**TECHNICAL PROPOSALS ON DETERMINATIONS AND RULE AMENDMENTS**

**PREPARED BY THE NATIONAL ASSEMBLY TABLE**

**OCTOBER 2019**

**A DETERMINATION FOR DECLARATION OF VOTE**

1. Rule 108(2) states that the time allocated to a member from each party for making a declaration of vote must be determined by the Rules Committee and must take into account the proportional strength of the party in the House.
2. In the Fifth Parliament the allocation was as follows

*ANC 7 minutes, DA 5 minutes, EFF 4 minutes and all other parties 3 minutes (46 minutes).*

1. In the Sixth Parliament it is proposed that the following allocation be considered:

*ANC 8 minutes, DA 6 minutes, EFF 5 minutes, IFP 4 minutes, FF Plus 4 minutes and all other parties 3 minutes (54 minutes).*

NOTE: This time allocation results in declarations of vote being equivalent to a debate.

**B DETERMINATION FOR NUMBER OF MINISTERIAL RESPONSES**

1. Rule 132(6) provides that the number of permissible ministerial responses to members’ statements must be determined by the Rules Committee.
2. In the Fifth Parliament 6 Ministerial responses were taken and it is proposed that this number be increased to 7.

**C RULE AMENDMENT – MOTIONS WITHOUT NOTICE**

1. Rule 123(2)(d)(iv) which provides for procedure whereby notice of a motion may be dispensed with was suspended.
2. In this specific instance the requirement that a member may not be given an opportunity to read out and move a motion without notice in the House unless (iv) at least five parties including the majority party and the largest minority party have notified the Secretary to the National Assembly at least 30 minutes before the sitting of the House commences that they have no objection to the motion being moved without notice, was suspended.
3. The following standing order was agreed to for the duration of the Fifth Parliament.

That -

1. *subject to the other provisions of Rule 123, a member may be given an opportunity to read out and move a motion without notice in the House unless at least five parties including the majority party and the largest minority party have notified the Secretary to the National Assembly at least 30 minutes before the sitting of the House commences that they have an objection to the motion being moved without notice; and*
2. *subject to the conditions for a notice to be read, once a motion is read in the House, any member may then object to the motion being proceeded with without notice in which case such a motion will not be put for decision but will be considered to be a notice and submitted as such.*
3. It is proposed that the Subcommittee consider a rule amendment along the lines of the previous standing order.

**D FURTHER CONSIDERATIONS IN RESPECT OF MOTIONS WITHOUT NOTICE**

1. All motions, except for certain exceptions listed in Rule 123(1), require notice. Members and parties should never be taken by surprise by being required to take a formal decision on any issue without having been given the time properly to consider the proposal in advance. It is nevertheless recognised that the House has to retain a degree of flexibility and therefore Rule 123(2) provides an opportunity for members to move motions without notice, with the unanimous concurrence of all members present. If there is even a single objection the motion is converted to a notice of motion.
2. Once agreed, motions without notice are published in the Minutes of Proceedings of the National Assembly. They are resolutions of the House and, where applicable, are communicated to the affected persons or bodies under the signature of the Speaker.
3. In June 2019 the National Assembly Rules Committee agreed that 23 motions without notice be permitted on a sitting day. Each motion would not exceed one and a half minutes and the number of opportunities for each party in the sequence would be as follows: ANC – 7; DA – 3; EFF – 2; and all other parties 1 opportunity each.
4. Motions without notice have, in some instances, been utilised more as an opportunity for a members’ statement than to bring matters of a general or congenial nature to the House and allow it to express a collective view thereon. In these instances, where the motion is objected to, the motion is often converted to a notice of motion and published on the Order Paper where if not programmed, within a certain period, it will lapse.
5. Furthermore, the constrained timeframes and volume of motions without notice being dealt with during a sitting week, places a burden on members and staff to ensure that what is agreed to by the House is of the standard expected for a resolution of the National Assembly.
6. While recognising the need to ensure that private members are given sufficient opportunities to bring matters of concern for their political party or constituency to the attention of the House and also to preserve the rationale that informs opportunities for motions without notice, it is proposed that consideration be given to reducing the number of opportunities for motions without notice (from 23 to 11), but increasing the number of opportunities for members’ statements (from 17 to 23).
7. A total of 11 opportunities for motions without notice, when these are taken on a Tuesday and Thursday, would allow the following opportunities on a sitting day: ANC – 4; DA – 2; EFF – 1; IFP/FF Plus – 1 and all other parties 1 opportunity per group.
8. Members statements could be increased from 17 opportunities to 23 in the following sequence:

**1**. ANC; **2.** DA; **3.** EFF; **4**. ANC; **5**. IFP; **6.** FF Plus; **7**. ANC; **8**. ACDP, **9**. UDM, **10**. ATM; **11**. DA; **12**. EFF; **13**. ANC; **14**. Good, **15**. NFP; **16**. ANC; **17**. AIC; **18**. COPE; **19**. ANC; **20**. DA; **21**. PAC; **22**. Al Jama-ah; **23**. ANC.

1. The number of opportunities for each party in the sequence would be as follows: ANC – 7; DA – 3; EFF – 2; and all other parties 1 opportunity each.

**E NOTICES OF MOTION**

1. Rule 128(3) provides that a notice of motion on the Order Paper lapses after a period determined by the Rules Committee from time to time or at the end of the day on the last sitting day of an annual session or when the Assembly is dissolved.
2. When notice has been given of a motion, the full text is printed on the Order Paper once.

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, or until such time as it lapses.

1. Notices of motions on the Order Paper which are not programmed within six weeks lapse It is proposed that this period be retained for the duration of the Sixth Parliament.