

# NATIONAL ASSEMBLY RULES COMMITTEE

**Chairperson** **Committee Secretary**

Speaker of the National Assembly Tharina Abell x2262

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#### DRAFT MINUTES OF PROCEEDINGS

**Tuesday, 20 August 2013 (10:00), E249**

**Chairperson: Speaker of the National Assembly**

**Present:**

Mfeketo, N M (Deputy Speaker); Hajaig, F (House Chairperson); Sizani, S P (Chief Whip of the Majority Party); Watson, A (Chief Whip of the Opposition); Dlakude, D E (Deputy Chief Whip of the Majority Party); Dunjwa, A L (co‑opted ANC); Fubbs, J L (ANC); Kalyan, S V (DA); Khunou, N P (ANC); Landers (L T (ANC); Maake, J J (co‑opted ANC); Malale, M I (ANC); Maziya, A M (co‑opted ANC); Mdakane, M R (ANC); Moloi-Moropa, J C (ANC); Mpethi, S A (PAC); Mtshali, E (co‑opted ANC); Muthambi, A F (ANC); Sonto, M R (co‑opted ANC); Thibedi, J D (ANC) and Tsebe, S R (co‑opted ANC).

#### Staff in attendance:

M Xaso (Secretary to the N A); Z Adhikarie (Chief Legal Adviser); M Griebenow and T Abell (NA Table).

**1. Opening and welcome**

The Speaker opened the meeting at 10:10.

**2. Apologies (Agenda item 1)**

Apologies were tendered on behalf of Mr C T Frolick (House Chairperson), Adv J H De Lange (ANC), Adv A H Gaum (ANC), Mr S E Kholwane (ANC), Mrs J D Kilian (Cope), Mr S Z Ntapane (UDM), Ms D A Schäfer (DA), Mr E M Sogoni (ANC) and Mr J H Steenhuisen (DA).

**3. Consideration of agenda (Agenda item 2)**

On the proposal of Mr Mdakane, seconded by Ms Kalyan, the agenda was agreed to.

**4. Consideration of draft minutes of 12 March 2013, 19 March 2013 and 20 March 2013 (Agenda item 3)**

The Speaker presented three sets of draft minutes to the meeting.

On the proposal of the Speaker, once a quorum had been attained,

**IT WAS AGREED:** That the minutes of 12 March 2013, 19 March 2013 and 20 March 2013 be adopted.

**5. Matters arising (Agenda item 4)**

1. *Feedback on proposed workshop on* Review of Chapter 9 and Associated Institutions Report

The Deputy Speaker reminded the meeting that the processing of the *Review of Chapter 9 and Associated Institutions Report* had been discussed at the last general Rules Committee meeting. The view at the time was that a workshop on the report’s recommendations should be held for members of the Rules Committee.

She explained that the Office for Institutions Supporting Democracy (OISD) would be responsible for arranging the workshop, but suggested that the consideration of the report would be better served if parties first identified the areas that had to be dealt with and formulated questions around those areas.

The Deputy Speaker therefore proposed that prior to a workshop being held for the Rules Committee, parties should consider the report’s recommendations, assisted by members of OISD if required. The party sessions would then culminate in a workshop for the Rules Committee, if necessary.

The Speaker urged that the matter be finalised in the current Parliament, as it had already been carried over from the Third Parliament. That was also the reason why parties had to familiarise themselves with the contents of the document again. He said that the party briefings could be followed by a general discussion in the Rules Committee to arrive at decisions on the report’s recommendations, particularly the more contentious ones.

Mr Mdakane supported the Deputy Speaker’s proposal and reminded parties of the limited time available before the end of the Fourth Parliament.

In response to a question by Mr Watson about the timeframes for party briefings or workshops, the Deputy Speaker said that they could be done as soon as parties were ready. She suggested that only the recommendations be discussed and asked parties to inform OISD when they had an hour slot available, possibly at a caucus meeting.

The Speaker requested the Chief Whips’ Forum to facilitate the allocation of time slots for the party workshops.

On the proposal of the Deputy Speaker

**IT WAS AGREED**: That -

1. the recommendations of the *Review of Chapter 9 and Associated Institutions Report* be discussed by parties, assisted by OISD if necessary, to identify focus areas for consideration by the Rules Committee; and
2. the Chief Whips’ Forum facilitate the allocation of time slots for the party briefings.
3. *Progress report on court proceedings regarding provision for motions of no confidence in the Rules of the National Assembly*

Adv Adhikarie informed the meeting that she had spoken to legal counsel the previous day and it appeared that the judgment was imminent. In accordance with the normal process timelines of the court, judgment could be expected by the end of August.

1. **Subcommittee on Review of the National Assembly Rules (Agenda item 5)**
2. *Nomination of chairperson for Subcommittee*

The Speaker explained that as a result of the last Cabinet re-shuffle, the NARC and Subcommittee on Review of the Assembly Rules had lost a number of members, including the chairperson of the Subcommittee, Adv Masutha. He reminded the Committee that the Rules Committee has to appoint the chairperson of the Subcommittee.

Ms Moloi-Moropa said that the ANC was still considering the matter and a name would be submitted later, to which the Speaker replied that it would probably be the last Rules Committee meeting for the year because of the Assembly’s full programme. He urged members to finalise the appointment before the end of the meeting.

The Chief Whip of the Majority Party said that a chairperson would be nominated by no later than the next day and undertook to discuss it with the Chief Whip of the Opposition.

The Secretary to the National Assembly explained that in terms of Rule 173, the Rules Committee has to appoint a member of the Subcommittee as chairperson of the Subcommittee. He added that if the meeting did appoint a chairperson, it would necessitate a special meeting of the NARC.

The Speaker reiterated that the ANC had to nominate a candidate, as the nomination had to be adopted by the NA Rules Committee. The Chief Whip of the Majority Party acknowledged the urgency of the matter, but requested that they be allowed to deal with the nomination later.

Ms Moloi-Moropa then requested that a special meeting be convened and the matter be deferred to that meeting.

Ms Griebenow informed the Committee that in addition to the work on the National Assembly’s rules review, there were also urgent matters before the Joint Subcommittee on Review of the Joint Rules that required finalisation. That Subcommittee could also not continue its work if the NA component did not have a chairperson.

On the proposal of the Chief Whip of the Majority Party,

**IT WAS AGREED:** That the matter would stand over until the next meeting of the Rules Committee.

1. *Progress report on work of Subcommittee*

Mr Mdakane presented a progress report on the work of the Subcommittee on Review of the National Assembly Rules. After providing some background on the need for the rules review, he explained that when the Subcommittee met to decide on a strategy for the rules review, it agreed to appoint a task team to deal with the initial discussions and re-drafting of the rules. He reported further that the task team had finalised Chapters 1 to 9. The revised draft rules were circulated to parties in June 2013.

Mr Mdakane mentioned that public input had been invited and considered during the re-drafting process. He added that no input had been received from political parties to date and it was therefore believed that parties were generally satisfied with the revised rules being proposed.

Mr Mdakane said that it was usually difficult to involve individual members in a review of the rules, owing to its technical nature, but he appealed to the whippery to assist the Subcommittee and its task team to get political parties to endorse the rules changes so that at least Chapters 1 to 9 could be finalised soon. He again stressed the time pressure that the Subcommittee and task team were subjected to and asked for parties’ cooperation.

The Speaker said that when the Rules Committee had decided to review the rules, it had agreed to finalise the process by the end of June 2013. That had been an ambitious undertaking and though much work had been done, the Subcommittee clearly required more time. He reiterated that upon presentation of the final report, all parties and interested groups must have had an opportunity to give their input.

On the proposal of the Speaker

**IT WAS AGREED**: That -

1. the Subcommittee be granted an extension to complete its work; and
2. the final report would be presented to the first meeting of the Rules Committee in 2014.
3. **Consideration of proposal on composition of the National Assembly Programme Committee (Agenda item 6)**

Ms Griebenow explained that the current composition of the NAPC did not allow the ANC majority representation as that committee had always operated on a consensus-seeking basis. She proceeded to present rule changes that would bring the principle of proportionality to bear on the NAPC and three possible options for the membership of the NAPC for the remainder of the Fourth Parliament provided the rule changes were agreed to.

She explained that the first option of 37 members would allow all parties representation on the Programme Committee, as was the case at present, while allowing the ANC a majority. In the second option, which brought the total to 23 members, smaller parties would be grouped in clusters and represented by two whips. The third option provided for a committee of only 14 members and was based on the composition of the Parliamentary Oversight Authority (POA).

After a brief discussion and on the proposal of the Speaker

**IT WAS AGREED**: That -

1. The following rules be presented to the House for consideration:

**188. Composition**

1. The Programme Committee consists of –
2. The Speaker;
3. the Deputy Speaker;
4. the House Chairpersons;
5. the Leader of Government Business or a designated representative;
6. the Chief Whip of the Majority Party;
7. the Chief Whip of the Opposition; and
8. the number of whips and party representatives that the Speaker may determine with the concurrence of the Rules Committee.

**Rules 188(2) and 188(3) be deleted**

**Insert**

**190A. Decisions**

A question before the Programme Committee is decided when a quorum in terms of Rule 133 is present and there is agreement among the majority of members present.

The Speaker pointed out that having 37 members could be problematic, as obtaining a quorum would be difficult. He said that realistically the committee should focus on the options of 23 members or 14 members.

The Deputy Speaker sought clarity on the use of alternates. She indicated that she supported a smaller committee to ensure that meetings could continue without quorum problems, but said that her choice would be subject to whether alternates could be nominated to represent full members when they could not be present.

Ms Griebenow explained that the general rules pertaining to alternate and co-opted members would be applicable to the NAPC. Only the presiding officers and office‑bearers could not have alternates.

The Chief Whip of the Majority Party said that the ANC would support the proposal of a membership of 14 if the appointment of alternates were allowed.

After a brief discussion, Mr Watson conceded that the proposed number of 14 members did make provision for two representatives for the smaller parties. That meant that it could correspond with the membership of the POA where both Mr J H van der Merwe (IFP) and Dr C P Mulder (FF Plus) were members. The DA would therefore support the proposal of 14 members.

Ms Kalyan added that the IFP House Chairperson did not serve on the committee to represent the IFP, but in his capacity as House Chairperson. She said the matter of the IFP being clustered with the smaller parties was a long‑standing argument, but agreed that two representatives for the smaller parties catered for the possibility that the IFP and another smaller party could be represented on the NAPC.

On the proposal of the Chief Whip of the Majority Party

**IT WAS AGREED**: That the National Assembly Programme Committee be comprised of 14 members for the remainder of the Fourth Parliament, as follows:

1. the Speaker of the National Assembly;
2. the Deputy Speaker of the National Assembly;
3. the House Chairpersons (3);
4. the Leader of Government Business or a designated representative;
5. the Chief Whip of the Majority Party;
6. the Deputy Chief Whip of the Majority Party;
7. the Programme Whip of the Majority Party;
8. the Chief Whip of the Opposition;
9. the Deputy Chief Whip of the Opposition;
10. the Chief Whip of the second largest opposition party; and
11. two representatives elected by and representing the opposition parties other than the largest and second largest opposition parties in the National Assembly.

**4. Closing**

The meeting adjourned at 11:13.

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**M V Sisulu MP**

**Speaker of the National Assembly**

**APPROVED ON:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**