



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

**PROPOSAL FOR ADJUSTMENT OF QUORUM REQUIREMENTS AND DECISION-MAKING PROCESS
OF INTERIM JOINT COMMITTEE ON SCRUTINY OF DELEGATED LEGISLATION**
(For consideration by the Scrutiny Committee on 20 June 2012)

At present the Interim Joint Committee on Scrutiny of Delegated Legislation exercises its powers and functions in accordance with the Rules applicable to joint committees generally, unless otherwise provided for in the interim Rules establishing the committee.

For quorum requirements, Joint Rule 27 applies and when it comes to the decision-making process, Joint Rule 146 applies.

In other words, the committee may proceed with business irrespective of the number of members present, but it may only take decisions if a majority of members of each component (NA and NCOP) are present. In the case of the Scrutiny Committee that means 5 NA members and 3 NCOP members. A question before the committee is decided when there is agreement on the question between the Assembly component and the Council component.

Given the composition of the committee, it may for practical purposes wish to amend its quorum requirements and decision-making process. If agreed, the resolution establishing Scrutiny Committee and determining its rules will have to be amended (required by Joint Rule 146) to include the following:

5A. Quorum

- (1) A majority of the members of the Committee constitutes a quorum.
- (2) The Committee 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 Committee has to decide a question and quorum is not present, the member presiding may either suspend business until a quorum is present, or adjourn the meeting.

5B. Decisions

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

PROCESS FOR APPROVAL

If the Scrutiny Committee agrees that it wants to amend its quorum requirements and decision-making process as set out above, the Chief Whip of the Majority Party must move an amendment to the resolution establishing the committee in the NA and the Chief Whip of the Council must move a similar amendment to the resolution establishing the committee in the NCOP. Once both Houses have agreed, the amended interim rules will enter into force.