Annexure F

**Report to the National Assembly Rules Committee**

**Reasons given by Cabinet Members on delayed replies to Questions**

1. **Background**
2. On 14 June 2021, members of Cabinet were requested to provide reasons for delayed replies to parliamentary questions. This has been done on a quarterly basis in accordance with the system for monitoring replies to questions agreed to by the National Assembly (the System). In view of the fact that the System has now been implemented over three quarters, the reasons given for delayed replies should now be assessed by the National Assembly Rules Committee (the Rules Committee).
3. A parliamentary question has two purposes: to seek information from Cabinet members, and to press them for action about matters under their control or within their official responsibilities. National Assembly Rule 134(5)(b) states: *“Questions must relate to matters for which Cabinet members are officially responsible.”*
4. Rule 145 (5) (a) states: “*A question for written reply must be replied to within 10 working days, provided that the responsible Minister may in writing request the Speaker for an extension not exceeding a further 10 working days on good cause shown.”*
5. **Reasons provided by Ministers**
6. The following general reasons were provided for delayed replies –
7. The technical nature of some questions, and challenges in gathering and verifying information / research (where information is available);
8. That certain questions relate to provinces, local government or entities over which ministers have no / limited control; and
9. Challenges arising from changing departmental management.

**C. Comments and Observations**

1. Parliamentary questions are an essential tool for members to oversee and hold the Executive to account. It is apparent that members are making more use of questions. In general, the 10-day deadline for replies to questions is reasonable and in keeping with international practices.
2. Among the reasons for delayed replies reported by ministers is the need for, and reliance on, information sourced from provinces, local government and other entities, over which they have limited control. In some cases, questions do not fall strictly within the ambit of ministerial responsibilities. Other questions seek highly technical or statistical information which requires research and verification. Some of these challenges can be addressed by way of procedural reforms. A further reason for delayed response appears to be issues of departmental management and communications. Such challenges require attention by Parliament as well as the Office of the Leader of Government Business (LOGB).

**D. Recommendations**

1. The Rules Committee consider the reasons provided by ministers for delayed replies; and.
2. The Committee consider developing guidelines on replies, and these be communicated to the LOGB. Proposals follow below –

**Draft Guidelines:**

(1) The Executive may not exceed the 10 working days as per Rule 146(1) and / or 145(5), or the extension period agreed to by the Speaker as per the same with regard to questions for written reply or the provision of Rule 143(1) with regard to questions for oral reply in order to provide a reply to a member’s parliamentary question.

(2) The executive must answer each and every point raised in a question in a comprehensive manner and also reasonably assist a member to the extent that the information in his or her question is incorrect.

(3) Members of the Cabinet must attend to the management around parliamentary questions to ensure that the timeframes set out in Rules 143(1) and 145(5) and 146(1) are complied with. This should include –

* + 1. The maintenance of information and records within departments;
    2. A centralized database and register of questions and replies; and
    3. The standardization of responsibilities of Parliamentary Liaison Officers (PLOs).

(4) Where a matter falls outside the responsibility of a Minister, the Minister should expeditiously provide the respective member with a response as to the reasons why the matter does not reside in the affected department.

(5) Where departments co-sponsor projects in provinces or local government, Ministers should only reply with regard to their responsibility. Departments that share functional areas of concurrent responsibilities should only provide replies to the extent of the responsibility it shares and not provide any information or responses on behalf of another sphere of government.

(7) Replies to questions which are commonly known as ‘holding replies’ do not constitute a reply to a question and may not be processed as such.

(8) The LOGB should consider the cost implications of questions to departments and make any recommendations arising in this regard to the Rules Committee.

(9) While best practice determines that questions can seek information dating back as far as 30 years, the LOGB should provide the Rules Committee with a reasonable cut-off period, especially to source technical or statistical information.