**PROPOSED STRATEGY FOR REVIEW OF JOINT RULES OF PARLIAMENT**

*(For consideration by the Joint Subcommittee on Review of Joint Rules on 27 September 2017)*

**1. INTRODUCTION**

The National Assembly (NA) adopted its comprehensively revised Rules on 26 May 2016 while the National Council of Provinces (NCOP) is in the process of reviewing its Rules. The two-fold overall purpose of these processes were (a) to address procedural challenges that were experienced over time and (b) to enhance the ability of both Houses to individually, effectively and efficiently, exercise their respective constitutional mandate. But the area of Joint Rules has not received similar attention. Up to now, updates to the joint rules were made in a piecemeal fashion. Cases in point include the new ethics code for Members and Permanent Delegates adopted at the beginning of the Fifth Parliament, rule changes relating to the membership of the Joint Standing Committee on Defence, and the establishment of the Joint Standing Committee on Financial Management of Parliament. Nevertheless, these and other joint rule updates have not been consolidated in the Rulebook.

It is against the above background that the Joint Subcommittee on Review of the Joint Rules (the Subcommittee) has been requested to review the existing joint rules with a view to submitting a report to the Joint Rules Committee. This is intended to address areas requiring improvements and to bring them in-line with legislation and procedural developments. This document proposes a process for reviewing the joint rules of Parliament for the Subcommittee’s consideration.

**2. IMPLEMENTATION STRATEGY FOR REVIEW OF JOINT RULES**

Unlike in the First Parliament where the Houses seldomly sat jointly, in recent Parliaments a practice has developed whereby the Houses sat jointly more frequently to debate issues of national importance and to celebrate national events. With this increase in joint sittings, however, matters related to order in joint sittings and decorum in general need to be addressed in the joint rules. The joint rules also need to take into account recent legislation on such matters as financial management of Parliament and processing of the national budget among others.

At its meeting of 20 September 2017, the Subcommittee agreed to prioritise Chapters 1 – 2A of the Joint Rules of Parliament in line with the request from the Co-Chairpersons of the JRC, that rules that require immediate attention should be prioritised. A phased-in approach to the rules review process was also proposed at the same meeting of 20 September 2017. The document proposes the following implementation programme, in-line with the proposed phased-in approach: -

 (a) September 2017 : *Prioritisation of Joint Rules*

The Subcommittee to prioritise Chapters 1 – 2A for recommendation to the Joint Rules Committee. These rules relate to Interpretation and Application, Joint Sittings, Order in Joint Sittings and Rules of debate. Draft rule amendments have been prepared for Chapters 1 – 2A of the Joint Rules of Parliament for consideration by the Subcommittee.The meeting of 27 and 28 September could receive a briefing on the proposed amendments in detail and members can refine the amendments proposed.

(b) September – October 2017: *Period for submission of inputs by parties on Prioritsed Rules*

In line with a phased-in approach, a period of two weeks could be allowed for parties to submit inputs in respect of the draft rule amendments for Chapters 1 – 2A of the Joint Rules of Parliament.

(c) October 2017: *Information sharing workshop*

An information sharing workshop can be arranged for members of the Subcommittee during October 2017 as part of the review of the joint rules process. This would include briefings on and discussions of, *inter alia*, the following topics:-

* Sources of parliamentary procedure
* Sources of the joint rules
* Nature and application of the joint rules
* Amendment and suspension of the joint rules
* Unwritten rules, practices and conventions
* Content and coverage of the current joint rule book

(d) November 2017:

The Subcommittee can meet during November 2017 with the aim of finalising Chapters 1 – 2A for report to the JRC, with the aim of possible adoption by the Houses before the end of this annual session.

(e) December 2017 – January 2018: *Consolidation of existing joint rules’ updates and materials*

The Subcommittee noted that several rule updates made over the years were not yet captured in the Rulebook. There would be need to track various parliamentary sources which contain these updates for inclusion in the Rulebook. Resource materials such as the *Report of the Independent Panel Assessment of Parliament*, *Report of the Task Team on the Legislative Process,* the *Oversight and Accountability Model* and the *Public Participation Model* should also be considered for purposes of the joint rules review process. The two Tables will draft a consolidated report for the Subcommittee’s consideration.

(f) February - April 2018

In respect of the remainder of the Chapters, parties could be given a period of three months (Feb – Apr 2018) to deliberate on topics and/or areas of the joint rules that they would want considered during the review process. Final submissions would be due by the end of April 2018. This period should give parties and provinces sufficient time to present proposals that have been processed by all relevant structures. However, submissions should not consist of actual drafted amendments, but should essentially be broad proposals accompanied by a motivation for the suggested changes, inclusions and/or deletions to and from the existing joint rules.

(g) May – November 2018

 Drafting, finalising and adoption of joint rules by the Houses.

**3. RESOURCES FOR THE JOINT RULES REVIEW PROCESS**

A dedicated team from the two Tables and Legal Services will provide the necessary procedural and technical support to the Subcommittee. Staff members of other relevant divisions of the Parliamentary Service will also be involved, as and when required. There was a unanimous view within the Subcommittee that an external person or persons who are procedural specialists should be identified to act as sounding boards during the rules review process. As each Chapter is drafted, the identified procedural specialist would be requested to make comments and suggestions on needed improvements of the drafts. The modalities of engagement of this individual are to be finalised in due course.

**4. INVOLVING THE PUBLIC IN THE JOINT RULES REVIEW PROCESS**

The general public should be invited to make submissions in respect of the joint rules review process. In this regard, the Subcommittee can identify the areas on which public input would be prudent and present them to the Joint Rules Committee for consideration, accompanied by proposals on the manner in which public input can be obtained. A detailed proposal in this regard will be developed.

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