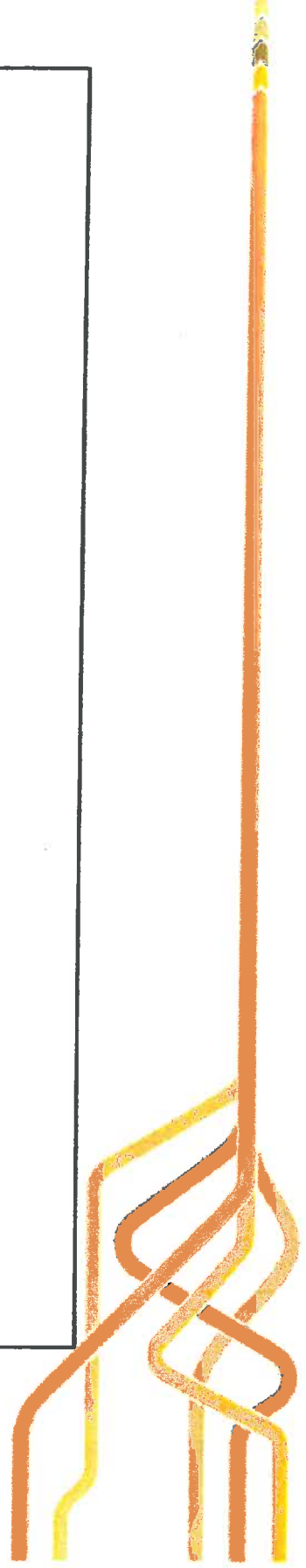


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TRANSPORTATION OF ESSENTIAL EMPLOYEES

AMENDMENT OF THE DIRECTIONS ISSUED IN TERMS OF REGULATION 10(7) OF THE REGULATIONS MADE IN UNDER SECTION 27(2) OF THE DISASTER MANAGEMENT ACT, 2002 (ACT NO. 57 OF 2002): MEASURES TO PREVENT AND COMBAT THE SPREAD OF COVID -19 IN THE PUBLIC TRANSPORT SERVICES

This set of directions enabled the provision of public transport to all employees and businesses categorised as essential workers.



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TRANSPORTATION OF GOODS FROM PORTS

- ❖ There were no reported incidents of violation of the containment measures in the movement of essential cargo from ports during the lockdown.
- ❖ The lockdown regulations were clear in relation to the movement of cargo from the ports in that only essential cargo was allowed to move to its intended destination.
- ❖ The other cargo was stacked in the terminal for distribution after the lockdown.
- ❖ The COGTA Regulations of 2 May 2020 introduced flexibility to allow the movement of non essential cargo in port terminals as means to decongest the ports of entry.
- ❖ On 19 May SARS issued an update on Customs measures related to COVID 19. The intention of the measures was to address the movement of non essential cargo to their destinations:
 - Imported cargo, with the exception of liquor, may be transported from ports of entry to warehousing sites to be distributed after the lockdown; and
 - export of cargo in order to decongest ports.

TRANSPORTATION OF ESSENTIAL CARGO

❖ Essential goods are those listed in terms of regulations issued by the Minister of Cooperative Governance and Traditional Affairs under the Disaster Management Act.

❖ This include the following:

✓ Goods

• Food

• Any food product including non-alcoholic beverages

• Animal food; and

• Chemicals, packaging and auxiliary products used in the production of any food product

• Cleaning and Hygiene Products

• Hand sanitisers, disinfectants, soap, alcohol for industrial use, household cleaning products and PPEs;

• Chemicals, packaging and auxiliary products used in the production of any food product;

• Products for care of babies and toddlers, and

• Personal toiletries including haircare, body and face washes, roll-on, deodorants and toothpaste

✓ Medical Products

• Medical and hospital supplier and Chemicals, packaging and ancillary products.

✓ Fuel including coal, wood and gas

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TRANSPORTATION OF GOODS AND ESSENTIAL ... cont

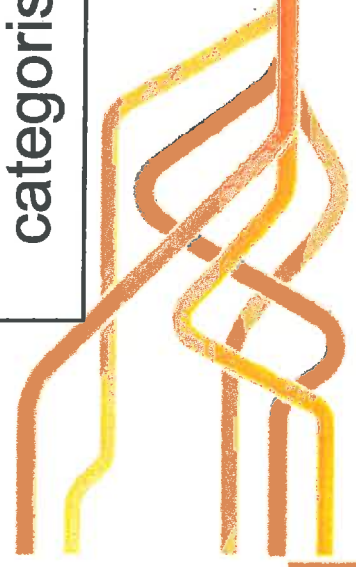
- ❖ To operate essential service operator requires permission.
- ✓ Only companies permitted in terms of the lockdown regulations will be allowed to continue operating through the period.
- ✓ Companies are encouraged to register as an essential service with the CIPC at www.bizportal.gov.za, which will generate a certificate confirming their status as essential for the duration of the lockdown.
- ✓ It must be noted this certificate itself is not sufficient to allow a company to continue operating – all companies must still comply with the regulations and their certificate will be revoked if they provide false information or are not an essential service.
- ✓ Sole proprietors, healthcare providers registered with the Health Professional Council of South Africa (HPCSA) and others not governed by the CIPC need not register on the portal.

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TRANSPORTATION OF ESSENTIAL EMPLOYEES

AMENDMENT OF THE DIRECTIONS ISSUED IN TERMS OF REGULATION 10(7) OF THE REGULATIONS MADE IN UNDER SECTION 27(2) OF THE DISASTER MANAGEMENT ACT, 2002 (ACT NO. 57 OF 2002): MEASURES TO PREVENT AND COMBAT THE SPREAD OF COVID -19 IN THE PUBLIC TRANSPORT SERVICES

This set of directions enabled the provision of public transport to all employees and businesses categorised as essential workers.



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TRANSPORTATION OF ESSENTIAL EMPLOYEES

Section 11(C) of Regulations issued in terms of Section 27(2) of the Disaster Management Act, 2002 (Act No.57 of 2002) allow the transportation of essential employees under the following condition:

Bus services, taxi services, e-hailing services and private motor vehicles are only permitted to transport passengers for purposes of rendering essential services, obtaining essential goods, seeking medical attention, funeral services and to receive payment of grants.

Section 6(3) of the Directions issued in terms of the Regulations stipulates that public transport that shall be permitted to ferry essential services workers will operate from 5H00 to 10H00 and again from 16H00 to 20H00

Notwithstanding the above Directions, minibus taxis are permitted to proceed to a pickup point an hour before the operating times without loading and proceed from drop off points an hour after the drop off time.



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TRANSPORTATION OF ESSENTIAL GOODS

- ❖ National Ports Act (COVID-19 Restrictions on the movement of persons and crew) Regulations, 2020 issued published on 18 March 2020 allowed the loading and off-loading of cargo in all South African Ports
- ❖ The transportation of essential goods from the port terminals was subject to strict COVID -19 containment protocols of sanitisation of the received cargo before it was transported to its intended destinations.

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TRANSPORTATION OF ESSENTIAL GOODS

AMENDMENT OF THE DIRECTIONS ISSUED IN TERMS OF REGULATION 10(7) OF THE REGULATIONS MADE IN UNDER SECTION 27(2) OF THE DISASTER MANAGEMENT ACT, 2002 (ACT NO. 57 OF 2002): MEASURES TO PREVENT AND COMBAT THE SPREAD OF COVID -19 IN THE AIR SERVICES

The purpose of the directions is to provide for the handling of air cargo and services at the International Airports Designated as Ports of Entry. According to this amendment, airports designated as Ports of Entry have Port Health capability and were ready to handle air cargo and service

O.R Tambo International; King Shaka International; Upington; Polokwane; Bram Fischer; Kruger Mpumalanga; Pilanesberg; Port Elizabeth; and Cape Town International.



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TRANSPORTATION OF GOODS FROM PORTS

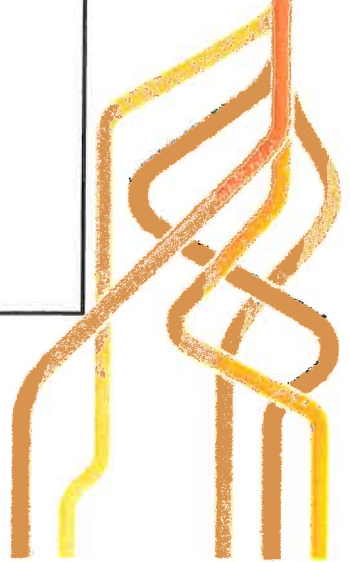
- ❖ National Ports Act (COVID-19 Restrictions on the movement of persons and crew) Regulations, 2020 issued published on 18 March 2020 allowed the loading and off-loading of cargo in all South African Ports;
- ❖ The transportation of essential goods from the port terminals was subject to strict COVID -19 containment protocols of sanitisation of the received cargo before it was transported to its intended destinations.
- ❖ There were no reported incidents of violation of the containment measures in the movement of essential cargo from ports during the lockdown.
- ❖ The lockdown regulations were clear in relation to the movement of cargo from the ports in that only essential cargo was allowed to move to its intended destination.
- ❖ The other cargo was stacked in the terminal for distribution after the lockdown.
- ❖ The COGTA Regulations of 2 May 2020 introduced flexibility to allow the movement of non essential cargo in port terminals as means to decongest the ports of entry.
- ❖ On 19 May SARS issued an update on Customs measures related to COVID 19. The intention of the measures was to address the movement of non essential cargo to their destinations
 - Imported cargo, with the exception of liquor, may be transported from ports of entry to warehousing sites to be distributed after the lockdown; and
 - Export of cargo in order to decongest ports

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TRANSPORTATION OF MINE WORKERS UNDER NEW REGULATIONS

AMENDMENT OF THE DIRECTIONS ISSUED IN TERMS OF REGULATION 10(7) OF THE REGULATIONS MADE IN UNDER SECTION 27(2) OF THE DISASTER MANAGEMENT ACT, 2002 (ACT NO. 57 OF 2002): MEASURES TO PREVENT AND COMBAT THE SPREAD OF COVID -19 IN THE PUBLIC TRANSPORT SERVICES

This set of directions enabled the provision of public transport to all employees and businesses categorised as essential workers.



HEALTH AND SAFETY STANDARDS IN PUBLIC TRANSPORT

REGULATIONS MADE IN UNDER SECTION 27(2) OF THE DISASTER MANAGEMENT ACT, 2002 (ACT NO. 57 OF 2002): MEASURES TO PREVENT AND COMBAT THE SPREAD OF COVID-19 IN THE PUBLIC TRANSPORT SERVICES

The purpose of the directions is to provide for the:

- (a) Improved hygiene control and disinfection facilities on all public transport vehicles and public transport facilities including ranks, terminals and train station.
- (b) Implementation of a monitoring and enforcement system in all public transport facilities.



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HEALTH AND SAFETY STANDARDS IN PUBLIC TRANSPORT

Measure	Action
Distribution of PPEs	Masks, gloves and protective gears are distributed to all provinces for drivers, marshals in the taxi industry to reduce infection
Facility and passenger hygiene	Hand sanitisers and disinfectants are also distributed for taxi passengers and facilities (ranks). Operators are required to deep clean and disinfect their vehicles at the end of day shift
Social distancing	Minibus taxis are required to carry a maximum of 70% of their licensed passenger capacity whereas buses are required to carry 50% of their licensed passenger capacity to implement social distancing Social distancing will also have to be maintained at public transport facilities (queues) and should be enforced by the industry through rank marshals

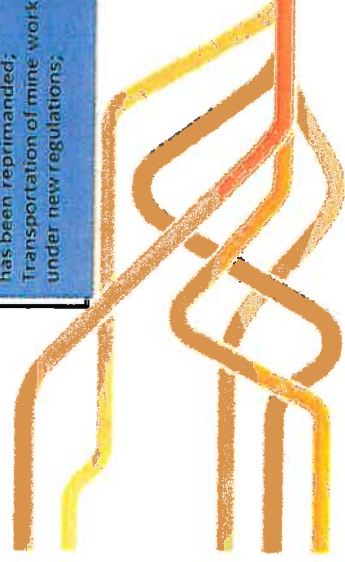
HEALTH AND SAFETY STANDARDS IN PUBLIC TRANSPORT ..cont

The following materials already distributed for the taxi industry in all provinces

Item	Description	Quantity
PENDO-FOG	Fogging Machines to dispense DDAC disinfectant chemical	20
Vehicle disinfectant spray	To Disinfect all taxis in a taxi rank before use daily - Queue Marshal will ensure that each Taxi is disinfected before loading daily	1200
DDAC Chemical	Chemical to be used as a disinfectant base 20 litres bottles	1200
Sanitizers 1litre bottles	Provide 1 litre sanitizer bottles per taxi	160 000
Sanitizers 20 litres bottles	Sanitisers 20 litre refill bottles	2 400
PPE	Protective Gear for Queue Marshals and Rank disinfectant team	1 000
Masks	Masks to be kept by the driver to offer only to passengers who are coughing or have flu symptoms who might infect others	580 000
Gloves	Gloves for the Que Marshals to door handles - 100 Latex gloves per box	800 000

HEALTH AND SAFETY STANDARDS IN PUBLIC TRANSPORT

Description of Legislation	Summary	Impact on strategy / operations / critical business process	Status
<p>Health safety standards on public transport; and Security services remained open due ...Stakeholders in line with the current regulations of the Disaster Management Act 57 of 2002</p>	<p>All Port Users who are providing service to the vessels are expected to note and adhere to the following measures:</p> <ul style="list-style-type: none"> • A written request to be made to the office of the Port Security Officer (PSO); • The safe work procedure must accompany the request; • Usage of correct Personal Protection Equipment (PPE) and Sanitisation; • Where necessary relevant awareness and induction to be conducted; <p>The principle of no contact during service rendering and sanitisation must be strictly adhered to. The Security Services (including the outsourced security personnel) are required for full access control in points of entry/exit determined for that purpose and vessel clearance. Security will be required 24/7</p>	<p>None</p>	
<p>Transportation of goods from the ports in terms of: Figures of cross border road traffic to/from neighbouring countries Level of compliance (statistics) in the Maritime and Aviation sector</p>	<ul style="list-style-type: none"> • To date all vessels handled by the Transnet National Port Authority have complied with all regulations relating to COVID -19 	<ul style="list-style-type: none"> • None 	
<p>Indicate how non-compliance (if any) has been reprimanded; Transportation of mine workers under new regulations.</p>	<ul style="list-style-type: none"> • Not applicable to the Transnet National Port Authority 	<ul style="list-style-type: none"> • None 	



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OVERFLIGHTS OR LANDING CLEARANCE

Issued for non-commercial flights

Overflying the RSA airspace

Maintenance / Technical Stop (**refuelling**)

Medical Services flights (**Medivac**)

Diplomatic / VVIP flights (**None were approvals**)

Exempted flights (**None were approved**)

COMPLETED AIRCRAFT MOVEMENT

Completed movement to date

- ❖ Medivacs: 60 movements
- ❖ Repatriation: 106 movements
- ❖ Evacuation: 114 movements
- ❖ Mortal remains: 12 movements

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PASSENGERS MOVEMENT EVACUATIONS

Evacuations:

UK: 236 from CTIA – 10 April 2020.

Canada: from ORTIA (158) to CTIA (153) – 10 April 2020 .

Netherlands: 302 from CTIA-10 April 2020.

USA: 167 from KSIA - CTIA (10 April).

Germany: 305 from CTIA – 12 April 2020.

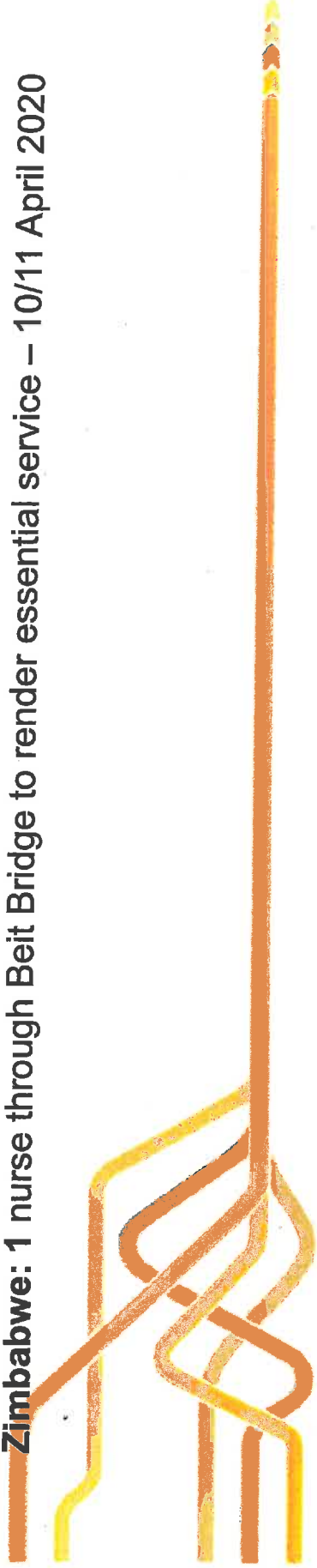
Germany: 311 from CTIA – 13 April 2020

Mozambique: 4 mortal remains and 8 passengers through Lebombo – 10/11 April 2020.

Namibia: 42 through Nakop and Vioolsdrift – 10/11 April 2020.

Zimbabwe: 2 mortal remains accompanied by 4 passengers through Beit Bridge- 10/11 April 2020

Zimbabwe: 1 nurse through Beit Bridge to render essential service – 10/11 April 2020



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PASSENGERS MOVEMENT EVACUATIONS

Evacuation

Zimbabwe: 1 Zimbabwean employed by government of Zimbabwe to render essential service

Botswana: 7 British through Ramatlabama – 12 April 2020

eSwatini: 7 British through Oshoek – 12 April 2020

Maseru Bridge: 7 British through Maseru Bridge – 12 April 2020

UK: 233 departed through ORTIA - 17 April 2020

UK: 212 departed through CTIA – 17 April 2020

Germany: 289 departed through ORTIA -17/04/2020

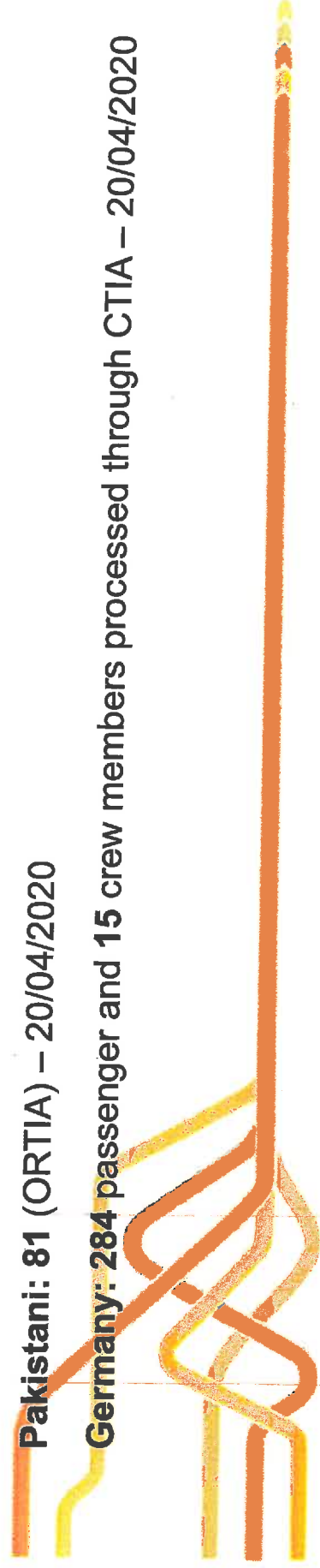
Germany: 309 departed through CTIA – 17/04/2020

Germany: 300 passengers and 15 crew evacuated through CTIA – 19/04/2020

Greece: 3 pax departed through CTIA – 19/04/2020

Pakistani: 81 (ORTIA) – 20/04/2020

Germany: 284 passenger and 15 crew members processed through CTIA – 20/04/2020



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PASSENGERS MOVEMENT EVACUATIONS

Evacuations

UK: 235 passengers and 15 crew members departed through CTIA- 14 April 2020

Germany: 309 and 17 CREW from CTIA – 15 April 2020

Mozambique: 3 RSA citizens (Lebombo) – 18 April 2020

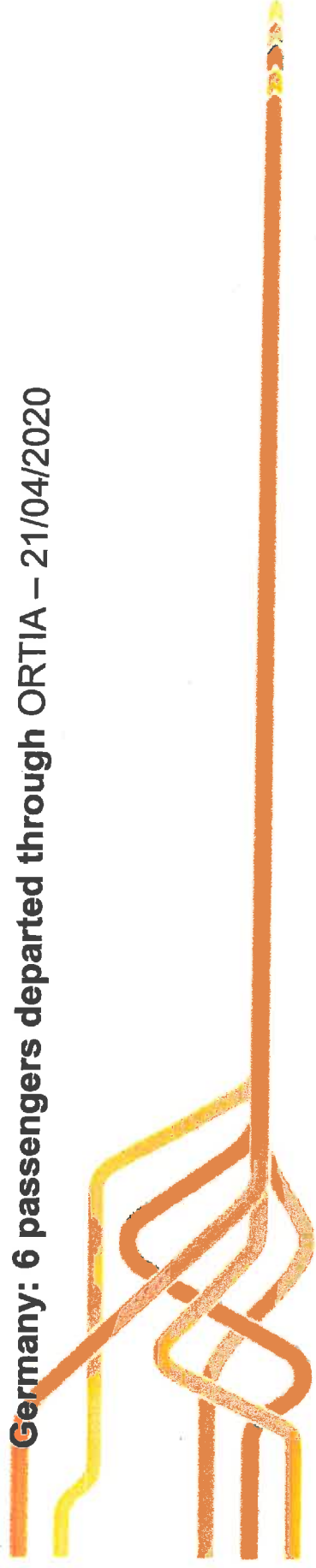
Namibia: 2 nationals evacuated back after receiving treatment(Vioolsdrift) – 18 April 2020

Germany: 284 passengers and 15 crew members departed through CTIA – 21/04/2020

Germany: 4 passengers and 2 crew members departed through CTIA – 22/04/2020

Saudi Arabia: 186 passengers departed through ORTIA - 21/04/2020

Germany: 6 passengers departed through ORTIA – 21/04/2020



Passengers movement Evacuations

Medical evacuations:

Zimbabwe: 2 through Beit Bridge (Beit Bridge) – 11 April 2020

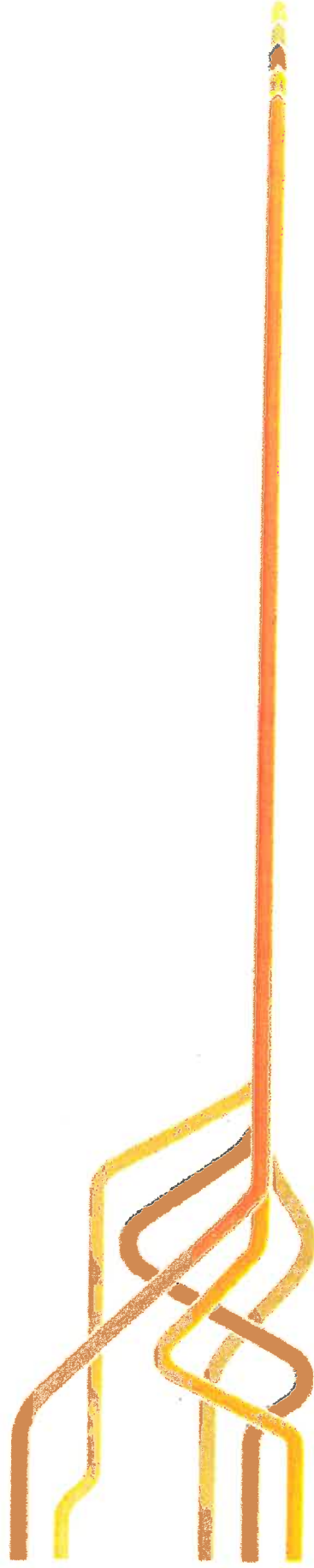
Germany: 6 from Dar es Salaam (KSIA) – 11/4

Germany: 6 from CTIA – 11 April 2020

UK: 1 national departed from CTIA to ORTIA for departure – 14 April 2020.

Sierra Leon: 1 RSA national and 1 resident arriving through ORTIA – 15 April 2020 (Crew Still on board)

France: 1 French departed through ORTIA – 15 April 2020



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PASSENGERS MOVEMENT EVACUATIONS

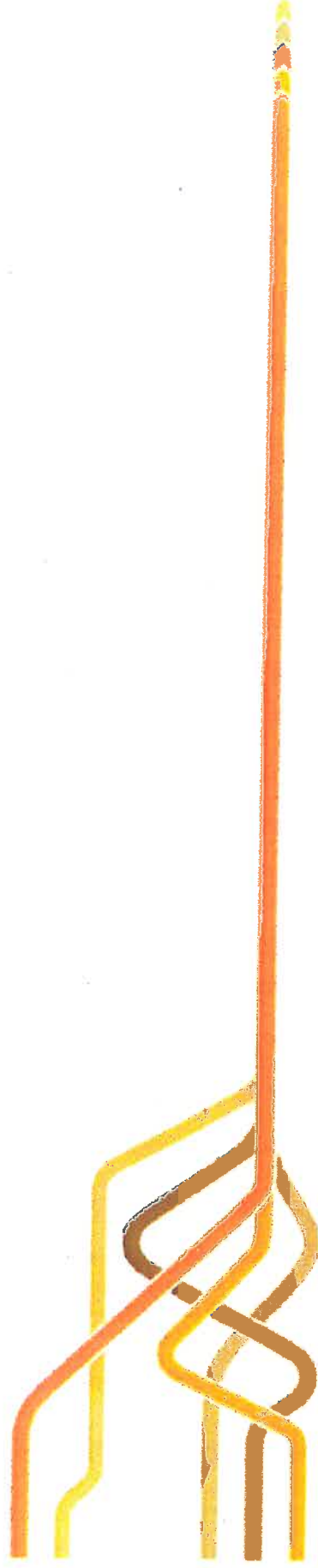
Medical evacuations:

Namibia: 3 nationals evacuated back after receiving treatment (Violsdrift) – 18 April 2020

Madagascar: 1 RSA citizen (ORTIA) – 18 April 2020

UK: 1 British arriving through ORTIA – 18 April 2020

Mozambique: 1 Mozambican and 1 RSA expected to move through ORTIA and Lebombo – 18 April 2020



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12/04/20

Passenger movement repatriations

Repatriations: (screened and transported to quarantine facilities)

Port of Cape Town: 1 RSA crew member from a passenger liner repatriated and quarantined at Park Inn Hotel – 14 April 2020.

Zambia: 3 RSA citizen arrived through ORTIA and escorted to InterContinental Hotel – 14 April 2020

Miami: 167 (CTIA) 90 quarantined at City Lodge Grand west, 55 at City Lodge Waterfront and 20 at Southern Sun , 49 (KSIA) City Lodge Mhlanga and 91 passengers and 30 Crew members (ORTIA) Eskom Academy and the lakes hotel – 15 April 2020.

Zimbabwe: 1 RSA citizen arrived through ORTIA – 16 April 2020.

Repatriations: (will be screened and transported to quarantine facilities)

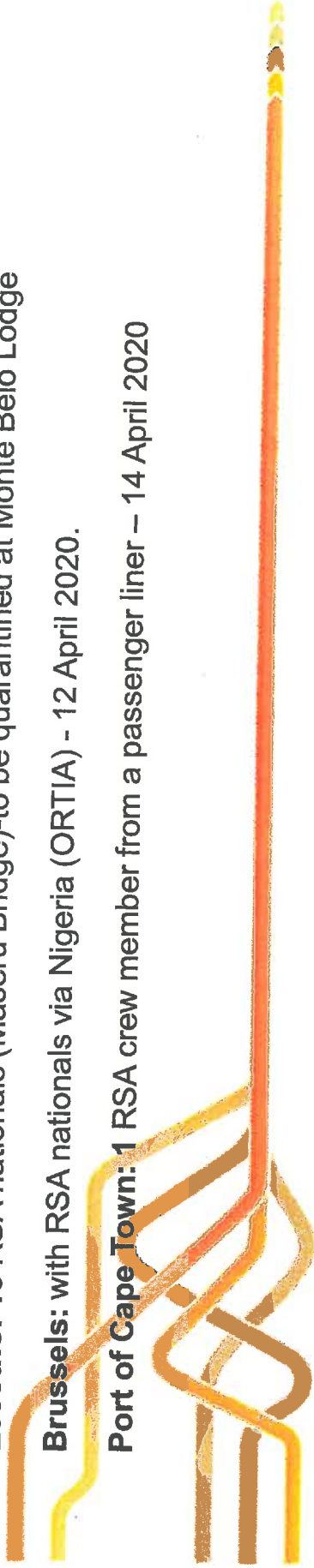
Maldives: 40 RSA nationals (ORTIA)- 11 April 2020.

Seychelles: 12 RSA nationals (ORTIA)-15 April 2020

Lesotho: 15 RSA nationals (Maseru Bridge)-to be quarantined at Monte Belo Lodge

Brussels: with RSA nationals via Nigeria (ORTIA) - 12 April 2020.

Port of Cape Town: 1 RSA crew member from a passenger liner – 14 April 2020



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M.H.M.

Passenger movement repatriations

Repatriations: (will be screened and transported to quarantine facilities)

Afghanistan: 4 RSA crew members facilitated through ORTIA-10 April 2020 and are quarantined at Inter Continental Hotel.

De Beers: 50 RSA citizens facilitated through CTIA – 10 April 2020 and are quarantined at Southern Sun Hotel.

Repatriations: (screened and transported to quarantine facilities)

Zimbabwe: 1 RSA citizen landed at ORTIA and will be quarantined at Eskom Academy – 17 April 2020

Germany via Angola: 87 RSA citizens processed through ORTIA and are quarantined at Eskom Academy – 17 April 2020

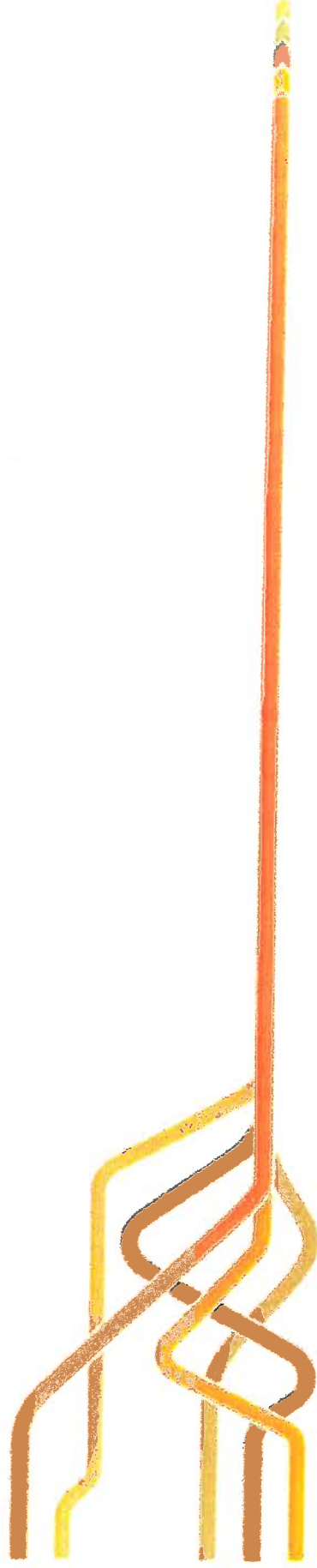
Lesotho: 22 RSA citizens (Maseru Bridge) – 17 April 2020

Namibia: 3 RSA citizens moved through Nakop – 17 April 2020 (Eiland Resort quarantine facility)

Namibia: 4 RSA citizens moved through Vioolsdrift – 17 April 2020 (Caravan Park quarantine facility)

Zimbabwe: 2 RSA citizens (Beit Bridge) – 17 April 2020 (Stay Easy in East gate)

Zimbabwe: 1 RSA citizen (ORTIA) – 17 April 2020 (TBC)



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M.M.M

Passenger movement Repatriation

Repatriations: (screened and transported to quarantine facilities)

- Angola:** 50 RSA citizens through ORTIA and quarantined at Birchwood Hotel – 19 April 2020
- Germany:** 205 passengers and 15 crew processed through ORTIA and quarantined at Birchwood– 19 April 2020
- eSwatini:** 5 RSA citizens facilitated through Oshoek and are quarantined at Esithabiseni facility – 19 April 2020
- Mozambique:** 2 RSA citizens facilitated through Lebombo and are quarantined at Esithabiseni facility - 19 April 2020
- Pakistan:** 83 passengers and 15 crew members facilitated through ORTIA and are quarantined at Eskom Academy and Birchwood – 21 April 2020.
- eSwatini:** 9 RSA citizens facilitated through Oshoek and are quarantined at Esithabiseni and JS Kliprift farm– 21 April 2020
- Botswana:** 9 RSA citizens processed at Ramatlabama and are quarantined at Mahikeng Hotel School & Cookes Lakes –21 April 2020.
- Namibia:** 1 RSA citizen processed through Vioolsdrift and quarantined at NababEEP- 21 April 2020.
- Saudi Arabia:** 93 citizens processed through ORTIA and are quarantined at Esselen Park (30), 28 (Eskom Academy), 30 (Stay Easy) and 5 Capital Hotel



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Mh

**PLANS FOR PHASED INTRODUCTION OF PUBLIC TRANSPORT IN THE
FIVE ALERT LEVELS OF LOCKDOWN
ALERT LEVEL 5**

Transport, storage and communication services permitted

1. Rail, ocean and air transport permitted only for the shipment of cargo
2. Taxis, buses, e-hailing services subject to restrictions on capacity and times, and for permitted activities only; and
3. Transport and logistics in respect of specific cargo, and permitted retail goods to neighbouring countries, which shall include all goods imported via SA ports of entry, for re-export to neighbouring countries.

Mr A

**PLANS FOR PHASED INTRODUCTION OF PUBLIC TRANSPORT IN THE FIVE
ALERT LEVELS OF LOCKDOWN
ALERT LEVEL 4**

Transport, storage and communication services

1. Ocean and air transport permitted only for the shipment of cargo
2. Public rail, minibus taxi and bus services will resume at levels and on terms as will be set out in Directions, based on the progressive increase in commuter numbers during the various phases
3. E-hailing services subject to restrictions on capacity and times, and for permitted activities only
4. Transport and logistics in respect of specified cargo, and permitted retail goods to neighbouring countries, which shall include all goods imported via SA ports of entry, for re-export to neighbouring countries
5. Essential imported goods will be prioritised through ports of entry and for transport and handling to final users. Directions will be issued in respect of other goods.



**PLANS FOR PHASED INTRODUCTION OF PUBLIC TRANSPORT IN THE FIVE
ALERT LEVELS OF LOCKDOWN
ALERT LEVEL 3**

Transport, storage and communication services:

1. Limited domestic air travel, with a restrictions on the number of flights per day and authorisation based on the reason for travel and subject to the ports of entry arrangements
2. Ocean transport permitted only for the shipment of cargo;
3. Public rail, minibus taxi and bus services will resume at levels and on terms as will be set out in Directions, based on the progressive increase in commuter numbers during the various phases;
4. E-hailing services subject to restrictions on capacity and times, and for permitted activities only
5. Transport and logistics in respect of specified cargo, and permitted retail goods to neighbouring countries, which shall include all goods imported via SA ports of entry, for re-export to neighbouring countries;
6. Essential imported goods will be prioritised through ports of entry and for transport and handling to final users. Directions will be issued in respect of other goods

**PLANS FOR PHASED INTRODUCTION OF PUBLIC TRANSPORT IN THE FIVE
ALERT LEVELS OF LOCKDOWN
ALERT LEVEL 2**

Transport, storage and communication services

1. Limited domestic air travel, with a restriction on the number of flights per day and authorisation based on the reason for travel and for business travel and subject to the ports of entry arrangements
2. Ocean transport permitted only for the shipment of cargo
3. Public rail, minibus taxi and bus services will resume at levels and on terms as will be set out in Directions, based on the progressive increase in commuter numbers during the various phases
4. E-hailing services subject to restrictions on capacity and times, and for permitted activities only
5. Transport and logistics in respect of specified cargo, and permitted retail goods to neighbouring countries, which shall include all goods imported via SA ports of entry, for re-export to neighbouring countries
6. Essential imported goods will be prioritised through ports of entry and for transport and handling to final users. Directions will be issued in respect of other goods



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Mura

**PLANS FOR PHASED INTRODUCTION OF PUBLIC TRANSPORT IN THE
FIVE ALERT LEVELS OF LOCKDOWN
ALERT LEVEL 1**

Transport, storage and communication services

- 1. All air travel permitted**
- 2. All ocean transport permitted**
3. Public rail, minibus taxi and bus services will resume at levels and on terms as will be set out in Directions, based on the progressive increase in commuter numbers during the various phases
4. E-hailing services subject to restrictions on capacity and times, and for permitted activities only
5. Transport and logistics in respect of specified cargo, and permitted retail goods to neighbouring countries, which shall include all goods imported via SA ports of entry, for re-export to neighbouring countries
6. Essential imported goods will be prioritised through ports of entry and for transport and handling to final users. Directions will be issued in respect of other goods

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M.S.K.

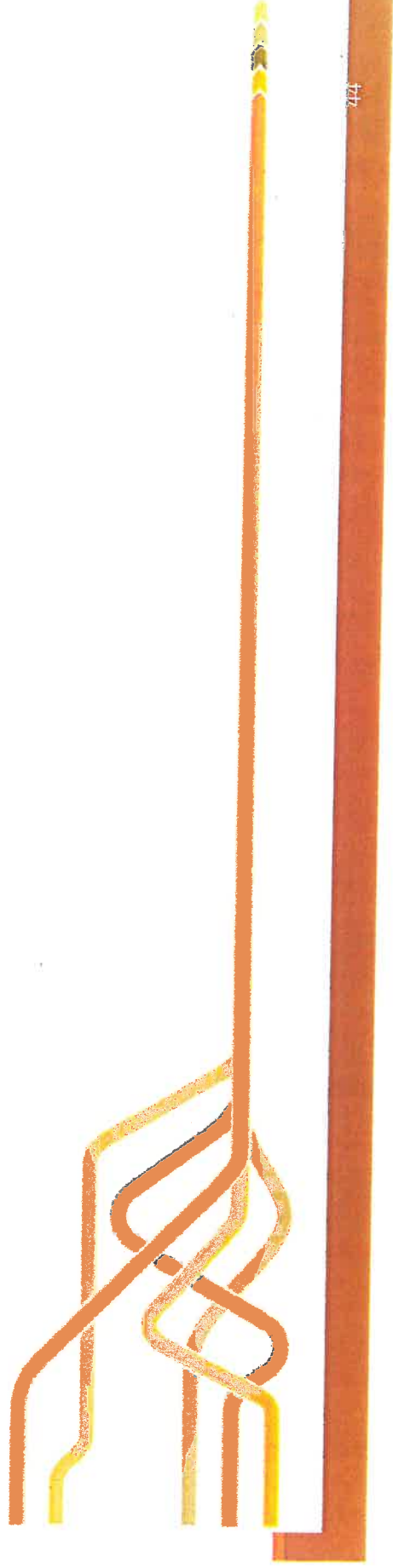
CONCLUSION

The new normal

Going forward we need evidence based modelling to measure transmission risk, testing, objective criteria for determining "essential" products and services, redesigning workspaces and public spaces, temperature checks, hygiene, sanitizing, PPEs, social distancing, and limiting large numbers of people.

We are committed to redesign business models, artificial intelligence, digital channels, tele-commuting, redesign transport and logistic norms and practices, sanitizing, social distancing, introduce new social norms and practices on masks, gloves, PPEs, transparent screens., as well as human contact that is no handshakes, no hugging, no pecking/kissing, and ensure minimal contact.

We are South Africa
We shall overcome





Minutes of the Joint Meeting of the Portfolio Committee on Public Works and Infrastructure and Select Committee on Transport, Public Service and Administration, Public Works and Infrastructure

Date : 04 May 2020
Time : 14:00 - 16:00
Method : MS Teams

Agenda

Briefing by the Department of Public Works and Infrastructure (DPWI) on:

1. Properties earmarked for quarantine sites during the COVID-19 Disaster Management period.
2. The role of the Expanded Public Works Programme (EPWP) beneficiaries during this period.
3. The Beitbridge Land Port of Entry Fence project.

Attendance by Portfolio Committee Members

Status	Name of Member	Political Party
Present	Ms N Ntobongwana Ms L Mjobo Ms S Van Schalkwyk Mr T Mashele	African National Congress (ANC)
	Ms SJ Graham-Maré Ms MB Hicklin*	Democratic Alliance (DA)
	Ms M Siwisa Mr M Tshwaku*	Economic Freedom Fighters (EFF)
	Mr M Nxumalo	Inkatha Freedom Party (IFP)
	Mr W Thring	African Christian Democratic Party (ACDP)
Apologies	Mr EF Mathebula Ms L Shabalala	African National Congress (ANC)

Attendance by Select Committee Members

Status	Name of Member	Political Party	Province
Present	Mmoiemang, Mr MK	African National Congress (ANC) (Chairperson)	Northern Cape
	Rayi, Mr MI	ANC	Eastern Cape
	Landsman, Mr E	ANC	North West
	Boshoff, Ms HS	Democratic Alliance (DA)	Mpumalanga
	Brauteseth, Mr TJ	DA	KwaZulu-Natal
	Londt, Mr J	DA	Western Cape
Apologies	Mathevula, Ms B	Economic Freedom Fighters (EFF)	Limpopo
	Dangor, Mr M Apleni, Mr T	ANC EFF	Gauteng Eastern Cape

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MKW.

Parliamentary support staff

Name & Surname	Designation
Ms Nola Jobodwana Mr Hlupheka Mtileni	Committee Secretaries
Mr Shuaib Denyssen	Content Advisor
Ms Inez Stephney	Researcher
Ms Sithabiso Letlhake	Committee Assistant
Ms Gadija Osman	Executive Secretary to the Chairperson
Ms Faith Ndenze	Parliamentary Communications Officer

DPWI

Name & Surname	Designation
Ms Patricia De Lille	Minister
Adv. Sam Vukela	Director-General
Mr Mandla Sithole	Chief Financial Officer (CFO)
Mr Batho Makhothu	Deputy Director-General (DDG) Construction
Mr Devan Pillay	Acting-DDG EPWP
Mr Morris Mabinja	Acting-DDG REMS
Mr Cobus Coetzee	Cabinet Liaison Officer: Minister's Office

1. Opening and welcome

The Chairperson opened the meeting and welcomed all present. She outlined the purpose of the meeting, which was to get a briefing from the DPWI on the agenda items listed above.

2. Apologies

The apologies as stated above were registered and noted.

3. Presentations

3.1. Properties earmarked for quarantine sites during the COVID-19 Disaster Management period.

The committees wanted the department to look into the issue of the high costs charged by hotels that were used as quarantine sites. It was believed that private businesses should control the need to make maximum profit especially during times of human suffering.

Members raised concerns regarding the accreditation process of quarantine sites. The DG explained that the technical assessment and accreditation of sites was done by the Department of Health. Each site had to be staffed with a health professional, administrator, and security official from the South African Police Service (SAPS). The DPWI merely provided as many sites across the country that were suitable in terms of its infrastructure. There was a national

database (also referred to as the Master List) but the DoH whittled the numbers down depending on its fit-for-purpose for observation and quarantining. Members also raised concerns that procurement of beds and other equipment at quarantine sites took long and this affected the use of the sites.

As Members wanted to know for what period people had to remain in the quarantine sites, the Minister stated that the determination of the period of isolation (usually 14 days) at the sites was the responsibility of the Department of Health (DoH).

Members enquired about the Zithabiseni quarantine site in Mpumalanga and the DG explained that the site was acquired by the Mpumalanga Provincial Department responsible for Public Works. He said that there were contrasting views on the matter that needed to be cleared up.

Regarding whether there was a budget for the acquisition of quarantine sites, the DG stated that there was no budget for this function. That was the reason why the DPWI first consulted with National Treasury and the process was initially delayed. Under normal circumstances, the DoH as client department would reimburse the DPWI for these sites. There was no budget set aside by the DoH for this purpose. The National Treasury indicated that the DPWI could proceed with payments and that the amounts for the quarantine sites would be furnished during the special adjustment of national expenditure that would be announced in due course by the Minister of Finance.

Members requested a list of all the quarantine facilities in different provinces and regions so that could perform their oversight responsibilities. The Minister stated that the DPWI compiled a National Database of over 1300 sites that the DPWI identified. Of that, 215 were ready to be activated consisting of over 5000 beds. The procedure was that at any given time, the DoH would determine the number of patients that needed to be quarantined, and the DPWI would ensure that the required facilities were available. The Minister said that the DPWI, DoH and Department of International Relations and Cooperation (DIRCO) faced challenges with the protocol of how it had to be done. Requests for quarantine facilities for repatriated South Africans often get to the DPWI very late, with flights landing, and the DPWI being told that quarantine facilities were needed at the last minute. These protocols were being developed with the relevant departments namely the DIRCO and the DoH.

The Minister raised the challenge of privacy of patients being isolated at quarantine sites as an issue that required attention in case Members wanted to visit facilities.

Concerning payments that were made in advance to private owners such as hotels, the DG reminded Members that this was part of the agreement made with the Department of Tourism. It had to be taken into consideration that these hotels closed down as per the stipulations of the

Disaster Management Act and the regulations made by the Executive. They stated that for them to re-open, government had to be pay in advance so that they had sufficient funds to bring their employees back, and procure goods and services that they had to provide as in the contract. The stipulation that the whole hotel had to be paid for was included in the contracts as the owners argued that it did not make business sense to open partially. These matters required further investigation with National Treasury as government also had to ensure that it did not waste, but that they got value for money.

3.2. The role of EPWP beneficiaries during the COVID-19 Disaster Management period.

The committees were of the view that the safety of EPWP beneficiaries required attention with regards to personal protective equipment, as vulnerable people could not be allowed to contract the virus while on duty. Regarding the remuneration of EPWP beneficiaries, the DG clarified that the Minister of Employment and Labour determined the amount. The EPWP branch standardised the selection, payment procedure, and verification processes of identities of all beneficiaries to ensure that payments were made to the correct beneficiaries.

The committees were satisfied with the instruction from the Minister of DPWI, that during the Covid-19 Disaster Management period all EPWP beneficiaries that were under contract had to remain as beneficiaries and that the beneficiaries would be able to claim from the Unemployment Insurance Fund (UIF) once their contracts expired.

The Minister explained that the request for 25 000 EPWP beneficiaries to assist with Covid-19 related functions were broken down as follows: 10 000 to assist with Covid-19 screening functions; 10 000 for advocacy in communities; and 5 000 to assist at the quarantine sites. As the DoH found that more were required for the screening function, an extra 5 000 EPWP beneficiaries were deployed. The training of these EPWP beneficiaries would be undertaken by the assigned health practitioners that were appointed by the DoH. Personal Protection Equipment (PPE) were issued to all of the beneficiaries.

Members requested a list of the Non-Profit Organisations (NPOs) from the social sector that were involved in the EPWP beneficiaries.

3.3. The Beitbridge fence erection project

The committees were concerned that, like with state properties, the maintenance of the fences at land ports of entry in the country was not done regularly. This matter was dealt with in previous meetings with the DPWI as the emergency model of maintenance created opportunities for malpractice and corruption.

Members raised concern that the presentation contained detail that did not make sense. The photos that were used to assess the fence showed date stamps stating that they were taken in 2007. If these were used as part of the technical assessment, then the conditions and state of the fence at the time shown were outdated and might have led to incorrect cost calculations, time schedules, and could have had a negative effect on the usefulness and value of the completed fence.

The Minister informed the committees that she had requested the Auditor-General (AG) to assess whether the project achieved value for money, and whether department complied with the Public Finance Management Act (PFMA), and the National Treasury emergency procurement regulations during the Beitbridge Border Fence Project. The committees had been informed that the AG requested more time to investigate the matter.

4. Observations

The committees observed that the two hours allocated time for the meeting with the department provided the committees with limited opportunity to exercise thorough oversight over the matters under discussion.

5. Resolutions

- 5.1. An urgent oversight visit needed to be undertaken to view the state of quarantine sites. A specific focus would be placed on the Zithabiseni quarantine site in Mpumalanga .
- 5.2. An urgent oversight visit needed to be undertaken to the Beitbridge site.
- 5.3. The department had to submit an updated presentation from the department on the Beitbridge project, and on other maintenance work on land ports of entry.
- 5.4. The Department had to submit a list of all Non-Profit Organisations who had sponsored EPWP beneficiaries.
- 5.5. All questions that Members could not pose to the Department had to be sent to the Secretaries to compile a list that would be submitted to the Department for their written reply.

6. Closing

The Chairperson thanked everyone in attendance and declared the meeting closed.

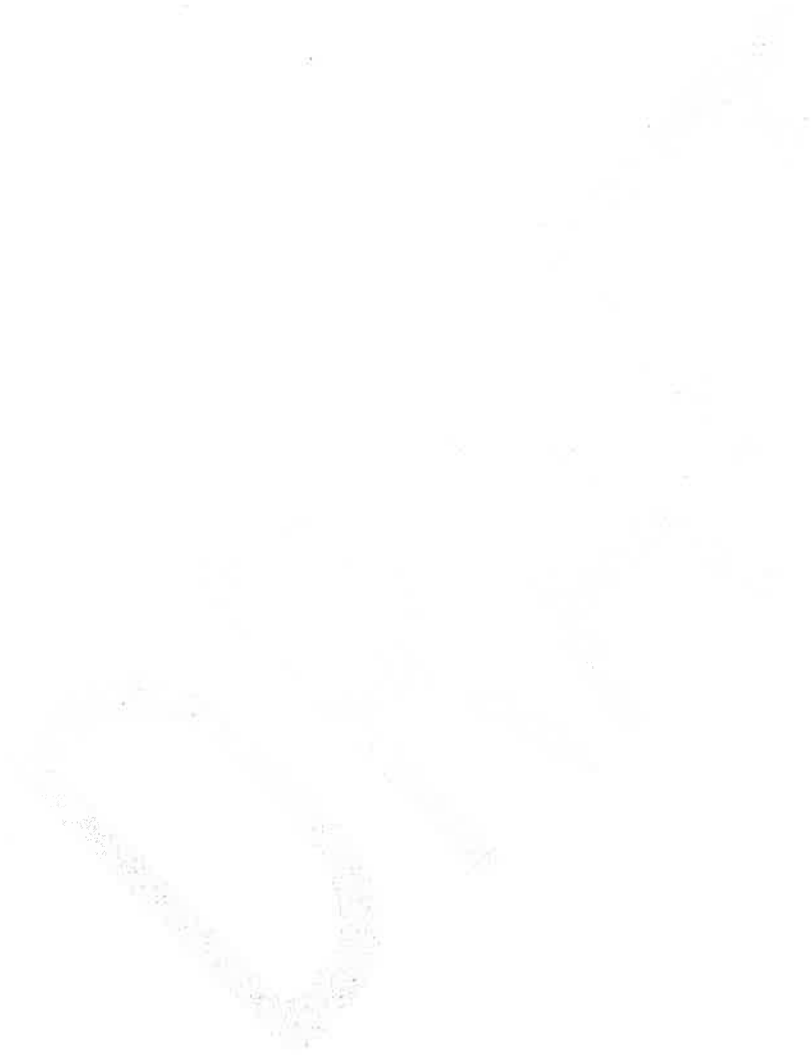
10. Adjournment

The meeting adjourned at 16:30.

Ms N Ntobongwana, MP

Date

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MAM





PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

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www.parliament.gov.za

NATIONAL ASSEMBLY PROGRAMME COMMITTEE

Chairperson:
Speaker of the National Assembly

Committee Secretary:
A Mbanga x 3218

DRAFT MINUTES OF PROCEEDINGS

Thursday, 7 May 2020 [Virtual Meeting]

Present:

T R Modise (Speaker)

Boroto, M G (House Chairperson)	Mulder, Dr C P
Diakude, D E (Deputy Chief Whip of the Majority Party)	Ntlangwini, E N
Frolick, C T (House Chairperson)	Ntombela, M L D (House Chairperson)
Hendricks, M G E	Papo, A H M (Parliamentary Counsellor to the Deputy President)
Julius, J W W	Pilane-Majake, Dr M C C (Programming Whip)
Koornhof, Dr G W (Parliamentary Counsellor to the President)	Sibisi, C H M
Lesoma, R M M	Singh, N
Mazzone, N W A (Chief Whip of the Opposition)	Swart, S N
Mente, N V	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), Adv M Tau (Committees), Mr N Bell and Adv C R van der Merwe (Constitutional and Legal Services Office).

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M.P.A.

1. Opening

The Speaker opened the meeting at 09:00 and welcomed all present. Shortly after the start of the meeting external interference in the form of the projection of graphic material and the impugning of the dignity of members, resulted in a temporary suspension of proceedings. The meeting was reconvened on another platform and resumed at 09:30.

2. Apologies

Apologies were received from the Chief Whip of the Majority Party Ms P C P Majodina and Mr N L S Kwankwa, who had a bereavement in the family.

3. Consideration of draft agenda

The draft agenda was accepted as proposed, with the addition of the following items:

- Unanswered questions for written reply;
- List of legislation from the Executive; and
- Virtual meetings of committees.

4. Consideration of minutes of meeting of 30 April 2020

On the proposal of the Chief Whip of the Opposition, seconded by the Deputy Chief Whip of the Majority Party, the minutes of 30 April were adopted.

5. Matters arising

There were no matters arising.

6. Report by Committee Section

Adv Tau presented a report on matters before committees and highlighted the following:

The *Ad Hoc* Committee to initiate and introduce legislation amending Section 25 of the Constitution would be requesting an extension of its deadline to report by 29 May 2020 and would still meet and revise its programme for the next round of public hearings.

The Portfolio Committee on Cooperative Governance and Traditional Affairs had revised its programme in order to focus on its report on budget votes.

The Portfolio Committee on Transport also indicated that it would be revising its programme for consideration of the Civil Aviation Amendment Bill and Road Accident Benefit Scheme Bill.

The Subcommittee of the Standing Committees on Finance and Appropriations had rescheduled its dates for shortlisting and interviewing of candidates for appointment to fill the vacancy of Director of the Parliamentary Budget Office.

Dr Mulder expressed a view that the *Ad Hoc* Committee to initiate and introduce legislation amending Section 25 of the Constitution could be wasting money by placing advertisements calling for submissions as there would be no interaction with the public due to the lockdown. The Deputy Speaker requested that those committees that had yet to confirm their programme for consideration of matters before them should provide an explanation as to why they had not yet done so. The Deputy Speaker added that he was concerned about the expiry of the term of the Auditor-General in October 2020. The Speaker responded that the matter was receiving the necessary attention and correspondence aimed at activating the appointment process had been processed. She added that it should be acknowledged that the business of Parliament was abruptly suspended in March due to the Covid-19 virus outbreak and consequently committees had been conducting oversight on the matter. It was **AGREED** that a full report on the progress of committees that had yet to schedule meetings would be provided.

Virtual meetings of committees

The Chief Whip of the Opposition expressed concern that the virtual meetings of committees were not conducive to holding members of the Executive to account and indicated that the time allocation for such meetings was inadequate. Mr Singh suggested that chairpersons of committees limit members to two questions and use chat lines thereafter, should they wish to engage further on the deliberations. The Deputy Chief Whip of the Majority Party indicated that committee meetings would be extended to three hours based on the concerns expressed on the matter previously. The Speaker advised that members needed to improve on the quality of their interaction with members of the Executive by being succinct. Ms Mente contended that the quality of responses provided were also of concern and suggested that the technical support teams should coordinate proceedings better. The Speaker requested that administrators for each meeting should be fully trained on the use of the system employed. Mr Swart requested that officials from the department be brief in their presentations and insisted that the officials and members of the Executive should try to provide answers to questions asked by members, adding that the process of oversight should be conducted effectively despite the changed circumstances of such engagements.

Mrs Mkhalihi urged that Parliament should engage with service providers to ensure adequate connectivity and bandwidth especially for members residing in remote areas. House Chairperson Mr Ntombela said that Parliament was a large account for these service providers and therefore it should be established whether it was receiving the best value for money. The

Speaker proposed that chairpersons should ensure that presentations for meetings were made available prior to meetings in order for members to adequately prepare for the meeting.

House Chairperson Mr Frolick urged members to alert him to all problems that were experienced, and that he would be following up all concerns raised. Parties should refrain from speaking for extended periods during meetings, but rather make their points succinctly. The Deputy Speaker commended the Office of House Chairperson Mr Frolick for making available the guide on chairing of virtual meetings and requested the administration to urgently consider procuring a 5G network due to the fact that its bandwidth was faster. The Speaker replied that financial implications should be considered and indicated that the guide and rules should apply during meetings.

7. Report by Bills Office

Mr Bell presented a report on Bills and explained that the Military Discipline Bill and Aquaculture Development Bill had been withdrawn on the basis that the Ministers of Defence and Military Veterans and Environment, Forestry and Fisheries, respectively, had indicated that further consultations on the Bills were required.

Report on Constitutional Court deadlines

Adv Van der Merwe presented a report on legislation with Constitutional Court deadlines and reported that the Judicial Matters Amendment Bill, which had a deadline of 22 October 2020, was before the Select Committee on Justice and Security in the National Council of Provinces (NCOP). The suspension of the Upgrading of Land Tenure Rights Amendment Bill had been extended to 29 April 2021. A Bill had since been introduced to address the matter.

List of legislation from the Executive

Mr Singh expressed a concern that no legislation was forthcoming from the Office of Leader of Government Business and proposed that a report should be provided as a standing agenda item for the meeting. The Programming Whip also indicated that it was imperative that legislation from the Executive was monitored, especially legislation required to address Covid-19 related matters. Mr Xaso informed the meeting that he had been advised that the list of legislation from the Executive had since been received, but that it would be shared at a later stage.



The Deputy Speaker advised that research done by Legal Services that was presented to the Programme Committee on possible reasons why bills were not being concluded within the timeframes stipulated by the Constitutional Court should be revisited as it was helpful and provided concrete steps that could be followed. He proposed that the Legal Services further engage the Speaker on the report to assist her in future meetings with the judiciary and the Presidency.

Mr Swart requested that a list of legislation that had not yet been assented to by the President be made available. The Speaker added that such a request had been previously made. The Parliamentary Counsellor to the President explained that the President undertook to respond on the matter but that had subsequently been delayed by the Covid-19 pandemic.

Adv Van der Merwe also presented a report on Constitutional Court judgments that required action under the following categories:

- (a) Cases where the order was still suspended and once suspensions lapsed there would not be a measure in place;
- (b) Cases where the order was still suspended and a measure was provided that would apply once suspension lapsed;
- (c) Cases where the suspension of the order lapsed without a measure being available; and
- (d) Cases where the suspension of the order lapsed without creating a gap in the law.

8. Proposals in respect of Virtual Questions Session

Mr Xaso presented proposals on the virtual question sessions in the House, which was distributed to members, and summarised as follows:

A hybrid sitting would be arranged in which some members would be in the Chamber and others form part of the virtual platform. In the interim, the Social Services and Governance clusters would be combined pending a reconfiguration of clusters by the Rules Committee. The questions would be combined, as prioritised by political parties according to Assembly Rule 137(7), on one Question Paper for three hours. Supplementary questions would be posed in a managed approach as follows:

1. Parties to give the Speaker prior notice of the original questions on which they wished to ask supplementary questions; and

2. The Speaker to communicate her determination to the parties in respect of which of the parties would be called upon to put a supplementary question a day before the question session, other than the person who posed the original question.

Mr Xaso also advised that the sitting would comprise of a total of 40 members who may wish to be in the Chamber as follows:

ANC 23, DA 8, EFF 4, IFP 1, FF Plus 1, Group 1 [ACDP, UDM] 1, Group 2 [ATM, GOOD, NFP] 1, Group 3 [AIC, COPE, PAC, AL JAMA'AH].

Mr Xaso further indicated that Wednesday, 27 May 2020, was proposed for the first question session as that date allowed a reasonable opportunity for all role-players to process the questions. It would also ensure enough time for the Leader of Government Business (LOGB) to arrange for the relevant members of the Cabinet to be available. The deadline for submission of questions by parties would be 14 May. It was **AGREED** that the administration would provide a document as soon as possible on clear guidelines and detailed information for the members that would attend in the Chamber as well as precautionary measures that would be in place.

The Speaker requested parliamentary counsellors to communicate the proposed date for questions and that she would also follow up on the matter with the LOGB. In terms of the numbers, the Speaker suggested that there should be consideration given to members who might be around Cape Town. Mrs Mkhalihi cautioned against using the Zoom platform, citing the danger of a security breach as was experienced earlier by the meeting. She proposed that a comprehensive report on the incident earlier should be made available.

House Chairperson Mr Frolick requested that the platform for the meeting should only be used by members and that any interested observers should make use of YouTube or follow proceedings on other broadcast platforms. The Speaker explained that the different platforms would be carefully looked at after the meeting and that a comprehensive report would be made available. She said that it was clear that operations needed to be improved.

Unanswered written questions

Mr Singh indicated that the rules provided that Ministers should provide written responses within 10 days, yet there were outstanding answers from questions that were posed by members of his party which dated back to February. He requested that the LOGB should look into the matter. The Speaker reiterated that the Ministers should follow the rules and that the parliamentary counsellors should take note of the matter. Mr Xaso added that the Speaker had recently written to members of the Executive requesting an explanation. The Deputy Speaker, however, advised

that all the Ministers should not be painted with the same brush and that correspondence should in future only be sent to those Ministers who were in contravention of the rules.

9. Proposals regarding the Budget Process in 2020

Mr Xaso presented a report on the budget process and gave the background as follows:

In terms of Section 10(3) of the Money Bills and Related Matters Act, the "*committees on appropriations may not consider amendments to the Appropriation Bill prior to the passing of the Division of Revenue Bill*". Furthermore, Section 10(4) states that "*any amendment to the Appropriation Bill must be consistent with the adopted fiscal framework and Division of Revenue Bill as passed by Parliament*". Whilst theoretically the National Assembly can finalise the Appropriation Bill before the Division of Revenue Bill is passed by Parliament, it may not consider any amendments to the Bill prior to the passing of the Bill. In terms of Assembly Rule 326, when the First Reading of an Appropriation Bill which has a schedule is approved, the votes in the schedule should be deliberated upon. On the day the Assembly considers the Appropriation Bill, the session begins with a First Reading debate on the Appropriation Bill.

In light of the fact that committees can report without conducting budget vote debates in mini-plenaries, Mr Xaso reported that the Minister of Finance had requested that the Appropriation Bill be passed by Parliament at the latest by 31 May. He said that mini-plenaries usually take about two weeks, with a minimum of three to six debates a day when scheduled. The Deputy Chief Whip of the Majority cautioned about shortcutting the process and the implication for legal and procedural compliance. The Parliamentary Counsellor to the President suggested that committees should finalise oversight during May and that the Speaker should consult the NCOP on the finalisation of the Division of Revenue Bill.

The Chief Whip of the Opposition cautioned against overloading the number of mini-plenaries taken in one a day as this would stretch the participation by members of her party. Dr Mulder suggested that the Parliamentary Counsellor to the President provide a written proposal that would solicit the views of Cabinet and make it available to all parties for consideration. It was **AGREED** that the Parliamentary Counsellor to the President, in a coordinated effort with House Chairperson Mr Frolick, would make available the document for a way forward to all parties. Parties would be in a position to consult on the document through their caucuses, the Chief Whips' Forum and ultimately the Programme Committee in the following week.

10. Consideration of draft Parliamentary programme

The Programming Whip presented the draft Parliamentary Programme for the Second Term and indicated that committees would continue to meet virtually in the following week to continue with oversight on Covid-19 matters and receive briefings on Departmental Strategic Plans.

It was **AGREED** that 27 May should be provisionally set aside for the virtual question session.

11. Announcements

The Speaker reported that, in addition to the death of Mr Amos Komeni who was an official in the Office of Deputy Speaker, Mr Mzwanele Nyhontso, had lost a member of his protection personnel to the Covid-19 virus. The meeting conveyed its condolences to Mr Nyhontso and Mr Komeni's family.

12. Closure

The meeting adjourned at 11:45.



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NATIONAL ASSEMBLY PROGRAMME COMMITTEE

Chairperson:
Speaker of the National Assembly

Committee Secretary:
A Mbanga x 3218

DRAFT MINUTES OF PROCEEDINGS

Thursday, 14 May 2020 [Virtual Meeting]

Present:

C T Frolick (As Chairperson)

Boroto, M G (House Chairperson)	Ngwezi, X
Dlakude, D E (Deputy Chief Whip of the Majority Party)	Ntlangwini, E N
Julius, J W W	Ntombela, M L D (House Chairperson)
Koornhof, Dr G W (Parliamentary Counsellor to the President)	Papo, A H M (Parliamentary Counsellor to the Deputy President)
Lesoma, R M M	Pilane-Majake, Dr M C C (Programming Whip)
Majodina, P C P (Chief Whip of the Majority Party)	Singh, N
Mazzone, N W A (Chief Whip of the Opposition)	Swart, S N
Mkhaliphi, H O	Wessels, W W
Mulder, Dr C P	

Staff in attendance:

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

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1. Opening

House Chairperson Mr Frolick opened the meeting at 08:40 as it was noted that the Speaker was experiencing difficulties with connection.

2. Apologies

Apologies were received from the Deputy Speaker and Ms N V Mente. The Chief Whip of the Majority Party and Ms Ntlangwini indicated that they would leave the meeting earlier.

3. Consideration of draft agenda

The draft agenda was accepted as proposed.

4. Consideration of minutes of meeting of 7 May 2020

On the proposal of Mr Singh, seconded by Dr Mulder, the minutes of 7 May were adopted.

5. Matters arising

Mr Singh sought a progress report on the extension of deadline for reporting by the *Ad Hoc* Committee to initiate and introduce legislation amending Section 25 of the Constitution.

Mr Xaso reported that the Speaker had written to the Executive advising on the scheduling of the virtual question session set for 27 May, as well as the issue of unanswered questions for written reply. With regard to the list of legislation, it had subsequently been established that the list was not an official programme, but a list of possible legislation. Mr Singh requested the timeframe within which an official document from the Office of Leader of Government Business would be made available, and reiterated his concern about the number of unanswered written questions by the Executive. He indicated that over 200 questions remained unanswered since the beginning of the year. The Parliamentary Counsellor to the Deputy President reported that the two matters were receiving attention and that a response would be provided soon, emphasising that Departments had also been requested to identify priority legislation for introduction.

House Chairperson Mr Frolick informed the meeting that a vacancy in the Office of the Auditor-General would occur in October 2020 and that an *ad hoc* committee to consider the matter should be set up. He said that it was important to conclude the matter before the incumbent left office.

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The Chief Whip of the Opposition asked for feedback on the incident of the previous week where external parties interfered with the meeting of the Programme Committee, impugning the dignity of members and resulting in the temporary suspension of proceedings of the Committee. She added that the interference had been caused by the sharing of the link to the meeting via a tweet and indicated that a similar incident had occurred with a briefing by the Minister of Human Settlements, Water and Sanitation. She also raised her concern with the manner in which parliamentary committees were being run on virtual platforms. She had since written to the Speaker expressing concern that the meetings were now scheduled for three hours, but departmental officials were given too much time to speak, leaving very little time for members to engage on the issues. As a result, Parliament could be rendered constitutionally delinquent as it could not exercise its oversight effectively. House Chairperson Mr Frolick informed the meeting that in respect of the incident of the previous week, a report had been compiled and submitted to the Executive Authority. He disagreed with the view expressed that committee meetings were in a shambolic state, but acknowledged that in certain instances there was room for improvement. He indicated that his office monitored the majority of virtual committee meetings and requested that if a problem was encountered it should immediately be brought to the attention of his office. He appealed to parties that, where possible, it should be the members of the committee that engaged on the virtual platform.

The Chief Whip of the Majority Party urged members of the Programme Committee to await feedback from the Presiding Officers prior to concluding which platform was better between Zoom and Microsoft Teams. Also, not all committees should be painted with the same brush as far as challenges were concerned. Members did not have prior training on the use of the virtual platforms. House Chairperson Mr Frolick advised that the Information and Communications Technology Focus Group received a presentation on the different virtual platforms that were available in the market. He proposed that the same findings be presented to the meeting of the Chief Whips' Forum (CWF) in the following week. For the time being, he said that Parliament would continue to use Microsoft Teams for official meetings unless advised otherwise.

6. Report by Committee Section

Adv Tau presented a report on matters before committees and highlighted the following:

The Portfolio Committee on Agriculture, Rural Development and Land Reform would be briefed on the Upgrading of Land Tenure Amendment Bill on 25 May. On 27 May, the Portfolio Committee on Justice and Correctional Services would also be briefed on the following matters:

- State Liability Amendment Bill;

- Prevention of Hate Crimes and Hate Speech Bill;
- Treaty between the Republic of South Africa and the United Mexican States on Mutual Legal Assistance in Criminal Matters; and
- Treaty between the Republic of South Africa and the United Mexican States on Extradition.

Adv Tau also reported that the Portfolio Committee on Communications had finalised its report on filling of vacancies in the Independent Communications Authority of South Africa (Icasa).

In response to the query why some committees had revised their programmes to deal with some items and not others, in particular not prioritising petitions, Adv Tau explained that committees were prioritising the budget process and Covid-19 related matters. House Chairperson Mr Frolick added that, as per a request by the Deputy Speaker, committees had since updated their programmes, and reminded the meeting that in terms of the Rules committees determine their own programme. He however, undertook to follow up on the matter of petitions.

7. Report by Bills Office

Mr Bell presented a report on Bills and indicated that he was concerned about the timeframes for processing of the Division of Revenue Bill and Appropriation Bill. He explained that that any Bill that was submitted to the President for assent should be accompanied by a second language text, as required by the Constitution and the Joint Rules, but that preparations for this normally take time. Mr Xaso indicated that the National Assembly would only be able to consider reports on the Appropriation Bill once the National Council of Provinces (NCOP) had passed the Division of Revenue Bill on 2 June. Currently, there was no formal communication that the NCOP had changed its date but that this matter would be considered further when the meeting discussed the proposals on mini-plenaries. The Chief Whip of the Opposition cautioned that Parliament should guard against falling foul of procedures as far as public participation was concerned when processing the two Bills.

8. Consideration of draft Parliamentary programme

The Programming Whip presented the draft Parliamentary Programme for the Second Term and indicated that committees would continue to meet virtually in the following week to continue with oversight on Covid-19 matters and receive briefings on Departmental Strategic Plans. Meetings were also scheduled for Saturdays and Mondays.

On Tuesday, 19 May, the Rules Committee was scheduled. Mr Julius asked if it could be confirmed that the plenary on 27 May would start at 15:00.

Mr Singh asked when questions to the President and the Deputy President would be scheduled during the current term. The Programming Whip replied that the matter was receiving attention. Dr Mulder asked why committees were scheduled to meet on Mondays as it was a Constituency Day. The Programming Whip indicated that she had noted the concerns on scheduling of meetings on Mondays and reminded the meeting that, due to the unusual circumstances, some adjustments had to be made to accommodate committees that needed a slot. House Chairperson Mr Frolick clarified that due to restrictions on the number of meetings on the virtual platform, committees were forced to also meet on Mondays. It was **AGREED** that committees would be allowed to meet on Monday in the following week.

Mini-plenaries

Mr Xaso presented a proposal on scheduling of mini-plenaries to conduct budget votes debates in early June. He said that in order to effectively manage proceedings in a virtual sitting (whether fully virtual or hybrid), the persons "present" in the meeting would be the members of that portfolio committee and a limited number of duty whips and a member from any party who did not have representation on that committee. A hybrid sitting could also be endorsed for consideration of the Appropriation Bill, with a first reading debate of about 90 minutes. The suggestion was that there should be no declarations of vote when the votes and schedule were considered but that objections to the budget vote would be recorded.

To assist in allowing the maximum number of budget votes in a limited timeframe the proposal was that on each day, three mini-plenary debates be held in each of three time slots with three sessions simultaneously.

That would result in total with nine mini-plenary sessions per day. The proposed time allocation for a 100 minute debate and a 77 minute debate were set out as follows:

100 minute debate		77 minute debate	
ANC	20	ANC	10
DA	9	DA	7
EFF	6	EFF	5
IFP	4	IFP	4
FF Plus	4	FF Plus	4
Smaller Parties	3 x9	Smaller Parties	3 x9

Minister/Deputy Minister	30 (open and close)	Minister/Deputy Minister	20 (open and close)
Total Time Allocation	100	Total Time Allocation	77

With regards to time allocation for the Presidency budget vote, he reminded the meeting that usually the President's speech was not timed. Mr Xaso also highlighted that consideration would need to be given to not having divisions when the Votes and Schedule were considered by the House. This would enable the Assembly to finalise the Appropriation Bill and afford the NCOP adequate time to process the Bill as well as to create space for the introduction of the Adjustment Appropriation Bill.

The Chief Whip of the Opposition indicated that she supported the 100 minutes' time allocation and that parties should be allowed to have their support or objection recorded when question was put on the votes and schedule in the House. Mr Singh supported the allocation of 100 minutes, but expressed concerns with the issue of travel restrictions that could impact on members attending the hybrid plenaries as the matter had not yet been clarified. The Deputy Chief Whip of the Majority Party suggested that those members who were already in Cape Town should be considered to attend the plenary, instead of expecting other members to travel from different provinces. She indicated that the ruling party did not have a problem with either time allocation, but preferred the option of 77 minutes.

Mrs Mkhalihi expressed concern on the issue of transport and the type of virtual connection that would be used to allow other members to connect to the sitting. Mr Julius indicated that the whippy had resolved that 100 members would be allowed and that the ANC and DA could give up seats in order to ensure that all parties were represented.

The Parliamentary Counsellor to the Deputy President indicated that his understanding was that, irrespective of the actual number, it was envisaged that all parties would be represented in the House.

House Chairperson Mr Frolick advised that the matter of mini-plenaries required further consultation with the presiding officers for a decision to be made. He indicated that he would be raising the matter with the Speaker and provide feedback in the following week. He added that the Speaker was ultimately responsible for what happens in the institution in terms of the National Disaster Management Act.

9. Announcements

House Chairperson Mr Frolick clarified that the incident that occurred involving the Minister of Human Settlements, Water and Sanitation had been hosted by the Minister. Consequently, Parliament was not expected to compile a report on this incident.

10. Closure

The meeting adjourned at 09:53.



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NATIONAL ASSEMBLY PROGRAMME COMMITTEE

Chairperson:
Speaker of the National Assembly

Committee Secretary:
A Mbanga x 3218

DRAFT MINUTES OF PROCEEDINGS

Thursday, 21 May 2020 [Virtual Meeting]

Present:

T R Modise (Speaker)

Boroto, M G (House Chairperson)	Mkhaliphi, H O
Dlakude, D E (Deputy Chief Whip of the Majority Party)	Mulder, Dr C P
Frolick, C T (House Chairperson)	Ntlangwini, E N
Julius, J W W	Ntombela, M L D (House Chairperson)
Koornhof, Dr G W (Parliamentary Counsellor to the President)	Papo, A H M (Parliamentary Counsellor to the Deputy President)
Kwankwa, N L S	Pilane-Majake, Dr M C C (Programming Whip)
Lesoma, R M M	Shivambu, N F
Majodina, P C P (Chief Whip of the Majority Party)	Singh, N
Mazzone, N W A (Chief Whip of the Opposition)	Swart, S N
Mente, N V	Wessels, W W

Staff in attendance:

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

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1. Opening

The Speaker opened the meeting at 08:34 and welcomed all members.

2. Apologies

Apologies were received from the Deputy Speaker Mr S L Tsenoli.

3. Consideration of draft agenda

The draft agenda was adopted as proposed.

4. Consideration of minutes of meeting of 14 May2020

On the proposal of the Chief Whip of the Opposition, seconded by the Chief Whip of the Majority Party, the minutes of 14 May were adopted.

5. Matters arising

Mr Singh asked if there was an update on the request for extension of the deadline for reporting by the *Ad Hoc* Committee to initiate and introduce legislation amending Section 25 of the Constitution by 29 May 2020, and suggested that a motion for its extension could also be scheduled for consideration during the question session on 27 May. Mr Xaso explained that should a motion to extend the deadline of the ad hoc committee not be moved on Wednesday, 27 May, an alternative would be for the committee to be re-established by the Assembly at a later date, with the same mandate and composition. House Chairperson Mr Frolick clarified that the ad hoc committee could not meet during the lockdown period, but that it was currently scheduled to meet on Monday, 25 May to consider its programme going forward.

In response to Mrs Mkhalihi on whether a confirmation had been received from the Executive that they would be present in the sitting on 27 May, the Speaker indicated that she had not been advised otherwise and indicated that the Office of the Leader of Government Business had representation on the Programme Committee where the decision was taken. The Chief Whip of the Opposition asked if the time allocated to the question session on 27 May would be extended, considering that two clusters were scheduled for that day. The Chief Whip of the Majority Party proposed that the three hour time allocated, as per the previous resolution of the Programme Committee, be adhered to and that in future consideration could be given to extend the time, if necessary, when two clusters are combined.



Mr Singh reiterated that it was critical that the process for filling of a vacancy in the Office of the Auditor-General be set up as soon as possible in order for the new incumbent to take over in December 2020. The Speaker indicated that the process of appointing the Committee was being processed. This would require a resolution of the House and political parties would then indicate who would serve on the committee.

Mr Swart advised that the Office of the Chief Justice had indicated that the Chief Justice might be available to meet with the Portfolio Committee on Justice and Correctional Services. He said that such a meeting could enable the Speaker to engage the Chief Justice on the challenges with regards to the offsetting of Constitutional Court deadlines as was previously raised in the meeting. House Chairperson Mr Frolick advised that the Chairperson of the committee was in the process of writing to the Speaker regarding the meeting.

House Chairperson Mr Frolick presented a proposal on the process for finalisation of the Appropriation Bill which he had circulated to the whippers the previous day. He indicated that following consultations with presiding officers, they were of the view that mini-plenary sessions should not be held this time, and that consideration rather be given to a comprehensive First Reading debate on the Appropriation Bill as soon as possible. The conclusion of parliamentary processes on the Appropriation Bill would enable the Minister of Finance to table the Adjustments Appropriation Bill, which would address the financial challenges posed by the Covid-19 virus.

House Chairperson Mr Frolick indicated that committees were almost done with their deliberations on the budget votes within their portfolios. He said that a virtual sitting could be held and the First Reading debate on the Appropriation Bill be considered for 90 minutes, which could be expanded if necessary. This would be followed by declarations on each vote contained in the schedule with a global time allocation of 200 minutes. The Bill would then be put for Second Reading without further debate. The National Council of Provinces (NCOP) had also been consulted on the matter and that the same procedure would be followed in that House with no policy debates being scheduled.

The breakdown for the time allocation was proposed as follows:

First Reading debate on the Appropriation Bill (90 minutes)	Declarations on Votes and Schedule to the
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		Appropriation Bill for 200 minutes	
ANC	29	ANC	50
DA	10	DA	23
EFF	6	EFF	15
IFP	4	IFP	11
FF Plus	4	FF Plus	11
Smaller Parties	3 x9	Smaller Parties	10 x9
Minister/Deputy Minister	10		
Total Time Allocation	90	Total Time Allocation	200

The Chief Whip of the Opposition supported the proposal but requested that mini-plenaries on the adjusted budget be scheduled at the right time. Mr Singh suggested consideration could be given to allowing two minutes per party for declarations on each vote. It was, however, pointed out that such an allocation would not be manageable from a time perspective given the number of votes to be considered and the allocation of two minutes to each political party for each vote under consideration. It was **AGREED** that there would be no mini-plenaries, but that comprehensive deliberations on the adjusted budget would be undertaken. The administration would also work on a revised global time allocation for the First Reading debate on the Appropriation Bill for consideration in the next meeting of the Chief Whips' Forum (CWF). House Chairperson Mr Frolick also informed the meeting that, once the Adjustments Appropriation Bill had been tabled, departmental strategic plans and annual performance plans may need to be updated. A proposal on having mini-plenaries on those respective votes would also be considered.

The Speaker announced that, for the time being, the sitting on 27 May would be on the Zoom platform as it was able to accommodate a larger number of participants. Dr Mulder proposed that consideration be given for the sitting in the Chamber to start with 50 people so that the administration was able to prepare around that. Mr Julius suggested that 100 members could be considered as a public demonstration of the commitment of members. Mrs Mkhalihi stated that the challenges posed by the restrictions for travelling and the availability of members called for the consideration of a different approach. Ms Menteargued that a sitting could be arranged in the interim to take place in

Pretoria, which was central for all members, as Cape Town was regarded the epicenter of the Covid-19 virus with the infection rate currently on the rise. She indicated that the EFF had addressed a letter to the Speaker making a proposal to that effect. Mr Shivambu also cited that the Powers and Privileges Act empowered the Speaker to declare any part of the country as a seat of Parliament and requested that the issue of temporary relocation to Gauteng as an option be considered, in consultation with the Department of Public Works and Infrastructure, instead of only focusing on Cape Town during this period of travel restrictions. Mr Swart indicated that it was unfortunate that the idea of meeting elsewhere only came to the fore now, after deliberations on the matter had been taking place for some time.

The Speaker pointed out that she had not received any correspondence from the EFF in respect of relocating Parliament to Pretoria. She reminded members that regulations under the Disaster Management Act were still in force and requested them to observe what other countries do when facing a similar situation, namely that people needed to be put first. She emphasised that as a presiding officer she would not force any member to attend the sitting physically if that would place them at risk. She requested members who would be available to attend to indicate through their parties so that the administration could put the necessary arrangements in place. It was indicated that the chamber had the capacity to accommodate a limited number of members, to ensure the required social distancing. With regard to restrictions on inter-provincial movement, Parliament was awaiting a response from the Covid-19 National Command Council on whether Members of Parliament were allowed to conduct their normal business around the country. She further indicated that Parliament was also seeking legal advice on the matter as she was of the view that it would not be appropriate to give an impression that members should be treated differently from the general public. Parliament should therefore resume its business incrementally, in line with the operational plan of the institution. If Parliament needed to relocate temporarily to a particular area as per the views advanced by the EFF, such a decision would be considered and communicated once all issues had been taken into consideration. For the time being, she appealed to members, all must display some form of unity around holding the Executive to account as the Covid-19 virus remained a problem for South Africa as a whole.

It was **AGREED** that Parties would submit names for supplementary questions, their language interpretation requirements and names of members who would be attending the sitting.

6. Report by Committee Section

Adv Tau presented a report on matters before committees and highlighted the following:

The Portfolio Committee on Justice and Correctional Services would be receiving briefing on the Treaty between the Republic of South Africa and the United Mexican States on Mutual Legal Assistance in Criminal Matters and Treaty between the Republic of South Africa and the United Mexican States on Extradition on 29 May. The Committee had also revised its programme and would now consider the following Bills in the next term:

- International Crimes Bill;
- State Liability Amendment Bill; and
- Prevention of Hate Crimes and Hate Speech Bill.

On statutory appointments, the Portfolio Committee on Communications would be conducting interviews for the filling of vacancies in the Media and Development Diversity Board (MDDA) on 26 - 29 May.

7. Report by Bills Office

Mr Bell indicated that a report on Bills had been circulated. He indicated that the Bills Office was also involved in putting together and disseminating the Announcements, Tablings and Committee Report document on a daily basis and that it was important that this reached as many stakeholders as possible.

8. Consideration of draft Parliamentary programme

The Programming Whip presented the draft Parliamentary Programme for the Second Term and announced that a debate on Africa Day was scheduled for consideration in the Pan-African Parliament on Monday, 25 May. Committees would continue to meet virtually in the following week to continue with oversight on Covid-19 matters and receive briefings on departmental strategic plans.

On Wednesday, 27 May, a virtual session on questions to the Social Services and Governance clusters was scheduled.

The Programming Whip also indicated that a debate on Youth Day and questions to the Deputy President were proposed for 17 and 24 June, respectively. Mr Julius requested that in future the committee be provided with evidence of the consultation that took place around scheduling of questions to the President and the Deputy President as their availability continued to be a challenge. Mrs Mkhalihi, supported by Ms Ntlangwini, pointed out that the appearance of the Presidency for questions was in line with the rules which had to be enforced and that it was the role of parliamentary counsellors to assist in the matter. The Parliamentary Counsellor to the Deputy President indicated that dates for questions to the Deputy President

and the President were finalised at the beginning of the year but had to be changed due to the lockdown, but that new dates would be confirmed in the following week. It was **AGREED** that in future questions to the Presidency would only be reflected in the programme once the Speaker had been furnished with a letter confirming the dates.

Ms Ntlangwini expressed concern that the Portfolio Committee on International Relations had not met since March. House Chairperson Mr Frolick advised that the committee was scheduled to meet that evening.

9. Announcements

The Speaker urged members to keep safe within their communities.

10. Closure

The meeting adjourned at 10:04.

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8. SUBMISSION OF POLICIES AND BILLS

POLICY SUBMISSIONS TO CABINET

- 8.1 Policy describes the course of action to be adopted by government and is used as a basis to identify new/amended laws required to set norms, standards, procedures, sanctions and/or incentives. Before drafting new policy, the relevant Ministry should ensure that there is no duplication or contradiction with existing policies or legislation.
- 8.2 The relevant Ministry, with the support of the department, is responsible for the development, consultation, drafting and processing of the proposed policy. Consultation with interested parties and stakeholders is an essential part of the policy development process and includes political, departmental and public consultation.
- 8.3 Before a memorandum on a policy can be considered by the Cabinet, it should be consulted with the relevant Directors-General cluster. Failure to do so will result in the Cabinet memorandum being returned to the originating Ministry. Fundamental disagreements voiced by other bodies or departments with the recommendations should be noted in the relevant section of the Cabinet memorandum or annexed to the memorandum.
- 8.4 All government departments are responsible for conducting SEIAS as part of the policy formulation and, where applicable, as part of the legislative process.
- 8.5 Once the Cabinet has approved the policy, and if the intention is to proceed to drafting legislation, the legislative process under the direction of the relevant Minister is set into motion. It should be noted that not all policies require legislation to be enacted.

POLICY SUBMISSIONS WITH IMPLICATIONS OF ADDITIONAL EXPENDITURE

- 8.6 White papers and policy-related memoranda may have financial implications of additional expenditure. In such cases, the relevant memorandum should be submitted to the Cabinet for an 'in-principle' approval of the substantive content.
- 8.7 If the additional expenditure is to be incurred in the current financial year, the matter must be submitted to the Treasury Committee. This committee meets once a year to consider the availability and possible shifting of funds, and whether the additional expenditure could be classified as unforeseen and unavoidable.
- 8.8 If the additional expenditure is to be incurred in ensuing financial years and in-principle approval has been obtained, the Minister need not approach the Treasury Committee. The additional expenditure can be dealt with in the normal budgetary processes.
- 8.9 Ministers should be aware that although the Cabinet has given in-principle approval, they may not proceed with implementation of the policy until the funds have been allocated. Furthermore, an in-principle approval by the Cabinet does not preclude the Minister of Finance subjecting the proposed policy (or projects) to further scrutiny to assess the financial viability.

SUBMISSION OF BILLS TO CABINET

- 8.10 The relevant department is responsible for preparing the Bill under the direction of the Minister of that department. Once drafted, the Bill should be submitted to the relevant cluster of Directors-General for consultation. The department must submit the Bill to the Office of the Chief State Law Adviser (OCSLA) for a preliminary certification and an assurance that the Bill conforms with and meets the requirements of legal drafting and the Constitution.

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- 8.11 The preliminary certification by the OCSLA must be attached to the Cabinet memorandum. If not attached, the Bill will be returned. The Bill must be classified 'Secret' until the Cabinet has approved its submission to Parliament. It may then be released for public comment or it may be tabled in Parliament. There are two processes of public consultation: The Cabinet may follow its own process of giving approval for publication for comment, following which the Bill must be resubmitted to the Cabinet. Following approval by the Cabinet for submission to Parliament, Parliament may then stipulate its own process of public consultation.
- 8.12 Once approved by the Cabinet, the Bill must be re-submitted to the OCSLA for final certification. The OCSLA also proof-reads and checks the Bill against the executive decision. Following the final certification, the OCSLA returns the Bill to the department for submission to Parliament.
- 8.13 If a Bill has been released for public comment, all comments must be gathered and the department and Ministry will amend, revise or retain it as they deem fit. The Bill must, as a matter of course, be resubmitted to the Cabinet after consultation, unless the Cabinet specifically approved that it may proceed to Parliament if there are no major amendments.
- 8.14 Following the Cabinet's approval of the Bill, the Minister must submit a copy of the Bill to the Speaker of the National Assembly and to the Chairperson of the National Council of Provinces. All policies, legislation and regulations that have implications on national priorities must be subjected to the Socio-Economic Impact Assessment System (SEIAS).
- 8.15 As part of the consultation process in the scheme of legislative drafting, government departments are requested to consult The Presidency before sending any Bill to Cabinet which has a bearing on the powers, functions and or responsibilities vested in the President.
- 8.16 Once the Bill is adopted by one or both Houses of Parliament, depending on the nature of the Bill, the President assents to and signs the Bill as an Act of Parliament. The relevant department prepares a proclamation for the President to promulgate the legislation.

Figure 3 illustrates the legislative process map approved by the Cabinet on 18 March 2009.

* The integration of RIA into SEIAS was approved by Cabinet on 9 September 2015.

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Figure 3: Legislative process map

