

# ANNEXURE 1

# ESTABLISHMENT OF STRUCTURES OF THE 6TH PARLIAMENT AND OTHER ISSUES

# NATIONAL ASSEMBLY RULES COMMITTEE (NARC)

# MAY 2019

**1. BACKGROUND**

In terms of the Rules of the Assembly, the Rules Committee has a crucial role in the establishment or setting up of structures of the House. The Rules Committee may, in terms of Rule 193, issue directives and lay down guidelines to assist with the implementation of these rules and orders of the House. The Rules Committee therefore needs to meet as soon as possible to consider the issues set out below. In addition to this, there are also matters that require House decisions, such as Parliament’s representation in various international and statutory structures.

1. **PROPOSED GUIDELINES AND DETERMINATIONS[[1]](#footnote-1)**
2. **Sequence for Questions**

The sequence of party rotation is determined on the proportional strength of each political party. In terms of Rule 137(9), the Rules Committee must establish the sequence in which members of the respective parties may put questions to the Executive. In the 5th Parliament, it was agreed that the sequence would be spread over 15 opportunities within the allotted three hours for the Question session.

In the Fifth Parliament, the sequence of rotation was spread over 15 opportunities as follows: ANC, DA, EFF, ANC, IFP, Group 1, ANC, Group 2, ANC, DA, ANC, Group 3, ANC, DA, ANC.

The sequence with which parties appeared in the rotation was as follows: ANC – 7; DA – 3; EFF – 1; IFP – 1 and the other parties were grouped into three groups with 1 opportunity each.

***Proposal:***

A sequence of 15 opportunities will result in the following:

1. ANC 15 x 230/400 = 8.625
2. DA 15 x 84/400 = 3.15
3. EFF 15 x 44/400 = 1.65
4. IFP 15 x 14/400 = 0.525
5. FF Plus 15 x 10/400 = 0.375

A sequence of 16 opportunities will result in the following:

1. ANC 16 x 230/400 = 9.2
2. DA 16 x 84/400 = 3.36
3. EFF 16 x 44/400 = 1.76
4. IFP 16 x 14/400 = 0.56
5. FF Plus 16 x 10/400 = 0.4

A sequence of 17 opportunities will result in the following:

1. ANC 17 x 230/400 = 9.775
2. DA 17 x 84/400 = 3.57
3. EFF 17 x 44/400 = 1.87
4. IFP 17 x 14/400 = 0.595
5. FF Plus 17 x 10/400 = 0.425

The strict application of the formula will result in the minority parties not being able to participate in the questions process by placing oral questions on the Question Paper.

It is therefore proposed that in order to continue with the principle of proportional strength as well as giving parties with 10 seats or more a full opportunity to participate in the questions session that the following sequence of 17 opportunities be followed:

* + 1. ANC **-** **7**
    2. DA **-** **3**
    3. EFF **-** **2**
    4. IFP **-** **1**
    5. FF Plus **- 1**
    6. Group 1 (ACDP, UDM, ATM) **- 1**
    7. Group 2 (Good, NFP, AIC) **- 1**
    8. Group 3 (COPE, PAC, Al Jama-ah) **- 1**

It is proposed that the sequence for party rotation in respect of oral questions for the duration of the 6th Parliament be as follows:

**1.** ANC, **2**. DA, **3**. EFF, **4**. ANC, **5**. IFP, **6**. FF Plus, **7**. ANC, **8**. DA, **9.** Group 1, **10**. ANC, **11**. Group 2, **12**. ANC, **13.** DA, **14.** EFF **15.** ANC, **16.** Group 3, **17.** ANC.

1. **Clustering of Government Portfolios**

The clustering of government portfolios in which the Executive answers questions is determined by the Rules Committee in terms of Rule 138(1). In the 5th Parliament, five clusters of government portfolios were established which included splitting the economics cluster in two due to the number of ministers in this cluster. It was also understood that clusters of government portfolios for oral questions would not mirror Cabinet clusters as ministers appear in more than one Cabinet cluster depending on the inputs required by each cluster.

Five clusters of government portfolios are proposed and it is further proposed that each cluster consist of four to six Ministers. It is envisaged that this could lead to greater accountability with regard to the Question sessions in the Assembly as the clusters will not be as congested as before. In the previous Parliament a cluster had between four to nine Ministers.

***Proposal:***

It is proposed that questions for oral reply by Ministers be dealt with in accordance with the following clustered system of government portfolios for the duration of the 6th Parliament:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Cluster 1 -Peace and Security** | **Cluster 2 -Social Services** | **Cluster 3 -Governance** | **Cluster 4 –**  **Economics** | **Cluster 5 –**  **Economics** |
| Defence and Military Veterans | Basic Education | Cooperative Governance and Traditional Affairs | Agriculture, Land Reform and Rural Development | Public Enterprises |
| Home Affairs | Health | Minister in the Presidency | Communications, Telecommunications and Postal Services | Public Works and Infrastructure |
| International Relations and Cooperation | Higher Education, Science and Technology | Minister in the Presidency for Women, Youth and Persons with Disability | Employment and Labour | Small Business Development |
| Justice and Correctional Services | Human Settlements, Water and Sanitation | Public Service and Administration | Environment, Forestry and Fisheries | Tourism |
| Police | Social Development |  | Finance | Trade and Industry |
| State Security | Sport, Arts and Culture |  | Mineral Resources and Energy | Transport |

**(c) Guidelines**

*Members’ Statements:*

In terms of Rule 132(4), the number of members’ statements, the period of time for such statements and the sequence of party participation must be determined by the Rules Committee. In the 5th Parliament, the sequence of party rotation was spread over 16 opportunities as follows: ANC, DA, EFF, ANC, IFP, Group 1, ANC, Group 2, ANC, DA, EFF, ANC, Group 3, ANC, DA, ANC.

The frequency with which parties appeared in the sequence was: ANC – 7; DA – 3, EFF – 2; IFP – 1; the other parties rotated within their groups of three with each group having one opportunity in the sequence.

***Proposal:***

It is proposed that the minority parties be clustered into three groups while it is further proposed that minority parties with 10 and more seats, like the IFP and the FF Plus, be provided with one opportunity each.

As there are 14 political parties in the 6th Parliament, it is proposed that 17 statements be allowed in terms of the following sequence which is proposed based on the strength of party representation achieved in the elections: ANC; DA; EFF; ANC; IFP; (Group 1 – ACDP, NFP, UDM); FF Plus, ANC; (Group 2 – Good, Cope, ATM); ANC; DA; EFF; ANC; (Group 3 – AIC, PAC, Al Jama-ah); ANC; DA; ANC.

The sequence will be as follows: ANC – 7; DA – 3; EFF – 2; IFP – 1; FF Plus – 1 and all other parties grouped into three with one opportunity allocated to each group.

*Motions without Notice:*

In terms of Rule 123(2)(b), the number of motions without notice, the period of time for such motions and the sequence of party participation must be determined by the Rules Committee. In the 5th Parliament, the number of motions without notice permitted were 22 in the following sequence: ANC, DA, EFF, ANC, IFP, NFP, ANC, UDM, FF Plus, DA, EFF, ANC, Cope, ACDP, ANC, AIC, Agang SA, ANC, APC, PAC, DA, ANC.

The frequency with which parties appeared in the sequence was as follows: ANC – 7; DA – 3; EFF – 2; and all other parties 1 each.

***Proposal:***

It is proposed that 23 motions without notice be permitted. Each motion not to exceed one and a half minutes in the following sequence: ANC; DA; EFF; ANC; IFP; ACDP; ANC; FF Plus, NFP, UDM; DA; EFF; ANC; Good, COPE; ANC; ATM; AIC; ANC; DA; PAC; Al Jama-ah; ANC.

The number of opportunities for each party in the sequence will be as follows: ANC – 7; DA – 3; EFF – 2; and all other parties I opportunity each.

*Notices of Motion:*

In terms of Rule 124(2), the number of notices of motion on any sitting day and the period of time within which such motions must be completed on that day must be determined by the Programme Committee in accordance with Rule 210.

***Proposal:***

It is proposed that the same sequence as is proposed for motions without notice be used. A decision on this will be made by the programme Committee.

**(d) Formula for Appointment of Whips**

In the 1st Parliament, party whips were appointed according to a ratio of 1 whip for every 10 members. The formula was subsequently revised to an entitlement of 1 whip for every 8.69 members and that had been applied since the 2nd Parliament.

In the 5th Parliament, this formula was 1 whip for 7 members and later adjusted to 1 whip for every 6.5 members. Parties that were too small to qualify for their own whip were grouped together and allocated a whip to represent them. Accordingly, the adjusted formula resulted in the allocation of whips as follows: ANC – 38; DA – 14; EFF – 4; IFP – 2; NFP – 1; UDM – 1; FF Plus – 1; and smaller parties (ACDP, COPE, AIC, AGANG SA, PAC & APC) – 2.

The smaller parties that are not entitled to a whip have 14 members in total. If the formula of one whip for every 6.5 members is applied to them, they are entitled to 2 whips.

***Proposal:***

The table below illustrates the different allocation of whips in respect of three formulae, namely: 1 whip for 6.5 members; 1 whip for 7 members; and 1 whip for 7.5 members. If the formula used in the 5th Parliament is retained (i.e. 1 – 6.5), the total number of whips for the 6th Parliament will be 62. This excludes the Chief Whip of the Majority Party, the Deputy Chief Whip of the Majority Party and the Chief Whip of the Opposition.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Party** | **Seats** | **Whips per 6.5 members** | | **Whips per 7 members** | | **Whips per 7.5 members** | |
| Total number | 400 | 61.5 | 62 | 57.1 | 57 | 53.3 | 53 |
| ANC | 230 | 35.38 | 35 | 32.85 | 33 | 30.67 | 31 |
| DA | 84 | 12.92 | 13 | 12 | 12 | 11.2 | 11 |
| EFF | 44 | 6.76 | 7 | 6.28 | 6 | 5.87 | 6 |
| IFP | 14 | 2.15 | 2 | 2 | 2 | 1.87 | 2 |
| FF PLUS | 10 | 1.53 | 2 | 1.4 | 1 | 1.33 | 1 |
| ACDP | 4 | 0.61 | 1 | 0.57 | 1 | 0.53 | 1 |
| Smaller parties | 14 | 2.15 | 2 | 2 | 2 | 1.87 | 2 |

1. **ESTABLISHMENT OF HOUSE COMMITTEES**

1. ***Composition of Subcommittee on Review of the National Assembly Rules and appointment of chairperson***

In terms of Rule 193(1)(e), the Rules Committee appoints the members of its subcommittees. In respect of the Subcommittee on Review of the Assembly Rules, it also appoints one of the members of the Subcommittee as chairperson.

***Proposal:***

As the Subcommittee on Review of the National Assembly Rules is not a decision-making structure and mainly technical in nature, it is proposed that its composition be as follows: ANC – 3, DA – 1, EFF – 1, IFP – 1, FF Plus - 1 and other parties 1, making for a total of 8 members.

The principle that is applied is to give each party with 10 seats or more in the National Assembly, representation on the subcommittee, while the minority parties with less than 10 seats will determine who from among them will be their representative on the subcommittee.

1. ***Composition of Programme Committee***

In terms of Rule 206, the Programme Committee consists of-

(a) the Speaker;

(b) the Deputy Speaker;

(c) the Leader of Government Business or a designated representative;

(d) the House Chairpersons;

(e) the Chief Whip;

(f) the deputy chief whip of the majority party in the Assembly;

(g) the whip of the majority party responsible for programming and

(h) the number of party representatives that the Speaker may determine with the concurrence of the Rules Committee, provided that each party is entitled to at least one representative on the committee.

***Proposal:***

In addition to the composition prescribed in Rule 206(a)-(g), it is proposed that the Speaker in concurrence with the Rules Committee determine the number of party representatives on the Programme Committee as follows: ANC – 2, Chief Whip of the Opposition, DA – 2, EFF – 2, IFP – 2, FF Plus – 2 and other parties represented in the Assembly 1 each. This will provide each party with representation on the Programme Committee, while parties with 10 seats and more will have 2 representatives each.

1. **PROPOSED ESTABLISHMENT OF STRUCTURES (Decisions of NARC required)**
2. ***Establishment of portfolio committees***

In terms of Rule 225, the Speaker acting with the concurrence of the Rules Committee must establish a range of portfolio committees and assign a portfolio of government affairs to each committee, as well as determine a name and the composition in each case.

In the 4th Parliament, it was agreed that portfolio committees would mirror the various ministries and government departments. Oversight over State Security is done through the Joint Standing Committee on Intelligence.

The number of government portfolios have been reduced from 36 to 28 and the Rules Committee must now establish portfolio committees. In this regard, Annexure 1 provides a list of the cabinet portfolios, as well as the proposed portfolio committees to be established, among others.

In the 5th Parliament, each committee had 11 members, composed as follows: ANC - 6, DA - 2, EFF - 1, and other parties 2.

**Proposal:**

It is proposed that the Rules Committee establish portfolio committees in line with the following options:

*Option 1:*

Portfolio Committees composed of 11 members. The party composition would be as follows: ANC – 6; DA – 2; EFF 1; and other parties 2.

*Option2:*

Portfolio Committees composed of 13 members. The party composition would be as follows: ANC – 7; DA – 3; EFF 1; and other parties 2.

The composition agreed to will be applicable to Portfolio Committees, Standing Committees and the Powers and Privileges Committee.

1. ***Composition of Powers and Privileges Committee***

In terms of Rule 212, the Speaker has to determine the size of the Powers and Privileges Committee with the concurrence of the Rules Committee.

***Proposal:***

It is proposed that the committee mirror the composition of portfolio committees.

***(c) Establishment of Standing Committee on Finance and Standing Committee on Appropriations***

Rules 231 and 237 provide for the composition of the Standing Committees on Finance and on Appropriations. In terms of the Rules, the Speaker has to decide the size of the committee with the concurrence of the Rules Committee. In the 4th Parliament, it was agreed that the Standing Committee on Finance and the Standing Committee on Appropriations would be the same size as the portfolio committees.

***Proposal:***

It is proposed that the Standing Committees should be the same size as portfolio committees.

***(d) Standing Committee on Public Accounts***

In terms of Rule 244, the Committee on Public Accounts consists of the number of the Assembly members that the Speaker may determine with the concurrence of the Rules Committee. In the 4th and 5th Parliaments, the Committee on Public Accounts had the same composition as the portfolio committees.

***Proposal:***

It is proposed that the size of the committee follows the size of portfolio committees.

***(e) Standing Committee on the Auditor-General***

In terms of rule 250, the Committee on the Auditor-General consists of the number of members as the Speaker may determine with the concurrence of the Rules Committee. In the 4th and 5th Parliaments, the Committee on the Auditor-General consisted of the same number of members as the portfolio committees.

***Proposal:***

It is proposed that the size of the committee follows the size of portfolio committees.

1. **DESIGNATION OF MEMBERS TO VARIOUS BODIES**

The following are bodies on which the National Assembly has representation. No decision is required by the Rules Committee in respect of these bodies, so the following is for information purposes and processing in other parliamentary forums.

1. ***Judicial Services Commission***

Six members of the National Assembly are to be designated to the Judicial Services Commission by the National Assembly, at least three of whom must be members of opposition parties represented in the Assembly.

1. ***Magistrates Commission***

Four members are to be designated by the National Assembly from among its members, at least two of whom must be members of opposition parties represented in the Assembly.

***(c) Pan-African Parliament***

South Africa is represented in the Pan-African Parliament by five members of Parliament, at least one of whom must be a woman, who represent the diversity of political opinion in the national Parliament. *(The 2nd Parliament agreed to a recommendation by the AU Working Group that at least three of the members would be women. This was repeated in the 3rd and 4th Parliaments.)*

The term of a member of the Pan-African Parliament runs concurrently with his or her term in the national Parliament. Members of PAP are drawn from both Houses.

***(d) SADC Parliamentary Forum***

Parliament is represented in the SADC Parliamentary Forum by a presiding officer and five members of Parliament, one of whom must be the chairperson of the Multiparty Women’s Caucus to represent Parliament in the SADC PF Women’s Caucus. Representatives serve for a period of five years.

***(e) Commonwealth Parliamentary Association (CPA)***

The national Parliament of South Africa, through its members, is a member of the CPA. Parliament is entitled to five members representing it in the Commonwealth Parliamentary Association.

***(f) Inter-Parliamentary Union***

Delegations to the IPU are composed according to agreed formulae, though it has to be taken into account that the Joint Rules Committee of the 3rd Parliament agreed policy guidelines to the effect that there would be a core group of members in the IPU and CPA delegations in order to ensure continuity in those bodies and taking the issues further in the relevant parliamentary forums.

***(g) ACP-EU Assembly***

The ACP-EU Joint Parliamentary Assembly is set up as a result of the Partnership Agreement between the members of the African, Caribbean and Pacific group of states and the European Union and its member states.

Members of the ACP-EU Assembly are members of Parliament or representatives designated by the Parliament of each ACP state. South Africa has one representative in the ACP-EU Assembly. In previous Parliaments, this representative was not elected by the House, but was designated by the Presiding Officers from among the members of the majority party.

***(h) Parmed***

A total number of 7 members from the NA and the NCOP serve on the Parmed board. The Speaker is the chairperson of the board and the other members are nominated by the Speaker after recommendations have been received from parties. In the past, the chairpersonship of Parmed was delegated to the Deputy Speaker. Proportional representation is taken into account in determining the members who will serve on the board. Parties will be contacted in due course by the Parmed administration about recommending members for appointment to the board.

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1. The strict application of the proportional formula would imply that minority parties with 10 members and less would not be entitled to an opportunity in respect of questions, members’ statements, motions without notice and notices of motion. In order to ensure participation from these minority parties, it has been the practice that the bigger parties share their opportunities with minority parties. The retention of this practice in the 6th Parliament should be considered. [↑](#footnote-ref-1)