**Proposed Rule Amendments arising from the Report into allegations of Sexual Harassment**

(21 September 2022)

**A. Background**

1. The question of possible rule amendments arising from the physical removal of members from the House in June 2022, as well as the investigative report concerning the allegations of sexual harassment against female members which followed (summary attached), was raised in the Rules Committee on 6 September 2022. The following amendments are proposed below. To note, text in brackets and bold are to be removed, and underlined text is to be added.
2. National Assembly Rule 73 concerns the removal of members from the Chamber and Precincts. Rule 73 (4) states that: “If a member resists attempts to be removed from the Chamber in terms of Subrule (1) or (2), the Serjeant-at-Arms and the Parliamentary Protection Services may use such force as may be reasonably necessary to overcome any resistance.
3. Rule 73 (10) states that: “If, after having been removed from the Chamber, a member (s) offers resistance to being removed from the precincts, members of the security services may be called upon to assist with such removal.
4. Rule 73 (13) states that the House may approve standard operating procedures, recommended by the Rules Committee, for the exercise of this function, in particular in relation to the use of the Parliamentary Protection Services and members of the security services.

**B. Proposed Rule Amendments**

(1) As the investigative report makes recommendations about the conduct of both members’ and staff, it is recommended that Rule 73 (13) be amended to allow the Rules Committee to determine guidelines and directives to regulate the conduct of the relevant persons, rather than standard operating procedures. This amendment would remove references to staff in the rules, albeit within an appendix.

(2) Rule 73 (13): The **[House]** Rules Committee may approve [**standard operating procedures]** directives and guidelines, **[recommended by the Rules Committee],** for the exercise of this function, in particular in relation to the use of the Parliamentary Protection Services and members of the security services.

**[Annexure C: Standard Operating Procedures]** Guidelines: Removal of Member from Chamber and Precinct

1. If a member refuses to leave the Chamber, the presiding officer asks the Serjeant- at-Arms to remove the member from the Chamber.
2. The Serjeant- at-Arms approaches the member to explain in a respectful manner that the instruction of the presiding officer must be complied with and that failure to do so can constitute a grave offence and have serious implications, including that the member may need to be physically removed from the Chamber.
3. If the member still refuses to leave, the Serjeant- at-Arms indicates to the presiding officer that the member refuses to comply, whereupon the presiding officer informs the House that the Parliamentary Protection Services are to be called upon to assist.
4. The Parliamentary Protection Services personnel enter the Chamber upon the instruction of the presiding officer, and proceed to remove the member under the direction of the Serjeant- at-Arms, provided that -
5. Parliamentary Protection Services personnel of one gender may not touch a member of another gender; and
6. Members of one gender may not touch a Parliamentary Protection officer of another gender.

(3) National Assembly Rule 203 relates to the functions and powers of the Subcommittee on the Physical Removal of a member from the Chamber. It states that: “The Subcommittee must consider the circumstances of the physical removal of a member from the Chamber as reported to it by the Speaker in terms of Rule 73(12), taking into account all the relevant aspects including -

1. the conduct of the member concerned, specifically in relation to the rules and statutes concerning the rights and conduct of members;
2. the ruling by the relevant presiding officer; and
3. the manner in which the member was removed.