

REPORT OF THE JOINT RULES COMMITTEE ON PROPOSED AMENDMENTS TO CHAPTERS 3 TO 5 OF JOINT RULES OF PARLIAMENT (6TH EDITION), 2024

INTRODUCTION

The Joint Rules Committee (JRC) adopted proposed amendments to Chapters 1 to 2B of the Joint Rules, as recommended by the Joint Subcommittee on Review of the Joint Rules (Subcommittee) on 1 December 2023. On 20 March 2024, the Subcommittee, having processed the outstanding Joint Rules, further recommended to the JRC the adoption of proposed amendments to Chapters 3 to 5.

The JRC, having considered and adopted the proposed amendments, reports as follows:

PROPOSED RULES

The following Joint Rules are submitted for consideration by the National Assembly and National Council of Provinces, respectively:

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from the existing text.
 _____ Words underlined with a solid line indicate insertions in existing text.

CHAPTER 3

JOINT COMMITTEE SYSTEM

Part 1: Introduction

63 [15]. Joint committees

(1) The Assembly and the Council have the following joint committees:

[(a) Committees established by or in terms of the Joint Rules:]

- (i) the Joint Rules Committee established by joint rule **[53]** 109;
- (ii) the Joint Programme Committee established by joint rule **[90]** 124;
- (iii) the Constitutional Review Committee established by joint rule **[97]** 131;
- (iv) the Mediation Committee **[established by]** contemplated in section 78 of the Constitution and referred to in joint **[rule 104]** rules 138 and 139;
- (v) the Joint Committee on Ethics and Members' Interests established by joint rule **[121]** 164;

[(vi)-

(vii)-

[Joint Rules 15(1)(a)(vi) - (vii) deleted: 1 Sept 2009 (NA), 16 Sept 2009 (NCOP)]

(vi) The Joint Standing Committee on Intelligence referred to in joint rule 158;

(vii) The Joint Standing Committee on Defense referred to in joint rule 159;

(viii) Joint Standing Committee on Financial Management of Parliament to in joint rule 152; and

(ix) any joint committees that may be established in terms of these Rules [in terms of joint rule 111 to consider and report on Bills; and

(vii) any *ad hoc* joint committees that may be established in terms of joint rule 138.

[(b) Committees established in terms of legislation:

(i) The Joint Standing Committee on Intelligence mentioned in joint rule 120; and

(ii) [the Joint Committee on Oversight of Security Matters established by joint rule 117].

[(2) Other joint committees may be established to deal with any other matters affecting both Houses but only in terms of joint rule 142.]

[(3)](2) If a proposal to establish a joint committee is contained in draft legislation before a portfolio committee, a select committee or a joint committee referred to in joint rule [111] 186, that committee must first refer the proposal to the Joint Rules Committee for a report and recommendation before that committee considers the proposal.

64 [16]. Subcommittees

(1) A joint committee—

(a) has such subcommittee[s] as [are] established in terms of [by the Joint] these Rules; and

(b) may appoint a subcommittee only when—

(i) provided for [there is provision for such appointment in the Joint] in these Rules; or

(ii) authorised by the Joint Rules Committee or by resolutions of [adopted in] the Assembly and the Council.

(2) Subrule (1) does not prevent a joint committee from assigning a task to one or more of its members for [a purely] an internal or administrative purpose.

(3) If a proposal to establish a joint subcommittee is contained in draft legislation before a portfolio committee, a select committee or a joint committee referred to in joint rule [111] 186, that committee must first refer the proposal to the Joint Rules Committee for a report and recommendation before that committee considers the proposal.

65[17]. Application of Rules to committees and subcommittees established in terms of legislation

The Joint Rules also apply to a joint committee or joint subcommittee established in terms of legislation, and in such application the committee or subcommittee must be deemed to have [regarded as having] been established in terms of these Rules.

Part 2: Rules applicable to joint committees generally

66[18]. Application of this Part

The provisions of this Part apply to all joint committees established by or in terms of these [the_Joint] Rules, **[except in so far as any of these provisions is inconsistent with—**

- (a) **another provision of the Joint Rules applicable in a specific case; or**
- (b) **a resolution adopted in both Houses.]**

67[19]. Composition

- (1) Except where the Joint Rules **[or decisions of the Joint Rules Committee]** prescribe otherwise, the composition of a joint committee shall be such that—
 - (a) parties are entitled to be represented in the Assembly component of joint committees in substantially the same proportion **[as the proportion]** in which they are represented in the Assembly; and
 - (b) each province [provinces] is [are] entitled to be [equal] represented by at least one delegate in a committee [representation in the Council component of joint committees].

[Introductory words to Subrule (1) substituted, 22 Sept 1999 (NA) and 14 Oct 1999 (NCOP)]

- (2) Subrule (1)(a) only applies if the number of members in the Assembly component of the joint committee allows for all parties to be represented.

68[20]. Appointment procedures

- (1) Except where the Joint Rules provide for the appointment of the members of a joint committee in a specific case—
 - (a) the Speaker appoints the members of the Assembly component of a joint committee after consulting—
 - (i) the Chief Whip of the majority party in the Assembly, when a member representing the majority party is appointed; or
 - (ii) the most senior whip of a minority party in the Assembly, when a member representing that particular party is appointed[.]; or
 - (iii) the **[most senior] whip[s] of other minority parties, when a member representing other minority parties is appointed.**
 - (b) the Chairperson of the Council appoints the members of the Council component of a joint committee **[after consulting the head of a provincial delegation, when a member representing that a delegation is appointed, or] after consulting the Chief Whip of the Council.**
- (2) The names of the members appointed must be published [announced] in the ATC without delay.

69[21]. Alternates

- (1) Alternates may be appointed for one or more specific members of a joint committee in accordance with the same procedure prescribed for committee members in terms of joint rule **[20] 68**.
- (2) An alternate acts as a member when the member for which the alternate was appointed—
 - (a) is absent; or
 - (b) has vacated office, until the vacancy is filled.

70[22]. Term of office

- (1) Members of a joint committee and alternates **[for members]** are appointed until **[the Assembly's] their term expires [or the Assembly is dissolved, whichever occurs first]**.
- (2) A member of a joint committee ceases to be a member and an alternate for a member ceases to be an alternate—
 - (a) if a whip of the party to which that member or alternate belongs—
 - (i) in the case of an Assembly member, gives notice to the Speaker, in writing, that the member or alternate is to be replaced or withdrawn; or
 - (ii) in the case of a Council member, if the Chief Whip of the Council [representing a party in a committee], gives notice to the Chairperson of the Council, in writing, that the member or alternate is to be replaced or withdrawn. **]; or**
 - (b) **if a whip of the provincial delegation to which that member or alternate belongs, in the case of a Council member representing a province in a committee, gives notice to the Chairperson of the Council, in writing, that the member or alternate is to be replaced or withdrawn.]**

71[23]. Chairpersons

- (1) Unless these Rules or a resolution of both Houses provide otherwise, a member of the Assembly component elected by that component and a member of the Council component elected by that component are the co-chairpersons of a joint committee.

[(1)(A) If a joint committee has co-chairpersons, the co-chairpersons must co-chair meetings of the committee except when one of them takes the chair by agreement between them. If a committee has a single chairperson, that person must chair meetings of the committee.]

- (2) The co-chairpersons or the chairperson of a joint committee, as the case may be—
 - (a) preside at meetings of the committee except when one of them takes the chair by agreement between them;
 - (**[a]_b**) may act in any matter on behalf of and in the best interests of the committee when it is not practical to arrange a meeting of the committee to discuss that matter, if that matter concerns—
 - (i) a request by a person to give evidence or make oral representations to the

- committee;
- (ii) any other request to the committee; and
 - (iii) the initiation of any steps or decisions necessary for the committee to perform its functions or exercise its powers; and
- [(b) c]perform the functions **[, tasks and duties]** and exercise the powers that the committee, resolutions adopted by both the Assembly and the Council or legislation may assign to the co-chairpersons.
- (3) The co-chairpersons or chairperson of a joint committee must report to the committee on any steps taken in terms of subrule (2)(**[a]b**).
- (4) (a) **[If a joint committee has a single chairperson, the chairperson, in] In** the event of an equality of votes on any question before the committee, the chairperson must exercise a casting vote in addition to the chairperson's vote as a member.
- [(b) If a joint committee consists of House components and decides questions before it by way of agreement between the majorities in the respective components, the co-chairperson of the committee appointed from a component, in the event of an equality of votes on any question before the component, must exercise a casting vote in addition to that person's vote as a member.]**
- (5) The co-chairpersons or the chairperson of a joint committee, as the case may be, perform the functions set out in subrules (1) and (2) subject to the other provisions of the Joint Rules and the directions of the committee.

72[24]. Acting chairpersons

- (1) If a joint committee has co-chairpersons and one of the co-chairpersons is absent or unable to perform the functions of co-chairperson, the relevant component of the committee may elect another of its members as acting co-chairperson to perform the functions and exercise the powers of that co-chairperson.
- (2) If a joint committee has a single chairperson and that chairperson is absent or unable to perform the functions of the chairperson, the **[deputy chairperson]** committee may, where a deputy chairperson doesn't exist, elect one of its members [acts as chairperson] to perform the functions and exercise the powers of the chairperson.

73[25]. First meetings

- (1) The Secretary of a joint committee must call a meeting of a **[joint]** committee within five working days after the **[majority of the] names [of the committee, and in the case of House components both components] of the committee members** have been announced in the ATC in line with the provisions of sections 57(2)(b) and 70(2)(b) and (c) of the Constitution.
- (2) If both or either of the Houses are in recess the Secretary must notify the members of the committee and inform the Chief Whip of the majority party and the most senior

whip of each of the other parties in the Assembly and the Chief Whip of [, and the **delegation whips in,**] the Council, of the time and place of the meeting at least 14 days before the meeting.

- (3) Unless these rules provide otherwise, at the first meeting of a joint committee, or whenever necessary thereafter, the secretary of the joint committee must preside over the election of a chairperson, co-chairperson or acting chairperson as the case may be.

74[26]. Meetings

- (1) Joint committees meet whenever necessary and as determined in accordance with the Joint Rules and the decisions, directives and guidelines of the Joint Programme Committee.
- (2) A meeting of a joint committee may be called in terms of subrule (1) by—
- (a) the chairperson or co-chairpersons of the joint committee; or
 - (b) the Joint Rules Committee.
- (3) If one of the co-chairpersons of a joint committee is not available, the other co-chairperson may call a meeting of the committee.

75[27]. Matters relating to quorum and decisions

- (1) **[A joint committee may proceed with business irrespective of the number of members present.]** A joint committee at all times requires at least one third of its members to be present for it to conduct any business.
- (2) A majority of the members [of a joint committee, and in the case of a committee with House components, a majority] in both components[,] must be present for a joint committee to decide any question.
- (3) When a joint committee has to decide a question and the number of members present is insufficient for a decision to be taken, the member or members presiding may either suspend business until a sufficient number of members is present, or adjourn the meeting.
- [(3) If a joint committee consists of House components and decides questions before it by way of agreement between the majorities in the respective components subrule (2) applies also to such a component when the number of members in that component who are present at the meeting, is insufficient for a decision to be taken by the component.]**

76[28]. Co-option when members and alternates not available

If a member of a joint committee and that member's alternate are both absent from a meeting of the committee, the chairperson or co-chairpersons may co-opt any other Assembly or Council member, as may be appropriate, to act as a member of the committee

until that committee member or the alternate member is no longer absent.

77[29]. Interruption, suspension or adjournment

The member or members presiding at a meeting of a joint committee may interrupt or suspend the proceedings or adjourn the meeting, and may change the date for the resumption of business provided reasonable notice is given thereof.

78[30]. Charges against members

If any information reflecting upon the integrity of [charging] an Assembly or Council member comes before a joint committee, the committee may not proceed upon that information, but must report it without delay to the Speaker or the Chairperson of the Council, as the case may be **[appropriate]**.

79[31]. Reporting to Houses

- (1) A joint committee must report to both Houses on a matter referred to the committee –
 - (a) when the Houses are to decide the matter in terms of—
 - (i) the Joint Rules;
 - (ii) the respective House Rules;
 - (iii) a resolution adopted in both Houses; or
 - (iv) legislation;
 - (b) if the committee has taken a decision on the matter, whether or not the Houses are to decide the matter as contemplated in paragraph (a); or
 - (c) if the committee is unable to decide a matter referred to it for a report.
- (2) A joint committee must report **[to both Houses]** on—
 - (a) all other decisions taken by it, except those decisions concerning its internal business; and
 - (b) its activities at least once per year.
- (3) A report of a joint committee—
 - (a) must be formally adopted by the committee;
 - [(a)b]** must be submitted to a House by the co-chairperson of the committee who is a member of that House, or by another member of the committee who is a member of that House and designated by the committee; and
 - [(b) c]** may request that that co-chairperson, or another member of the committee who is a member of the relevant House and designated by the committee, introduces or explains the report in the House.
- (4) A joint committee may not submit a minority report **[except where provided for in these Rules]**.
- (5) If a report is not unanimous, it must—
 - (a) specify in which respects there was no consensus; and
 - (b) in addition to the views representative of the majority in the committee, express

- any views of a minority in the committee; and
 (c) record the results of any vote.

- (15) 6) If a joint committee reports on a matter other than a matter mentioned in subrule (1)(a) and is of the view that its report, or a specific matter mentioned in the report, should be considered by the Houses, it may make a request to that effect in the report.

80[32]. General powers

- (1) For the purposes of performing its functions and exercising its powers, a joint committee may, subject to the Constitution, legislation, these [the other provisions of the Joint] Rules and resolutions of the Houses—
- (a) summon any person to appear before it to give evidence on oath or affirmation, or to produce documents;
 - (b) receive petitions, representations or submissions from interested persons or institutions;
 - (c) conduct public hearings;
 - (d) permit oral evidence, including evidence on petitions, representations and submissions;
 - (e) determine its own **[procedure] working arrangements**;
 - (f) meet at a venue determined by it, which may be a venue beyond the seat of Parliament;
 - (g) meet on any day and at any time, including—
 - (i) on a day which is not a working day;
 - (ii) on a day on which a House or both Houses are not sitting;
 - (iii) at a time when a House or both Houses are sitting; or
 - (iv) during a recess of a House or both Houses; and
 - (h) exercise any other powers assigned to it by the Constitution, legislation, these [the other provisions of the Joint] Rules or resolutions adopted in both Houses.
- (2) No joint committee may—
- (a) initiate legislation for introduction in a House; or
 - (b) consider legislation in the legislative process except when expressly empowered to do so.
- (3) Subject to the approval of the Speaker and Chairperson, the Secretary may pay to witnesses summonsed in terms of section 14(1) of the Act or **[rule 32 of the Joint Rules] subrule (1)(a)** a reasonable sum for travelling and attendance time and for transport expenses actually incurred.
- (4) Prior to a witness giving evidence before a **[House or] committee**, the member presiding shall inform the witness as follows:

“Please be informed that by law you are required to answer fully and satisfactorily all the questions lawfully put to you, or to produce any document that you are required to produce, in connection with the subject matter of the enquiry, notwithstanding the fact that the answer or the document could incriminate you or expose you to criminal or

civil proceedings, or damages. You are, however, protected in that evidence given under oath or affirmation before a House or committee may not be used against you in any court or place outside Parliament, except in criminal proceedings concerning a charge of perjury or a charge relating to the evidence or documents required in these proceedings.”

[Rule 32(3) & (4) inserted, 13 September 2005 (NA); 14 September 2005 (NCOP)]

81[33]. Conferring powers

- (1) A joint committee may confer with any other joint committee or with a committee of either House.
- (2) Joint committees must confer—
 - (a) if a resolution adopted in both Houses instructs them to confer; or
 - (b) during a recess of both or any of the Houses, if the Speaker and the Chairperson of the Council, acting jointly and with the concurrence of the Chief Whip of the majority party in the Assembly and the Chief Whip of the Council, instruct them to confer.
- (3) When joint committees meet to confer the respective chairpersons or co-chairpersons of the committees co-chair the meeting except when one of them takes the Chair by agreement between them.

Part 2 A: Rules applicable to Virtual or Hybrid Joint Committee Meetings

82[33A]. Application of Rule

These Rules apply to hybrid and virtual meetings of joint committees and joint subcommittees of the National Assembly and the National Council of Provinces, where applicable.

83[33B]. Venue

The venue of a virtual or hybrid joint committee meeting shall be deemed to be Cape Town, the seat of Parliament.

84[33C]. Papers

In terms of these Rules, all papers of the hybrid or virtual joint committee meeting shall be distributed by electronic means to which committee members have access.

85[33D]. Privilege and application of Joint Rules in hybrid or virtual joint committee meetings

In a virtual or hybrid meeting—

- (1) joint committee members shall have the same powers, privileges and immunities which they ordinarily enjoy in parliamentary proceedings; and
- (2) the Joint Rules shall apply.

86[33E]. Presiding Officers

In a virtual or hybrid joint committee meeting, the co-chairpersons of a joint committee shall have all the powers as provided for in the Joint Rules.

87[33F]. Quorum

In a virtual or hybrid joint committee meeting—

- (1) the quorum requirements shall be those as determined by the Joint Rules; and
- (2) for the purposes of determining a quorum, all joint committee members who have logged in and those who are physically present in the Committee room shall be deemed to be present **[for purposes of establishing a quorum].**

88[33G]. Voting

In a virtual or hybrid joint committee meeting—

- (1) members shall be entitled to cast their votes either electronically or by voice or by show of hands **[or by having their vote recorded by their respective whips];**
- (2) the procedure to be followed is predetermined **[by the co-chairpersons,]** and directives are announced by the co-chairpersons;
- (3) only members who are present when a vote is called shall be permitted to vote;
- (4) the results of a vote are announced and, where possible, the names of members and how they voted are recorded in the Minutes of the meeting; and
- (5) members must ensure that their votes are correctly recorded.

89[33H]. Public Access

Access to hybrid or virtual joint committee meetings shall be facilitated in a manner consistent with participatory and representative democracy and, wherever possible, a virtual or hybrid joint committee meeting must be live-streamed.

Part 3: Rules applicable to joint subcommittees generally

90[34]. Application of this Part

The provisions of this Part apply to all joint subcommittees established by or in terms of these **[Joint] Rules. [except in so far as any of these provisions is inconsistent with—**

- (a) **another provision of the Joint Rules applicable in a specific case; or**
- (b) **a resolution adopted in both Houses.]**

91[35]. General rules

- (1) A joint subcommittee established by or in terms of the Joint Rules—
 - (a) is accountable to its parent committee;
 - (b) must carry out **[its] functions assigned [task]** and exercise powers conferred on it by the parent committee [responsibilities within a policy framework determined by its parent committee and] in accordance with the Joint Rules and any directives, guidelines or regulations issued by the parent committee;
 - (c) may consult any joint committee or subcommittee, or any House committee or subcommittee;
 - (d) may determine its own **[procedure] working arrangements**, subject to the Joint Rules, any directives of the parent committee or resolutions adopted in both Houses; and
 - (e) may only make recommendations to its parent committee; and
 - (f) must report to its parent committee regularly or when requested to do so by the parent committee.

- (2) The parent committee of a joint sub-committee—
 - (a) must appoint the members of the subcommittee from among its members;
 - (b) may, if appropriate, determine a period within which the subcommittee must complete its task;
 - (c) must determine the extent, nature and form of the subcommittee's reports to the committee, and time limit for the submission of a report;
 - (d) may delegate any of its powers to the subcommittee necessary for the subcommittee to perform its task; and
 - [(e) may instruct the subcommittee to perform any of its functions.

92[36]. Alternates

- (1) A parent committee may appoint alternates from among its members for one or more specific members of a joint subcommittee.
- (2) An alternate acts as a member when the member for which the alternate was appointed—
 - (a) is absent; or
 - (b) has vacated office, until the vacancy is filled.

93[37]. Term of office

- (1) The members of a joint subcommittee **[established by a provision of the Joint Rules]** and any alternates for those members, are appointed until their [the Assembly's] term expires **[or the Assembly is dissolved, whichever occurs first]**.
- (2) A joint subcommittee established by a joint committee **[in terms of a provision of the Joint Rules]** ceases to exist—
 - (a) when it has completed the task for which it was established; or
 - (b) if it is dissolved by the parent committee earlier.
- (3) A member of a joint subcommittee ceases to be a member and an alternate for a

member ceases to be an alternate if that member ceases to be a member of the parent committee.

94[38]. Chairpersons

(1) A parent committee of a joint subcommittee must designate a member or members of the subcommittee as the chairperson or co-chairpersons of the subcommittee, as the case may be.

[1](2) If a joint subcommittee has co-chairpersons, the co-chairpersons must co-chair meetings of the subcommittee except when one of them takes the chair by agreement between them. If a subcommittee has a single chairperson, that person must chair meetings of the subcommittee.

[2](3) The co-chairpersons or the chairperson of a joint subcommittee, as the case may be—

(a) preside at meetings of the subcommittee;

([a]b) may act in any matter on behalf of and in the best interest of the subcommittee when it is not practical to arrange a meeting of the subcommittee to discuss that matter, if that matter concerns—

(i) a request by a person to give evidence or make oral representations to the subcommittee;

(ii) any other request to the subcommittee; and

(iii) the initiation of any steps or decisions necessary for the subcommittee to perform its functions or exercise its powers; and

([b] c) performs the functions, tasks and duties and exercises the powers that the parent committee, a resolution adopted in both Houses or legislation may assign to the co-chairpersons.

[3](4) The co-chairpersons or chairperson of a joint subcommittee must report to the committee on any steps taken in terms of subrule [(2)](3)(b).

[4](5) The co-chairpersons or the chairperson of a joint subcommittee, as the case may be, perform the functions set out in subrules ([1] 2) and ([2] 3) subject to the other provisions of the Joint Rules and the directions of the parent committee.

95[39]. Acting chairpersons

(1) If a joint subcommittee has co-chairpersons and one of the co-chairpersons is absent or unable to perform the functions of co-chairperson, the relevant component of the subcommittee may elect another of its members as acting co-chairperson to perform the functions and exercise the powers of that co-chairperson.

(2) If a joint subcommittee has a single chairperson and that chairperson is absent or unable to perform the functions of the chairperson, the deputy chairperson acts as chairperson to perform the functions and exercise the powers of the chairperson.

96[40]. Meetings

- (1) Joint subcommittees meet whenever necessary and as determined in accordance with the Joint Rules and the decisions, directives and guidelines of the Programme Committee.
- (2) A meeting of a joint subcommittee may be called in terms of subrule (1) by—
 - (a) the co-chairpersons of the subcommittee;
 - (b) the parent committee; or
 - (c) the co-chairpersons of the parent joint committee.

97[41]. Matters relating to quorum

A joint subcommittee may proceed with business irrespective of the number of members present.

98[42]. Decisions

- (1) A question before a joint subcommittee consisting of House components, is decided by consensus between the two components and within each component.
- (2) If consensus cannot be reached all views in the joint subcommittee on the question must be reported to the parent committee.

99[43]. General powers of joint subcommittees

A joint subcommittee has the powers referred to [listed] in rule [32] 80 only when assigned to it in terms of the Joint Rules or a resolution adopted in both Houses.

***Part 4: Rules applicable to both joint committees
and joint subcommittees generally***

100[44]. Application of this Part

The provisions of this Part apply to all joint committees and joint subcommittees **[established by or in terms of the Joint Rules except in so far as any of these provisions is inconsistent with—**

- (a) another provision of the Joint Rules applicable in a specific case; or
- (b) a resolution adopted in both Houses].

101[45]. Unusual meetings of committees and subcommittees

- (1) A joint committee or subcommittee may sit on a day which is not a working day, or at a venue beyond the seat of Parliament, or during a recess of both or any of the Houses, or at a time when both or any of the Houses is sitting, but only with the permission of the Chief Whip of the majority party in the Assembly and the Chief Whip of the **[majority party in the]** Council.
- (2) If a joint committee or subcommittee applies to the Chief Whips to sit on a day which is not a working day, or at a venue beyond the seat of Parliament, the Chief Whips may

give their permission in terms of subrule (1) only after having consulted the Speaker and the Chairperson of the Council.

102[46]. Persons appearing before joint committees and subcommittees

Any person, including counsel and attorneys, appearing before a joint committee or subcommittee must observe the directions and conform to the procedures determined by the chairperson or co-chairpersons of the joint committee or subcommittee.

103[47]. Admission of the public

- (1) Meetings of joint committees and subcommittees are open to the public, including the media, and the member or members presiding may not exclude the public, including the media, from the meeting, except when—
 - (a) legislation, the Joint Rules or resolutions adopted in both Houses provide for the committee or subcommittee to meet in closed session; or
 - (b) the committee or subcommittee is considering a matter which is—
 - (i) of a private nature that is prejudicial to a particular person;
 - (ii) protected under parliamentary privilege, or for any other reason privileged in terms of the law;
 - (iii) confidential in terms of legislation; or
 - (iv) of such a nature that its confidential treatment is for any other reason reasonable and justifiable in an open and democratic society.
- (2) A decision in terms of subrule (1) to exclude the public must be taken by the joint committee or subcommittee concerned, provided that the chairperson of the committee or subcommittee may at any time—
 - (a) before the start of the meeting rule that the meeting must take place in closed session, but the committee or subcommittee may at any time after the start of the meeting open the meeting; or
 - (b) close the meeting for a decision by the committee or subcommittee whether the matter should be considered in closed session.
- (3) The Speaker and the Chairperson of the Council, acting jointly, must—
 - (a) set aside places for the public in the committee rooms; and
 - (b) determine the entrances and routes through which the public can obtain access to these places.
- (4) The Speaker and the Chairperson, acting jointly, may take reasonable measures—
 - (a) to regulate public access, including access of the media, to the joint committees and subcommittees;
 - (b) to prevent and control misconduct of the public in committee rooms; and
 - (c) to provide for the searching of any person, including that person's vehicle or other property in that person's possession, and, where appropriate, the refusal of entry to, or the removal of, any person.

104[48]. Participation of non [Assembly and Council] members of joint committees and subcommittees

- (1) Any Assembly or Council member who is not a member of the joint committee or subcommittee may attend **[be present at]** a meeting of a joint committee or subcommittee.
- (2) A member referred to **[mentioned]** in subrule (1) **[who is present at a meeting of a joint committee or subcommittee]**—
 - (a) may speak on a matter before a joint committee or subcommittee subject to any reasonable restrictions the chairperson or co-chairpersons may impose; and
 - (b) may not vote **[except when the vote is cast as an alternate or as a coopted member]**.

105[49]. Exclusion of members of the public from meetings

The member or members presiding at a meeting of a joint committee or subcommittee may—

- (a) order a member of the public to leave the meeting—
 - (i) when the public is excluded from a meeting in terms of joint rule **[47] 103(1)**; or
 - (ii) when necessary to give effect to the measures taken under joint rule **[47] 103(3)**; or
- (b) order a person referred to in joint rule **[46] 102** to leave the meeting if that person does not comply with a ruling of the presiding member or members.

106[50]. Exclusion of other persons from meetings

When the public is excluded from a meeting of a joint committee or subcommittee in terms of rule **[47] 103(1)**, the member or members presiding may order a staff member, a member or official of the executive or an Assembly or Council member who is not a member of the committee or subcommittee, also to leave the meeting.

107[51]. Removal of persons

When instructed by the member or members presiding, the Serjeant-at-Arms of the Assembly or the Usher of the Black Rod of the Council must remove or arrange for the removal of any person—

- (a) who, without permission, is present in that part of a committee room designated for members of the joint committee or subcommittee only; or
- (b) who disrupts the proceedings of a joint committee or subcommittee, causes a nuisance or does not leave when ordered to leave under joint rule **[49] 105** or **[50] 106**.

108[52]. Publication of proceedings, evidence, reports, etc.

- (1) All documents officially before, or emanating from, a joint committee or subcommittee are open to the public, including the media, but the following documents may not be published, and their contents may not be disclosed, except with the permission of the

committee, or the parent committee in the case of a subcommittee, or by order of the Speaker and the Chairperson **[of the Council]**, acting jointly, or by resolutions adopted in both Houses:

- (a) The proceedings of, or evidence taken by or placed before, the committee or subcommittee while the public were excluded from a meeting in terms of joint rule **[47] 103(1)**.
 - (b) Any report on or summary of such proceedings or evidence.
 - (c) Any document placed before, or presented to, the committee or subcommittee as a confidential document and declared by it as a confidential document.
 - (d) Any document—
 - (i) submitted or to be submitted to members of the committee or subcommittee as a confidential document by order of the chairperson or co-chairpersons of the committee or subcommittee; or
 - (ii) after its submission to members declared by the chairperson or co-chairpersons as a confidential document.
- (2) The permission, order or resolution authorising the publication, or the disclosure of the contents, of documents mentioned in subrule (1) may provide that specific parts of, or names mentioned in, the document may not be published or disclosed.
- (3) For the purposes of subrule (1) a document is officially before a joint committee or subcommittee when—
- (a) the presiding member or members place the document or permit the document to be placed before the committee or subcommittee; or
 - (b) a person appearing before the committee or subcommittee as a witness or to make representations, presents the document to the committee or subcommittee.
- (4) Subrule (1)(c) and (d) applies only to documents that—
- (a) contain private information that is prejudicial to a particular person;
 - (b) are protected under parliamentary privilege, or for any other reason are privileged in terms of the law;
 - (c) are confidential in terms of legislation;
 - (d) are subject to a media embargo, until the embargo expires; or
 - (e) are of such a nature that their confidential treatment is for any other reason reasonable and justifiable in an open and democratic society.

Part 5: Joint Rules Committee

109[53]. Establishment

There is a Joint Rules Committee.

110[54]. Composition

The Joint Rules Committee consists of the members of the Rules Committee of the Assembly and the Rules Committee of the Council **[sitting together]**.

111[55]. Chairpersons

- (1) The Speaker and the Chairperson **[of the Council]** are the co-chairpersons of the Joint Rules Committee
- (2) If a co-chairperson is not available joint rule 1(2) applies.

112[56]. Functions and powers

- (1) The Joint Rules Committee may—
 - (a) develop, formulate and adopt policy concerning the joint business of Parliament; **[in respect of—**
 - (i) the management, administration and functioning of Parliament;**
 - (ii) [the financial management and policy of Parliament, including the sources of funding, the budget, income and expenditure of Parliament;**
 - (iii) the provision of facilities and other support for Assembly and Council members;**
 - (b) make recommendations to the Houses concerning Parliament’s annual budget;]**
 - [(c) b) monitor and oversee the implementation of policy [on all matters] referred to in paragraph (a);**
 - [(d) c) lay down guidelines, issue directives and formulate regulations regarding any aspect of policy referred to in this rule;**

[Subrule (1)(d) amended by insertion of words “of policy”: 16 Nov 1999 (NA), 18 Nov 1999 (NCOP)]

- [e] prescribe the style in which draft legislation must be drafted, including the form and format of Bills and amendments to Bills;]**
 - [(f) d) apart from the subcommittees mentioned in joint rule [63] 117(1)[(a) to (i)], appoint any other subcommittees to assist it with the performance of any of its functions or the exercise of any of its powers;**
 - [(g) e) in terms of section 45 of the Constitution make joint rules and orders concerning the joint business of the Houses, in order [including joint rules and orders]**
 - (i) to determine procedures to facilitate the legislative process, including setting a time limit for completing any step in the process; and
 - (ii) to regulate its own business and that of any other joint committee or any joint subcommittee;
 - [(h) deal with all matters relating to the funding of political parties, including the making of recommendations to the President for the enactment of regulations for the purposes of section 10 of the Public Funding of Represented Political Parties Act, 1997 (Act 103 of 1997);] and**
 - [(i) f) perform any other functions assigned to it by legislation, [the other provisions of the Joint] these Rules or resolutions adopted in the Assembly and the Council.**
- (2) The Joint Rules Committee may deal with a matter falling within its functions and

powers—

- (a) on its own initiative; or
- (b) when referred to it for consideration and report by—
 - (i) the Assembly or the Council, or both;
 - (ii) the Speaker or the Chairperson **[of the Council]**, or both; or
 - (iii) the Assembly Rules Committee or the Council Rules Committee.

113[57]. Decisions

- (1) A question before the Joint Rules Committee is decided when there is agreement on the question between **[(a)]** the majority of the members of the Assembly component; and **[(b)]** the majority of the permanent delegates of the Council component.
- (2) If the Joint Rules Committee reports to the Houses in terms of joint rule **[31] 79** on a decision taken by the Committee on any question within its powers and the one House accepts the decision and the other House rejects the decision, the question must be referred to **[reconsidered by]** the Committee for reconsideration.
- (3) On reconsideration, the question is decided by the Joint Rules Committee when it is supported by the majority of the votes cast jointly provided that the votes are weighted in such a way that the Assembly and Council components have an equal number of votes.
- [(4) A decision in terms of subrule (3) on a matter other than a matter mentioned in joint rule 58, is binding on both Houses].**

114[58]. New joint rules and amendments to the Joint Rules

If the Joint Rules Committee amends the Joint Rules, or makes a new joint rule, in terms of section 45 of the Constitution and either the Assembly or the Council, or both, reject the amendment or new rule, the Committee must reconsider the amendment or new rule and either—

- (a) withdraw the amendment or new rule; or
- (b) rephrase it in a way acceptable to both Houses.

[59. Minority party participation

A political party represented in the Council that is not represented in the Council Rules Committee may designate one of its Council permanent delegates to attend, and to speak in, the Joint Rules Committee, but that member may not vote].

115[60]. Local government participation

The Joint Rules Committee must invite the representatives of organised local government in the Council to designate one of them to attend, and to speak in, the Committee, but that representative may not vote.

116[61]. Control and management of joint administration

- (1) Subject to the decisions of the Joint Rules Committee or resolutions adopted in both Houses, the Speaker and the Chairperson **[of the Council]**, acting jointly, are responsible for –
- (a) the implementation of policy determined by these **[Joint] Rules [Committee;**
and
 - (b) **—]**

[Subrule (1)(b) deleted : 16 Nov 1999 (NA), 18 Nov 1999 (NCOP)]

- [(2) The Speaker and the Chairperson of the Council, acting jointly and with the concurrence of the Joint Rules Committee, may appoint task teams to assist them in executing their responsibility mentioned in subrule (1).]**

[62. Policy matters requiring decision during recess

- (1) **If during a recess a matter of policy arises that requires a Joint Rules Committee decision but cannot await finalisation when the session resumes, the Speaker and the Chairperson of the Council may convene a meeting of those of the following office—bearers that are available to decide on the matter:**
- (a) **from the Assembly:**
 - (i) **the Speaker;**
 - (ii) **the Deputy Speaker;**
 - (iii) **the Chief Whip of the majority party in the Assembly;**
 - (iv) **the Deputy Chief Whip of the majority party in the Assembly;**
 - (v) **the Chairpersons of Committees in the Assembly;**
 - (vi) **the Deputy Chairperson of Committees in the Assembly**
 - (vii) **the chairperson of the relevant Subcommittee of the Assembly Rules Committee under whose jurisdiction the matter in question falls;**
 - (viii) **the most senior whip of each of the other parties in the Assembly; and**
 - [(ix) a committee chairperson designated by the Committee of Chairpersons in the Assembly; and]**
 - (b) **from the Council:**
 - (i) **the Chairperson of the Council;**
 - (ii) **the permanent Deputy Chairperson of the Council;**
 - (iii) **the Chief Whip of the Council;**
 - (iv) **the Chairpersons of Committees in the Council;**
 - (v) **the Deputy Chairperson of Committees in the Council**
 - (vi) **the chairperson of the relevant Subcommittee of the Council Rules Committee under whose jurisdiction the matter in question falls;**
 - (vii) **a whip from each provincial delegation; and**
 - (viii) **a party that does not have a Provincial Whip may be represented by a party representative.**

- (2) Joint Rule 21 applies to the office-bearers referred to in the paragraph (a) and (b) and subrule (1).
- (3) (a) A majority of the members listed in subrule (1) (a) and a majority of the members listed in subrule (1) (b) constitute a quorum.
 (b) The matter before a meeting convened in terms of subrule (1), is decided when there is agreement on the question among—
 (i) the majority of the members in the Assembly component who are present; and
 (ii) the majority of the members in the Council component who are present.
- (4) Decisions taken in terms of this rule must be published in the ATC within three days].

117[63]. Subcommittees

- (1) The Joint Rules Committee has the following subcommittees—
 (a) **[The Joint Subcommittee on the Parliamentary Budget;**
 (b)] the Joint Subcommittee on Review of the Joint Rules;
[The Joint Subcommittee on the removal of Member from Chamber;]
 [(c) **[the Joint Subcommittee on Support for Members;**
 (d) **the Joint Subcommittee on Internal Arrangements;**
 (e) **the Joint Subcommittee on International Relations;**
 (f) **[the Joint Subcommittee on the Funding of Political Parties;**
 (g) **the Joint Subcommittee on Delegated Legislation;]**
 ([h] **b**) the Joint Subcommittee on Powers and Privileges of Parliament; and
 ([i] **c**) any other subcommittees appointed in terms of joint rule **[56(1)(f)] 112(1)(e).**

[Notes:

- 1. NCOP Subcommittee proposes the combination of—**
 - ***the Joint Subcommittee on the Parliamentary Budget and the Joint Subcommittee on Support for Members; and***
 - ***the Joint Subcommittee on Review of Joint Rules and Joint Subcommittee on Powers and Privileges of Parliament.***
- 2. *The Joint Subcommittee considered the matter and supports the NCOP's recommendation with the exception of the IFP in the Assembly. The IFP is not against the clustering of subcommittees but does not support combining the Subcommittees on the Budget and Support for Members.]***

- (2) When the Joint Rules Committee appoints members of a subcommittee, the Committee—
 (a) is not restricted to the members of the Committee; and
 (b) may appoint any Assembly or Council member.
- [(3) A subcommittee of the Joint Rules Committee may not issue directives relating to any aspect of the control and management of the joint administration of**

Parliament.]

[[Subrule (3) added : 16 Nov 1999 (NA), 18 Nov 1999 (NCOP)]]

[Joint Subcommittee on the Parliamentary Budget

64. Composition

- (1) The Joint Subcommittee on the Parliamentary Budget consists of Assembly and Council members as set out in subrules (2) and (3).
- (2) The Assembly component consists of the members of the Assembly Subcommittee on the National Assembly Budget.
- (3) The Council component consists of the members of the Council Subcommittee on the Council Budget and Support for Members.

65. Chairpersons

The chairperson of the Assembly Subcommittee and the chairperson of the Council Subcommittee are the co-chairpersons of the Joint Subcommittee.

66. Functions and powers

The Subcommittee may—

- (a) make recommendations to the Joint Rules Committee on the development, formulation and adoption of policy regarding—
 - (i) the financial management of Parliament;
 - (ii) the sources of funding, resources, income and expenditure of Parliament; and
 - (iii) the preparation of Parliament's annual budget;
- (b) monitor and oversee the implementation of policy on the matters referred to in paragraph (a) and make recommendations in this regard to the Joint Rules Committee; and
- (c) perform any other function and exercise any other power assigned to it by the Joint Rules Committee.

Note:

In terms of the new Governance Model adopted by the Houses on 29 March 2007 (NA) & (NCOP) this Subcommittee is no longer active.]

Joint Subcommittee on Review of the Joint Rules

118[67]. Composition

[(1)] The Joint Subcommittee on Review of the Joint Rules consists of the respective members of the Subcommittees on Review of Assembly and Council Rules.

[permanent delegates as set out in subrules (2) and (3)].

- [(2) **The Assembly component consists of the members of the Assembly Subcommittee on Review of the National Assembly Rules.**
- (3) **The Council component consists of the permanent delegates of the Council Subcommittee on Review of the Council Rules and Parliamentary Privileges.]**

119[68]. Co-Chairpersons

The chairperson of the Assembly Subcommittee and the chairperson of the Council Subcommittee on Review of Rules are the co-chairpersons of the Joint Subcommittee.

120[69]. Functions and powers

The Subcommittee may—

- (a) make recommendations to the Joint Rules Committee regarding—
- (i) the proceedings, procedures, rules, orders and practices of Parliament; and
 - (ii) the development, formulation and adoption of policy on a matter mentioned in subparagraph (i); and

[NCOP Subcommittee proposes addition of the following subparagraphs if its proposal for the combination of this Subcommittee and the Subcommittee on Powers and Privileges is accepted:

(aA) must review existing legislation, the common law and practice relating to parliamentary powers and privileges;

(aB) may make recommendations to the Joint Rules Committee to transform the existing law and practice on parliamentary powers and privileges;]

- (b) perform any other function and exercise any other power assigned to it by the Joint Rules Committee.

[Joint Subcommittee on Support for Members

70. Composition

- (1) **The Joint Subcommittee on Support for Members consists of Assembly and Council members as set out in subrules (2) and (3).**
- (2) **The Assembly component consists of—**
- (a) **the Deputy Speaker; and**
 - (b) **the other members of the Assembly Subcommittee on Support for Assembly Members.**
- (3) **The Council component consists of—**
- (a) **the permanent Deputy Chairperson of the Council; and**
 - (b) **the members of the Council Subcommittee on the Council Budget and Support for Members.**

71. Chairpersons

The Chairperson of the Assembly Subcommittee and the Chairperson of the Council Subcommittee are the co-chairpersons of the Joint Subcommittee.

[Joint Rule amended: NA – 16/3/2000; NCOP – 14/3/2000]

72. Functions and powers

- (1) The Subcommittee may—
 - (a) make recommendations to the Joint Rules Committee on the development, formulation and adoption of policy regarding the provision of facilities, including training for members, and other support for Assembly and Council members;
 - (b) monitor and oversee the implementation of policy on the matters referred to in paragraph (a) and make recommendations in this regard to the Joint Rules Committee; and
 - (c) perform any other function and exercise any other power assigned to it by the Joint Rules Committee.
- (2) The Subcommittee must consult the Joint Subcommittee on the Parliamentary Budget on any of its recommendations that has financial implications for Parliament.
- (3) If the Joint Subcommittee on the Parliamentary Budget disagrees with the recommendation, the two Subcommittees must report the disagreement to the Joint Rules Committee.

Note:

In terms of the new Governance Model adopted by the Houses on 29 March 2007 (NA) & (NCOP) this Subcommittee is no longer active.

Joint Subcommittee on Internal Arrangements

73. Composition

- (1) The Joint Subcommittee on Internal Arrangements consists of Assembly and Council members as set out in subrules (2) and (3).
- (2) The Assembly component consists of—
 - (a) the Deputy Speaker; and
 - (b) the other members of the Assembly Subcommittee on Internal Arrangements.
- (3) The Council component consists of—
 - (a) the permanent Deputy Chairperson of the Council; and
 - (b) the other members of the Council Subcommittee on Internal Arrangements.

74. Chairpersons

The Deputy Speaker and the permanent Deputy Chairperson of the Council are the co-chairpersons of the Subcommittee.

75. Functions and powers

The Subcommittee may—

- (a) make recommendations to the Joint Rules Committee on the development, formulation and adoption of policy regarding the administration and management and functioning of Parliament, including—
 - (i) staff;
 - (ii) infrastructure;
 - (iii) household services and catering;
 - (iv) human resource development and training;
 - (v) information systems and the library; and
 - (vi) public relations and public education;
- (b) monitor and oversee the implementation of policy on the matters referred to in paragraph (a) and make recommendations in this regard to the Joint Rules Committee; and
- (c) perform any other function and exercise any other power assigned to it by the Joint Rules Committee.

Note:

In terms of the new Governance Model adopted by the Houses on 29 March 2007 (NA) & (NCOP) this Subcommittee is no longer active.

Joint Subcommittee on International Relations

76. Composition

- (1) The Joint Subcommittee on International Relations consists of Assembly and Council members as set out in subrules (2), (3) and (4).
- (2) From the Assembly:
 - (a) the Speaker and the Deputy Speaker;
 - (b) one member of each of the parties in the Assembly and designated by the party concerned;
 - (c) one member of the portfolio committee on foreign affairs designated by that committee;
 - (d) the Chairperson of Committees in the Assembly; and
 - (e) three chairpersons of Assembly committees designated by the Assembly Committee of Chairpersons.
- (3) From the Council:
 - (a) the Chairperson and the permanent Deputy Chairperson of the Council; and

(b) the other members of the Council Subcommittee on International Relations.

(4) From either the Assembly or the Council:

- (a) one member to represent the Inter-Parliamentary Union (IPU);
- (b) one member to represent the Commonwealth Parliamentary Association (CPA);
- (c) one member to represent the African, Caribbean and Pacific Group of Countries - European Union (ACP-EU); and
- (d) one member to represent the Southern African Development Community Parliamentary Forum.

77. Chairpersons

- (1) The Speaker and the Chairperson of the Council are the co-chairpersons of the Subcommittee.
- (2) If a co-chairperson is not available joint rule 1(2) applies.

78. Functions and powers

The Subcommittee may—

- (a) make recommendations to the Joint Rules Committee on the development, formulation and adoption of policy regarding Parliament's international relations, including—
 - (i) relations with other Parliaments and international organisations;
 - (ii) membership of international parliamentary organisations;
 - (iii) visits abroad by parliamentary groups; and
 - (iv) the hosting and receiving of delegations from abroad;
- (b) monitor and oversee the implementation of policy on the matters referred to in paragraph (a) and make recommendations in this regard to the Joint Rules Committee; and
- (c) perform any other function or exercise any other power assigned to it by the Joint Rules Committee.

79. Decisions

- (1) A question before the Subcommittee is decided by consensus among the members of the Subcommittee.
- (2) If consensus cannot be reached, all views in the Subcommittee on the question must be reported to the Joint Rules Committee.

Joint Subcommittee on the Funding of Represented Political Parties

80. Composition

- (1) The Joint Subcommittee on the Funding of Represented Political Parties consists of members of both Houses appointed in such a way that—
 - (a) the party that holds the largest number of seats in the Assembly, has ten members;
 - (b) the party that holds the second largest number of such seats, has three members;
 - (c) the party that holds the third largest number of such seats, has two members; and
 - (d) the other parties that hold seats in the Assembly, have one member each.
- (2) The Speaker and the Chairperson of the Council, acting jointly, appoint the members of the Subcommittee on the advice of—
 - (a) the Chief Whips of the majority party in the Assembly and in the Council, when a member to represent the majority party must be appointed; or
 - (b) the most senior whips of a minority party in the Assembly and the Council, when a member to represent that party must be appointed.

81. Chairperson and deputy chairperson

The Subcommittee must elect one of its members from the one House as its chairperson and another of its members from the other House as its deputy chairperson.

82. Functions and powers

The Subcommittee may—

- (a) make recommendations to the Joint Rules Committee concerning the enactment of regulations referred to in section 10 of the Public Funding of Represented Political Parties Act, 1997 (Act 103 of 1997); and
- (b) perform any other function, task or duty and exercise any other power assigned to it by the Joint Rules Committee.

83. Decisions

- (1) A question before the Subcommittee is decided by consensus among the members of the Subcommittee.
- (2) If consensus cannot be reached all views in the Subcommittee on the question must be reported to the Joint Rules Committee.

Joint Subcommittee on Delegated Legislation

84. Composition

- (1) The Joint Subcommittee on Delegated Legislation consists of Assembly and Council members as set out in subrules (2) and (3).

- (2) The Assembly component consists of the members of the Assembly Subcommittee on Delegated Legislation.
- (3) The Council component consists of the members of the Council Subcommittee on Delegated Legislation.

85. Chairpersons

The chairperson of the Assembly Subcommittee and the chairperson of the Council Subcommittee are the co-chairpersons of the Joint Subcommittee.

86. Functions and powers

The Subcommittee—

- (a) must investigate and make recommendations to the Joint Rules Committee on possible mechanisms that could be used by legislators to maintain oversight of the exercise of legislative powers delegated to the executive; and
- (b) must perform any other function and may exercise any other power assigned to it by the Joint Rules Committee.

Note:

- 1. *Section 101 (4) of the Constitution provides for national legislation to determine procedures for subordinate legislation to be tabled in and approved by Parliament.*
- 2. *In addition section 146 of the Constitution gives the NCOP a role in determining overrides with regard to subordinate legislation.]*

Joint Subcommittee on Powers and Privileges of Parliament

121[87]. Composition

- (1) The Joint Subcommittee on Powers and Privileges of Parliament consists of Assembly and Council members as set out in subrules (2) and (3).
- (2) The Assembly component consists of—
 - (a) the Deputy Speaker; and
 - (b) the other members of the Assembly [**Subcommittee on** Powers and Privileges Committee **of Parliament**].
- (3) The Council component consists of—
 - (a) the permanent Deputy Chairperson [**of the Council**]; and
 - (b) the members of the Council [**Subcommittee on Review of the Council Rules and** Powers and [**Parliamentary** Privileges Committee].

122[88]. Co-Chairpersons

The Joint Rules Committee must appoint one of the members in the Assembly component and one of the members in the Council component of the Subcommittee as co-chairpersons of the Subcommittee.

123[89]. Functions and powers

The Subcommittee

- (a) must deal with any matter affecting powers and privileges of members arising from joint business referred to it by the Speaker and the Chairperson, acting jointly;
- (b) must deal with any matter affecting powers and privileges of members arising from joint business referred to it by a member or members;
- (c) may deal with any matter relating to powers and privileges of members arising from joint business on its own accord
- ([a] d) may [must] review existing legislation, the common law and practice relating to parliamentary powers and privileges;
- ([b] e) may make recommendations to the Joint Rules Committee to transform the existing law and practice on parliamentary powers and privileges; and
- ([c] f) must perform any other function and may exercise any other power assigned to it by the Joint Rules Committee.

Part 6: Joint Programme Committee

124[90]. Establishment

There is a Joint Programme Committee.

125[91]. Composition

- (1) The Joint Programme Committee consists of the respective members of the Programme Committees of the Assembly and Council [Leader of Government Business in Parliament and Assembly and Council members as set out in subrules (2) and (3)].
- (2) **The Assembly component consists of members of the—**
 - (a) **the Speaker;**
 - (b) **the Deputy Speaker;**
 - (c) **the [House] Chairperson[s: Committees in the Assembly;**
 - (d) **the Deputy Chairperson of Committees in the Assembly];**
 - (e) **the Chief Whip of the majority party in the Assembly;**
 - (f) **the deputy chief whip of the majority party;**
 - (g) **the whip of the majority party responsible for programming;**
 - (h) **the number of party representatives that the Speaker may determine with the concurrence of the Assembly Rules Committee, provided that each party is entitled to at least one representative on the committee. [another two whips of the majority party designated by that party;**
 - (i) **one whip and two additional representatives of the largest minority party in the Assembly, designated by that party;**
 - (j) **one whip and one additional representative of the second largest minority**

- party in the Assembly, designated by that party; and
- (k) one whip of each of the other minority parties in the Assembly, designated by the party concerned].

Or (2) The Assembly component consists of the members of the National Assembly Programme Committee

- (3) The Council's component consists of—
- (a) the Chairperson [of the Council];
 - (b) the Deputy Chairpersons of the Council;
 - (c) the House Chairpersons in the Council;
 - (d) two representatives from each provincial delegation of which one must be the delegation whip and the other a special delegate;
 - (e) the Chief Whip of the Council;
 - (f) the Programming Whip;
 - (g) A party that does not have a Provincial Whip may be represented by a party representative; and
 - (h) a party that is entitled to a Party Whip may be represented by such a Whip.

Or (3) The Council's component consists of the members of the National Council of Provinces Programme Committee.]

- (4) A member [referred to in subrule (2) or (3)] who is unable to attend a meeting of the Committee may designate another member to attend the meeting.

126[92]. Chairpersons

- (1) The Speaker and the Chairperson [of the Council] are the co-chairpersons of the Joint Programme Committee.
- (2) If a co-chairperson is not available joint rule 1(2) applies.

127[93]. Functions and powers

The Joint Programme Committee—

- (a) must prepare and, if necessary, from time to time adjust the annual programme of Parliament, including the legislative programme;
- (b) must monitor and oversee the implementation of Parliament's annual legislative programme and may set deadlines for the introduction of Bills and their scheduling;
- (c) must implement the Joint Rules regarding the scheduling or programming of the business of Parliament, and the functioning of the joint committees, joint subcommittees and other joint structures;
- (d) may take decisions and issue directives and guidelines to prioritise any joint business of the Houses;
- (e) may set time limits for completing any steps in the legislative process or extend any such time limits; and

- (f) **[may take such steps as are necessary for the fast tracking of a Bill, including those steps provided for in joint rules 214 and 216; and**
- (g) must perform any other function or may exercise any other power as may be assigned to it by resolutions adopted in the Assembly and in the Council.

128[94]. Decisions

- (1) A question before the Joint Programme Committee is decided when there is agreement on the question between—
 - (a) the majority of the members in the Assembly component; and
 - (b) the majority of the provinces represented in the Council component.

129[95]. Reporting to Houses

Joint rule 79[31] does not apply to the Joint Programme Committee.

130[96]. Subcommittees

[(1) The Committee must appoint a subcommittee from amongst its members for the ongoing work of the Committee, including for the exercise of the powers conferred on it by joint rules 214 and 216.]

[(2) 1] The Joint Programme Committee may appoint a subcommittee from among its members to perform any of its functions or exercise any of its powers as it may assign to the subcommittee.

[(3) 2] A subcommittee [established in terms of subrule (2)] may only make recommendations to the Committee[, while [except] the subcommittee envisaged in subrule (1) which may take decisions within its mandate].

Part 7: Constitutional Review Committee

131[97]. Establishment

There is a Constitutional Review Committee which must review the Constitution at least annually.

132[98]. Composition

- (1) The Joint Committee consists of 14 Assembly members and 9 Council permanent delegates .

[Joint Rule 98 (1) amended : 1 Sept 2009 (NA), 16 Sept 2009 (NCOP)]

- (2) (a) The Speaker must appoint the Assembly members of the Committee on the advice of the parties concerned.
- (b) The Chairperson **[of the Council]** must appoint the Council permanent delegates of the Committee on the advice of the Chief Whip of the Council

[provinces or parties concerned].

[Joint Rule 98 substituted: 15 Sept and 17 Nov 1999 (NA), 21 Sept 1999 (NCOP)]

133[99]. Alternates

If alternates are appointed for members of the Constitutional Review Committee in terms of joint rule 69 [21], the appointment must be in accordance with the composition requirements set out in joint rule 132 [98].

134[100]. Participation of local government

The Constitutional Review Committee must invite the representatives of organised local government in the Council to designate one of them to attend, and to speak in the Committee, but that representative may not vote.

135[101]. Chairpersons

The Constitutional Review Committee must appoint one of the members in the Assembly component and one of the permanent delegates in the Council component of the Committee as co-chairpersons of the Committee.

[Joint Rule 101 amended: 1 Sept 2009 (NA), 16 Sept 2009 (NCOP)]

136[102]. Functions and powers

- (1) The Constitutional Review Committee must review the Constitution annually and report on the review to the Assembly and the Council.
- (2) For the purposes of subrule (1) the Committee must annually—
 - (a) before the first day of May, by notice in the public media, invite the public to submit to the Committee, within 30 days, written representations on any constitutional matter;
 - (b) after the closing date for representations in terms of paragraph (a), identify those constitutional matters that it intends to review, taking into account any representations received in response to the invitation and any submissions made in terms of paragraph (c); and

[Joint Rule 102 (b): “subrule (3)” amended to read “paragraph (c) – technical amendment]

- (c) at the start of the third term of a year, or in accordance with a time frame determined by resolutions adopted in the Assembly and in the Council, consider all representations concerning matters identified by the Committee in terms of paragraph (b) and received by the Committee in response to the invitation from—
 - (i) the public;
 - (ii) any Assembly and Council committees and members, and joint committees;
 and
 - (iii) any organs of state.

- (3) The Constitutional Review Committee must consider and make submissions on any Bill amending the Constitution referred to it by the Speaker or the Chairperson.

137[103]. Decisions

A question before the Constitutional Review Committee is decided when there is agreement on the question between—

- (a) the majority of the members in the Assembly component; and
- (b) the majority of the provinces represented in the Council component.

Part 8: Mediation Committee

138. Establishment per Bill

- (1) When it is announced in the ATC that a Bill must be referred for mediation in terms of joint rule 226 or 235, the Assembly and Council must—
 - (a) establish the relevant Mediation Committee to deal with that Bill; and
 - (b) appoint the members of that Mediation Committee in accordance with joint rule 139(1).
- (2) The Mediation Committee must be established as soon as reasonably possible.
- (3) Once established, the Bill must be referred to the Mediation Committee for consideration.

139[104]. Composition

- (1) The Mediation Committee **[established by]** contemplated in section 78 of the Constitution consists in terms of that section of—
 - (a) nine members of the Assembly elected in accordance with a procedure prescribed by the Assembly rules in substantially the same proportion that parties are represented in the Assembly; and
 - (b) one Council member from each province designated by the provincial delegation to the Council.
- (2) A political party represented in the Assembly or the Council which is not represented in the Mediation Committee may designate one of its members in either the Assembly or the Council to attend, and to speak in the Committee, but that member may not vote.

140[105]. Alternates

If alternates are appointed for members of the Mediation Committee in terms of joint rule 69 [21], the appointment must be in accordance with the composition requirements set out in joint rule **[104]** 139(1)[(a) and (b)].

141[106]. Chairpersons

A member of the Assembly component of the Mediation Committee elected by that component and a member of the Council component elected by that component are the co-chairpersons of the Committee.

142[107]. Functions and powers

- (1) The Mediation Committee must consider **[Bills]** a Bill referred **[to it]** for mediation, in terms of joint rule 226 [177,] or **[186]** 235 **[or 212]** or 250(2) with a view to finding agreement between the two components of the Committee on a version of the Bill.
- (2) When the Committee considers a Bill it may—
 - (a) require any person to appear before it to give explanations or to produce a document concerning the Bill;
 - (b) consult any Assembly portfolio committee, any Council select committee or any joint committee; and
 - (c) conduct its proceedings in any way it considers appropriate.

143[108]. Meetings

- (1) The Mediation Committee must meet promptly whenever a Bill is referred to it in terms of the Joint Rules.
- (2) A meeting of the Committee must be called by the co-chairpersons.
- (3) If one of the co-chairpersons is not available the other co-chairperson must call the meeting.
- (4) If both co-chairpersons are not available or for any reason omit to call the meeting, the Speaker and the Chairperson **[of the Council]**, acting jointly, must call the meeting.
- (5) Joint rule 79 **[31]** does not apply to the Mediation Committee.

144[109]. Decisions

- (1) A question before the Mediation Committee is decided in accordance with section 78(2) of the Constitution when there is agreement on the question between—
 - (a) at least five members in the Assembly component of the Committee; and
 - (b) at least five members in the Council component of the Committee.
- (2) Each of the co-chairpersons has a vote as a member but has no casting vote.
- (3) In respect of constitutional amendments, a question before the Mediation Committee is decided as contemplated in subrules (1) and (2), but the voting majorities required by section 74 of the Constitution apply when the Bill is considered in the Assembly and in the Council.

145[110]. Meetings to be held in closed session

In order to facilitate negotiation and mediation, meetings of the Mediation Committee, despite joint rules 103 [47] and 104 [48], are closed to non-members of the Committee, including the public and the media, except with the permission of the Committee.

[Part 9: Joint committees on Bills

[Note:

As drafted these Rules provide for referral of section 74, 75 and 76 Bills to a joint committee, although section 45 of the Constitution only applies to section 74 and 75 Bills. We have added section 76 Bills, but have provided in rule 171 for the removal of such Bill from the joint committee if there is no consensus. This rule would therefore not undermine the mediation process or the two-thirds NA majority requirement.]

146[111]. Establishment

A joint committee to consider a Bill may be established—

- (a) by a resolution adopted in both Houses, but if the Council is not sitting the Chairperson of the Council may decide on its behalf provided that the Chairperson's decision is ratified at the next sitting of the Council; or**
- (b) by a decision of the Speaker and the Chairperson of the Council, acting jointly, if the Houses are in recess.**

147[112]. Composition

A joint committee on a Bill consists of an Assembly portfolio committee and the corresponding Council select committee.

148[113]. Chairpersons

A joint committee on a Bill is co-chaired by the chairperson of the Assembly portfolio committee and the chairperson of the Council select committee.

149[114]. Functions and powers

A joint committee on a Bill must consider the Bill referred to it, in accordance with Part 3 and other relevant provisions of Chapter 4 of the Joint Rules.

150[115]. Decisions

A question before a joint committee is decided when there is agreement on the question between—

- (a) the Assembly component, by a vote taken in terms of the Assembly rules applicable to portfolio committees; and**
- (b) the Council component, by a vote taken in terms of the Council rules applicable to select committees.**

151[116]. Participation of local government

A joint committee must invite the representatives of organised local government in the Council to designate one of them to attend, and to speak in, the committee, but that representative may not vote.]

Joint Standing Committee on Financial Management of Parliament

152[1]. Establishment

There is a Joint Standing Committee on Financial Management of Parliament, established in terms of Section 4 of the Financial Management of Parliament and Provincial Legislatures, Act No. 10 of 2009, as amended.

153[2]. Composition

- (1) The Joint Standing Committee on Financial Management of Parliament consists of 9 Assembly members and 5 Council delegates.
- (2)
 - (a) The Speaker must appoint the Assembly members of the Committee on the advice of the parties concerned.
 - (b) The Chairperson of the Council must appoint the Council delegates of the Committee on the advice of the Chief Whip of the Council **[provinces or parties concerned]**.

154[3]. Alternates

If alternates are appointed for members of the Joint Standing Committee on Financial Management of Parliament in terms of joint rule 69 [21], the appointment must be in accordance with the composition requirements set out in joint rule 153 [98].

155[4]. Chairpersons

The Joint Standing Committee on Financial Management of Parliament must elect **[appoint]** one of the members in the Assembly component and one of the delegates in the Council component of the Committee as co-chairpersons of the Committee.

156[5]. Functions and powers

- (1) The Committee may require the Executive Authority, Accounting Officer and any official of Parliament to appear before it;
- (2) The Committee maintain oversight of the financial management of Parliament by, inter alia, –
 - (a) considering Executive Authority directives with financial implications;
 - (b) considering draft strategic plan and annual report submitted to Parliament by the

- Executive Authority;
- (c) considering any Executive Authority instruction that might be inconsistent with the Act or its regulations;
 - (d) considering written instructions made by the Executive Authority regarding implementation of the Act; and
 - (e) performing any other functions specified in the Act or assigned to it by the Joint Rules Committee.

157[6]. Decisions

- (1) A question before the Joint Standing Committee on Financial Management of Parliament is decided when a quorum is present and there must be agreement on the question among the majority of its members.
- (2) A majority of the members from each House component of the joint standing committee constitutes a quorum.

Part 10: Committees on security services

[Joint Committee on Oversight of Security Matters

Joint Committee on Oversight of Security Matters

117. Establishment

- (1) **There is a Joint Committee on Oversight of Security Matters consisting of Assembly and Council members as set out in subrules (2) and (3).**
- (2) **The members of the Committee in the Assembly component must be appointed in such a way that—**
 - (a) **the majority party in the Assembly has 13 members;**
 - (b) **the largest minority party in the Assembly has three members;**
 - (c) **the second largest minority party in the Assembly has two members; and**
 - (d) **each of the other parties in the Assembly has one member.**
- (3) **The Council component consists of the members of the select committee responsible for security matters.**

118. Chairpersons

The Joint Committee must appoint one of the members in the Assembly component and one of the members in the Council component of the Committee as co-chairpersons of the Committee.

[Joint Rule 118 amended: 1 Sept 2009 (NA), 16 Sept 2009 (NCOP)]

119. Functions

- (1) **The Joint Committee has oversight of the South African National Defence Force and the South African Police Service to give effect to the principles of transparency and accountability as envisaged in section 199(8) of the**

Constitution, and for that purpose the Committee must meet at least once a year to do an annual review of the security service concerned, including a review of—

- (a) the budget, functioning, organisation, armaments, policy, morale and state of preparedness of the South African National Defence Force; and
- (b) the budget, functioning, organisation, policy and morale of the South African Police Service.

(2) The Committee—

- (a) must report to both Houses before the end of May every year on its annual review; and
- (b) may at any time report to the Assembly and the Council on any other matter relating to parliamentary oversight of the security services concerned.

Note:

1. *Draft rules 117 to 119 are proposed to give effect to the requirements of section 199(8) of the Constitution that multiparty parliamentary committees must have oversight of the security services in a manner determined by national legislation or the rules and orders of Parliament.*
2. *The main function of the Joint Committee on Oversight of Security Matters will be to do an annual overview of the SA National Defence Force and the SA Police Service.*
3. *In addition to the Joint Committee, the relevant Portfolio Committee of the Assembly and Select Committee of the Council will have their usual oversight powers, to be exercised throughout the year on a continuous basis.*
4. *The intelligence services are dealt with separately in rule 120.*
5. *Rules 117 to 119 will have to stand over until section 228 of the 1993 Constitution is repealed. Until such repeal the Joint Standing Committee on Defence established by that section must perform the oversight function concerning the South African National Defence Force.]*

Joint Standing Committee on Intelligence

158[120]. Establishment

The Joint Standing Committee on Intelligence established by the Intelligence Services Control Act, 1994 (Act 40 of 1994), must perform the oversight function concerning the intelligence services as required by section 199(8) of the Constitution.

Note:

See Schedule B for Rules of the Joint Standing Committee on Intelligence. Schedule incorporated by reference

Joint Standing Committee on Defence

159[120A]. Establishment

There is a Joint Standing Committee on Defence as required by section 228(3) of the Constitution of 1993.

[Joint Rule 120A added: 22 Sept 1999 (NA), 14 Oct 1999 (NCOP)]

160[120B]. Membership

[The total membership of the Joint Standing Committee on Defence, which is contemplated in section 228(3) of the Constitution, 1993, read with item 24(1) of Schedule 6 to the Constitution, is equal to the number obtained by dividing by 10 the total number of seats held in the National Assembly by all parties holding more than 10 such seats, any fraction obtained being disregarded.]

The Joint Committee consists of Assembly and Council members as shall be determined by the Joint Rule Committee at the beginning of each Parliament in accordance with section 228(3) of the Constitution, 1993, read with item 24(1) of Schedule 6.

161[120C]. Chairpersons

The Joint Standing Committee on Defence must appoint one of the members in the Assembly component and one of the members in the Council component of the Committee as co-chairpersons of the Committee.

[Joint Rule 101 amended: 1 Sept 2009 (NA), 16 Sept 2009 (NCOP)]

[Joint Rules 120B and C added as 120A and B, and renumbered after new 120A added: 25 Aug 1999 (NA), 2 Sept 1999 (NCOP)]

162. Functions

- (1) The Joint Committee shall report to both Houses on the employment of the South African National Defence Force (SANDF) by the President of the Republic in fulfilment of an international obligation, in defence of the Republic or in cooperation with the South African Police Service.
- (2) The Joint Committee shall report to both Houses on a declaration of a state of national defence by the President of the Republic, and do so within seven days of the declaration should the joint standing committee want to recommend its approval.
- (3) The Joint Committee shall report to both Houses on all reports submitted to Parliament in terms of Section 23 of the National Conventional Arms Control Act, No 41 of 2002.
- (4) The Joint Committee shall conduct a strategic overview of the South African National Defence Force mid-term in the life of a particular Parliament and submit recommendations to both Houses on its transformation, integration, equity, morale and defence readiness.
- (5) The Joint Committee shall submit to both Houses, at the end of that parliamentary term, a report on the implementation of the mid-term recommendations.
- (6) The Joint Committee shall liaise with civil society and the military and report to both Houses on civil-military relations.

- (7) The Joint Committee shall, where applicable, and in cooperation with the relevant portfolio and select committees, report to both Houses on matters affecting military veterans.
- (8) The Joint Committee shall perform any other functions and exercise any other powers assigned to it by statute or in terms of resolutions adopted by both Houses.

163. Decisions

A question before the Joint Committee [shall be] is decided when there is agreement on the question among the majority of the members present, provided at least half of its members are present.

Part 11: Joint Committee on Ethics and Members' Interests

164[121]. Establishment

There is a Joint Committee on Ethics and Members' Interests.

165[122]. Composition

- (1) The Joint Committee consists of_
- (a) members of the Assembly in substantially the same proportion in which they are represented in the Assembly; [14 Assembly members] and
- (b) 9 Council members.

[Joint Rule 122(1) amended: 14 Nov 2002 (NA & NCOP)]

[Joint Rule 122 (1) amended: 1 Sept 2009 (NA), 16 Sept 2009 (NCOP)]

- (2) (a) The Speaker must appoint the Assembly members of the Committee on the advice of the parties concerned.
- (b) The Chairperson of the Council must appoint the Council members of the Committee on the advice of the Chief Whip of the Council [provinces or parties concerned].

[Joint Rule 122 substituted: 15 Sept and 17 Nov 1999 (NA), 21 Sept 1999 (NCOP)]

166[123]. Chairpersons

- [(1)] The Joint Committee on Ethics and Members' Interests must elect **[appoint]** one of the members in the Assembly component and one of the members in the Council component of the Committee as co-chairpersons of the Committee.

[(2) -]

[Joint Rule 123 (1) amended: 1 Sept 2009 (NA), 16 Sept 2009 (NCOP)]

[Joint Rule 123 (2) deleted: 1 Sept 2009 (NA), 16 Sept 2009 (NCOP)]

167[124]. Functions

- (1) The Joint Committee on Ethics and Members' Interests must —
 - (a) implement the Code of Conduct for Assembly and permanent Council members set out in the Schedule;
 - (b) develop standards of ethical conduct for Assembly and Council members;
 - (c) regularly review the Code and make recommendations for its amendment **[serve as an advisory and consultative body, both generally and to members, concerning the implementation and interpretation of the Code];**
 - (d) **[regularly review the Code and make recommendations for its amendment;]** serve as an advisory and consultative body, both generally and to members, concerning the implementation and interpretation of the Code; and
 - (e) perform the other functions and exercise the other powers reasonably assigned to the Committee in the Code and in terms of resolutions adopted in both Houses.
- (2) The Committee must report to both Houses at least annually on the operation and effectiveness of the Code.

168[125]. Public access

Meetings of the Joint Committee on Ethics and Members' Interests must be held in closed session when the Committee considers a matter affecting a specific Assembly or Council member and the Committee regards that matter to be confidential.

169[126]. Decisions

A question before the Joint Committee on Ethics and Members' Interests is decided when there is agreement on the question among the majority of the members present, provided at least half of its members are present.

170[127]. Confidentiality

- (1) Each member **[and alternate member]** of the Joint Committee on Ethics and Members' Interests must swear or affirm, before either the Speaker or the Chairperson of the Council, depending on the House of which that person is a member, to comply with the requirements of confidentiality set out in the Code.
- (2) The Registrar appointed in terms of the Code and each member of the staff assigned for the work of the Committee must swear or affirm, before either the Speaker or the Chairperson of the Council, to comply with the requirements of confidentiality set out in the Code.

Part 12: : Parliamentary Group on International Relations (PGIR)

171[128]. Establishment

There is a Parliamentary Group on International Relations (PGIR).

172[129]. Composition

The Parliamentary Group on International Relations consists of the number of Assembly and Council permanent delegates that the Joint Rules Committee may determine.

173[130]. Co-chairpersons

A House Chairperson designated by the Speaker of the Assembly and a House Chairperson designated by the Chairperson of the Council are co-chairpersons of the group.

174[131]. Acting chairperson

If neither of the co-chairpersons is available, the Speaker of the National Assembly and the Chairperson of the National Council of Provinces may designate another member of the group to act as chairperson.

175[132]. Functions and powers

The Parliamentary Group on International Relations must implement the international relations policy agreed by the Joint Rules Committee by, *inter alia*[,]—

[(1)](a) providing policy and strategic direction on Parliament's international engagements, including its relations with other Parliaments and international parliamentary organisations;

[2](b) coordinating Parliament's international engagements, including its relations with other Parliaments and membership of, and participation in, international parliamentary organisations;

[3](c) receiving reports from parliamentary delegations and submitting proposals on their tabling, referral and scheduling for debate to the presiding officers or relevant parliamentary structures;

[4](d) meeting annually with members appointed by the Houses to serve in international parliamentary bodies and members of all substructures of the group, as well as the chairpersons of the parliamentary committees dealing with international relations and cooperation and trade and industry to determine strategy and evaluate the international relations of Parliament.

176[133]. Reporting

The Parliamentary Group on International Relations—

[(1)](a) must report regularly on its activities to the Joint Rules Committee; and

[2](b) may submit, in accordance with its mandate, substantive reports and proposals to relevant parliamentary forums.

177[134]. Substructures

The Parliamentary Group on International Relations may, with the concurrence of the Joint Rules Committee and according to agreed guidelines, establish –

- (1) multiparty, programme-driven focus groups consisting of core members of delegations to international parliamentary organisations to pursue and lend continuity to Parliament's multilateral relations;
- (2) friendship groups informally to pursue nonstrategic bilateral relations; and
- (3) any substructures that may be required to assist with the implementation of international relations policy.

178[135]. Quorum

- (1) A majority of the members of the group constitutes a quorum.
- (2) The group may proceed with business irrespective of the number of members present, but may decide a question only if a quorum is present.
- (3) When the group has to decide a question and a quorum is not present, the member presiding may either suspend business until a quorum is present, or adjourn the meeting.

179[136]. Decisions

A question before the group is decided when there is agreement among the majority of the members present.

[Joint Rules 128 - 132 deleted: 1 Sept 2009 (NA), 16 Sept 2009 (NCOP)]

[Joint Rules 132A - 132E deleted: 1 Sept 2009 (NA), 16 Sept 2009 (NCOP)]

[Joint Rules 133 - 137 deleted: 1 Sept 2009 (NA), 16 Sept 2009 (NCOP)]

[Joint Rules 128 - 136 inserted: 10 Nov 2009 (NA), 5 Nov 2009 (NCOP)]

[Part 13: Joint Committee on HIV And Aids

137. Establishment

There is a Joint Committee on HIV and Aids.

137A. Composition

The joint committee consists of the number of members, from the Assembly and the Council, determined by the Joint Rules Committee.

137B. Chairpersons

The joint committee shall have co-chairpersons, one from each House.

137C. Acting chairperson

If one of the co-chairpersons is absent or unable to perform the functions of co-chairperson, the relevant component of the committee may elect another of its members as acting co-chairperson to perform the functions and exercise the powers of that co-chairperson.

137D. Functions and powers

- (1) The joint committee acts as an advisory, influencing and consultative body by —
- (a) monitoring and evaluating the implementation of the government's strategy, policy and programmes on HIV and Aids;
 - (b) monitoring and evaluating the government's compliance with all applicable international instruments and related duties and responsibilities, including the timeous submission of country reports;
 - (c) examining and evaluating the legal framework and making recommendations on existing and proposed legislation;
 - (d) making submissions to the relevant oversight committees, either at the request of the relevant committee or committees or of its own initiative;
 - (e) introducing an HIV- and Aids-related perspective and focus in parliamentary activities, including the programming of debates, monitoring parliamentary oversight to ensure that HIV and Aids prevention and treatment are prioritised on the national agenda and adequate provision is made for it in the national budget;
 - (f) engaging with civil society and other structures outside Parliament on HIV- and Aids-related issues; and
 - (g) considering any other matter within its mandate referred to it by either House.
- (2) The joint committee—
- (a) must report to the Houses annually on its activities;
 - (b) may submit, as required and in accordance with its mandate, substantive reports and proposals to relevant parliamentary forums.

137E. Quorum

- (1) The joint standing committee may proceed with business irrespective of the number of members present, but may decide a question only if a quorum is present.
- (2) A majority of the members from each House component of the joint committee constitutes a quorum.

137F. Decisions

- (1) **A question before the joint committee is decided when there is agreement on the question between –**
- (a) **the majority of the members of the Assembly component; and**
 - (b) **the majority of the members of the Council component.]**

[Part 13: Joint Rules 137 - 137F inserted: 22 June 2011 (NA), 11 August 2011 (NCOP)]

Part 13[A]: Multiparty Women’s Caucus

180[137G]. Establishment

There is a Multiparty Women’s Caucus.

181[137H]. Composition

The Multiparty Women’s Caucus consists of all women members of the National Assembly and women permanent delegates of the National Council of Provinces.

182[137I]. Chairperson and deputy chairperson

The Multiparty Women’s Caucus must elect one of its members of the majority party as chairperson and another of its members from the opposition parties as deputy chairperson.

183[137J]. Steering Committee

The Multiparty Women’s Caucus is directed by a steering committee consisting of—

- (a) the Chairperson;
- (b) the Deputy Chairperson; and
- (c) five members elected by the caucus.

184[137K]. Functions and powers

- (1) The Multiparty Women’s Caucus acts as an advisory, influencing and consultative body by –
- (a) representing the interests and concerns of women members of Parliament;
 - (b) promoting the discussion of women issues in Parliament;
 - (c) making submissions to the portfolio and select committees charged with oversight of women’s issues, either at the request of those committees or at its own initiative.;

[Subrule 1(c) amended: 22 June 2011 (NA), 11 August 2011 (NCOP)]

- (d) introducing a women’s perspective and focus in parliamentary activities, including the programming of debates;
- (e) engaging on developmental and empowerment issues with women in political structures outside Parliament and women members of parliaments internationally; and
- (f) considering any other matter within its mandate referred to it by either House.

- (2) The Multiparty Women's Caucus –
- (a) must report to the Houses annually on its activities;
 - (b) may submit, as required and in accordance with its mandate, substantive reports and proposals to relevant parliamentary forums.

185[137L]. Decisions

A question before the Multiparty Women's Caucus is decided when there is agreement among the majority of the members present, provided that at least 15 members are present.

[Part 13A inserted: 18 March 2008 (NA); 19 March 2008 (NCOP)]

[Joint Rule 137F - 137K - Consequential amendments of numbering: 22 June 2011 (NA); 11 August 2011 (NCOP)]

Part 14: Ad Hoc Joint Committees

186[138]. Establishment

- (1) An ad hoc joint committee may be established for the performance of any specific task, including the consideration of a Bill as contemplated in section 45 of the Constitution—
 - (a) by resolution adopted in both Houses; or
 - (b) if both or any of the Houses are in recess, by decision of the Speaker and the Chairperson of the Council, acting jointly after consulting the Chief Whip of the majority party in the Assembly and the Chief Whip **[of the majority party]** in the Council.
- (2) The resolution or decision establishing an *ad hoc* committee must include time frames for—
 - (a) the completion of any steps in performing the task for which the committee was established; and
 - (b) the completion of the task.
- (3) An *ad hoc* joint committee has those of the powers listed in joint rule **[32] 80** only as are specified in the resolution or decision.
- (4) An *ad hoc* joint committee considering a Bill must consider the Bill referred to it, in accordance with Part 3 and other relevant provisions of Chapter 4 of the Joint Rules.
- (**[4]5**) Any decision by the Speaker and the Chairperson of the Council to appoint an ad hoc committee in terms of subrule (1) (b) must—
 - (a) be tabled in the Houses for ratification by the Houses; and
 - (b) be tabled in a House on its first sitting day after the decision was taken.
- (**[5]6**) An *ad hoc* joint committee ceases to exist—
 - (a) when it has completed the task for which it was established and has submitted its report to both Houses;

- (b) when the date for completion of the task has expired; or
- (c) if it is dissolved by the Houses earlier[.];

Provided that the committee may be revived thereafter—

- (a) by resolution of both Houses; or
- (b) by the Speaker and the Chairperson if both or any of the Houses are in recess when the committee has ceased to exist, provided that such a decision is tabled for ratified by the Houses on their first sitting day after the decision was taken.

187[139]. Composition

- (1) The resolutions or decisions establishing an *ad hoc* joint committee must specify either the names of the committee members or the number of committee members from each House.
- (2) If the resolutions specify only the number of committee members from each House—
 - (a) the Speaker must appoint the Assembly members who are to serve on the committee after consulting the chief whip of the majority party when a member of the majority party is appointed and the most senior whip of another party when a member of that party is appointed; and
 - (b) the Chairperson of the Council must appoint the Council members who are to serve on the committee after consulting the Chief Whip in the Council.
- (3) If the committee was appointed by the Speaker and the Chairperson of the Council, acting jointly in terms of Joint Rule 186(1)(b)—
 - (a) the Speaker must appoint the Assembly members who are to serve on the committee after consulting the chief whip of the majority party when a member of the majority party is appointed and the most senior whip of another party when a member of that party is appointed; and
 - (b) the Chairperson of the Council must appoint the Council members who are to serve on the committee after consulting the Chief Whip of the Council.
- (4) An *ad hoc* joint committee considering a Bill must invite the representatives of organised local government in the Council to designate one of them to attend, and to speak in, the committee, but that representative may not vote.

188[140]. Chairpersons

A member of the Assembly component of an *ad hoc* committee elected by that component and a member of the Council component elected by that component are the co-chairpersons of the committee.

189[141]. Decisions

Except when the resolutions establishing an *ad hoc* joint committee provide otherwise, a question before the *ad hoc* committee is decided when there is agreement on the question between—

- (a) the Assembly component, by a vote taken in terms of the Assembly rules applicable to portfolio committees; and
- (b) the Council component, by a vote taken in terms of the Council rules applicable to select committees.

***Part 15: Joint committees appointed by
Assembly and Council resolution***

190[142]. Establishment

The Assembly and the Council may by resolutions adopted in the Assembly and the Council establish **[any]** a joint committee.

191[143]. Composition

- (1) The resolutions establishing the joint committee must specify either the names of the committee members or the number of committee members from each House.
- (2) If the resolutions specify only the number of committee members from each House—
 - (a) the Speaker must appoint the Assembly members who are to serve on the committee after consulting the chief whip of the majority party when a member of the majority party is appointed and the most senior whip of another party when a member of that party is appointed; and
 - (b) the Chairperson of the Council must appoint the Council members who are to serve on the committee after consulting the Chief Whip of the Council.

192[144]. Functions and powers

- (1) The resolutions establishing a joint committee in terms of this Part must specify the functions of the committee.
- (2) Such a joint committee has those of the powers listed in joint rule **[32] 80** only as are specified in the resolutions.

193[145]. Chairpersons

A member of the Assembly component of a joint committee elected by that component and a member of the Council component elected by that component are the co-chairpersons of the committee.

194[146]. Decisions

Except when the resolutions establishing a joint committee provide otherwise, a question before the committee is decided when there is agreement on the question between—

- (a) the Assembly component, by a vote taken in terms of the Assembly rules applicable to portfolio committees; and
- (b) the Council component, by a vote taken in terms of the Council rules applicable

to select committees.

Part 16: Conferring by House committees

195[147]. Conferring powers of House committees

- (1) A committee of a House may confer with the corresponding committee of the other House.
- (2) Conferring must take place –
 - (a) if the Assembly and the Council, by resolution adopted in each House, decide that it is necessary; or
 - (b) if, during a recess of both or any of the Houses, the Speaker and the Chairperson of the Council, acting jointly, so decide.

196[148]. Chairpersons

When House committees meet to confer the chairpersons of the respective committees co-chair the meeting except when one of them takes the chair by agreement between them.

Part 17: Leader of Government Business in Parliament

197[149]. Establishment

There is a Leader of Government Business in Parliament who must be a Cabinet member designated by the President.

198[150]. Role

The Leader of Government Business [**in Parliament**] is responsible for facilitating—

- (a) the affairs of the national executive in Parliament;
- (b) the programming of parliamentary business initiated by the national executive, within the time allocated for that purpose;
- (c) **[arranging]** the attendance of Cabinet members, as appropriate, in respect of parliamentary business generally; and
- (d) performing any other function provided for by the Joint Rules or a resolution of the Assembly or the Council or resolutions adopted in both Houses.

Part 18: Joint Tagging Mechanism

199[151]. Establishment

There is a Joint Tagging Mechanism consisting of—

- (a) the Speaker and the Deputy Speaker; and
- (b) the Chairperson and the permanent Deputy Chairperson [**of the Council**].

200[152]. Functions

The JTM serves, for purposes of parliamentary proceedings—

- (a) as a decision-making structure to make final rulings in accordance with—
 - (i) joint rule 208 [160] on the classification of all Bills introduced in the Assembly or the Council; and
 - [(ii) joint rule 191 on whether a mixed section 75/76 Bill may be proceeded with or is out of order];**
 - (ii) joint rule 214 [166] on the referral of a Bill for consideration by a joint committee, and
- (b) as a consultative structure for Assembly members and committees, Council members and committees, provincial delegations to the Council and joint committees to ensure that amendments to Bills do not render the Bill constitutionally or procedurally out of order in terms of joint rule 209 [161].

201[153]. Operating procedure

- (1) Whenever the JTM must rule on the classification of a Bill or on a question whether a Bill or an amendment to a Bill is constitutionally or procedurally in order in terms of joint rule 209 [161], or whether a Bill may be referred to a joint committee, the Bill, and a legal opinion on its classification or on the relevant question, must be submitted to the members of the JTM.
- (2) The JTM decides the classification of a Bill or the question concerned by consensus. Consensus is reached when all available members of the JTM agree, provided that at least one member from each House agrees.
- (3) If there is no consensus the JTM must obtain a second legal opinion preferably from a constitutional expert approved by the JTM.
- (4) When a matter is re-submitted to the members of the JTM they must without delay take a final decision on the matter **[, but are not bound by any legal advice]**.
- (5) If the JTM is unable to reach consensus on the matter, the matter must be reported to the Assembly and the Council.
- (6) If the Houses cannot resolve the matter through any other mechanisms at their disposal, a House may by resolution declare a dispute and apply to the Constitutional Court to resolve the dispute.

202[154]. Submission of views to JTM

- (1) Assembly and Council members and committees and provincial legislatures may submit their views on the classification of a Bill to the JTM in writing within the period stated in the ATC which may not be less than **[three] seven** working days.

(2) The JTM may not classify a Bill before the expiry of the period stated in the ATC.

203[155]. JTM to be available at short notice

The JTM must be available at short notice, also during a recess of both or either of the Houses.

204[156]. Time limits

The Joint Programme Committee may—

- (a) set a time limit for the JTM to make a final ruling on a Bill referred to it; or
- (b) extend any time limit set under paragraph (a).

205[157]. Notification of classifications and findings

The JTM's classification of and, when appropriate, its findings on a Bill must without delay be—

- (a) tabled in the Assembly and the Council; **[and]**
- (b) conveyed to any Assembly committee, Council committee or joint committee to which the Bill may have been referred; and
- (c) tabled in the Assembly and Council for a resolution to refer a Bill for consideration to a joint committee.

206[158]. Binding force of JTM's classifications and findings

- (1) For the purposes of all parliamentary proceedings the JTM's classification of and findings on constitutionality of a Bill are final and binding on both Houses.
- (2) a determination by the JTM that a Bill may be referred for consideration to a joint committee, is not binding on the Houses, but must be carefully considered.

Note:

Presiding officers to give guidance whether rules on chairing and calling of JTM meetings are necessary.

CHAPTER 4

JOINT LEGISLATIVE PROCESS

Part 1: Steps prior to introduction of Bills

207[159]. Submission of draft Bills [as approved by Cabinet] to Speaker and Chairperson [of Council]

- (1) A Cabinet member or Deputy Minister who intends introducing a Bill in the Assembly or who initiates the introduction of a Bill in the Council, must as soon as possible after the Bill has been approved by Cabinet, submit to the Speaker and the Chairperson **[of the Council]**—
 - (a) the draft of the proposed Bill as approved by Cabinet, whether or not the draft has been legally or technically formalised as a proper draft Bill; **[and]**
 - (b) a memorandum explaining the objects of the proposed legislation; and
 - (c) the estimated date on which that Bill will be submitted to Parliament for introduction in the Assembly, or to the Council, for initiation.

- (2) A member, other than a Cabinet member or Deputy Minister, who intends introducing a Bill in the Assembly or in the Council, must as soon as possible after the Bill has been certified as required by the Assembly Rules or Council Rules, submit to the Speaker and the Chairperson—
 - (a) the draft of the proposed Bill as certified;
 - (b) a memorandum explaining the objects of the proposed legislation; and
 - (c) the estimated date on which that Bill will be submitted for introduction in either House.

- (3) Failure to submit a notice in terms of subrule (1) or (2) does not prohibit introduction of the Bill but may affect the scheduling of the Bill in the relevant committee.

Note:

It is highly desirable that portfolio and select committees be informed of the content of proposed legislation well before the introduction of the legislation in order to assist them in planning and developing views on the legislation.

- (~~2~~4) The Speaker must refer the estimated date on which that Bill will be submitted to Parliament for introduction as indicated in the notice, the draft of the proposed Bill and the memorandum to the responsible portfolio committee and the Chairperson **[of the Council]** must refer the estimated date on which that Bill will be submitted to Parliament for initiation as indicated in the notice, the draft of the proposed Bill and the memorandum to the responsible select committee and the provincial legislatures in order—
 - (a) to assist the committee and legislatures in planning their work; and
 - (b) to enable the committee members and legislatures to acquaint themselves with and to develop their positions with regard to the proposed legislation.

- (~~3~~5) The Leader of Government Business in Parliament must—

- (a) annually provide the Joint Programme Committee with a provisional legislative programme for the next twelve months, listing the bills the Executive intends to introduce, with time-frames showing when each bill is expected to be ready;
 - (b) quarterly report to the Joint Programme Committee on—
 - (i) progress and delays related to the provisional legislative programme contemplated in paragraph (a); and
 - (ii) Cabinet decisions on new Bills;
 - (c) liaise with Cabinet members to facilitate—
 - (i) the implementation of this rule; and
 - (ii) communication by Ministers with committees on Bills planned for introduction or initiation in the next quarter.
- [14] 6)** This rule does not apply to—
- (a) a money Bill in respect of which the responsible Minister follows the special introductory procedure set out in Assembly rule **[288] 323**; or
 - (b) any other Bills in respect of which premature disclosure of their contents may result in prejudice to the state or the general public.

Part 2: Classification of Bills

208[160]. Referral of Bills to JTM

- (1) When a Bill is introduced it must without delay be referred to the JTM for classification in terms of this rule.
- (2) When a Bill introduced as a constitution amendment Bill is referred to the JTM, it must make a finding on whether—
 - (a) the Bill is in fact a constitution amendment Bill and contains no provisions other than constitutional amendments and matters connected with the amendments;
 - (b) the Bill is in terms of section 74 of the Constitution required to be passed by both Houses or only by the Assembly;
 - (c) the Bill or any of its provisions is in terms of section 74 required to be passed by the Assembly with a supporting vote of at least two thirds or with a supporting vote of at least 75 per cent of the members;
 - (d) the Bill or any of its provisions is in terms of section 74 (8) required to be approved by any province or provinces before it is passed by the Council; **[and]**
 - (e) the Bill is constitutionally and procedurally in order including that all pre-introduction consultation requirements as required by section 74(5) and (6) of the Constitution have been complied with; and
 - (f) the Bill may be referred for consideration by a joint committee in accordance with joint rule 214.
- (3) When a Bill introduced as a section 75 Bill is referred to the JTM, it must make a finding on whether the Bill—
 - (a) is in fact a section 75 Bill;
 - [(b) includes any provisions to which the procedure prescribed in section 76 of the Constitution applies; and]**
 - [(c)b)** is constitutionally and procedurally in order; and
 - (c) may be referred for consideration by a joint committee in accordance with joint rule

214.

- (4) When a Bill introduced as a section 76 Bill is referred to the JTM, it must make a finding on whether the Bill—
- (a) is in fact a section 76 Bill and if so, which of subsections (3), (4) or (5) of that section applies to the Bill; and
 - [(b) includes any provisions to which the procedure prescribed in section 75 applies; and]**
 - [(c)](b)** is constitutionally and procedurally in order.
- [(5) When a Bill introduced as a mixed section 75/76 Bill is referred to the JTM, it must make a finding on whether the Bill—**
- (a) is in fact a mixed section 75/76 Bill; and**
 - (b) is constitutionally and procedurally in order.]**
- (5[A]) The JTM must also make a finding whether a Bill is affected by any consultation requirements set by a law related to a traditional or Khoi-San authority, including whether the Bill—
- (a) affects traditional or Khoi-San communities;
 - (b) contains any provisions that pertains to customary law or customs of traditional or Khoi-San communities; or
 - (c) pertains to a matter referred to in section 154(2) of the Constitution, in accordance with section **[18(1) of the Traditional Leadership and Governance Framework Act, 2003]** 39(1)(a) of the Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019) or such an Act as may amend or replace it.
- [Rule [160] 208 (5[A]) inserted, 13 September 2005 (NA); 14 September 2005 (NCOP)]*
- (6) Once it has made its findings, the JTM must classify the Bill as—
- (a) a constitution amendment Bill;
 - (b) a section 75 Bill; **[or]**
 - (c) a money Bill;
 - (d) a section 76 Bill;
 - [(e) a mixed section 75/76 Bill; or]**
 - [(f)](e)** a Bill that is constitutionally or procedurally out of order; or
 - (f) a Bill that may be referred for consideration by a joint committee.

209[161]. When Bills are out of order

- (1) A Bill is constitutionally out of order if it is in breach of—
- (a) section 73(2) or (4) of the Constitution, in that it was incorrectly introduced by an unauthorised person or committee;
 - (b) section 73(3), in that the Bill was incorrectly introduced in the wrong House;
 - (c) section 74(4), in that it contains both constitutional amendments and other provisions unconnected with those constitutional amendments;
 - (d) section 74 (5), in that **[the procedure prescribed in that section as a precondition for the introduction of the Bill has not been complied with]** at least 30 days before introduction, particulars of the proposed amendment were not—

- (i) published for public comments in the national *Government Gazette*;
- (ii) submitted to provincial legislatures for their views; or
- (iii) submitted to the Council for a public debate, if the proposed amendment is not an amendment that is required to be passed by the Council; [or]
- (e) section 74(6) in that written comments received from the public and the provincial legislatures were not submitted to the Speaker for tabling in the Assembly, or where the amendment is required to be passed by the Council, not submitted to the Chairperson; or
- ([e]f) section 77(2), of the Constitution in that the Bill is a money Bill and also deals with matters other than—
 - (i) a subordinate matter incidental to the appropriation of money;
 - (ii) the imposition, abolition or reduction of national taxes, levies, duties or surcharges;
 - (iii) the granting of exemption from national taxes, levies, duties or surcharges;
or
 - (iv) the authorisation of direct charges against the National Revenue Fund.

[Rule [161 (1)(e)]209(1)(f), amended, 16 November 2006 (NA & NCOP)]

- (2) A Bill is procedurally out of order if [—
 - (a) the procedure prescribed in either the Assembly or Council rules as a precondition for the introduction of a Bill in the particular House has not been complied with[;].
 - [(b) it is in breach of joint rule 172 in that it is a constitution amendment Bill that contains both constitutional amendments that may be passed by the Assembly alone and constitutional amendments that are required to be passed also by the Council;**
 - (c) **it is in breach of joint rule 193 in that it is a mixed section 75/76 Bill that was introduced in the Council; or**
 - (d) **it is in breach of joint rule 93(b) in that a deadline set for the introduction of the Bill was not met and late introduction was not authorised.]**
- (3) Except as provided for in subrule (1) the JTM may not make a finding on the constitutional validity of the contents of a Bill.

210[162]. Consequence of classification of Bill as constitutionally or procedurally out of order

- (1) If the JTM classifies a Bill as constitutionally or procedurally out of order the Bill may not be proceeded with.
- (2) Subrule (1) does not prevent a Bill—
 - (a) from being corrected and re-introduced, if it was found to be defective because of its contents; or
 - (b) from being re-introduced in accordance with the correct procedure, if it was found to be defective on a procedural point.

211[163]. Reclassification of Bills

- (1) The JTM may change the classification[—

- (a) of a mixed section 75/76 Bill to section 75 and section 76 Bills, if the Bill is split in terms of joint rule 194 (2)(a)(i), 196 (2)(a) or 200 (2) into separate section 75 and section 76 Bills;
- (b) of a mixed section 75/76 Bill to either a section 75 or a section 76 Bill, if the Bill is amended in terms of joint rule 194 (2)(a)(ii) to become a section 75 or a section 76 Bill; or
- (c) of [a section 75 or a section 76 Bill to a mixed section 75/76 Bill, or] a section 75 Bill to a section 76 Bill, or a section 76 to a section 75 Bill, but only if—
 - [(i)](a) the Bill was introduced in the Assembly; and
 - [(ii)](b) the Bill is amended before Second Reading of the Bill in the Assembly to become [a mixed section 75/76 Bill,] a section 76 Bill or a section 75 Bill, as the case may be.

[(2) If the JTM reclassifies a Bill as a mixed section 75/76 Bill it must take a decision on the Bill as required by joint rule 191 (1)(a).]

[(3)](2) The JTM may change the classification of a Bill in respect of whether the Bill is affected by any consultation requirements set by a law related to a traditional or Khoi-San authority, including whether the Bill—

- (a) affects traditional or Khoi-San communities;
- (b) contains any provisions that pertains to customary law or customs of traditional or Khoi-San communities; or
- (c) pertains to a matter referred to in section 154(2) of the Constitution, in accordance with section [18(1) of the Traditional Leadership and Governance Framework Act, 2003] 39(1)(a) of the Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019) or such an Act as may amend or replace it, and amend its finding in terms of rule 208(5) [160(5A)].

[Rule [163(3)] 211(2) inserted, 13 September 2005 (NA); 14 September 2005 (NCOP)]

212[164]. JTM may rule amendments constitutionally or procedurally out of order

- (1) At any time before a House decides on an amendment to a Bill, the JTM may—
 - (a) rule the amendment constitutionally or procedurally out of order in terms of joint rule 209 [161], whether or not the amendment has been referred to the JTM; and
 - (b) prescribe an *ad hoc* procedure with regard to the Bill to meet any procedural complications arising from its ruling in terms of paragraph (a).
- (2) An amendment ruled out of order by the JTM may not be proceeded with.
- (3) The JTM must without delay report to both Houses on any decision taken in terms of subrule (1).

Part 3: Consideration of Bills by Joint Committees

213[165]. Application

- (1) The provisions of this Part apply to Bills—

- (a) introduced in the Assembly that are referred before Second Reading of the Bill in the Assembly to a joint committee established in terms of joint rule 186 [111];
 - (b) introduced in the Council that are referred before the Council decides on the Bill to such a joint committee; or
 - (c) recommitted to such a joint committee in terms of the Assembly or Council rules to consider amendments proposed in the House concerned.
- (2) This Part 3 must be read with Chapter 3, “Joint Committee System” and Part 14 thereof “Ad Hoc committees”.

214[166]. Referral to joint committee

- (1) A Bill must be referred to a joint committee—
- (a) if the Assembly and the Council, by resolutions adopted in the Assembly and the Council, so decide, but if **[the Council]** either House is not sitting the Speaker or the Chairperson [of the Council] may decide on **[its]** behalf of that House, provided that the Speaker’s or the Chairperson’s decision is ratified at the next sitting of [the Council] that House; or
 - (b) if, during a recess of both or one of the Houses, the Speaker and the Chairperson **[of the Council]**, acting jointly, so decide.
- (2) (a) A Bill may only be referred after the JTM has classified the Bill and determined that the Bill is a constitutional amendment Bill or a section 75 Bill.
- (b) A section 76 Bill may not be referred to a joint committee.
- (c) When the JTM makes a determination as contemplated in joint rule [152] 200(a), on whether a Bill may be referred to a joint committee, the JTM may consult, amongst others, the—
- (i) House chairpersons of the respective Houses; and
 - (ii) Chief Whip of the majority party.
- (3) A constitutional amendment Bill or a section 75 Bill may be referred to a joint committee where—
- (a) the subject matter of the Bill would benefit from the joint consideration;
 - (b) the Bill is classified as a section 75 Bill but contains provisions that may be of particular importance to the provinces or local government;
 - (c) the Bill is technical in nature; or
 - (d) the Bill is addressing a Constitutional Court order that has been suspended, requiring Parliament to correct the defect before a date given in that order.

215[167]. Process in committee

- (1) If the Bill has been published for public comment in terms of the Assembly or Council rules, the joint committee to which the Bill is referred may arrange its business in such a manner that interested persons and institutions have an opportunity to comment on the Bill.
- (2) If a Bill has not been published for public comment, **[and]** the committee **[considers public comment on the Bill to be necessary, it may]** must by way of invitations, press

statements, advertisements or in any other manner, invite the public to comment on the Bill.

- (3) The committee—
- (a) must enquire into the subject of the Bill and report on it to both the Assembly and the Council;
 - (b) after due deliberation, must consider a motion of desirability on the subject matter of the Bill and if—
 - (i) rejected, must immediately table the Bill and its report on the Bill to both the Assembly and the Council; or
 - (ii) the motion of the desirability is adopted, must proceed to deliberate on the details of the legislation;
 - ~~(b)~~(c) if it is a Bill amending provisions of an Act, **[may]** must, if it intends to propose amendments to other provisions of that legislation, seek the permission of the Houses to do so **[inquire into amending other provisions of that Act]**;
 - (d) if it is a new Bill, must seek the permission of the Houses to extend the subject of that Bill;
 - ~~(c)~~ e) **[may]** must consult the member in charge of the Bill, especially if permitted by the Houses to extend the subject of a Bill in accordance with paragraph (c) or (d);
 - (f) must, if the Bill was introduced by a member in his or her individual capacity, give the relevant department in the national executive authority or executive organ of state in the national sphere of government sufficient opportunity to make submissions to the committee on the objects and particulars of the Bill;
 - (g) must, if it is a Bill amending the Constitution, give the Constitutional Review Committee sufficient opportunity to make submissions on the Bill to the committee;
 - ~~(d)~~h) may consult any other joint committee or any Assembly or Council committee that has a direct interest in the substance of the Bill;
 - ~~(e)~~i) may consult the JTM on the classification of the Bill, and whether any amendments to the Bill proposed in the committee—
 - (i) may affect the classification of the Bill: or
 - (ii) may render the Bill constitutionally or procedurally out of order within the meaning of joint rule 209 [161];
 - ~~(f)~~j) may not propose an amendment that—
 - (i) changes the classification of the Bill except as provided for in subrule (4) and joint rule 211[163]; or
 - (ii) renders the Bill constitutionally or procedurally out of order within the meaning of joint rule 209 [161];
 - ~~(g)~~k) may recommend approval or rejection of the Bill or present with its report an amended Bill or a redraft of the Bill; **[and]**
 - ~~(h)~~l) must report to both Houses in accordance with joint rule 216 [168.];
 - ~~(i)~~m) may report to the House in which the Bill was introduced if the Bill was classified as being subject to section **[18(1) of the Traditional Leadership and Governance Framework Act, 2003,]** 39(1)(a) of the Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019) or another law related to a traditional or Khoi-San authority, only after **[30]** 60 days, or such period as required by that Act, have passed since the referral to the National House of Traditional and Khoi-San Leaders, or such other National House as may be relevant, in terms of Assembly Rule **[332]** 278 [and Council Rule 255]; and

- (n) if an amended Bill or a redraft of the Bill is to be presented to the Houses, must formally adopt the final version of the Bill as it is to be presented.

[Rule [167(3)(i)] 215(3)(n) inserted, 13 September 2005 (NA);14 September 2005 (NCOP)]

- (4) The committee may propose an amendment that changes the classification of a section 75 Bill to a section 76 Bill **[or a section 76 Bill to a mixed 75/76 Bill only if the JTM is of the view that the Bill as amended is unlikely to lead to unmanageable procedural complications]**: Provided that an amendment that changes the classification of the Bill to a section 76 Bill, will require that the Bill is then further dealt with in terms of the rules of the respective Houses.

[Note:

Subrule (4) must be suspended until the proposed procedure for mixed Bills is implemented.]

- (5) In the process of inquiring into a Bill, the committee must, where applicable, and as far as possible apply the following separate formal stages:
- (a) Discussion on the principles and subject of the Bill, including—
 - (i) a briefing by the department concerned and, in the case of a member's Bill, by the member concerned, and
 - (ii) consideration of any public comments that may already have been received following a call for comments when the intention to introduce that bill was published, or that was received following a call for comments by the committee, where the committee deemed it necessary to inform its decision on the desirability of the Bill;
 - (b) adoption of a motion of desirability, relating to whether the principles of the Bill and the need for the Bill are accepted;
 - (c) invitation for further public comment and submissions on the substance of the Bill, followed by, where the committee deems it necessary to inform the deliberations on the Bill, public hearings on the substance of the Bill;
 - (d) deliberation by members, taking into consideration of proposed amendments, comments and proposals received;
 - (e) formal consideration of the Bill, clause by clause, including amendments as formally proposed; and
 - (f) consideration and adoption of the committee's report and adoption of the final version of the Bill as it is to be presented to the Houses.

216[168]. Joint committee's report

- (1) The joint committee to which a Bill is referred must table in both Houses—
 - (a) its report;
 - (b) the Bill that has been agreed on by it, or if it has not agreed on a Bill, the Bill as referred to it; and
 - (c) the supporting memorandum which was introduced with the Bill or, if the memorandum has been amended by the committee, the amended memorandum.
- (2) The joint committee to which a Bill is referred may report to the Houses only after the JTM has classified the Bill and has made its findings on the Bill.

- (3) In its report the committee—
- (a) must state the JTM'S classification of and findings on the Bill;
 - (b) must state whether it recommends approval of the Bill with or without amendments, a redraft of the Bill, or rejection of the Bill;
 - (c) must specify each amendment if an amended Bill (other than a redraft of the Bill) was agreed on by it, and each formal amendment which was considered and, for a reason other than its being out of order, was rejected by it;
 - (d) must specify each formal amendment rejected by the committee if a redrafted Bill was agreed on by it;
 - (e) must, if it is not a unanimous report—
 - (i) specify in which respects there was not consensus; and
 - (ii) in addition to the majority report, express any views of a minority in the committee;
 - (f) may specify such details or information about its enquiry and any representations or evidence received or taken by it, as it may consider necessary for the purposes of the debate on the Bill in the Assembly and the Council;
 - (g) may report on any matter arising from its deliberations on the Bill but which is not necessarily related to the Bill; and
 - (h) may recommend to the Assembly or the Council that any matter contained in the report be placed on the Order Paper of the Assembly or the Council for separate consideration either before or after the House considers the Bill.

217[169]. Explanation of report

A co-chairperson or other member of the committee who tables the report in the Assembly or the Council on behalf of the committee, may, if the committee has so recommended in its report, address the Assembly or the Council in order to explain the report.

218[170]. Referral of amendments proposed in a House to joint committee

- (1) If a Bill is recommitted to a joint committee in terms of the Assembly or Council rules to consider amendments placed on a House's Order Paper by members, the committee—
- (a) may consider only those clauses of the Bill in respect of which amendments have been placed on the Order Paper and any consequential amendments that have to be effected;
 - (b) may consult the JTM on whether any of the amendments—
 - (i) affects the JTM's classification of the Bill; or
 - (ii) renders the Bill constitutionally or procedurally out of order within the meaning of joint rule 209 [161];
 - (c) must mention in its report each amendment agreed on by the committee;
 - (d) must specify in the report each amendment placed on the Order Paper by the person in charge of the Bill but rejected by the committee;
 - (e) may not agree on any amendment that—
 - (i) changes the classification of the Bill except as provided for in subrule (3) and joint rule 211 [163]; or
 - (ii) renders the Bill constitutionally or procedurally out of order within the meaning of joint rule 209 [161]; and

- (f) must table its report together with the Bill in both the Assembly and the Council.
- (2) Subrule (1)(d) applies only if the person in charge of the Bill is a Cabinet member or Deputy Minister.
- (3) The committee may agree on an amendment that changes the classification of a section 75 Bill to a section 76 Bill **[or section 76 Bill to a mixed 75/76 Bill only if the JTM is of the view that the Bill as amended is unlikely to lead to unmanageable procedural complications]**: Provided that an amendment that changes the classification of the Bill to a section 76 Bill, will require that the Bill is then further dealt with in terms of the rules of the respective Houses.

[Note: Subrule (3) must be suspended until the proposed procedure for mixed Bills is implemented.]

219. Process in Houses

The Council may not consider the Bill that forms the subject of the joint committee report until the Assembly has considered the second reading of that Bill and has transmitted the Bill to the Council for a decision as contemplated in sections 74 or 75 of the Constitution.

220[171]. Absence of consensus or report

- (1) If a joint committee fails to reach consensus on one or more clauses of a Bill, [or if it is unable to report on a Bill or] on any amendment referred to it in terms of joint rule 219 [170], or on the adoption of a report on the Bill.~~—~~
- (a) the joint committee must report to the **[Houses] Assembly** that it cannot reach consensus, which report must indicate—
- (a) what the cause of the failure to reach consensus is;
- (b) whether consensus was reached on any clause of the Bill; and
- (c) which steps completed by the joint committee may be taken into account when the Bill is referred to a committee of the National Assembly for consideration[; or
- (b) **the chairpersons of the committee must inform the Speaker and the Chairperson [of the Council] that the committee was unable to reach consensus].**
- (2) The Assembly must consider the report contemplated in subrule (1) and refer the Bill to a committee in accordance with the rules of the Assembly and may indicate the stage from which the Bill must proceed in that committee as well as which work done by the joint committee must be taken into account.
- (~~[2]~~ 3) The Bill is then dealt with in terms of the rules of the respective Houses.

Part 4: Joint Business, Constitution Amendment Bills

[172. Contents of constitution amendment Bills

Constitutional amendments that may be passed by the Assembly alone may not be

contained in a Bill that contains constitutional amendments that are required to be passed also by the Council.]

221. Pre-introduction consultations and requirements upon introduction

- (1) When the person or committee who intends to introduce a constitutional amendment Bill that in terms of section 74 is not required to be passed by the Council, submits particulars of that Bill to the Council, in accordance with the Council rules, the Chairperson must notify the Speaker.
- (2) When a person or committee introduces a constitutional amendment Bill, that person or committee must—
 - (a) submit proof to the Speaker and the Chairperson, jointly, that at least 30 days before introduction, particulars of the proposed amendment were—
 - (i) published for public comments in the national *Government Gazette*;
 - (ii) submitted to provincial legislatures for their views; and
 - (iii) submitted to the Council for a public debate, if the proposed amendment is not an amendment that is required to be passed by the Council;
 - (b) submit all written comments received from the public and the provincial legislatures to the Speaker for tabling in the Assembly; and
 - (c) where the constitutional amendment Bill in terms of section 74 is required to be passed by the Council, submit all written comments received from the public and the provincial legislatures to the Chairperson for tabling.
- (3) The Speaker and Chairperson, acting jointly, must submit the information contemplated in subrule (2)(a) to the JTM for consideration in terms of joint rule 208(2)(e).
- (4) The Speaker must by way of an announcement in the ATC, table the written comments contemplated in subrule (2)(b) in the Assembly, within a week of the introduction of the constitutional amendment Bill.
- (5) The Chairperson must by way of an announcement in the ATC, table the written comments contemplated in subrule (2)(c) in the Council, within a week of the introduction of the constitutional amendment Bill.
- (6) The public debate in the Council required by section 74(5)(c) of the Constitution, may only be scheduled once the JTM has made a finding that the proposed amendment is not an amendment that is required to be passed by the Council.

222[173]. Process if Assembly approves Second Reading

If the Assembly approves the Second Reading of a constitution amendment Bill, the Secretary must without delay submit the Bill—

- (a) to the President for assent, if the Bill is not in terms of section 74 of the Constitution required to be passed by the Council; or
- (b) to the Chairperson **[of the Council]** to deal with the Bill in terms of the Council rules, if the Bill is in terms of section 74 required to be passed also by the Council.

223[174]. Constitutional amendments affecting specific provinces

- (1) A constitution amendment Bill referred to in section 74(8) of the Constitution may not be passed by the Council unless the Bill, or the affected part of it, has been approved by the provincial legislature or legislatures of the province or provinces concerned.
- [(2) If the whole Bill requires the approval of a specific provincial legislature or legislatures and that legislature or any or all of those legislatures refuse to grant such approval, the Bill lapses.**
- (3) If only a part of the Bill requires the approval of a specific provincial legislature or legislatures and that legislature or any or all of those legislatures refuse to grant such approval, that part of the Bill lapses, but the rest of the Bill may be proceeded with subject to amendments needed to remove the affected part of the Bill.]**
- (2) If a Bill concerns only a specific province or provinces, and that legislature or legislatures of the province or provinces concerned does not approve the Bill, or the affected part of it, the National Council of Provinces—
- (a) must reject the Bill; or
- (b) may reject only the affected part of the Bill and consider the remainder of the Bill.
- [(4)](3) [If a] A Bill referred to in subrule [(3)[has already been passed by the Assembly, the Bill] (2)(b) must be referred back to the Assembly for [reconsideration and] concurrence [amendment] in terms of the Assembly rules.**

224[175]. Process if Council passes Bill

If the Council passes a constitution amendment Bill, the Secretary must without delay submit the Bill—

- (a) to the President for assent if the Council has passed the Assembly's version of the Bill; or
- (b) to the Speaker if the Council has amended the Bill.

225[176]. Assembly must consider Council amendments

- (1) If the Council amends a constitution amendment Bill the Assembly must consider the amendments in terms of its own rules and either reject or pass the amended Bill.
- (2) If the Assembly passes the amended Bill the Secretary must without delay submit the Bill to the President for assent.

226[177]. Referral to Mediation Committee in event of disagreement between Houses

- (1) A constitution amendment Bill must be referred to the Mediation Committee if—
- (a) the Council rejects the Bill as passed by the Assembly; or
- (b) the Council has amended the Bill and the Assembly rejects the Council's amended version.

- (2) A Bill contemplated in subrule (1) must be referred to the Mediation Committee **[within seven working days after the Council or the Assembly has rejected the Bill in terms of subrule (1)]** in accordance with joint rule 138.
- (3) The Secretary must **[within the period mentioned in subrule (2)]** before the first meeting of the Mediation Committee, provide the members of the Mediation Committee with—
- (a) a copy of the rejected Bill;
 - (b) a copy of each version of the Bill that was tabled or considered in either of the Houses;
 - (c) copies of the documents that accompanied the Bill when it was introduced; and
 - (d) copies of all committee reports on the Bill.
- [(4) A Bill is regarded as having been referred to the Mediation Committee—**
- (a) on the day the Secretary distributes copies of the Bill to the members, if both Houses are in session; or**
 - (b) seven days after the Secretary has distributed or sent copies of the Bill to the members, if both or any of the Houses are in recess].**

227[178]. Notice to Houses of mediation result

Once the Mediation Committee has agreed on a version of a Bill referred to it, or if it is unable to agree on any version within 30 days of the Bill's referral to it, the Committee must notify the Speaker and the Chairperson **[of the Council]** of the result of its efforts.

228[179]. Process if mediation successful

- (1) If the Mediation Committee agrees on the Bill as passed by the Assembly, the Secretary must submit that version to the Chairperson **[of the Council]** for reconsideration by the Council.
- (2) If the Mediation Committee agrees on the Bill as amended by the Council, the Secretary must submit that version to the Speaker for reconsideration by the Assembly.
- (3) If the Mediation Committee agrees on another version of the Bill, the Secretary must submit that version to both the Speaker and the Chairperson **[of the Council]** for consideration by the Houses.
- (4) If a version of the Bill mentioned in subrule (1), (2) or (3) is passed by the Council, the Assembly or both Houses, as the case may be, the Secretary must without delay submit that version to the President for assent.

229[180]. Consequence of unsuccessful mediation

A constitution amendment Bill lapses if—

- (a) the Mediation Committee is unable to agree within 30 days of the Bill's referral to it;
- (b) the Council rejects the version of the Bill submitted to it in terms of joint rule **[179]**

- 228(1);
- (c) the Assembly rejects the version of the Bill submitted to it in terms of joint rule **[179]** 228(2); or
- (d) either of or both the Houses reject the version of the Bill submitted to them in terms of joint rule **[179]** 228(3).

Part 5: Joint business, section 75 Bills

230[181]. Process if Assembly approves Second Reading

If the Assembly approves the Second Reading of a section 75 Bill, the Secretary must without delay submit the Bill to the Chairperson **[of the Council]** to deal with the Bill in terms of the Council rules.

231[182]. Process if Council passes Bill without proposing amendments

If the Council passes a section 75 Bill without proposing any amendments the Secretary must without delay submit the Bill to the President for assent.

232[183]. Process if Council rejects Bill or proposes amendments

- (1) If the Council rejects a section 75 Bill or passes it subject to amendments, the Secretary must without delay submit the Bill and any amendment proposals of the Council to the Speaker.
- (2) The Assembly must reconsider the Bill in terms of its own rules, taking into account any amendments proposed by the Council, and may—
 - (a) pass the Bill again, either with or without amendments; or
 - (b) decide not to proceed with the Bill.
- (3) The Secretary must submit a Bill passed by the Assembly in terms of subrule (2) to the President for assent.

Part 6: Joint business, section 76 Bills

233[184]. Referral to other House

- (1) If the Assembly passes a section 76(1) Bill, the Secretary must refer the Bill to the Chairperson **[of the Council]** to deal with the Bill in terms of the Council rules.
- (2) If the Council passes a section 76(2) Bill, the Secretary must refer the Bill to the Speaker to deal with the Bill in terms of the Assembly rules.

234[185]. Process if second House passes Bill

- (1) If the Council passes a section 76 (1) Bill, the Secretary must without delay submit the Bill—
 - (a) to the President for assent if the Council has passed the Assembly's version of the

- Bill; or
- (b) to the Speaker for consideration by the Assembly, if the Council has amended the Assembly's Bill.
- (2) If the Assembly passes a section 76 (2) Bill, the Secretary must without delay submit the Bill—
- (a) to the President for assent if the Assembly has passed the Council's version of the Bill; or
- (b) to the Chairperson **[of the Council]** for consideration by the Council, if the Assembly has amended the Council's Bill.
- (3) When a House considers an amended Bill in terms of subrule (1)(b) or (2)(b), it does so in terms of its own rules.
- (4) If a House passes an amended Bill referred to it in terms of subrule (1)(b) or (2)(b), the Secretary must without delay submit the Bill to the President for assent.

235[186]. Referral to Mediation Committee in event of disagreement between Houses

- (1) A section 76(1) Bill must be referred to the Mediation Committee if—
- (a) the Council rejects the Bill as passed by the Assembly; or
- (b) the Council has amended the Bill as passed by the Assembly and the Assembly rejects the Council's amended version.
- (2) A section 76(2) Bill must be referred to the Mediation Committee if—
- (a) the Assembly rejects the Bill as passed by the Council; or
- (b) the Assembly has amended the Bill as passed by the Council and the Council rejects the Assembly's amended version.
- (3) A Bill contemplated in subrule (1) or (2) must be referred to the Mediation Committee **[within seven working days After the Assembly or the Council has rejected the Bill]** in accordance with joint rule 138.
- (4) The Secretary must **[within the period mentioned in subrule (3)]** before the first meeting of the Mediation Committee, provide the members of the Mediation Committee with—
- (a) a copy of the rejected Bill;
- (b) a copy of each version of the Bill that was tabled or considered in either of the Houses;
- (c) copies of the documents that accompanied the Bill when it was introduced; and
- (d) copies of all committee reports on the Bill.
- [(5) A Bill is regarded as having been referred to the Mediation Committee—**
- (a) **on the day the Secretary distributes copies of the Bill to the members, if both Houses are in session; or**
- (b) **seven days after the Secretary has distributed or sent copies of the Bill to the members, if both or either of the Houses are in recess.]**

236[187]. Notice to Houses of mediation result

Once the Mediation Committee has agreed on a version of a Bill referred to it, or if it is unable to agree on any version within 30 days of the Bill's referral to it, the Committee must notify the Speaker and the Chairperson **[of the Council]** of the result of its efforts.

237[188]. Process if mediation successful

- (1) If the Mediation Committee agrees on the Bill as passed or amended by the Assembly, the Secretary must submit that version to the Chairperson **[of the Council]** for reconsideration by the Council.
- (2) If the Mediation Committee agrees on the Bill as passed or amended by the Council, the Secretary must submit that version to the Speaker for reconsideration by the Assembly.
- (3) If the Mediation Committee agrees on another version of the Bill, the Secretary must submit that version to both the Speaker and the Chairperson **[of the Council]** for consideration by the Houses.
- (4) If a version of the Bill mentioned in subrule (1), (2) or (3) is passed by the Council, the Assembly or both Houses, as the case may be, the Secretary must without delay submit that version to the President for assent.

238[189]. Consequence of unsuccessful mediation on section 76(1) Bills

The Assembly must deal with a section 76(1) Bill in terms of its own rules if—

- (a) the Mediation Committee is unable to agree within 30 days of the Bill's referral to it;
- (b) the Council rejects the version of the Bill submitted to it in terms of joint rule **[188] 237(1)**;
- (c) the Assembly rejects the version of the Bill submitted to it in terms of joint rule **[188] 237(2)**; or
- (d) any of or both the Houses reject the version of the Bill submitted to them in terms of joint rule **[188] 237(3)**.

239[190]. Consequence of unsuccessful mediation on section 76(2) Bills

A section 76(2) Bill lapses if—

- (a) the Mediation Committee is unable to agree within 30 days of the Bill's referral to it;
- (b) the Council rejects the version of the Bill submitted to it in terms of joint rule **[188] 237(1)**;
- (c) the Assembly rejects the version of the Bill submitted to it in terms of joint rule **[188] 237(2)**; or
- (d) either of or both the Houses reject the version of the Bill submitted to them in terms of joint rule **[188] 237(3)**.

[Part 7: Procedure for mixed section 75/76 Bills

Note:

The procedure for mixed section 75/76 Bills suggested below, is based on the following premises:

- (1) A procedure can be provided only for mixed Bills introduced in the Assembly. Mixed Bills introduced in the Council are unconstitutional in that they contain section 75 provisions which cannot be introduced in the Council.**
- (2) Mixed Bills bound to lead to procedural confusion should be identified and disallowed at an early stage in the Assembly proceedings. A “screening “ process for this purpose is essential.**
- (3) Procedural confusion can only occur—**
 - (a) in the event of disagreement between the Houses; in other words when mediation, special NA majorities, etc., come into play; or**
 - (b) when the two voting procedures in the Council lead to different results (see par. 7 below).**
- (4) Proper consultation between the Houses throughout the process (through conferring committees and joint committees) may minimise the likelihood of disputes between the Houses.**
- (5) The screening process should also apply to amendments.**
- (6) The Assembly and the Council should be able to convert mixed Bills into pure section 75 or section 76 Bills when a disagreement or a likelihood of a disagreement between the Houses arises.**
- (7) When a mixed Bill is referred to the Council, the Council should decide the Bill by a vote of provinces as well as by a vote of individual delegates.**
- (8) If this is done there is no need for the Council to distinguish between section 75 and section 76 provisions in the Bill.**
- (9) Provinces can give their mandates on the Bill as a whole.**
- (10) If procedural complications arise because of a disagreement between the Houses or when the two voting procedures in the Council lead to different results, the mixed Bill should be split into separate section 75 and section 76 Bills and be dealt with accordingly.**
- (11) Each Bill should be considered and decided separately the Council and then proceeded with in terms of the relevant rules applicable to section 75 and section 76 Bills respectively.**
- (12) If a procedure for mixed section 75/76 Bills is politically acceptable, it would be advisable to refer the rules contained in this Part to the Constitutional Court for a ruling on their constitutionality. If the Court rules against this procedure, a constitutional amendment to authorise rules for such a procedure should be considered.**

Note:

The Joint Rules Committee approved Part 7 but decided that implementation should be held in abeyance pending legal clarity on its validity.

191. Mixed section 75/76 Bills introduced in Assembly

- (1) (a) If a Bill introduced in the Assembly is classified or reclassified by the JTM**

as a mixed section 75/76 Bill, the JTM must decide whether the Bill may be proceeded with or ruled out of order.

- (b) In reaching its decision the JTM may require the appropriate Assembly portfolio and Council select committees to confer on the matter for advice.
- (2) A mixed section 75/76 Bill must be ruled out of order unless—
- (a) the Bill is of such a nature that a dispute between the Houses is unlikely to arise;
 - (b) the Bill is drafted in such a way that it would be possible to isolate the provisions in the Bill to which section 75 and section 76, respectively, apply should it become necessary during the proceedings—
 - (i) to split the Bill into two separate section 75 and section 76 Bills; or
 - (ii) to amend the Bill in order that it becomes either a section 75 or a section 76 Bill; or
 - (c) the Bill is for any other reason unlikely to lead to unmanageable procedural complications.
- (3) If the JTM cannot agree whether the Bill should be proceeded with or ruled out of order, the Bill must be regarded as being out of order.

192. Consequence of decision

- (1) A Bill ruled out of order may not be proceeded with in its format as a mixed section 75/76 Bill, but may be split into separate section 75 and section 76 Bills and reintroduced in the Assembly in terms of the Assembly rules.
- (2) If a Bill is not ruled out of order, it must be proceeded with in terms of the applicable Assembly rules, subject to joint rule 194.

193. Mixed section 75/76 Bills introduced in the Council

If a Bill introduced in the Council is classified by the JTM as a mixed section 75/76 Bill, the Bill may not be proceeded with, but that part of it that falls within section 76 (3) of the Constitution may be separated and reintroduced as a separate section 76 Bill in the Council in terms of the Council rules.

194. Assembly amendments to mixed section 75/76 Bills

- (1) An Assembly committee to which a mixed section 75/76 Bill may have been referred in terms of the Assembly rules may confer with the corresponding Council select committee before it agrees to any amendments proposed in it or referred to it.
- (2) If the committees have conferred but cannot agree on amendments proposed in or submitted to the Assembly committee, or if the Bill has been referred to a joint committee in terms of joint rule 166 or 170 and the joint committee cannot agree on amendments proposed in or referred to the joint committee, the Assembly may—

- (a) instruct an Assembly committee—
 - (i) to split the Bill into separate section 75 and section 76 Bills; or
 - (ii) to amend the Bill in such a way that it may be reclassified as either a section 75 or a section 76 Bill;
 - (b) rule the Bill out of order in its format as a mixed 75/76 Bill, in which case joint rule 192(1) applies; or
 - (c) proceed with the Bill in its format as a mixed section 75/76 Bill.
- (3) The Assembly committee—
- (a) must consult the person in charge of the Bill when carrying out an instruction in terms of subrule (2)(a); and
 - (b) may request the responsible Cabinet member or Deputy Minister to make a state law adviser and any departmental officials available to assist the committee in carrying out the instruction, if the Bill was initiated by the national executive.
- (4) A split or amended Bill in terms of subrule (2)(a)(i) or (ii) must, after reclassification by the JTM, be proceeded with in terms of the applicable Assembly rules for section 75 or section 76 Bills.

195. Referral to Council

If the Assembly approves the Second Reading of a mixed section 75/76 Bill the Secretary must without delay submit the Bill to the Chairperson of the Council to deal with the Bill in terms of the Council rules.

196. Council amendments to mixed section 75/76 Bills

- (1) A Council committee to which a mixed section 75/76 Bill may have been referred in terms of the Council rules may first confer with the appropriate Assembly committee before it agrees to any amendments proposed in it or referred to it.
- (2) If the committees have conferred but cannot agree on amendments proposed in or to the Council committee, or if the Bill has been referred to a joint committee in terms of joint rule 166 or 170 and the joint committee cannot agree on amendments proposed in or referred to the joint committee, the Council may—
 - (a) instruct a Council committee to split the Bill into separate section 75 and section 76 Bills; or
 - (b) proceed with the Bill in its format as a mixed section 75/76 Bill.
- (3) The Council committee—
 - (a) must consult the person in charge of the Bill when carrying out an instruction in terms of subrule (2)(a); and
 - (b) may request the responsible Cabinet member or Deputy Minister to make available a state law adviser and any departmental officials to assist the committee in carrying out the instruction, if the Bill was initiated by the national executive.
- (4) A split Bill in terms of subrule (2)(a), must after reclassification by the JTM be

proceeded with in terms of the applicable Council rules for section 75 or section 76 Bills depending on its classification, provided that if the Bill is passed by the Council without amendments other than those technical adjustments necessary to effect the split, the Bill must nevertheless be referred to the Assembly as if it were a Bill amended by the Council.

197. Voting procedures in Council on mixed section 75/76 Bills

- (1) If the Council proceeds with the Bill in its format as a mixed section 75/76 Bill, the Bill as a whole must be decided by the votes of provinces and by the votes of individual members in accordance with the procedures set out in the Council rules.
- (2) The vote by provinces must be taken first.
- (3) Any amendment proposals to the Bill must be decided by the Council in accordance with the same procedure as set out in subrules (1) and (2).

198. Process if Council passes mixed section 75/76 Bill

If the Council passes a mixed section 75/76 Bill both by a vote of provinces and by a vote of individual delegates, the Secretary must without delay submit the Bill

- (a) to the President for assent if the Council has passed the Bill without amendments; or
- (b) to the Speaker if the Council has passed an amended Bill or proposed amendments to the Bill.

199. Assembly must consider Council amendments

- (1) If the Council amends a mixed section 75/76 Bill, the Assembly must consider the amended Bill or amendment proposals in terms of its own rules, and either pass the Bill or reject the Council's amendment Bill or amendment proposals.
- (2) If the Assembly passes the Council's amended Bill the Secretary must without delay submit the Bill to the President for assent.

200. Process if Houses disagree

- (1) A mixed section 75/76 Bill must be referred to the appropriate Assembly portfolio committee if—
 - (a) the Council rejects the Bill in terms of joint rule 197(1) either by a vote of Provinces or by a vote of individual members or by both; or
 - (b) the Assembly rejects the Council's amended Bill or amendment proposals in terms of joint rule 199(1).
- (2) The committee must split the Bill as previously passed by the Assembly into separate section 75 and section 76 Bills, and for this purpose joint rule 194(3) is applicable. When splitting the Bill the committee may not introduce amendments

other than those technical amendments necessary to effect the split.

- (3) After the JTM has classified the split Bills—
- (a) the committee must table the Bills in the Assembly;
 - (b) the Assembly must deal with the section 75 Bill in terms of joint rule 183(2), and
 - (c) the section 76 Bill must be referred to the Mediation Committee as if it is a Bill to which joint rule 133(1) applies, provided that the period referred to in joint rule 186(3) runs from the day on which the Bill was tabled in the Assembly in terms of paragraph (a) of this rule.
- (4) Any procedural complications may be referred to the Joint Rules Committee for resolution.

201. Ways of splitting Bills

- (1) If a mixed section 75/76 Bill is split in terms of these Rules, it may be done in the following ways:
- (a) **Amendment Bills:** Split the amendment Bill into two separate amend Bills, the one containing all the amendments that must be dealt with in terms of section 75 and the other all amendments that must be dealt with in terms of section 76.
 - (b) **Substantive Bills:**
 - (i) Either split the Bill into two separate sub Bills, the one containing all the clauses that must be dealt with in terms of section 75 and the other all the clauses that must be dealt with in terms of section 76; or
 - (ii) delete either the clauses in the Bill that must be dealt with in terms of section 75 or those that must be dealt with in terms of section 76 and move the deleted clauses to a separate amendment Bill which amends the main Bill by re-inserting the deleted clauses.
- (2) If the subrule (1)(b)(ii) procedure is followed a House considering the Bills—
- (a) must consider the two Bills together;
 - (b) must first decide the main Bill before it decides the amendment Bill;
 - (c) is regarded as having rejected the amendment Bill if it rejects the main Bill; and
 - (d) must make consequential adjustments to the amendment Bill if it passes amendments to the main Bill that affect the amendment Bill.]

Part 8: Bills referred back by the President

240[202]. Application

The provisions of this Part apply to Bills which the President, on account of reservations about their constitutionality, has in terms of section 79 of the Constitution referred back to the Assembly for reconsideration.

Assembly procedure

241[203]. Referral to Assembly committee

- (1) On receipt of a remitted Bill the Speaker must refer the Bill and the President's reservations to an Assembly committee.
- (2) The committee—
 - (a) subject to subrule (3), must consider, and confine itself to, the President's reservations;
 - (b) may request, where the referred Bill must be considered by—
 - (i) the Assembly only, the Speaker; or
 - (ii) both Houses, the Speaker and the Chairperson jointly,
to request clarification from the President on the President's reservations;
 - (~~b~~c) must confer with the corresponding Council committee if—
 - (i) the reservations relate to a procedural matter that involves the Council; or
 - (ii) the Bill concerned is a constitution amendment Bill that was passed also by the Council, or a section 76 **[or a mixed section 75/76]** Bill; and
 - (~~c~~d) must report to the Assembly on the President's reservations in accordance with subrule (4).
- (3)
 - (a) The Committee may make consequential amendments or amendments that do not affect the substance of the Bill to clauses that are not the subject of the President's reservations.
 - (b) The committee's report referred to in subrule (4) must clearly identify consequential and non-substantive amendments.
- (~~3~~4) If the committee agrees with the President's reservations, the committee must—
 - (a) **[recommend in its report how]** indicate the steps taken by the Committee to correct any procedural defect [can be corrected, if the reservations relate to a procedural matter];
 - (b) present with its report an amended Bill correcting any constitutional defect in the substance of the Bill, **[if the reservations relate to the substance]** or resulting from the steps to correct the procedural defect; [or]
 - (c) make a recommendation that any procedural defect can only be corrected by the Council; or
 - (~~c~~d) recommend that the Assembly rescind its decision to pass the Bill and reject the Bill, if it regards the Bill as being procedurally or substantively so defective that it cannot be corrected.

242[204]. Debate and decision

- (1) The Speaker must place the President's reservations and the committee's report, and, if an amended Bill is presented with the report, also the amended Bill, on the Order Paper for debate and decision.
- (2) The debate in the Assembly must be confined to—
 - (a) the President's reservations;
 - (b) consequential and non-substantive amendments made as contemplated in joint

rule 241(3):

~~[(b)](c)~~ the matters dealt with in the committee's report; and

~~[(c)](d)~~ any amendments to the remitted Bill that may be proposed by the committee.

- (3) No Assembly member may place any amendments to the Bill on the Order Paper.
- (4) The Assembly must consider the Bill in view of the President's reservations, and any amendments made in accordance with joint rule 231(3), and deal with the matter in terms of either joint rule 243 [205], 244 [206] or 246 [208].
- (5) The Assembly may refer the matter, including any amended Bill back to the committee for further consideration before it takes its decision.

243[205]. Procedural defects

- [(1) A remitted Bill which according to the President's reservations is procedurally defective—**
 - (a) must be returned to the President if the Assembly after having considered the President's reservations—**
 - (i) decides not to accommodate the President's reservations; or**
 - (ii) agrees with the President's reservations and could, and did, correct the procedural defect without involving the Council; or**
 - (b) must be referred to the Council if the Assembly—**
 - (i) after having considered the President's reservations agrees with the President's reservations; and**
 - (ii) could not correct the defect without the Council's involvement, or if only the Council can correct the defect.**
- (2) Any procedural complications in parliamentary proceedings to correct a procedural defect may be referred to the Joint Rules Committee for resolution.]**
- (1) The Bill must be returned to the President where the Assembly has considered and decided whether to accommodate the President's reservations raised in respect of procedure or not, and the Bill was classified as—
 - (a) a constitution amendment Bill that in terms of section 74 may be passed by the Assembly alone; or
 - (b) a section 75 Bill and the procedural reservation raised by the President did not involve the Council.
- (2) The Bill must be referred to the Council after the Assembly has considered and decided whether to accommodate the President's reservations raised in respect of procedure or not, and—
 - (a) the President's reservations in respect of procedure affected the Council;
 - (b) the Bill was classified as a section 74 Bill that is required to be passed by the Council; or
 - (c) the Bill was classified as a section 76 Bill.

244[206]. Substantive defects

- [(1) A remitted Bill which according to the President's reservations is defective because of its substance, must be returned to the President if the Assembly after having considered the President's reservations decides not to accommodate the President's reservations.**
- (2) If the Assembly accommodates the President's reservations and passes an amended Bill, the amended Bill must be—**
- (a) submitted to the President for assent if the amended Bill is—**
- (i) a constitution amendment Bill that in terms of section 74 may be passed by the Assembly alone; or**
- (ii) a section 75 Bill; or**
- (b) referred to the Council if the amended Bill is—**
- (i) a constitution amendment Bill that in terms of section 74 is required to be passed also by the Council; or**
- (ii) a section 76 Bill or a mixed section 75/76 Bill.]**
- (1) The Bill must be returned to the President where the Assembly has considered and decided whether to accommodate the President's reservations raised in respect of the substance of the Bill or not, and the Bill was classified as—**
- (a) a constitution amendment Bill that in terms of section 74 may be passed by the Assembly alone; or**
- (b) a section 75 Bill.**
- (2) The Bill must be referred to the Council after the Assembly has considered and decided whether to accommodate the President's reservations raised in respect of the substance of the Bill or not, and the Bill was classified as—**
- (a) a section 74 Bill that is required to be passed by the Council; or**
- (b) a section 76 Bill.**

245[207]. President's reservations to accompany Bill referred to Council

When a remitted Bill or an amended Bill is referred to the Council in terms of joint rule **[205(1)(b) or 206(2)(b)]** 243(2) or 244(2), the President's reservations must accompany the Bill.

246[208]. Defects that cannot be corrected

- (1) If a remitted Bill is either procedurally or substantively so defective that it cannot be corrected, the Assembly must consider rejection of the Bill.**
- (2) If the Assembly rejects a remitted Bill, the Bill may not be proceeded with, but this subrule does not prevent a Bill of similar substance from being re-introduced.**

Council procedure

247[209]. Referral to Council committee

- (1) On receipt of a remitted Bill or an amended Bill referred to the Council in terms of joint rule **[205(1)(b) or 206(2)(b)]** 243(2) or 244(2), the Chairperson **[of the Council]** must refer the President's reservations and the Bill to a Council committee.
- (2) The committee—
 - (a) must consider, and confine itself to, the President's reservations, and any clauses where consequential amendments or amendments that do not affect the substance of the Bill were made, as contemplated in joint rule 241(3);
 - (b) may confer with the corresponding Assembly committee on any matter concerning the President's reservations and on clauses contemplated in paragraph (a); and
 - (c) must report on the President's reservations in accordance with subrule (3) and, if the Assembly has passed an amended Bill, on the Bill.
- (3) If the committee agrees with the President's reservations, the committee must—
 - (a) **[recommend in its report how]** indicate the steps taken by the Committee to correct any procedural defect in the Council's proceedings **[can be corrected, if the reservations relate to a procedural matter]**;
 - (b) report whether it agrees with the amended Bill passed by the Assembly, if the Assembly has passed such a Bill, or recommend rejection of that Bill~~].~~ or
 - (c) present with its report an amended Bill, whether in response to amendments by the Assembly, or resulting from the steps to correct any procedural defect.

248[210]. Debate and decision

- (1) The Chairperson **[of the Council]** must place the President's reservations and the committee's report, and, if an amended Bill was passed by the Assembly, or by the Council, also the amended Bill, on the Order Paper for debate and decision.
- (2) The debate in the Council must be confined to—
 - (a) the President's reservations;
 - (b) consequential and non-substantive amendments made as contemplated in joint rule 241(3);

[(b)](c) the matters dealt with in the committee's report; and
[(c)] (d) the amended Bill, if there is an amended Bill.
- (3) No Council member or committee may propose amendments to the Bill as referred to the Council.
- (4) The Council must consider the President's reservations, and any amendments made in accordance with joint rule 241(3), and deal with the matter in terms of either joint rule **[211] 249** or **[212] 250**.
- (5) The Council may refer the matter back to the committee for further consideration before it takes its decision.

249[211]. Procedural defects

- (1) A remitted Bill which according to the President's reservations is procedurally defective must be returned to the President if the Council—
 - (a) agrees with the Assembly and decides not to accommodate the President's reservations; or
 - (b) agrees with the President's reservations and corrects the procedural defect, without any amendments proposed or effected to the remitted Bill, or the Bill as amended by the Assembly.

- (2) Any procedural complications in parliamentary proceedings to correct a procedural defect may be referred to the Joint Rules Committee for resolution.

- (3) A remitted Bill or amended remitted Bill, which according to the President's reservations is procedurally defective must be—
 - (a) returned to the Assembly if the Bill is a—
 - (i) section 75 Bill and the Council disagrees with the Assembly and decides not to accommodate the President's reservations;
 - (ii) section 75 Bill and the Council agrees with the President's reservations and corrects the procedural defect, which results in proposed amendments to the remitted Bill, or the Bill as amended by the Assembly; or
 - (iii) constitutional amendment Bill that in terms of section 74 must also be passed by the Council, or a section 76 Bill and the Council agrees with the President's reservations and corrects the procedural defect, which results in amendments to the remitted Bill, or the Bill as amended by the Assembly; or
 - (b) referred to the Mediation Committee if the Bill is a constitutional amendment Bill that in terms of section 74 must also be passed by the Council, or a section 76 Bill and the Council disagrees with the Assembly and decides not to accommodate the President's reservations.

- (4) A remitted Bill or amended remitted Bill referred to the Assembly, must be dealt with in accordance with the rules of the Assembly.

- (5) An amended Bill referred to the Mediation Committee must be dealt with in terms of the mediation procedure prescribed for—
 - (a) constitution amendment Bills, if the Bill is a constitution amendment Bill; or
 - (b) section 76(1) Bills, if the Bill is a section 76 Bill.

250[212]. Substantive defects

- (1) If the Council passes a Bill amended by the Assembly to correct a substantive defect, the Bill must be referred to the President for assent.

- (2) If the Council rejects the Assembly's amended Bill, or decides not to accommodate the President's reservations, the Bill must be referred to the Mediation Committee. **[If it is a mixed 75/76 Bill, joint rule 200 applies.]**

- (3) A remitted Bill or the Assembly's amended Bill, which according to the President's reservations contains a substantive defect must be returned to the Assembly if the Council agrees with the President's reservations and amends the remitted Bill or the Assembly's amended Bill.

~~[(3)]~~(4) An amended Bill referred to the Mediation Committee must be dealt with in terms of the mediation procedure prescribed for—

- (a) constitution amendment Bills, if the Bill is a constitution amendment Bill; or
- (b) section 76(1) Bills, if the Bill is a section 76 Bill.

Part 9: Time limits [and fast-tracking]

251[213]. Adherence to time limits

- (1) [A] Subject to joint rule 252, a time limit set for the completion of any step in the legislative process is compulsory and must be complied with by the person, structure, committee, forum or House to which it applies.
- (2) The following time limits are set for the completion of Bills by both Houses:
- (a) A constitutional amendment Bill that may be passed by the Assembly alone and a section 75 Bill, must be processed by both Houses within 24 months of its date of introduction; and
 - (b) a constitutional amendment that is required to be passed by the Council as well, and a section 76 Bill, must be processed by both Houses within 30 months of its date of introduction.

252[214]. Extensions

- (1) If it is not possible to meet a time limit set for a particular step in the legislative process, the affected person, structure, committee, forum or House must bring the fact and circumstances of the delay, within a reasonable time before the time limit expires, to the attention of the Joint Programme Committee or **[its]** a subcommittee established for this purpose and request the Committee or subcommittee to grant an extension or to take such steps as are within the competence of the Committee or the subcommittee.
- (2) The Joint Programme Committee or its subcommittee may grant a request or take such other steps as are necessary to ensure that the time limit is met.
- (3) If neither the Joint Programme Committee or its subcommittee are sitting, the Speaker or the Chairperson may decide to grant an extension or approve steps to achieve a time limit, provided that the Speaker's or the Chairperson's decision is ratified at the next sitting of the Joint Programme Committee or its subcommittee.

253[215]. Time limits concerning voting on a Bill in a House or committee

If a time limit for a decision on a Bill in a committee or a House is not met and no extension was given in terms of joint rule 252 [214], the Bill must be put to the vote in the House without delay.

[216. Fast-tracking

- (1) (a) Only the person in charge of a Bill or, if it is a Bill initiated by the national executive, the Leader of Government Business in Parliament, may make a request for the fast tracking of a Bill.
- (b) The request must be properly motivated.
- (2) On receipt of a request in terms of subrule (1) the Joint Programme Committee or its subcommittee may—
 - (a) dispense with any joint rule or any Assembly or Council rule that may impede prompt passage of an urgent Bill in the proceedings of Parliament, depending on the degree of urgency;
 - (b) shorten any period within which any step in the legislative process relating to the Bill must be completed; or
 - (c) make any procedural ruling that may facilitate prompt passage of the Bill.
- (3) The subcommittee of the Joint Programme Committee may take a decision in terms of subrule (2) only when the Speaker and the Chairperson [of the Council] are present at the meeting.
- (4) Any decision taken by the Joint Programme Committee or its subcommittee in terms of subrule (2) must be tabled in each House on its first sitting day after the decision was taken, for ratification by the House.
- (5) If the one House ratifies a decision mentioned in subrule (4) and the other House refuses to ratify it, the decision must be referred to the Joint Rules Committee for resolution in accordance with the procedure set out in joint rule 57(2) and (3).
- (6) A Bill is an urgent matter—
 - (a) if a delay in its passage in the proceedings of Parliament may seriously affect the interests of the state or the general public; or
 - (b) if other exceptional circumstances require prompt passage of the Bill.
- (7) This rule does not apply to a Bill classified as being subject to section 18(1) of the Traditional Leadership and Governance Framework Act, 2003, which is still before the House where it was introduced for a period of 30 days since the referral to the National House of Traditional Leaders in terms of Assembly Rule 332 and Council Rule 255.

[Rule 216(7) inserted, 13 September 2005 (NA);14 September 2005 (NCOP)]

Part 10: General matters concerning the legislative process

[217. Designation of members to be in charge of Bills in other House

- (1) A Council member designated by the Assembly member in charge of a Bill introduced in the Assembly, must be regarded as the person in charge of the Bill in the Council proceedings.

- (2) **An Assembly member designated by the Council member in charge of a Bill introduced in the Council which was not initiated by the national executive, must be regarded as the person in charge of the Bill in the Assembly proceedings.**
- (3) **Subrule (1) does not apply to Bills introduced by a Cabinet member or a Deputy Minister.]**

254[218]. Distribution of copies of Bills

- (1) The Secretary must supply to each Assembly member, **[and permanent]** member of the Council and also to the Speaker of each provincial legislature **[a] an electronic copy of—**
 - (a) each Bill or amended Bill;
 - [(b) any documents accompanying a Bill on introduction;]** and
 - [(c)]b) any committee report on a Bill.**
- (2) Documents mentioned in subrule (1) and destined to be tabled in or presented to the Assembly, must be distributed to Assembly and Council members not later than the day they are tabled or presented, unless the Speaker directs that they be distributed earlier.
- (3) Documents mentioned in subrule (1) and destined to be tabled in or presented to the Council, must be distributed to Council and Assembly members not later than the day they are tabled or presented, unless the Chairperson **[of the Council]** directs that they be distributed earlier.

255[219]. Announcements concerning progress with Bills

- (1) The Secretary must update Assembly and Council members on a regular basis concerning the progress with Bills in the legislative process by appropriate announcements in the ATC.
- (2) At least the following must be announced in the ATC:
 - [(a) The appearance of a notice in terms of the Assembly or Council rules—**
 - (i) that a Bill is to be introduced; or**
 - (ii) that the introduction of a Bill will not be proceeded with.**
 - (b) The publication of the text of a draft Bill or an explanatory summary of a draft Bill for public comment.]**
 - [(c)](a) The introduction of a Bill in the Assembly or the Council.**
 - [(d)](b) The introduction of a Bill in the Council on behalf of a Cabinet member or Deputy Minister.**
 - (c) The tabling by the Speaker or Chairperson of written comments received from the public and the provincial legislatures on a constitutional amendment Bill.**
 - [(e)]d) The referral of a Bill to the JTM for classification.**
 - [(f)]e) The JTM's classification of and findings on a Bill.**
 - [(g)]f) The referral of a Bill to an Assembly or Council committee or a joint committee.**
 - [(h)]g) Any instructions concerning the consideration of a Bill issued by—**
 - (i) the Speaker to an Assembly committee;**

- (ii) the Chairperson **[of the Council]** to a Council committee; or
- (iii) the Speaker and the Chairperson, acting jointly, to a joint committee.
- [(i)]h**) The tabling of a committee report in the Assembly or the Council or in both.
- [(j)]i**) The referral of a Bill from one House to the other.
- [(k)]j**) The need for the referral of a Bill **[to the Mediation Committee]** for mediation, as well as the referral of that Bill to a Mediation Committee established in accordance with joint rule 138.
- [(l)]k**) The result of mediation in the Mediation Committee.
- [(m)]l**) The setting or extension of any time limit for the completion of any step in the legislative process concerning a Bill.
- [(n)]** **Any decisions taken on fast tracking of Bills.]**
- [(o)](m)** Bills passed, rejected or withdrawn or which have lapsed or are not or may not be proceeded with.
- [(p)](n)** The referral of a Bill to the President for assent.
- [(q)](o)** Bills sent back by the President on account of reservations concerning their constitutionality.
- [(r)](p)** Any decisions on remitted Bills.
- [(s)](q)** The names of the members of a joint committee, an Assembly committee or a Council committee, including a subcommittee.

256[220]. Language requirements for Bills

- (1) A Bill introduced in either the Assembly or the Council must be in one of the official languages. The Bill in the language in which it is introduced will be the official text for purposes of parliamentary proceedings.
- (2) The official text of the bill must be translated into at least one of the other official languages **[and the translation must be received by Parliament at least three days before the formal consideration of the bill by the House in which it was introduced].**

[Rule [220]256 (2) substituted, 18 March 2008 (NA); 19 March 2008 (NCOP)]

- (3) The cover page of a Bill must specify which language version is—
 - (a) the official text; and
 - (b) an official translation.
- (4) In parliamentary proceedings only the official text of a bill is considered, but the Secretary must ensure that all amendments to the official text are reflected in the official translation or translations before the official text is sent to the President for assent.

[Rule [220]256(4) substituted, 18 March 2008 (NA); 19 March 2008 (NCOP)]

257[221]. Referral of Bills to President for assent

When the official text of the Bill is sent to the President for assent it must be accompanied by the official translation or translations.

258[222]. Subsequent amendments

- (1) If an Act **[passed after the adoption of joint rule 220]** is amended—
- (a) the official text of the amendment Bill amending that Act **[may] must** be in **[any of] the same language as the official **[languages]** text of that Act contemplated in joint rule 256(1); and**
 - (b) any translation contemplated in joint rule 256(2) must be in the same official language as the language of the official translation contemplated in joint rule 256(4), or in an official language of a translation issued by Parliament as contemplated in subrule (2).
- (2) Nothing in this rule may be construed as a prohibition on the translation of a Bill by Parliament into any other official language in order to give effect to section 6 of the Constitution, specifically subsections (2) and (4) thereof.
- [(2) If the official text of the Bill is not in the same language as the signed text of the Act that is being amended, then one of the official translations of the Bill must be in the language of the signed text.]**