

**MATTERS REFERRED TO THE SUBCOMMITTEE ON THE REVIEW OF THE NATIONAL ASSEMBLY RULES**

1. **Background**
2. The Speaker has referred certain matters to the Subcommittee on the Review of Assembly Rules (the Subcommittee) for consideration and report **(Annexure A)**. In addition, there were several other issues which have been tabled in the Subcommittee previously.

**B. Matters before the Subcommittee**

1. **Composition of the Chief Whips Forum**

National Assembly Rule 257 provides for the establishment, composition and functions of the Chief Whips Forum. The rules determine that the Forum provides a platform to discuss and co-ordinate matters for which the whips are responsible. The Forum consists of –

1. The House Chairpersons
2. The Chief Whip of the Majority Party
3. The Deputy Chief Whip of the Majority Party
4. The most senior whip of each of the other parties represented in the Assembly.

A concern has been raised that Members not specifically designated by the rules have been attending the Forum. In addition, some parties in the Assembly do not have a whip and may therefore be unable to attend. With regard to the above, it has been proposed that the rules clarify the composition of the Forum.

**Recommendation:** That the Subcommittee discuss the composition of the Chief Whips Forum in the context of its mandate. Subject to these discussions, an appropriate rule amendment could be drafted.

1. **Consideration of Ruling of Mr Dyantyi**

On 29 July 2020, Ms H Mkhaliphi, MP, wrote to the Secretary to the National Assembly to complain about the conduct of Temporary Chairperson, Mr Q R Dyantyi MP, who removed her from the sitting (on the virtual platform) of the House during the consideration the Special Adjustment Budget. The Chairperson removed Ms Mkhaliphi owing to her interjections.

Rule 70 states that if a presiding officer is of the opinion that a Member is deliberately contravening the rules, or that a Member is disregarding the authority of the chair, he or she may order the Member to leave the platform.

At the time, Ms Mkhaliphi indicated her remarks were made during an interval (between votes), and were not intended to show disrespect. It was on this basis that she challenged the ruling. The Speaker subsequently referred the principle of the ruling to Subcommittee in terms of Rule 92(12).

Rule 92 (12) states that a Member who is aggrieved by a ruling may subsequently request that the principle or subject (on which the ruling is based) be referred to the Rules Committees. The Rules Committee must, however, confine its consideration to the principle of the ruling and may not review the ruling itself, which is binding.

The hansard (unrevised) from House is attached **(Annexure B).**

**Recommendation:** That the Subcommittee invite Ms Mkhaliphi to explain her remarks and thereafter consider the principle and prerogative of the presiding officer to maintain order and the powers associated therewith.

1. **Time of Declarations of Vote**

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.

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).

Following the inception of the Sixth Parliament it was proposed that the following allocation be considered – **ANC 8 minutes, DA 6 minutes, EFF 5 minutes, IFP 4 minutes, FF+ 4 minutes and all other parties 3 minutes (54 minutes).** This question was referred to political parties for consideration.

**Recommendation:** that the Subcommittee consider the proposal to amend the time for declarations of the vote and the implications thereof.

(4) **Discussion on Questions to the Deputy President**

Assembly Rule 139 (1) states that questions to the Deputy President must be scheduled by the Programme Committee once per month during session in accordance with the programme of the Assembly, provided that the Programme Committee must determine which months qualify during session. Each question day, the Deputy President must answer six questions that relate to his functions as designated by the President (his current designated functions are attached as **Annexure C**).

In the context above, a proposal has been made that the Deputy President answer questions once per quarter instead of every month.

**Recommendation:** That the Subcommittee discuss the rules and practices relating to questions to the Deputy President. Subject to these discussions, an appropriate rule amendment could be drafted.

1. **Opportunities for Debates for Smaller Parties**

The Assembly rules provide that Members can table motions and specifically matters for debate in the House. These motions are scheduled by the National Assembly Programme Committee. The practice has developed that Members be provided an opportunity on a party-proportional basis using the following sequence – ANC, DA, EFF, ANC, IFP, FF Plus, ANC, DA, Group 1, ANC, Group 2, ANC, DA, EFF, ANC, Group 3, ANC.

The smaller parties are grouped as follows –

Group 1: ACDP, UDM,

Group 2: ATM, Good, NFP,

Group 3: AIC, Cope, PAC, Al Jama’ah

There has been a proposal that additional opportunities be provided for smaller parties to have their motions debated. In this regard, it has been agreed that, as an interim measure, the number of party motions debated in mini-plenaries be increased from two a day to four each day, subject to confirmation by the Programme Committee. In the longer term, however, the Rules Committee should consider the relevant rules and practices.

**Recommendation:** That the Subcommittee consider the current sequencing for motions and endorse the view that more opportunities be created for debate in mini-plenaries.