**Draft 7**

10 May 2016

**Guidelines and determinations requiring approval of the NA Rules Committee**

**A – Guidelines for approval of the NA Rules Committee**

*[****Note:*** *The guidelines, below, are subject to approval of the relevant Rules by the Rules Committee and the House.]*

**Chapter 3**

**1. Guidelines for the Removal of Speaker or Deputy Speaker (Rule 18A)**

1. A notice of a motion to remove the Speaker or Deputy Speaker, as the case may be, must be given in the House or in writing on any other parliamentary working day.
2. The notice of motion to remove the Speaker or Deputy Speaker must comply with the rules on notices of motion generally, and may not:
3. Contain statements, arguments or other matters not strictly necessary to make the proposed resolution intelligible.
4. If the notice of motion relates to the removal of the Speaker or Deputy Speaker for alleged improper or unethical conduct, the motion must comply with Rule 63A.
5. A notice of motion given in the House to remove the Speaker or Deputy Speaker must be delivered during the time allocated to parties by the Programme Committee for members of political parties to give notices of motion.

(5) A member may propose an amendment to a motion to remove the Speaker or Deputy Speaker provided it complies with the rules for amendments to motions generally.

(6) The Speaker may not preside in the House when a motion to remove the Speaker is debated or voted on; and the Deputy Speaker may not preside when a motion to remove the Deputy Speaker is debated or voted on.

**2. Guidelines for the Appointment of Whips to Smaller Parties (Rule 21A(3))**

1. A joint request to the Speaker by political parties which do not qualify for a whip to have one or more whips appointed to represent them or to alter a previous appointment in terms Rule 21A(3) must –
	1. contain the name(s) of the member(s) nominated for appointment as a whip; and
	2. be endorsed [signed] by the leaders or duly authorised persons of the relevant parties affected by such request/nomination.
2. In considering a request to appoint a whip or to alter an appointment previously made in terms of Rule 21A(3), the Speaker must ensure that –
	1. the member nominated for appointment as a whip is a member of one of the relevant parties affected by such nomination;
	2. the parties jointly are entitled to the number of whips nominated for appointment, in line with the formula agreed to by the Rules Committee in terms of Rule 21A(1); and
	3. the request and nomination have been endorsed [signed] by the leaders or duly authorised persons of the parties affected by such request/nomination.
3. Once the Speaker is satisfied that the request and nomination complies with the rules and guidelines of the House, the Speaker must appoint the whip(s) and thereafter publish the name(s) of the appointed whip(s) in the ATC in terms of Rule 21A.

**Chapter 5**

**Guidelines for dress code (Rule 45(f))**

The Rule has been changed to indicate that the Rules Committee may also introduce guidelines relating to a dress code.

[***Note:*** *The Subcommittee agreed that the matter of guidelines on dress should be discussed at the NA Rules Committee. The ANC has submitted a proposed dress code.*]

**Chapter 7**

Guidelines in terms of NA Rules 98(4) and 100 for notices of motions, are as follows:

**1. Guidelines for draft resolutions**

(1) Draft resolutions must be short and succinct and framed so as to express with as much clarity as possible the distinct opinion or decision of the House.

(2) Draft resolutions must comply with the criteria and other requirements as incorporated in the Rules themselves, and specifically Rules 97(2)(c) and 98(4).

(3) When notice has been given of a motion, the full text is printed on the Order Paper once.

(4) Thereafter, it is listed as a page reference under Further Business, until it is programmed for debate when it must once again be published in full.

**2. Guidelines of subject for discussion**

(1) The wording of a subject for discussion must be limited to identifying the topic, which should be clearly established. The wording determines the scope and focus of the debate.

(2) A member proposing such a motion must identify it as a subject for discussion**.**

**3. Guidelines for motions of condolence**

(1) The Assembly must always stand to acknowledge the passing of a serving member of the House but this should be accompanied by an appropriate motion on the Order Paper and a debate. This must include members of the executive who are not members of the National Assembly.

(2) The Assembly must stand to acknowledge the passing of a former member of the House (after 1994), but a debate on the motion only takes place on the recommendation of the Chief Whips’ Forum to the National Assembly Programme Committee.

(3) For the purposes of these Guidelines the reference to members includes permanent members of the National Council of Provinces.

 [**Option:** Omit (3).]

(4) The Assembly may consider and debate a motion, placed on the Order Paper, to acknowledge the passing of a prominent person.

(5) The Assembly may, at the discretion of the Speaker, stand to acknowledge the passing of a prominent person.

**4. Guidelines for Motions of No Confidence in the President and Cabinet**

The guidelines for motions of no confidence in terms of Rule 102A are the same as those for other motions, as applicable.

**Chapter 10**

Guidelines for Questions (**Rule 107(4) and (6)**)

**Editing of Questions:**

Whenever questions are edited, this is done under the authority of the Speaker[[1]](#footnote-1) and in accordance with the guidelines as approved by the Rules Committee.

**Object of Questions:**

The purpose of parliamentary questions is to:

* 1. obtain information; and/or
	2. Press for action[[2]](#footnote-2) on matters related to the official responsibility of Cabinet members[[3]](#footnote-3).

**General Form and Content of Questions:**

1. A question must:
	1. deal with only one substantive matter;
	2. comply with the Constitution, the law and the Rules;
	3. be subject to the sub judice rule;[[4]](#footnote-4)
	4. be subject to the rule of anticipation;[[5]](#footnote-5)
	5. not contain unbecoming or offensive expressions.
2. A question is not permissible which –
	1. Contains offensive expressions[[6]](#footnote-6).
	2. Casts a reflection on the conduct or character of persons whose conduct may only be challenged in a substantive motion[[7]](#footnote-7).
	3. Anticipates discussion of matters on the Order Paper or that is scheduled to be placed on the Order Paper within a reasonable time[[8]](#footnote-8).
	4. Repeats in substance questions already answered in that annual session, or that is awaiting an answer, or that the Minister has refused to answer or that is a class of question substantively the same as another.[[9]](#footnote-9) However, a similar question different in some respects may be asked and the same question may be put to different members of the Cabinet to the extent that they have a responsibility in terms of their portfolios.[[10]](#footnote-10)
	5. Criticises decisions of either House of Parliament.[[11]](#footnote-11)
	6. Publishes any name or statement not strictly necessary to make the question intelligible, unless the Cabinet member has used the name or statement or it has been cited in a charge before a court.[[12]](#footnote-12)
	7. Refers to the merits of a sub judice matter.[[13]](#footnote-13)
	8. Makes discourteous references to a friendly foreign country or its Head of State.[[14]](#footnote-14)
	9. Is of a statistical nature when put as a question for oral reply by asking for more than two figures (dates are not regarded as statistical).[[15]](#footnote-15)
3. Questions may not –
	1. Express an opinion or seek the expression of one.[[16]](#footnote-16)
	2. Contain arguments, inferences or imputations.
	3. Contain unnecessary descriptive words or phrases added to or substituted for a person’s name (epithets).
	4. Contain rhetorical, controversial, ironical or offensive expressions.[[17]](#footnote-17)
	5. Contain extracts from newspapers or books, or paraphrases or quotations from speeches. The facts on which a question is based may be set out briefly, but the questioner is responsible for ascertaining the accuracy of the facts.[[18]](#footnote-18)
4. In addition, Questions may not –
	1. Only provide information;
	2. Convey a particular point of view;
	3. Constitute a speech, or be excessively long;
	4. Refer to communications between an individual member (other than the questioner) and a Cabinet member;
	5. Be based on a hypothetical proposition;
	6. Seek an opinion on a question of law, such as an interpretation of a statute, an international document or a Cabinet member’s own powers. However it is in order to ask under what statutory authority a Cabinet member acted in a particular instance;
	7. Seek a solution to a legal question;
	8. Raise questions which would require an impractically extensive answer;
	9. Seek information on matters of past history for the purposes of argument;[[19]](#footnote-19)
	10. Be trivial, vague or meaningless; or
	11. Be a repeat of other questions with some trivial variations.
5. While it is the basic tenet of all questions that a question should be related to a Cabinet member’s official responsibility, the following criteria are applied:
	1. Requests for information are not usually accommodated in respect of matters falling under local or other statutory authorities.
	2. It is not in order to ask for information about matters that are the responsibility of bodies or persons not responsible to the Government, such as banks, the Stock Exchange, employers’ organizations and trade unions.
	3. Questions relating to semi-state bodies are restricted to matters for which Cabinet members are responsible by statute or other legislation. However, questions on national statistics in relation to these bodies are in order.[[20]](#footnote-20)
	4. Questions may not refer to matters under consideration of a commission or a parliamentary committee or deal with matters within the jurisdiction of the chairperson of a parliamentary committee or a House of Parliament.
	5. Questions may not be asked about the action of a Cabinet member for which he or she is not responsible to Parliament.
	6. It is not in order to put a question to a Cabinet member for which another Cabinet member is more directly responsible, or to ask a Cabinet member to influence a colleague.
	7. Questions suggesting amendments to a Bill before the Assembly or in Committee are inadmissible unless such amendments may only be moved by a Cabinet member.
	8. It is inadmissible to ask a Cabinet member whether statements in the Press or by private persons or unofficial bodies are accurate, or to call for comment on statements by persons in other countries (unless the statement is contained in a message from another government).
	9. Questions may not seek information about the internal affairs of other independent countries, unless such countries form part of a common organization through which the information is obtainable.
	10. It is permissible to ask questions calling on Cabinet members to grant relief to South African citizens in foreign countries who are under arrest, or to protect persons or companies from discrimination in foreign countries; but questions on the actions of foreign states in refusing entry to South African citizens have not been allowed.[[21]](#footnote-21)
	11. Questions that require information that is readily accessible are not allowed.
	12. It is in order to ask for a Cabinet member’s intentions with regard to matters for which that Cabinet member is officially responsible and to ask for administrative or legislative action in regard to such matters.
6. The form and content recorded herein may be further developed by Rulings of the Speaker with regard to any matter not recorded herein.

**Form and Content of Questions to the President**

While the above criteria on form and content apply to questions generally, some additional specific criteria have been established in respect of questions to the President.

The President represents the executive authority[[22]](#footnote-22) of the Republic, and while delegating these responsibilities to members of the Cabinet, he or she does not abdicate overall responsibility. The President performs the powers and functions[[23]](#footnote-23) and the executive authority within a unitary state.

 Questions to the President may accordingly relate to -

1. Matters in respect of the powers and functions of the President and the executive authority of the Republic that he represents.[[24]](#footnote-24)
2. Matters for which the Government is responsible – this may include line function responsibilities of Ministers where they give rise to issues of national or international concern.[[25]](#footnote-25)
3. Broad matters of national or international importance that are topical.
4. Matters of provincial or local concern to the extent that such questions give effect to the unitary nature of the Constitution of the RSA, 1996, that provides for intervention in the affairs of provincial and local spheres of government.[[26]](#footnote-26)
5. The granting of honours.
6. The dissolution of Parliament.
7. The definition of the responsibilities of Cabinet members.
8. Statements made by Cabinet members (not Deputy Ministers, who are not members of the Cabinet) on public occasions and whether such statements represent the policy of the Government.
9. A speech made by the President on a public occasion outside Parliament and whether it represents Government policy.

**Guidelines on Criteria for Questions to the Deputy President**

While the President is assisted by the Deputy President in the execution of the functions of government[[27]](#footnote-27), the President allocates responsibilities to the Deputy President from time to time. Questions to the Deputy President must relate to these responsibilities, and a list of these responsibilities must be maintained for each Parliament, in accordance with information officially received from the Leader of Government Business in terms of the Rules.

**An Authorised Representative - Rule 108(7):**

1. The person designated by a party to deal with its questions is deemed to be the authorised representative.

2. The party must advise the Speaker in writing of its authorised representative at the beginning of each Parliament.

3. Such a person liaises with the Speaker with regard to the all matters related to the questions of the members of its party.

4. The Speaker must also liaise with the relevant representative in the event that any matters arise with regard to the questions of the members of the relevant party.

**Chapter 12**

**Guidelines for Committee Programmes and Meetings**

**A. Committee programmes**

1. At the beginning of a Parliamentary term and after the establishment of committees for the term, the House Chairperson responsible for committees (hereinafter referred to as the House Chairperson) in accordance with his/her scheduling function in terms of Rule 224 facilitates a process of organising committee business, including allocation of days in the week when specific clusters and/or committees may sit. This is to ensure better coordination of committee meetings. (See Annexure A).
2. Committee programmes are prepared by the committees, structuring their planned activities for each quarter of the year and in accordance with the National Assembly's annual programme as determined by the Programme Committee.
3. The House Chairperson issues a memorandum on the “Programming Priorities” for the year to committee chairpersons, based on the Assembly's approved annual programme. Committee programmes must accommodate the programming priorities contained in the memorandum, as a priority, to ensure alignment and focus on the implementation of the programme of Parliament.
4. After the Programming Priorities memorandum has been issued, the committee programmes are submitted to the House Chairperson for consideration and approval. Committee programmes must also include the number of days when a committee intends to hold its meetings to implement its programme.
5. Programming priorities and committee programmes may be adjusted from time to time to accommodate programme changes approved by the Programme Committee.
6. The Programme Committee receives weekly updates on committee activities and progress with the programming priorities relating to particular committees.
7. Committee meetings falling outside of the designated time allocated to committees in accordance with the Parliamentary Programme must be submitted to the House Chairperson for approval. Where such meetings coincide with a constituency period, such applications are referred to the Chief Whip of the Majority Party for further consideration and approval.

**B. Committee meetings**

1. Committees are allocated specific days of the week on which to meet, ie Tuesday, Wednesday or Friday (Annexure A). Some committees are allocated time to meet on all three days if required. The allocation of a meeting slot on a particular day is meant to limit as far as possible the number of clashes in membership. The guiding principle is that a member of a committee allocated to meet on a particular day should not serve on another committee allocated to meet on the same day. This principle is, however, not possible for all parties in view of the size of their membership.
2. A committee meeting may only be called by a committee chairperson after the House Chairperson, for purposes of effectively co-ordinating committee meetings, has granted approval for such meeting. In some instances, the approval of the Chief Whip of the Majority Party is also required (see item 4 below).
3. The Parliamentary Programme specifies time set aside for committees. Committee meetings scheduled during such committee slots are considered by the House Chairperson for approval in accordance with his/her scheduling and co-ordinating function.
4. Committee meetings that coincide with a sitting of the National Assembly, a constituency day or constituency period, time set aside for study groups or party caucuses require the approval of the House Chairperson and the Chief Whip of the Majority Party for such meetings to proceed.[[28]](#footnote-28)
5. The list of approved committee meetings is contained in a regular parliamentary paper called the Meeting of Committees document, which is also known as the z-list.
6. The cancellation in advance of an already approved and scheduled committee meeting requires the approval of the House Chairperson.



**Chapter 14**

[***Note:*** *The development of guidelines on petitions is on hold pending the finalization of the Public Participation Model.*]

**B - Determinations requiring the approval of NA Rules Committee**

*[****Note:*** *The proposed determinations below are subject to approval of the relevant Rules by the Rules Committee and the House.]*

**Chapter 3**

* **Rule 21A**: **Determination of the number of whips to be allocated to parties represented in the House.**

It is proposed that the current formula of 1 whip to 6 members be retained. The NA Rules Committee will determine the formula for appointing whips for each Parliament.

* **Rule 21CF**: **Determine an amount of fine to be imposed for absence from committees.**

A fine of R1000 is proposed for each day of absence. The NA Rules will, from Parliament to Parliament, determine the fine.

* **Rule 21CG: Determine a committee to hear appeals relating to sanctions for non-attendance.**

It is proposed that the Disciplinary Committee envisaged by Rule 194B be such a committee.

**Chapter 6**

* **Rules 77 and 77A(1) requires predetermined procedures by the Speaker to be followed for electronic voting and manual voting respectively.**

 **Electronic voting**

1. The presiding officer will request members to be in their allocated seats before voting can commence.
2. Once the electronic system has been activated, the Presiding officer will direct members to indicate whether they are ‘for’, ‘against’ or ‘abstain from’ the question by pressing the relevant button on the electronic system.
3. Members press the yes, no or abstain button on the electronic consoles at their seats when directed by the Presiding officer.
4. The Presiding officer announces when the voting is closed. If a member has experienced problems with the recording of their vote, they must draw the attention of the Chair and may in person or through a whip of his or her party inform the Secretary at the table of his or her vote.

**Manual Voting procedure**

1. When a question is put to the House and a member calls for a Division, the presiding officer may determine that a manual vote will take place.
2. The Presiding officer will announce that the bells will be rung for a five minutes in order to alert members to a call for a division being made.
3. After the five minutes have elapsed, the doors of the Chamber will be barred.
4. The presiding officer will request members to be in their allocated seats before voting can commence.
5. The presiding officer will request members in favour of the question to raise their hands.
6. The presiding officer appoints party whips as tellers and directs them to count the number of members that are in favour of the question before the House.
7. Thereafter the same procedure is followed with members against the question and members abstaining, in that order.
8. Whips are directed to submit the results of the manual vote to the Secretary at the Table.
9. A member who wishes to vote against the party vote may inform the Table staff accordingly in person..
10. The Minutes of Proceedings will only indicate how parties voted and members’ names would not be reflected as is done when an electronic voting system is used.

[**Option**: Record only the numbers for, against and abstaining (not the parties))

[**Further manual voting options:**

*(1) The presiding officer can call members names one by one and those present can then declare their vote. This would allow the votes of individual members to be recorded in the Minutes.*

*(2) A system could be used whereby members for and against a question seat themselves in different parts of the Chamber whereafter printed “division lists” are used and tellers (party whips) mark the names of the members on the lists according to where they are seated. This would also enable individual votes to be recorded by name.*

*(3) A final option would be for members to file past a table for “yes” votes or “no” votes and have their names recorded that way (like the so-called voting lobbies in the UK).*

* **Rule 81(1A):** **Rules Committee to determine time allocation per party for declaration of votes in line with the principle of proportionality.**

It is proposed that the time allocated for declaration of votes to be as follows: ANC 6, DA 4, EFF 2, and all other parties 45 seconds. The proposal is based on an adaption of the time allocated for party responses to Executive statements.

[**Option:** Increase the time for the smaller parties to 1 minute]

* **Rule 81(4):** **Time to be determined by the Programme Committee for budget votes in the main schedule to the main Appropriation Bill**.

(a) It is proposed that the current practice for the global time allocated for declarations of vote per party be retained, which is the following: ANC 45, DA 16, EFF 6, IFP 4, and all other parties 3 minutes.

(b) It is proposed that the same allocation time should be applied to questions to the Executive on consideration of the Adjustments Appropriation Bill.

**Chapter 7**

**Rule 97(2): Motions without notice.** Rules Committee to determine the number and time allocation and sequence of motions without notice. Furthermore, it requires that minority parties be given an opportunity to participate in a manner consistent with democracy.

* With respect to motions without notice, it is proposed that the number of motions without notice and the time allocated for such motions follow the same sequence used for members’ statements. The proposed sequence is as follows:
* ANC, DA, EFF, ANC, IFP, Group 1, ANC, Group 2, ANC, DA, ANC, Group 3, ANC, DA, and ANC. It is further proposed that nine other parties be grouped as follows:
* Group 1: NFP (6), UDM (4), FF Plus (4) = 14 members
* Group 2: Cope (5), ACDP (3), APC (1) = 7 members
* Group 3: AIC (3), Agang SA (2), PAC (1) = 6 members

**Rule 98(2):** **Notices of motion.** Programme Committee to determine the number of notices of motions on any sitting day and the period of time within which such motions must be completed on that day.

* It proposed that the number of notices of motion on any sitting day be limited by the time allocated for such notices, and the time proposed for notices be 30 minutes, unless extended by the Programme Committee for a particular day.
* The role of the presiding officers is to ensure that parties are given an opportunity to give notices of motions and that there is a fair spread amongst parties.

**Rule 102(3): Lapsing of notices of motion.** Rules Committee to determine the period over which notices of motion lapse.

* It is proposed that the current practice be retained. The practice is that notices stay valid for a period of six working weeks. (The decision was taken on 18 April 2012 by NA Rules Committee)

**Chapter 9**

**Rule 105(4) and (6): Members' statements and ministerial responses.** Rules Committee must determine the number of member’s statements, ministerial responses and time allocation in terms of Rule 105(4) and (6).

* Based on the current practice, it is proposed that the party sequence for members’ statements is as follows: ANC, DA, EFF, ANC, IFP, Group 1, ANC, Group 2, ANC, DA, ANC, Group 3, ANC, DA, and ANC. It is further proposed that nine other parties be grouped as follows:

Group 1: NFP (6), UDM (4), FF Plus (4) = 14 members

Group 2: Cope (5), ACDP (3), APC (1) = 7 members

Group 3: AIC (3), Agang SA (2), PAC (1) = 6 members

It is proposed that Ministerial responses to members’ statements be limited to the current practice of six Ministers.

**Rule 106: Executive statements.** Rules Committee to determine time allocation and sequence for party responses to Executive Statements.

* It is proposed that the current practice as decided by the Rules Committee be retained, which is as follows: ANC 12, DA 8, and EFF 4, all other parties 3 minutes. The global time for Executive statements and party responses thereto will thus be less than 1 hour. It is in line with the principle of proportionality.

**Chapter 10**

Rules Committee to determine -

* **Party order for questions (Rule 108(10))**: It is proposed that this remain the same as is currently the practice.
* **Ministerial clusters for questions (R109(1)**: It is also proposed that this remains this remains unchanged until further notice.

**Rule 107B: System to monitor questions.** The Speaker, in consultation with the Rules Committee, to establish a system to monitor and report regularly to the House on questions that have been endorsed as unanswered on the Question Paper in terms of Rules 114(2), 115(5) and 117(3).

1. The NA Table presents a quarterly report on replies to questions to the NA Rules Committee (NARC) for consideration.
2. The NARC considers which of the Ministers to invite to discuss the reasons for delay in replying to questions.
3. The Speaker invites the relevant Ministers in writing to a scheduled meeting of the Chief Whips and senior Whips of political parties as a subcommittee of the NARC.
4. The Subcommittee presents a report to the NARC which considers it and produces a report which is submitted to the LoGB for consideration and response.
5. The LoGB provides a response to the Report on the mechanisms that will ensure the timeous reply to questions by the relevant Ministers.
6. The Report and response of the LoGB must be tabled in the ATC and may be programmed for debate in the Assembly.
7. The NARC also considers the quality of replies and writes to the LoGB in order to facilitate better quality responses where necessary.
8. The NARC will determine where a reply is not of sufficient quality.
9. This may include:
	1. Failure to answer question fully;
	2. Failure to provide the information requested due to a misinterpretation of the question;
	3. Inadequate information provided to a question by referring to Ministerial statements or media releases, etc. and
	4. Inappropriate content in answers;

**Chapter 12**

**Rule 159: Composition of Rules Committee.** The new composition of the Rules Committee would need to be formalized by Speaker appointments immediately after the House approves the new Rules.

**Rule 172:** **Composition of Subcommittee on Review of Rules.** Rules Committee to determine the number of members and party representation to the Subcommittee on Review of NA Rules.

* It is proposed that the Subcommittee consists of 8 members allocated as follows: ANC 3; DA 2; EFF 1; other parties 2.

**Rule 188(1)(g): Composition of Programme Committee.** The Speaker to determine, with the concurrence of the Rules Committee, the number of whips and party representative to the Programme Committee.

* It is proposed as follows: ANC 4; DA 3; EFF 2; and other parties 1 for each party.
1. Rule 107(6) of Draft 9 for consideration of Rules Committee. See also E Erskine May: Parliamentary Practice, Twenty-third edition, 2004, p 342 – 343; and Helen Irwin, Andrew Kennon, David Natzler and Robert Rogers: Evolving Rules, p 31, in Parliamentary Questions, Edited by Mark Franklin and Phillip Norton, 1993 [↑](#footnote-ref-1)
2. Erskine May: Parliamentary Practice, Twenty-third edition, 2004, p 345 [↑](#footnote-ref-2)
3. Erskine May: Parliamentary Practice, Twenty-third edition, 2004, p 344 [↑](#footnote-ref-3)
4. Rule 67 in Draft 9 before the Rules Committee for consideration. See also Question 25 for Oral Reply to the Deputy President, Question Paper, No 19, Thursday, 12 November 2015 in Unpublished Hansard of 12 November 2015. [↑](#footnote-ref-4)
5. Rule 68 of Draft 9 for consideration of the Rules Committee. [↑](#footnote-ref-5)
6. NA Rule 63 in Draft 9 for consideration of the Rules Committee. [↑](#footnote-ref-6)
7. National Assembly Guide to Procedure, 2004, p 158 - 160 [↑](#footnote-ref-7)
8. Rule 68 of Draft 9 for consideration of the Rules Committee [↑](#footnote-ref-8)
9. Question No 2 on Question Paper, No 3, of 15 March 2012, p 21 and also Question No 2466 on the Internal Question Paper, No 29, of 7 September 2012, p 1043 are the same class of questions which the Speaker permitted in lieu of the sensitive nature of the matter. [↑](#footnote-ref-9)
10. Questions 2885 to 2950, Internal Question Paper, No 35, Friday, 25 October 2013, pp 1034 to 1046. [↑](#footnote-ref-10)
11. Rule 64A of Draft 9 for consideration of the Rules Committee [↑](#footnote-ref-11)
12. Speaker Ginwala ruled that where a name had been given to the Minister in confidence for the purpose of a reply a member may not request the Minister to disclose the name unless the House take a motion to that effect – Annotated Digest of Rulings, 1994-99, p 40. See also Venter’s Practech (p N1, date unknown) which establishes that it is admissible if: the person was involved in proven irregularities and eg appears in court records, person is generally known to have been involved in proven irregularities, eg former National Police Commissioner Jackie Selebi and the name has been furnished in a previous reply. Where there is a prima facie case against a person to be heard in court the name of the person may be cited, if there is uncertainty the name is not included and it is send to the department under “name furnished” or “details furnished”. [↑](#footnote-ref-12)
13. Rule 67 of Draft 9 for consideration of the Rules Committee. See also Question No 3 on Internal Question Paper No 4 of Monday, 25 February 2008, p 49 was found to be **sub judice** as the Minister for Justice and Constitutional Development lodged an appeal against the finding of the Pretoria High Court in the week when the President was to reply to the question. The question fell off -Question Paper [REPRINT] No 2 of Thursday, 6 March 2008, and the IFP forfeited their opportunity to put a question to the President. [↑](#footnote-ref-13)
14. National Assembly Guide to Procedure, 2004, item 8, p193. This provision does not appear in Erskine May’s later editions of Parliamentary Practice. This provision appears in Erskine May’s Parliamentary Practice, 16th edition, 1957, p 360, but is absent from later editions like Erskine May’s 21st edition of Parliamentary Practice, 1989, as well as the Twenty Third edition of 2004. Consonant with this development some opposition party questions critical both of Mr Mugabe and Mr Omar Al Bashir were permitted on the Question Paper that were otherwise friendly nations. [↑](#footnote-ref-14)
15. National Assembly Guide to Procedure, 2004, p 199. [↑](#footnote-ref-15)
16. The primary purpose of a question is to obtain information or press for action see NA Guide to Procedure, 2004, p 192, Helen Irwin, Andrew Kennon, David Natzler and Robert Rogers: Evolving Rules, p 66, in Parliamentary Questions, Edited by Mark Franklin and Phillip Norton, 1993; Erskine May: Parliamentary Practice, Twenty third edition, 2004, p 345. [↑](#footnote-ref-16)
17. Question of Mr Waters to Minister Tshabalala-Msimang was considered offensive and ruled out of order. [↑](#footnote-ref-17)
18. Where the facts are particularly significant to the question, the Speaker has required prima facie proof of their authenticity – Erskine May: Parliamentary Practice, Twenty third edition, 2004, p 346-347. [↑](#footnote-ref-18)
19. Erskine May, Parliamentary Practice, Twenty third edition, 2004, p353 – The History rule was modified to permit for questions on a factual and statistical nature within the 30-year limit. [↑](#footnote-ref-19)
20. This includes bodies like the public broadcaster (SABC), Telkom, Icasa, etc. [↑](#footnote-ref-20)
21. Questions have recently been permitted on visa applications for South Africans visiting the UK [↑](#footnote-ref-21)
22. Section 85 of the Constitution of the Republic of South Africa, 1996 [↑](#footnote-ref-22)
23. Section 84 of the Constitution of the Republic of South Africa, 1996 [↑](#footnote-ref-23)
24. Sections 84 and 85 of the Constitution of the Republic of South Africa, 1996 [↑](#footnote-ref-24)
25. See Question 2466 in the Internal Question Paper, No 31, Friday, 20 September 2013, p 896 [↑](#footnote-ref-25)
26. Sections 100 and 139 of the Constitution of the RSA, 1996. See Question No 3, in Internal Question Paper, No 3, Thursday, 15 March 2012, p 22 (The national Government had a section 100 intervention in the Eastern Cape). [↑](#footnote-ref-26)
27. Section 91(5) of the Constitution of the Republic of South Africa, 1996 [↑](#footnote-ref-27)
28. Manual for Parliamentary Committees, 1st edition, 2011, p18. [↑](#footnote-ref-28)