



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

16 November 2010

The Speaker of the National Assembly
Parliament of the Republic of South Africa
BY HAND

Dear Mr Speaker

RULES COMMITTEE MEETING: 17 NOVEMBER 2010

I wish to apologize for not being able to attend the meeting of the Rules Committee on 17 November 2010 as I am being hospitalized to undergo a back operation. Dr MGR Oriani-Ambrosini MP, the other IFP member serving on the Committee, also cannot attend the meeting and I have excused him from parliamentary duties on that day. The reason being that at the very same hour as the Rules Committee meets, he will be attending the burial of his father-in-law in Standerton, Mpumalanga.

There is an item on the agenda which is of great importance to my Party and, I submit, for the whole of Parliament, namely a proposal from the Sub-Committee on the Amendment of the Rules for the amendment of the functions and powers of the Private Members Committee.

This proposal arises out of the court application our member, Dr. Oriani-Ambrosini, has launched to redress the fact that our Rules are in his opinion in breach of the Constitution as they impair an MPs' right and obligation to introduce legislation in the Assembly. The Sub-Committee's proposal admits this much.

The proposed amendment was discussed in the Sub-Committee but Dr. Oriani-Ambrosini could not agree to it, for reasons which he intended to present at the meeting of the forthcoming Rules Committee, in the hope that its language could be improved so as to address the problem at hand. Such reasons were also discussed in our Caucus, which supported his position.

In the circumstances I kindly request you to table this letter at the forthcoming meeting of the Rules Committee which also contains the reasons which Dr Oriani-Ambrosini would have presented to the Rules Committee to motivate his case for the need to amend the proposal arising out of the Sub-Committee, had he been present himself.

Our main concern is that having to submit a "proposal" to the "approval" of the Private Members Committee before a Bill can be introduced in the National Assembly, is still a major impairment to the constitutional right to introduce a Bill if there is no deadline for the finalization of the Private Members Committee's deliberations. From my 33 years as an MP, I know well that much of our scheduled work remains "below the line" and is eventually not attended to. Historically, many proposals pending before the Private Members Committee lapsed with the end of that Legislature. We also know that the Private Members Committee has experienced serious difficulties in achieving a quorum and finding time to meet.

Therefore, we kindly request that two additional subsections be added to the proposed Rule 235A stating that:

"(2) *If the Committee has not finalized its deliberations within three months of the proposal having been submitted by the Member concerned, it shall be deemed that*



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the Committee has resolved to recommend to the Assembly that permission be given to the Member concerned to introduce a Bill."

Because the possibility of work and agenda items remaining "below the line" is much greater in the National Assembly than in Committee, it is also necessary that the following subsection to be added

"(3) If the National Assembly has not finalized its deliberations on the recommendation of the Committee within three months of the recommendation of the Committee it shall be deemed that the National Assembly has resolved to give its permission to the Member concern to introduce the Bill."

We also have concerns about the drafting quality of section 235A, in that items (a) and (b) are identical in substance requiring the deletion of one of them.

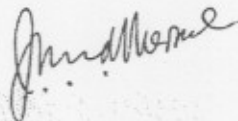
Moreover item (f) is far too open, broad and uncertain in meaning and reintroduces the very discretion which the amendment intends to eliminate from this process so as to maintain the Private Members Committee's review on objective standards. This item should also be deleted

We should appreciate it the agenda item of this matter could stand over until the next meeting of the Rules Committee, if such meeting could be held before the aforesaid litigation goes to trial in March 2011.

Otherwise, we request that the Rules Committee adopts the amendment proposed by the Sub-Committee with the aforesaid correction and amendment, failing which the proposed amendment will not have the intended effect of addressing the issues raised in the aforesaid court application.

I should appreciate your kind cooperation on this important matter. I should likewise appreciate your indulgence for the unfortunate personal circumstances of both Dr Oriani-Ambrosini and myself, for not being able to attend the meeting..

Yours faithfully



JH VAN DER MERWE MP
Chief Whip of the IFP
mariospeakcr151110

cc. Members of the Rules Committee