**Rules Committee**

**Interim Report on consideration of Chapters 1 to 6 of Draft 8 of the NA Rules**

**19 November 2015**

**Introduction**

At its meeting on 18 November, the Rules Committee considered Chapters 1 to 6 of Draft 8 of the NA Rules as presented by the Rules Subcommittee on Review of Rules. Consideration focused on the Rules in Draft 8 containing options as well as other matters of concern to individual members or parties.

Based on agreement or broad consensus reached on the various issues raised, adjustments as indicated below are made to the draft rules with a view to their submission to the House for adoption. In the process all options in the text of Draft 8 will be deleted. Minority views on issues on which broad consensus could not be reached and on which there is disagreement in principle are not reflected in the adjustments to Draft 8 but will be captured in summary in the Committee's report on the revision of the NA Rules.

**Draft Rule Adjustments and related Notes**

**CHAPTER 1:**

**Rule 3 – Suspension or supplementing of Rules**

**(1)** Insert the following new subrule after subrule (2):

(2A) Any motion to adopt or amend any Rule or to suspend any provision of these Rules requires notice in accordance with Rule 97.

**(2)** An earlier subrule (3) had been deleted with the option that it be reinstated. The deleted text read:

[(3) A majority of the members of the House must be present before a decision may be taken to adopt or amend any Rule or to suspend any provision of these Rules.]

The following additional subrule is now inserted:

(2B) At least one third of the members of the House must be present before a decision may be taken to suspend any provision of these Rules but a majority of the members of the House must be present before a decision may be taken to adopt or amend any Rule.

**Rule 5C – Conventions and practices**

Amend subrule (1) by the addition of the words as indicated:

(1) Conventions and practices relating to the business of the House and its committees and other forums are established by agreement amongst political parties and parliamentary office-bearers, and may be varied by agreement amongst them and reviewed from time to time as decided by the Rules Committee.

**CHAPTER 3:**

**Rule 21CF - Sanctions for extended unauthorised absence from meetings of a committee**

Amend subrule (1) as indicated:

(1) A member who is absent from three or more consecutive meetings of a committee referred to in Rule 21CE(1) without his or her party's approval may be fined **[R1 000]** an amount to be determined by the Rules Committee from time to time for each day of absence.

**CHAPTER 4:**

**Rule 24A - Arrangement of business on Order Paper**

Amend the heading and subrule (1) as indicated:

**24A. Arrangement of business on Order Paper when no consensus in Programme Committee**

(1) If no consensus could be reached in the Programme Committee in terms of Rule 190B on the programme of business for a particular sitting day or if the Programme Committee has not made a detailed determination for any sitting day, the Chief Whip of the Majority Party must, subject to these Rules and particularly any Rule providing that the Speaker must exclusively make a specific programming decision, arrange the business of the Assembly on the Order Paper for that day -

(a) with the concurrence of the Speaker, and the Leader of Government Business when any government business is prioritised; and

(b) after due consideration of the views and directions of the Programme Committee.

**Rule 35 – Speakers' list** (in mini plenary session)

Rule 35 is amended as indicated (based on a similar arrangement for First Reading debates on bills in Rule 248A):

1. A mini plenary session does not make use of a speakers' list, except in the event of a debate on a budget vote when a speakers' list must be used.

(1A) In referring a matter for consideration to a mini plenary session in terms of Rule 31(1), the Speaker must -

(a) allocate time for the debate on that matter, including time for participation by the person in charge, provided that if the person in charge is a member of the Executive the time allocated to him or her must be determined in consultation with the Leader of Government Business, and

(b) set a time limit for speeches by all participating members other than the person in charge.

(2) When a speakers' list is not used, the presiding officer must **[(a)]** in a balanced manner allow speakers from all parties to participate in the debate or discussion, subject to any time limit **[the presiding officer may impose]** imposed in terms of subrule (1A). **[and (b) allocate time for the participation of the relevant member of the Executive in consultation with the Leader of Government Business.]**

(3) A member may participate in a debate in a mini plenary session more than once if recognised by the presiding officer.

**CHAPTER 5:**

**Rule 45 – Conduct of members**

**(1) Rule 45(c) – (bowing to the Chair)**

Amend Rule 45(c) as indicated:

(c) to **[bow to the Chair]** acknowledge the authority of the Chair suitably by bowing or nodding when entering or leaving the Chamber;

**(2) Rule 45(f) – (dress code)**

Omit the proposed Rule 45(f) and Option 1, and replace with Option 2 combined with Option 3 (on p27 of Draft 8) and further amended as indicated, so that par (f) will read as follows:

(f) to dress according to their personal tastes and any directives of their party, provided that no party symbols may be displayed and provided further that such dress is in accordance with the dignity and decorum of the House and any guidelines that may be approved by the Rules Committee;

**Rule 52 - Naming or suspension of member**

Amend the proposed new Rule 52 (on p30 of Draft 8) as indicated:

If a presiding officer is of the opinion that a contravention committed in terms of Rule 51 by a member of the House is of so serious a nature that an order to leave the Chamber for the remainder of the day’s sitting is inadequate, the presiding officer may -

(a) if he or she is the Speaker, suspend the member for a period provided for in Rule 54; or

(b) if he or she is not the Speaker, name the member and order him or her to leave the Chamber immediately and not participate in any parliamentary activities until the Speaker, after consultation with the presiding officer, has announced what action is to be taken against the member in terms of these rules, including whether such member will be suspended for a period provided for in Rule 54, provided that the Speaker's decision must be announced within 2 days of the member having been named.

**Rule 53A -**  **Removal of member from Chamber**

Nature and function of committee in Rule 53(12) **stood over**.

**Rule 61 - Reference to member as “honourable”**

Amend the heading and the Rule as indicated:

**61. Reference to member [**by nameas “honourable”**] in respectful terms**

(1) In the House and in mini plenary sessions members must refer to one another **[as “honourable”]** in respectful terms.

(2) Further to Subrule (1), no member **[shall]** may refer to any other member by his or her **[first name or names]** name only.

(3) No name to impugn the dignity of any member may be used.

**Rule 63 - Unparliamentary or unacceptable language or gestures**

Amend Rule 63 as indicated:

No member may use offensive, abusive, insulting, disrespectful, unbecoming or unparliamentary words or language, nor offensive, **[or]** unbecoming or threatening gestures.

**CHAPTER 6:**

**Rule 74A – Quorum**

Amend Rule 74A as indicated:

In terms of Section 53 of the Constitution, except where the Constitution provides otherwise -

(a) a majority of the members of the National Assembly must be present before a vote may be taken on a bill or an amendment to a bill; and

(b) subject to Rule 3, at least one third of the members must be present before a vote may be taken on any other question before the Assembly.

**Rule 74B – Absence of quorum**

Amend subrule (1) as indicated:

(1) If the attention of the presiding officer is called to the absence of the prescribed quorum when a question is put for decision, the presiding officer may suspend the proceedings, postpone the decision of the question or direct that the bells be rung for five minutes, or such longer time as the presiding officer may direct but not exceeding 15 minutes.

**Rule 82 – Declaration of vote**

Amend subrule (1) to include Option 1, as indicated:

(1) Subject to Subrule (3), the presiding officer may at any time after a question has been fully put, if so requested, permit one member of each political party to declare its vote by stating on behalf of his or her party the reasons why the party is in favour of or against the question; provided that in the case of declarations of vote on a committee report, the relevant Minister be given the opportunity to express the Executive's view and for that purpose be allocated the same amount of time as the member of the majority party in terms of subrule (1A).

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