



REPORT OF SUBCOMMITTEE ON REVIEW OF THE ASSEMBLY RULES
PROPOSED STRATEGY FOR COMPREHENSIVE REVIEW OF THE RULES

(For consideration by the Rules Committee on 6 June 2012)

At its meeting on 31 May 2012, the Subcommittee on Review of the Assembly Rules agreed to propose the following strategy for a comprehensive review of the NA Rules:

1. INTRODUCTION

There are a number of drivers of the proposed review of the rules. There is, for example, the need to determine how the Assembly wants to give expression to being an African Parliament, an activist Parliament and a people's Parliament. Issues around the ethos and culture of Parliament and how they find expression in the processes and proceedings of the House need to be clarified. Matters of decorum also need to be addressed, as do some institutional reforms that are required.

As the subcommittee of the Rules Committee that is tasked with "the development, formulation or adoption of policy on the proceedings, procedures, Rules, orders and practices of the Assembly", the Subcommittee on Review of the Assembly Rules will act as the "engine room" of the review process, digesting and processing matters for eventual presentation to the Rules Committee.

The Subcommittee, in turn, will be reliant on a number of processes over which it does not necessarily have control, eg the crafting of a public participation model for the legislative sector and the finalisation of the recommendations in several reports that are currently before various parliamentary structures. A review of the rules will be difficult without the cooperation of the role-players involved in those processes.

That being said, the basic strategy for reviewing the rules of the National Assembly will be two-pronged, namely the consideration of existing rules and processes and determining to what extent they require adjustment, replacement or enhancement and, secondly, the consideration of rules for processes that have been identified as necessary for the modernisation of parliamentary practices and proceedings. The latter will include a progressive approach to the use of technology and exploring means of giving greater prominence to constituency work, among others.

2. PREPARATORY PHASE

Preceding the start of the actual review, the following preparatory activities are proposed:

(a) Capacity-building workshop

A capacity-building workshop for members of the Subcommittee on Review of the Assembly Rules that will include briefings and discussions on, *inter alia*, the following topics:

- Sources of parliamentary procedure
- Sources of the rules
- Nature and application of the rules
- Amendment and suspension of the rules
- Unwritten rules, practices and conventions
- Content and coverage of the current rule book

RECOMMENDATION: It is proposed that preparations for the comprehensive review process should include capacity-building activities for members of the Subcommittee on Review of the Assembly Rules and support staff, including having a workshop that will provide background on the origin and application of the current Rules of the National Assembly.

(b) Period for submission of review topics by parties

A period of three months is proposed for parties to submit topics or areas of the rules that they would want considered during the review process. Final submissions will be due by the end of August 2012. That gives parties enough time to present proposals that have been processed by all required party structures.

RECOMMENDATION: It is proposed that submissions from parties should not consist of actual drafted amendments, but should essentially be broad proposals accompanied by a motivation for the suggested changes, inclusions and/or deletions to and from the existing rules.

(c) Consolidation of existing resource material

There are several substantive reports currently before various parliamentary structures. These include the *Report of the Independent Panel Assessment of Parliament*, *Report of the Ad Hoc Committee on the Review of Chapter 9 and Associated Institutions*, *Report of the Task Team on the Legislative Process*, the *Oversight and Accountability Model* and the *Report of the CWF Task Team on Decorum*, to name some.

There are also reports of which the recommendations have to be considered before they can be included in the review process, such as the *Report of the Task Team on the Legislative Process* (currently with the Chief Whips' Forum for processing), while others like the *Public Participation Model* (currently with a Joint Rules Committee task team) must still be completed.

Consideration can be given to using the *Report of the Independent Panel Assessment of Parliament* as the pivot around which all the other reports are considered, since that report contains recommendations on all the issues covered in the other reports. That would provide the review process with a focal point without limiting its scope.

RECOMMENDATION: It is proposed that –

- (a) parties be given until the end of August 2012 to submit broad proposals on proposed areas of review;
- (b) during this period, a report be drafted, under the guidance of a specialist consultant assisted by a dedicated team from the NA Table, consolidating the recommendations from the completed reports mentioned above for inclusion in the review process; and
- (c) for those still processing other reports use the time to complete their work, where possible.

3. PRESENTATION OF POLICY ISSUES AND DRAFTING OF RULES

Following the preparatory phase, a specialist consultant and a dedicated team from the NA Table will categorise the topics for consideration by the Subcommittee.

The Subcommittee will proceed to consider the topics in the identified categories and find agreement in principle on what requires change and/or what should be added or deleted.

The Subcommittee's agreed recommendations will then be presented to the Rules Committee for agreement. Once the Rules Committee has agreed on a matter, it will be returned to the Subcommittee for drafting of the requisite rules.

This process is anticipated to stretch over a period of approximately 10 months (until June 2013).

RECOMMENDATION: It is therefore proposed that the Subcommittee –

- (a) will deliberate and agree in principle on policy issues;
- (b) will present such agreed proposals to the Rules Committee for approval;
- (c) will then proceed to draft the necessary rules or rule amendments; and
- (d) will complete the review by June 2013.

4. IMPACT ON JOINT RULES

It is envisaged that a review of the National Assembly rules will have an impact on the Joint Rules, eg those relating to the legislative process. It will therefore be prudent if the review of the Assembly Rules is conducted with reference to the Joint Rules and the NCOP Rules.

Following the completion of the review process in June 2013, the remainder of the parliamentary year can be devoted to considering amendments to the Joint Rules that are consequential to the review of the NA Rules and to synchronising the new NA Rules with the Joint Rules.

RECOMMENDATION: It is proposed that should matters arise that require an adjustment of the Joint Rules, they be presented to the Joint Rules Committee for referral to the Joint Subcommittee on Review of the Joint Rules for processing.

5. RESOURCES REQUIRED

Given the pressure of work and capacity constraints at top management level at present, it is proposed that a specialist consultant with a thorough knowledge and understanding of the rules and practices of the National Assembly, as well as vast practical experience in their implementation and application, be appointed to coordinate the review process on an administrative level. The specialist consultant will be assisted by a dedicated team of up to seven procedural officers from the NA Table who will conduct the necessary comparative research and draft new rules and rule amendments. Staff members of other relevant divisions of the Parliamentary Service will also be involved, as and when required.

Should additional expertise and research from outside the institution be required during the course of the review process, the Subcommittee, by agreement, can approach the Speaker for permission to obtain such expertise. Any additional support provided to the Subcommittee will be reported to the Rules Committee.

RECOMMENDATION: It is proposed that –

- (a) the services of a specialist consultant with a thorough knowledge and understanding of the rules and practices of the National Assembly, as well as vast practical experience in their implementation and application, be appointed to coordinate the review process on an administrative level;
- (b) the specialist consultant be supported by a dedicated team from the NA Table and staff from relevant divisions of the Parliamentary Service, as and when required; and
- (c) should any further expertise from outside the institution be required, the Subcommittee on Review of the Assembly Rules may approach the Speaker for permission to obtain such expertise.

6. INVOLVING THE PUBLIC

Though the Rules of Parliament generally are quite technical and it would not really serve a purpose to involve the general public on the technical aspects of the rules, that does not mean that the public should be excluded from the review completely.

When considering issues such as the nature of debate in the House and finding new ways of galvanising public interest in the activities of the House, it would not be out of place to call for public submissions on such topics.

The Subcommittee can identify the areas on which public input would be prudent and present them to the NA Rules Committee for consideration, accompanied by proposals on the manner in which public input can be obtained.

7. SUMMARY

It is proposed that the review of the NA Rules agreed by the Rules Committee be conducted as set out above with the following role-players, the process to be completed by June 2013:

- All political parties represented in the National Assembly
- The Subcommittee on Review of the Assembly Rules, chaired by Adv T M Masutha MP

- A specialist consultant with thorough knowledge and understanding of the Assembly rules and practices, as well as vast practical experience in their implementation and application
 - A dedicated team of procedural officers from the NA Table, assisted by staff members of other relevant divisions of the Parliamentary Service, as and when required
 - Other experts from outside the institution, should they be required
-