**Summary of decisions of Sub-Committee on Review of Rules**

**Chapter One: Definitions**

Definitions to be included:

“**Chief Whip**” means the Chief Whip of the Council referred to in Rule 13.

**“Head of Delegation”** meansa Premier or a member of the province’s delegation designated by the Premier as stated in section 60(3) of the Constitution.

**“Parliamentary Protection Services**” means any person authorized by Parliament to perform security and protection services within the precincts of Parliament, and includes all parliamentary staff members employed, appointed, assigned, delegated or contracted by Parliament to perform security and protection functions within the precincts of Parliament.

“**Programming Whip**” means the Programing Whip of the Council referred to in Rule 13C.

“**Whip**” means the Provincial Whip referred to in Rule 13D of the Council Rules

“**Whippery**” consists of the Chief Whip, Provincial Whips’ and the Multi Party Whips.’

**Chapter Two: Presiding and other officers**

Rule 10: Role of the “second /rotating Deputy Chairperson”

That the rotating Deputy Chairperson should play a more inclusive role in the business of the Council. A proposal was made that he/she should preside at least twice per annum over the proceedings of the House.

**Proposed draft rule 10(2):**

(2) The rotating Deputy Chairperson may preside at any of the Councils or Joint Sittings, at least twice per annum.

Additional functions proposed to the role of the Chief Whip:

**Proposed draft rules:**

**Rule 13A(1)** The Chief Whip of the Council shall:

(c) facilitate the compilation of the Speakers Lists;

(k) perform any function in accordance with the Policy for Attendance of Members of

Parliament.

The meeting recommended that rules be drafted to cater for the election of a replacement Chief Whip in the event that the elected Chief Whip is incapacitated for a period longer than 3 months.

**Rule 13B (2) (3) Acting Chief Whip**

1. In the event of a vacancy or when consultation with the Chief Whip is not possible, the Chairperson may appoint a provincial whip or programming whip as Acting Chief Whip for a period not exceeding three months.
2. If the Chief Whip not be able to perform his/her functions for a period exceeding three months and if it is reasonably evident that he/she will not be able to resume his/her duties the Council may elect a new Chief Whip from amongst the Council Delegates.

**Rules 13C(2) :** **Participation of political parties and their representatives:** A concern was raised with regards to the participation of political parties and proportional representation thereof. No consensus was reached in the Sub-Committee hence the further deliberations need to take place. **(Flagged for further deliberation)**

The current rules are silent on the function of the Whippery, hence the Subcomittee requested that draft rules regulating the composition of the Whippery be developed for consideration.

Currently all Provincial Whips and Party Whips meet together at the Multi Party Whips Forum. Further deliberations are required on whether this practice will continue or two separate entities will be required. The name of the entities will be finalised after the Subcommittee has deliberated on the matter. (Flagged for further deliberation)

**Proposed draft for consideration**

Rule 13C: The Whippery/ Multi Party Whips Forum

**Establishment**

13C (1).There is the Whippery/Multi Party Whips Forum.

## Composition

13 C (2).The Whippery/Multi Party Whips Forum consists of –

(a) the Chief Whip of the Council;

(b) the House Chairperson: Committees, Oversight, Co-operative

Government and Intergovernmental Relations;

(c) The House Chairperson: International Relations and Members Support;

(d) the Programming Whip; and

(e) the Provincial Whips.

13C (3) A political party represented in the Council that has seven or more duly

appointed permanent delegates and is **not** represented in the

Whippery/Multi Party Whips Forum, may designate a Council member to

participate in the forum. (In accordance with Sec 70(2)(c) of the

Constitution)

Recommended additional functions House Chairperson: Committees, Oversight, Co-operative Government and Intergovernmental Relations:

Proposed draft rule:

**Rule 14A:** House Chairperson: Committees, Oversight, Co-operative Government and Intergovernmental Relations:

(m) monitor evaluate the implementation of section 216(3) of the

Constitution;

(o) report to the House quarterly on progress of section 100, 139

interventions and were necessary provide a progress report of the

invocation of section 216 (3) by the Minister of Finance;

**Rule 14 (c):** Inclusion of the words Provincial Whip was agreed to.

**Chapter Three: Council Members**

All proposed amendments agreed to.

**Chapter Four: Sittings of the Council**

**Rule 19(2)**: Rule should not be deleted.

**Chapter Five: Order in meetings and Rules of Debate**

**Proposed Rules**

**Rule 38 Removal of members**

Recent Court judgements involving Members of *the EFF vs the Speaker of the*

*National Assembly* necessitated that rules be developed in order to cater for the

removal of members from the House.

**Proposed draft rule 38A:**

**38A. Removal of member from Chamber**

1. If a delegate refuses to leave the Chamber when ordered to do so by the officer presiding in terms of **Rule 38**, the officer presiding must instruct the Usher-of-the-Black-Rod to remove the member from the Chamber and the precincts of Parliament.
2. If the Usher-of-the-Black-Rod is unable in person to effect the removal of the member, the presiding officer may call upon the Parliamentary Protection Services to assist in removing the member from the Chamber and the precincts of Parliament.

(3) A member who is removed from the Chamber in terms of subrule (2), is thereby immediately automatically suspended for the period applicable as provided for in **Rule 39**, and may not enter the precincts for the duration of the suspension.

1. If a delegate resists attempts to be removed from the Chamber in terms of subrules (1) or (2), the Usher-of-the-Black-Rod and the Parliamentary Protection Services may use such force as may be reasonably necessary to overcome any resistance.
2. No delegate(s) may, in any manner whatsoever, physically intervene in, prevent, obstruct or hinder the removal of a member from the Chamber in terms of these Rules.

(6) Any delegate(s) or member(s) who contravene subrule (5) may, on the instruction of the officer presiding, also be summarily removed from the Chamber and the precincts of Parliament.

(7) If proceedings are suspended for the purposes of removing delegate(s) or

member(s) all other delegates or members must remain seated or resume their seats, unless otherwise directed by the officer presiding.

(8) When entering the Chamber on the instruction of the officer presiding–

(a) Members of the Parliamentary Protection Services may not be armed; and

(b) Members of the security services may not be armed, except in extraordinary circumstances in terms of security policy.

(9) Delegate(s) or member(s) who have been removed from the Chamber will be escorted off the precincts by Parliamentary Protection Services personnel and will not be allowed to enter the House or precincts of Parliament as the Rules prescribe.

(10) If a delegate(s) offers resistance to being removed from the precincts, members of the security services may be called upon to assist with such removal.

(11) In the event of violence, or a reasonable prospect of violence or serious disruption ensuing in the Chamber as a result of a delegate(s) resisting removal, the officer presiding may suspend proceedings, and members of the security services may be called upon by the officer presiding to assist with the removal of members from the Chamber and the precincts of Parliament forthwith in terms of Section 4(1) of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act No 4 of 2004, or may intervene directly anywhere in the precincts in terms of section 4(2) of the Act when there is immediate danger to the life or safety of any person or damage to any property.

(12) Whenever a delegate(s) is/are physically removed from the Chamber in terms of this Rule, the circumstances of such removal must be referred to the Chairperson, if he/she was not presiding in terms of Rule 38(2).

(13) The House may approve Standard Operating Procedures, recommended

by the Rules Committee, for the exercise of this function, in particular in

relation to the use of the Parliamentary Protection Services and members

of the security services for this purpose.

**Draft Standard Operating Procedures as per Rule 38A(13):**

**Member refusing to leave Chamber**

1. If a delegate(s) refuses to leave the Chamber, the presiding officer asks the Usher-of-the-Black-Rod to remove the member from the Chamber.

(2) The Usher-of-the-Black-Rod approaches the delegate(s) to explain in a respectful manner that the instruction of the officer presiding must be complied with and that failure to do so can constitute a grave offence and have serious implications, including that the delegate(s) may need to be physically removed from the Chamber.

(3) If the delegate(s) still refuses to leave, the Usher-of-the-Black-Rod indicates to the presiding officer that the member refuses to comply, whereupon the officer presiding informs the House that the Parliamentary Protection Services are to be called upon to assist.

(4) The Parliamentary Protection Services personnel enter the Chamber upon the instruction of the officer presiding, and proceed to remove the member(s) concerned under the direction of the Usher-of-the-Black-Rod.

1. Members of the public in the gallery who participate in disorderly conduct will beremoved by the security services.

**Rules 53(b)**:

The insertion of the word “or privilege” after “order” was proposed in order to regulate the manner in which members could address the Chairperson when rising on a point of order or privilege.

**Chapter Six: Decisions of Questions**

**Rule 63:**

Whenever a question to be decided by the votes of individual delegate is put by

the officer presiding, any delegate, instead of demanding a division, may request

theobjection of that delegate, to be formally recorded in the Minutes of

Proceedings.

**Reworded:** Whenever a question is put that is to be decided by a simple majority, a delegate per political party may rather than calling for a division, opt to make a statement on behalf of his/her political party not exceeding 3 minutes and this objection must be recorded in the Minutes of Proceedings.

**Rule 65:** **Procedure for divisions**

A reworking of the rule was proposed in order to cater for the electronic voting method. A request for a further provision to be included to ensure that a single delegate per political party may have the opportunity to make a declaration on behalf of his/her party was proposed. (decision outstanding)

**Procedure for divisions**

**65.** A division takes place in accordance with the following procedure:

(c) If delegates vote electronically the officer presiding must put the question by calling delegates to vote “in favour”, “against” or “abstain”.

(d) The Secretary must record the names and votes of the delegates in the various designate areas or as captured electronically.

**Chapter Seven: Motions**

No amendments or additions were proposed.

**Chapter Eight: Debates of matter of public importance**

No amendments or additions were proposed.

**Chapter Nine: Committee System**

**Proposed Rule 89(2)(a):** Proposed rephrasing of the rules to read:

(2) A member of a committee or subcommittee may at any time be replaced or withdrawn by -

(a) a provincial whip with the concurrence of the province.

**Proposed insertion of phrase:**

**Rule 89(3)&(4)**:

(3) Special delegates may participate in committee meetings.

1. When committee members are appointed, the need for women to be fairly represented on committees must be taken into account. If women are not fairly represented on Council committees, the Chairperson of the Council, the Chief Whip and the provincial whips must consider methods of achieving their fair representation.

**Proposed draft rule on co-option:** To allow a committee to co-opt members under exceptional circumstances.

**(\*\*) Co-option when members and alternates are not available**

(\*) If a delegate of a committee and the alternate delegate to that committee are both

absent from a meeting, the Chairperson of that committee may co-opt any

delegate belonging to the same province as the delegate/s that is/are absent.

**Rule 93(2):** Proposed inclusion of the words “representative of parties”

**Rule 93(2):** If the Council is in recess the Secretary must, at least 10 working days before the meeting, notify the relevant House Chairperson, the members of the committee, the Chief Whip of the Council, the provincial whips and the representatives of parties of the time and place of the meeting.

**Rule 95(1)**: Proposed inclusion of the words “Programming Whip” after the words “Chief Whip.”

**Rule 95(1):** The House Chairperson Committees, Oversight, Co-operative Government and Intergovernmental Relations is responsible for scheduling and co-ordinating meetings of all committees and subcommittees, and must for this purpose consult the other House Chairperson, the Chief Whip, the Programming Whip and the committee chairpersons.

**Rule 98**: Rule should not be removed.

**Rule 101(2)**: Substitution of the word “decide” with “refer”.

**Rule 101(2):** If there is doubt as to which committee is the relevant committee,

the Chairperson of the Council must **[decide]** refer the issue subject

to these Rules or any directions of the Rules Committee or a

resolution of the Council.

**Rule 111 and 112:** Combined to result in Rules 112.

**Rule 112**: When the public is excluded from a meeting of a committee or sub-

committee in terms of rule **110** (1), the chairperson may order the

following persons to leave the meeting-

(a) a member of Parliament who is not a member of the

committee or subcommittee;

(b) a staff member;

(c)a member or official of the executive;

(d) a member of a provincial legislature who is not a member of the

committee or subcommittee; or

(e) a representative of organised local government.

**Rule 116(1)(f):** Concern that the requirement as per the rule could unnecessarily conflate the membership of the Committee. (Flagged for further deliberation)

**Rule 116 (2):** Request that the Rule reworked

**Proposed Rule 116(2)**

A political party represented in the Council that has seven or more duly

appointed permanent delegates and is **not** represented in the Rules Committee, may designate a Council member to participate in the forum. (In accordance with Sec 70(2)(c) of the Constitution)

**Deletion of Rules** 122,123,124,125A, B, C agreed to.

**Rule 127 (1) and (2)**: Rule should be retained.

**Deletion of Rules** 129A, B, C, D agreed to.

**Rule 160: Party representation issue (flagged for further deliberation)**

**Rule 171(d)(ii):** Concern that the deletion of this provision will prevent minority parties from airing their concerns and objections. **(flagged for further deliberation)**

Deletion of **Rule 176(3) – 177** agreed to.

Deletion of **Rule 192 – 200** agreed to.

Deletion of **Rule 205** agreed to.

Deletion of **Rule 208 - 211** agreed to.

Deletion of **Rule 217 - 225** agreed to.

Deletion of **Rule 227 - 228** agreed to.

***Part 6: Petitions***

Guidelines on Petitions and Executive Undertakings have been prepared by the SC on Petitions and Executive Undertakings. ***Refer to inserts on both the guidelines.***

**Rule 240 (2) and (3):** reference to “six weeks” should read “eight weeks” as agreed to during the workshop held at Lagoon Beach Hotel.

**Rule 244 Placing of questions:** Members requested that the rules relating to oral questions to the President and the Deputy President should be relooked and that draft rules be developed for consideration.

Proposed rules: Questions to the President and Deputy President

**Rule 244 Questions to President**

1. Questions to the President must be scheduled for a question day at least

once every six months.

1. The number of questions to the President is limited to **[six]** eight questions per question day.
2. The questions are to be allocated in the following sequence

1. four questions to the party with the largest representation in the

Council;

1. two questions to the party with the second largest representation in the

Council;

1. one questions to the party with the third largest representation in the

Council;

1. one question to the smallest party or party/ies on an alternate basis per

question day.

(d) Questions for oral reply must be dealt with in the following order:

1. Questions to the President standing over from previous question

days;

1. new questions to the President.

1. **[Subject to this rule the Secretary must place the questions on the Question Paper in the order in which they were received.]**
2. Subject to this rules the Secretary must place the questions on the Question Paper in a manner that all party/ies, question/s are fairly reflected. **(Flagged for further consideration)**

(5) Questions to the President must relate to broad policy matters regarding national and/or international issues within the scope of the official responsibilities of the President.

**Questions to Deputy President 244A**

1. Questions to the Deputy President must be scheduled for a question

day at least once every quarter.

b) The number of questions to the Deputy President is limited to eight **[six]** questions per question day.

c) The questions are to be allocated in the following sequence

1. four questions to the party with the largest representation in the

Council;

1. two questions to the party with the second largest representation in the

Council;

1. one questions to the party with the second largest representation in the

Council;

1. one question to the smallest party or parties on an alternate basis per

question day.

**(2) The Secretary must place the questions on the Question Paper in the order that they were received.**

1. The Secretary must place the questions on the Question Paper in a manner that all party/ies, question/s are fairly reflected.

**(Flagged for further consideration)**

(5) Questions to the Deputy President must relate to broad policy matters regarding national and/or international issues within the scope of the official responsibilities of the Deputy President.

(\*\*) Questions for oral reply must be dealt with in the following order

1. questions to the Deputy President standing over from previous

question days;

1. new questions to the Deputy President;

**Questions to members of Cabinet 244B**

1. Questions for oral reply to members of Cabinet must be dealt with in

the following order:

1. questions to Ministers standing over from previous question

days; and

(b) new questions to Ministers.

**Rule 250:** Deletion of Rules under “Debates on Presidential Address”

[**When the President has delivered the State of the Nation Address, the Chief**

**Whip of the Council may place it on the Order Paper of the Council for debate]**

The State of the National Address is now being debated jointly leaving this rule

redundant.

**Rule 254: National interventions in provinces**

Members requested that provision that are contained in the Constitution should be deleted from the rules pertaining to national interventions in provinces. Rule 254 has been reworked in its entirety:

**National interventions in provinces**

**254.** (1) Whenever the national executive intervenes in a provincial administration in terms of section 100(1)(b) of the Constitution, the national executive must notify the Council and such notice must contain explanations for the intervention.

1. The Chairperson of the Council must refer the matter to the appropriate committee of the Council.
2. The Committee must –

a. investigate whether or not the intervention was necessary;

b. afford the provincial administration concerned and the

national executive the opportunity to state their case;

c. confer with the select committee responsible for finance matters,

if the intervention is for the purpose of maintaining economic

unity;

d. confer with the select committee responsible for security matters, if the intervention is for the purpose of maintaining national security; and

e. report to the Council within **[10]** 60 days of the matter having been

referred to the Council **[it]**.

1. The report of the Committee must –
2. contain a recommendation whether or not the intervention

should be approved; and

(b) be placed on the Order Paper for consideration.

1. If the Council approves the intervention, the committee must on a continuous basis review the intervention, and report to the Council.

**[(6) The Council must review the intervention regularly and make any appropriate recommendations to the national executive.]**

1. The Chairperson of the Council **[Secretary]** must communicate any relevant resolution of the Council to the national executive, the Speaker of the provincial legislature concerned and to the Premier of the province concerned.

**Provincial interventions in local government**

**255.** (1) Whenever a provincial executive intervenes in a municipality in terms of section 139 (1)(b) or (c) of the Constitution, the provincial executive must notify the Council of the intervention, the notice must explain the reasons for the intervention

(2) The Chairperson of the Council must refer the matter to the appropriate committee of the Council.

(3) The Committee must –

(a) investigate whether or not the intervention was necessary;

(b) afford the municipality concerned and the provincial executive each the opportunity to state their case;

(c) confer with the select committee responsible for finance matters, if the intervention is for the purpose of maintaining economic unity; and

(d) report to the Council within **[10]** 60 days of the matter having been referredto **[it]**the Council.

(4) The report of the Committee must –

(a) contain a recommendation whether or not the intervention should be approved; and

(b) be placed on the Order Paper for consideration.

(5) If the Council approves the intervention, the committee must on a continuous basis [**investigate]** review whether or not it is necessary to continue the intervention, and report to the Council.

**[(7) The Council must review the intervention regularly and make any appropriate recommendations to the provincial executive.]**

1. The **[Secretary]** Chairperson of the Council must communicate any relevant resolution of the Council to the Speaker of the provincial legislature concerned and to the Premier of the province concerned.

**Rule 258:** Members expressed their concern with the rule allowing the Chairperson of

the Council to appoint the Chairperson of the standing committee. Members

suggested that the rule be amended to allow the Committee as per section 12(2) of

the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act

(the Act) to elect the Chairperson of the Committee as per section 12(2) of the Act.

**Proposed Rule 258**

**Chairperson**

(\*\*) The Standing Committee appoints one of the members of its members of the

Standing Committee.

(\*\*) If the chairperson is not available the remaining members must elect another

member to act as chairperson.

Proposed amendments to Rules 256 to Rule 266 were agreed to.