**SECOND REPORT OF NATIONAL ASSEMBLY RULES COMMITTEE, 2021**

The National Assembly Rules Committee presents its Second Report for 2021 as follows:

1. **MECHANISM FOR MONITORING OF REPLIES TO QUESTIONS**

Assembly Rule 136 provides that the Speaker must in consultation with the Rules Committee 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 143(2), 144(5) and 146(3). These Rules relate to oral and written questions not replied to by the executive within the stipulated timeframes. The Rule further provides that the Leader of Government Business must be informed of any steps taken in respect of any member of the executive in giving effect to the monitoring of replies and the application of Rules 143 to 146.In relation to ministerial replies, the Rules Committee noted that the mechanism of questions was an essential tool for members to serve their constituents and oversee Executive action. As such, while the Speaker may not dictate the form in which a Minister should reply to a question, it is expected of Ministers to answer the specific points contained in a question concerning matters under executive control.

Subsequent to the referral of the matter to the Subcommittee on Review of Assembly Rules by the Rules Committee, the Speaker made a proposal for the Subcommittee’s consideration.

Having considered the mechanism adopted by the Rules Committee of the Fifth Parliament and the Speaker’s proposal, the Subcommittee made the following recommendation to the Rules Committee for a mechanism to monitor replies to questions:

1. The Speaker writes to affected Cabinet members on a quarterly basis, requesting reasons for failure to meet the deadlines of Rules 143(1) where relevant, and 145(5)(a) with regard to all questions that are late and not replied to.
2. The Speaker writes to the Leader of Government Business, also quarterly, informing that office of the outstanding replies and correspondence sent to affected Ministers.
3. A report on the responses by Ministers regarding unanswered questions be submitted to the Rules Committee for information and published in the Announcements, Tablings and Committee Reports (ATC) for the information of all members.
4. In the event of continuous non-compliance or lack of improvement, the Speaker should consider a reprimand in the plenary sitting of the Assembly and such reprimand be published fully in the minutes of proceedings of the Assembly.
5. As a last resort, the Speaker may escalate the matter through a formal complaint directed to the Leader of Government Business.

The Rules Committee agreed to the above proposal.

**B.         ESTABLISHMENT OF NEW PORTFOLIO COMMITTEE**

Rule 190 of the Rules of the National Assembly creates the Rules Committee, which is responsible at the start of each Parliament to establish portfolio committees to assist it with the performance of any of its functions or the exercise of any of its powers. In practice, portfolio committees mirror the executive portfolios.

 In terms of Assembly Rule 225, the Speaker acting with the concurrence of the Rules Committee must establish a range of portfolio committees, assign a portfolio of government affairs to each committee and determine a name for each committee. Rule 226 provides that a portfolio committee consists of the number of Assembly members that the Speaker may determine with the concurrence of the Rules Committee, subject to the provisions of Rule 154, which deals with the composition of committees. It was decided at the Rules Committee meeting of 5 June 2019 that portfolio committees should consist of 11 members composed as follows: ANC 6, DA 2, EFF 1 and other parties 2. At the start of the Sixth Parliament, therefore, the Rules Committee created, among others, the Portfolio Committee on Human Settlements, Water and Sanitation for oversight purposes to reflect the executive dispensation at the time.

On 5 August 2021, however, the President of the Republic announced certain changes to his Cabinet. One of the changes led to the separation of the human settlements, water and sanitation portfolio into two distinct portfolios with their own Ministers.

In keeping with the new portfolios of the executive as announced by the President, the Human Settlements, Water and Sanitation portfolios must now be split into two distinct portfolio committees.

With the portfolios now separated in the new Cabinet, there is a need to establish a new, separate Portfolio Committee on Water and Sanitation. The new Committee would be established with the same composition as all other portfolio committees.

The Rules Committee agreed to the establishment of the Portfolio Committee on Water and Sanitation.

Report to be considered.