**REPORT OF SUBCOMMITTEE ON REVIEW OF ASSEMBLY RULES**

6 August 2021

**A. Introduction**

(1) On 9 March 2021, the National Assembly Rules Committee (the Rules Committee) discussed the implementation of National Assembly Rule 136, and specifically a mechanism to monitor questions to the Executive endorsed as unanswered. It was agreed that the matter be referred to the Subcommittee on Review of Assembly Rules (the Subcommittee) for consideration and report.

(2) The Subcommittee met on 6 August 2021 to deliberate on the matter and reports as follows.

**B. National Assembly Rule 136 and Speaker’s proposal**

(1) Rule 136 provides that –

1. 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).
2. 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.

(2) In the previous Parliament, the Rules Committee agreed to a system to establish a Subcommittee to Monitor and Report on Questions Endorsed as Unanswered, as well as procedures related thereto[[1]](#footnote-1). However, the report of the Rules Committee was not considered by the House and lapsed.

(3) The need for a monitoring and reporting system was then revived by the Rules Committee in the Sixth Parliament and referred to the Subcommittee. At the same time, it was agreed that the Office of the Speaker would continue to monitor replies to questions. Pursuant to these decisions, Speaker proposed another system (see recommendations).

**C. Deliberations and Recommendations**

1. The Subcommittee concurred that the mechanism of questions was an essential tool for members to serve their constituents and oversee Executive action. As such, while the Speaker is unable to lay down the form in which a Minister should reply to a question, a Minister is expected to confine him- or herself to the points contained in the question concerning matters under their control.
2. With regard to the Speaker’s proposals, members supported the proposals presented although there were different views in respect of certain provisions. First, an argument was made that the President delegated the Leader of Government Business (LOGB) to manage the affairs of government in the Assembly. As such, the Speaker should, as a last resort, lodge a complaint with the LOGB, instead of the President. In such instances, the presiding officers should also interact with the LOGB. It was further proposed that, subject to the procedures, the Speaker should reprimand those in the Executive who have failed to reply to questions.
3. Members also affirmed that other appropriate measures may be taken to monitor responses to questions over and above those required by the mechanism.
4. Lastly, members noted the need to strengthen liaisons between Parliament and the Executive and, in particular, the Office of the Leader of Government Business in Parliament, to facilitate working arrangements.
5. Following deliberations, the **Subcommittee** **recommended that the Rules Committee –**
6. endorse the principle that a member of the Executive is expected to confine him- or herself to the points contained in the question.
7. confirm that other measures may be taken to monitor responses to questions over and above those required by the mechanism; and
8. support the proposals tabled by the Speaker but consider the following amendments to clauses (iv) and (v)[[2]](#footnote-2) –
9. 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.
10. The Speaker writes to the Leader of Government Business, also quarterly, informing that office of the outstanding replies and correspondence sent to affected Ministers.
11. 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.
12. In the event of continuous non-compliance or lack of improvement, the Speaker [may] **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.
13. As a last resort, the Speaker may escalate the matter through a formal complaint directed to the [President and copying the Leader of Government Business] **Leader of Government Business.**

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Ms DE Dlakude, MP

**Chairperson of Subcommittee on Review of Assembly Rules**

1. Minutes of Rules Committee 18 October 2017 and ATC 25 October 2017. [↑](#footnote-ref-1)
2. Proposed omissions are bracketed and additions underlined and in bold. [↑](#footnote-ref-2)