



PARLIAMENT

OF THE REPUBLIC OF SOUTH AFRICA



RULES OF THE NATIONAL ASSEMBLY

9th EDITION





RULES OF THE NATIONAL ASSEMBLY

9TH EDITION

26 May 2016

The 9th Edition of the Rules of the National Assembly contains the rules as comprehensively revised (necessitating their complete renumbering) and adopted by the National Assembly on 26 May 2016. For ease of reference relevant supporting documents have been included as appendices.

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CHAPTER 1

SOURCES OF AUTHORITY OF ASSEMBLY AND THEIR APPLICATION

Part 1: Definitions

1. Definitions

In these rules, unless the context otherwise indicates —

“Assembly” means the National Assembly;

“ATC” means the document entitled Announcements, Tablings and Committee Reports, which supplements the Minutes of Proceedings of the National Assembly;

“attendance” means a member’s presence at a sitting of the House, a meeting of a mini-plenary session or any other committee or forum, or at any other official parliamentary activity;

“Chamber” means the Chamber of the National Assembly or any other chamber in which the proceedings of the House and its forums are conducted;

“Chief Whip” means the Chief Whip of the Majority Party;

“classification”, with reference to a Bill, means the classification of a Bill in terms of Joint Rule 160(6) or the reclassification of a Bill in terms of Joint Rule 163;

“Constitution” means the Constitution of the Republic of South Africa, 1996;

“constitutional institution” means —

- (a) any state institution mentioned in Section 181 of the Constitution; or
- (b) any other institution established, or of which the establishment is required, in terms of a specific provision of the Constitution, including the constitutional institutions listed in Schedule 1 of the Public Finance Management Act, 1999;

“constitution amendment Bill” means a Bill to which Section 74 of the Constitution applies;

“Council” means the National Council of Provinces;

“document” means any written instrument, and includes any electronic or other device in or on which information, including visual material, is recorded, stored or kept;

“duration of the House” means the term of the House or the remaining part of its term at any time;

“formal motion” means a motion of a procedural nature that in terms of Rule 123 does not require notice;

“forum” in relation to the Assembly means any formal gathering of members of the Assembly as provided for in the rules and orders to conduct the business of the Assembly, and includes sittings of the House, mini-plenary sessions of the House, and meetings of committees and other relevant structures of the Assembly;

“Gazette” means the national Government Gazette;

“House” means the Assembly unless otherwise specified;

“JTM” means the Joint Tagging Mechanism established by Joint Rule 151;

“member” means a member of the Assembly;

“mini-plenary session” means a subordinate meeting of the House for debating purposes only and involving a reduced number of members, as provided for in Rules 49 to 56;

“misconduct” in these rules means a breach of the standing rules of Parliament by a member, except a breach of the code of conduct contained in the schedule to the Joint Rules or conduct amounting to contempt of Parliament as defined in the Powers and Privileges Act;

“money Bill” means a Bill that appropriates money or imposes taxes, levies or duties and to which Section 77 of the Constitution applies;

“motion” means —

- (a) a proposal made by a member in the form of a draft resolution that the Assembly do something, order something to be done or express an opinion concerning some matter; or
- (b) a proposal made by a member that the Assembly discuss a subject presented by the member for that purpose;

“official parliamentary activities” means any business or activity of Parliament, including plenary sittings, committee meetings, study tours, workshops, parliamentary forums or any other parliamentary activity sanctioned by the Assembly, or its committees or presiding officers, as duly authorised;

“organ of state” means any executive organ of state in the national sphere of government as contemplated in Section 55(2) and defined in Section 239 of the Constitution;

“Parliamentary Protection Services” means any employee authorised by Parliament to perform security and protection services within the precincts of Parliament, and includes all parliamentary staff members employed, appointed, assigned, delegated or contracted by Parliament to perform security and protection functions within the precincts of Parliament;

“party whip” means a member designated by the leadership of a party to oversee and guide the conduct of its members in relation to the rules and the decorum and business of the House or a committee, and to perform such further functions as the House may prescribe;

“person in charge” —

- (a) with reference to a Bill introduced by a Cabinet member, a Deputy Minister or an Assembly member, means that Cabinet member, Deputy Minister or Assembly member;
- (b) with reference to a Bill introduced by an Assembly committee, means the chairperson or any other member of the committee designated by the committee;
- (c) with reference to a money Bill, means the Cabinet member responsible for national financial matters;
- (d) with reference to a Section 76(2) Bill introduced on behalf of a Cabinet member or Deputy Minister in the Council, means that Cabinet member or Deputy Minister;
- (e) with reference to a Section 76(2) Bill introduced in the Council, other than Bills referred to in Paragraph (d), means the Assembly member designated in terms of Joint Rule 217(2);
- (f) with reference to a committee report, means the member who introduces the report in the House on behalf of the committee; and
- (g) with reference to a motion, means the member who gives notice of the motion and/or moves the motion in the House;

“point of order” means a matter related to the procedure or practice of the House, or a complaint of unparliamentary conduct or behaviour on the part

of another member, which a member is entitled to raise during the sitting of the House or committee when seeking guidance and a ruling on the matter from the presiding officer;

“Powers and Privileges Act” means the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act, 2004;

“precincts of Parliament” means the precincts referred to in Section 2 of the Powers and Privileges Act;

“private member” means any member other than a Minister, a Deputy Minister, the Speaker and the Deputy Speaker;

“question”, except in respect of question time or a question period and a question of privilege, means a proposal presented to the Assembly or a committee of the Assembly by the presiding officer for consideration and decision or disposal in some manner;

“question of privilege” means any report of an act which may constitute a breach of privilege or contempt of Parliament in terms of the Powers and Privileges Act;

“Question Paper” means, as applicable, the Question Paper produced for a particular question day or an Internal Question Paper containing all current questions that still have to be replied to;

“recess”, with reference to the Assembly, means a period determined as a recess by the Programme Committee, or by resolution of the Assembly, during which, subject to Rule 167, no business of the Assembly is conducted;

“Secretary” means the Secretary to Parliament;

“Section 75 Bill” means a Bill to which the procedure prescribed in Section 75 of the Constitution applies;

“Section 76(1) Bill” means a Section 76 Bill introduced in the Assembly;

“Section 76(2) Bill” means a Section 76 Bill introduced in the Council;

“session”, except in the context of a mini-plenary session as contemplated in Part 3 of Chapter 4, means an annual session of a Parliament;

“sitting day” means a day on which the Assembly sits or a mini-plenary session is held;

“special petition” means a petition requesting a pension or other specific or personal relief from the state which is not authorised by law;

“subject of a Bill” means the objects of the Bill as introduced in the Assembly and the substance of the Bill to give effect to those objects;

“substantive motion”, with reference to a member or the holder of an office specified in Rule 88, means a self-contained proposal in terms of Rule 85 or Rule 88 for separate consideration by the House, relating to any charge against that member or office-bearer;

“tabling”, in relation to any document or paper, means the official presentation of the document or paper in the House, or, if not presented in the House, the publication in the ATC of the document or paper after it has been officially submitted to the Speaker;

“term”, in relation to the Assembly, means the period for which the Assembly is elected in terms of Section 49(1) of the Constitution; and

“working day” means any day of the week except —

- (a) Saturday and Sunday;
- (b) a public holiday in terms of the Public Holidays Act, 1994; and
- (c) a Monday following any of these public holidays that fall on a Sunday.

Part 2: Sources of authority of National Assembly

2. Introduction

The sources of authority of the National Assembly are —

- (a) the Constitution;
- (b) the Powers and Privileges Act and any other applicable legislation;
- (c) the Rules of the National Assembly;
- (d) the Joint Rules of Parliament, if and when applicable;
- (e) orders or any other binding decision of the National Assembly;
- (f) directives and guidelines of the Rules Committee;
- (g) rulings by the Speaker and other presiding officers; and
- (h) any conventions or practices that have been established in the National Assembly by agreement and usage over a period of time.

3. Rules of National Assembly

- (1) The Rules of the National Assembly are adopted by resolution of the House in accordance with Section 57 of the Constitution.
- (2) The rules remain in force until amended or repealed.

- (3) The rules must be strictly adhered to by members.

4. Suspension or supplementing of rules

- (1) Any provision of these rules relating to the business or proceedings at a sitting of the House or a mini-plenary session, or of a committee of the House or any other forum of the House, may be suspended by resolution of the House.
- (2) The suspension of any provision must be limited in its operation to the particular purpose and period for which such suspension has been approved.
- (3) Any motion to adopt or amend any rule or to suspend any provision of these rules requires notice in accordance with Rule 123.
- (4) 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.
- (5) The National Assembly may by resolution, subject to these rules, make an order supplementing these rules in accordance with Section 57 of the Constitution; provided that —
 - (a) a standing order of the House remains in force until amended or repealed; and
 - (b) a sessional order of the House, identified as such by the House, remains in force —
 - (i) until the period of its validity, as specified in the order, has expired; or
 - (ii) until the end of the last sitting day of the session within which it was made;
 provided that a sessional order may be amended or repealed at any time.

5. Non-diminution or non-limitation of rules and orders

No convention or practice may limit or inhibit any provision of these rules or any order of the House.

6. Unforeseen eventualities

- (1) The Speaker may give a ruling or frame a rule in respect of any eventuality for which these rules or orders of the House do not provide, having due regard to the procedures, precedents, practices and conventions developed by the House and on the basis of constitutional values and principles underpinning an open, accountable and democratic society.
- (2) A rule framed by the Speaker remains in force until the House, based on a recommendation of the Rules Committee, has decided thereon.

7. Directives and guidelines of Rules Committee

- (1) The Rules Committee may, in terms of Rule 193, issue directives and lay down guidelines to assist with the implementation of these rules and orders of the House.
- (2) Members must comply with any such directives and guidelines.

8. Rulings

- (1) The Speaker must perform the functions as provided for in these rules and may make rulings in applying and interpreting these rules, orders of the House and directives and guidelines approved by the Rules Committee.

- (2) The Speaker and other presiding officers may make rulings in accordance with Subrule (1) in respect of procedural matters that arise when they are presiding at a sitting of the House or a mini-plenary session.
- (3) Members must comply with rulings made by presiding officers.
- (4)
 - (a) A member may request that a ruling be referred to the Rules Committee for consideration and report.
 - (b) In considering a ruling referred to it in terms of Subrule (4(a)), the Rules Committee must confine itself to the principle underlying, or subject of, the ruling in question.

9. Conventions and practices

- (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.
- (2) Conventions and practices must be consistent with the provisions of the Constitution, these rules, orders of the House, rulings, and directives and guidelines of the Rules Committee.
- (3) Presiding officers may request members' compliance with established conventions and practices.

10. Contempt

A member who wilfully fails or refuses to obey any rule, order or resolution of the House may be found guilty of contempt of Parliament in terms of the Powers and Privileges Act, 2004.

11. Application to President of the Republic and other non-members

- (1) These rules and orders of the House apply, as appropriate, to the President of the Republic as they apply to a Minister.
- (2) A reference in these rules and orders of the House to a member or a Minister must, where applicable, be construed as a reference also to the President of the Republic, and to the Deputy President, or a Minister or Deputy Minister who is not a member of the House.

CHAPTER 2

PROCEEDINGS IN CONNECTION WITH COMMENCEMENT OF TERM AND SESSION

12. Convening notice read

At the commencement of the proceedings of the National Assembly on the first day of its first session, the Secretary or an officer of Parliament nominated by him or her, must read the notice convening the House under Section 51(1) of the Constitution.

13. Oath or affirmation by members

When the convening notice has been read at the commencement of the proceedings of the House on the first day on which it meets after a general election at which members of the House were elected, such members must be sworn in or make affirmation before the Chief Justice or a judge designated by the Chief Justice, in accordance with Section 48 read with Schedule 2 to the Constitution.

14. Election of Speaker and Deputy Speaker

At the first sitting after its election, the National Assembly must, in accordance with Sections 52(1), (2) and (3), read with Schedule 3 to the Constitution, elect one of its members to be the Speaker and thereafter another to be the Deputy Speaker of the House.

15. Election of President of the Republic

At the first sitting, after its election of a Speaker and a Deputy Speaker, the House must in accordance with Sections 86(1) and (2), read with Schedule 3 to the Constitution, elect one of its members as the President of the Republic.

16. Opening of a Parliament

- (1) At the commencement of the first session of a Parliament after its election the President must deliver an Opening Address at a date and time to be announced by the Speaker.
- (2) The Speaker must thereafter publish the Opening Address in the Minutes of Proceedings and place it on the Order Paper for discussion.

17. Commencement of annual session

The Speaker must inform the House of the date and time on which an annual session of the House will commence, as determined by the Programme Committee in accordance with Rule 210.

18. President's State of the Nation Address

The Speaker must inform the House of the date and time for the President's annual State of the Nation Address.

19. State of the Nation Address reported

The Speaker must publish the President's State of the Nation Address in the Minutes of Proceedings.

20. State of the Nation Address placed on Order Paper

When the President has delivered the State of the Nation Address, the Speaker must place it on the Order Paper of the House for discussion.

CHAPTER 3

PRESIDING OFFICERS AND MEMBERS

Part 1: Presiding Officers

21. Election of Speaker and Deputy Speaker

- (1) (a) Whenever it is necessary to elect a Speaker, the Secretary or an officer of Parliament nominated by him or her, must inform the National Assembly accordingly, whereupon the House must immediately or at a time announced by the Secretary or such officer proceed to the election in terms of Section 52 of the Constitution.
- (b) The Chief Justice or another judge designated by the Chief Justice presides over the election of the Speaker.
- (2) (a) Whenever it is necessary to elect a Deputy Speaker, the Speaker must inform the National Assembly, whereupon the House must immediately or at a time announced by the Speaker proceed to the election in terms of Section 52 of the Constitution.
- (b) The Speaker presides over the election of a Deputy Speaker.
- (3) The member elected must be given the opportunity, from his or her place, to make an acceptance speech.

22. Election of other presiding officers

- (1) The House must elect three members as House Chairpersons for the duration of the House.
- (2) The Speaker must allocate functions and responsibilities to the House Chairpersons and announce such allocations in the ATC.

23. Officers presiding in the House

The Deputy Speaker or a House Chairperson must preside during a sitting of the House whenever requested to do so by the Speaker.

24. Acting Speaker

- (1) Whenever the Speaker is absent or unable to perform the functions of the office of Speaker, or whenever that office is vacant, the Deputy Speaker must act as Speaker.
- (2) Whenever both the Speaker and the Deputy Speaker are absent or unable to perform the functions of the office of Speaker, the Speaker or, if the Speaker is not available, the Deputy Speaker, must designate one of the House Chairpersons to act as Speaker.

25. Acting House Chairperson

Whenever the House has been informed of the likelihood of the continued absence of both the Speaker and the Deputy Speaker for longer than seven consecutive parliamentary working days, the House may elect a member to act as House Chairperson while the House Chairperson so designated acts as Speaker, until the Speaker or the Deputy Speaker becomes available or the House decides otherwise.

26. General authority and responsibility of Speaker

- (1) In exercising the authority of the Speaker, as provided for in the Constitution and legislation and the rules of Parliament, the Speaker must —
 - (a) ensure that the National Assembly provides a national forum for public consideration of issues, passes legislation and scrutinises and oversees executive action in accordance with Section 42(3) of the Constitution;
 - (b) ensure that parties represented in the National Assembly participate fully in the proceedings of the Assembly and its committees and forums, and facilitate public involvement in the processes of the Assembly in accordance with Sections 57 and 59 of the Constitution; and
 - (c) whenever possible, consult with relevant office-bearers and structures within Parliament to achieve the efficient and effective functioning of Parliament in a transparent and accountable manner.
- (2) The Speaker must maintain and preserve the order of and the proper decorum in the House, and uphold the dignity and good name of the House.
- (3) The Speaker is responsible for the strict observance of the rules of the House and must decide questions of order and practice in the House, such a ruling being final and binding as provided for in Rule 92.
- (4) The Speaker must act fairly and impartially and apply the rules with due regard to ensuring the participation of members of all parties in a manner consistent with democracy.

27. Election of temporary presiding officer to act as Speaker

Whenever the House has been informed that the elected presiding officers are unavoidably absent, the House must immediately elect one of its members to act as Speaker for that day only, the question being put by the Secretary.

28. Removal from office of Speaker or Deputy Speaker

- (1) The House may remove the Speaker or Deputy Speaker from office by resolution in terms of Section 52(4) of the Constitution.
- (2) A motion for the removal of the Speaker from office must comply, to the satisfaction of the Deputy Speaker, with the prescripts of any relevant law or any relevant rules and orders of the House and directives and guidelines approved by the Rules Committee before being placed on the Order Paper, and must include the grounds on which the proposed removal from office is based.
- (3) In respect of a motion for the removal of the Deputy Speaker from office, the Speaker must approve compliance as contemplated in Subrule (2).
- (4) The Deputy Speaker or Speaker, as applicable, may request an amendment of or in any other manner deal with a relevant motion that does not comply with the requirements as contemplated in Subrule (2).
- (5) The Deputy Speaker or Speaker, as applicable, must accord an approved motion under this rule due priority and, before scheduling it, must consult with the Chief Whip of the Majority Party.
- (6) The debate on a motion under this rule may not exceed the time

allocated for it by the Deputy Speaker or Speaker, as applicable, after the required consultation.

- (7) A majority of the members of the Assembly must be present when the resolution is adopted.

Part 2: Members

29. Oath or affirmation

Other than immediately after a general election, new members may, in accordance with Item 4(2) of Schedule 2 to the Constitution —

- (a) at a sitting of the House, be announced and conducted to the Table by not more than two members in order to be sworn in or to make affirmation before the presiding officer; or
- (b) at any time by arrangement be sworn in or make affirmation before the Speaker in the Speaker's chambers, the Speaker reporting accordingly to the House at the first opportunity.

30. Declaration of private interests

If a member has a personal or private financial or business interest in any matter before a forum of the Assembly of which he or she is a member, he or she must at the commencement of engagement on the matter by the forum immediately declare that interest in accordance with the code of conduct contained in the schedule to the Joint Rules and comply with the other provisions of the code.

31. Raising a question of privilege

- (1) A member who wishes to raise a perceived breach of privilege must report it to the Speaker without delay.

- (2) If the alleged breach of privilege is in the Speaker's opinion adequately substantiated and may affect a sitting of the House on the day on which the question of privilege is reported or in the immediate future, the Speaker may, with due regard to the provisions of the Powers and Privileges Act —
 - (a) make an immediate ruling on the matter and announce it in the House; or
 - (b) provide the member with an opportunity during the sitting to move an urgent motion without notice in terms of Rules 123(1)(b) and 127.
- (3) If the alleged breach of privilege does not directly affect a sitting of the House in the immediate future, the Speaker must refer the matter to the Powers and Privileges Committee and inform the House accordingly, either immediately or at the earliest opportunity.

32. Leader of the Opposition

- (1) The leader of the largest opposition party in the Assembly must be recognised as the Leader of the Opposition as contemplated in Section 57(2)(d) of the Constitution.
- (2) In the event that two or more opposition parties qualify as the largest opposition party in that they hold an equal number of seats in the House, the leader of the opposition party that obtained the most votes in the election must be recognised as the Leader of the Opposition.

33. Appointment and responsibilities of whips

- (1) At the first meeting of the Rules Committee after an election, or as soon as possible thereafter, the Rules Committee must determine the number of whips to be allocated to parties represented in the House.

- (2) The Speaker must appoint whips on the recommendation of the leaders of the parties which qualify for whips.
- (3) (a) Parties which do not qualify for a whip may jointly request the Speaker to appoint one or more whips from amongst their number to represent their interests, or to alter the appointments previously made under this subrule.
- (b) In considering such a request, the Speaker must apply guidelines approved by the Rules Committee for that purpose.
- (4) The names of the appointed whips must be published in the ATC.
- (5) (a) The functions of the whippers are —
 - (i) in general, to be responsible collectively for the maintenance of the proper decorum of the House and the orderly conduct of the business of the House, and
 - (ii) to co-ordinate the business of their parties in Parliament for purposes of facilitating the political management of Parliament.
- (b) The Chief Whip of the Majority Party and other chief whips must additionally perform the functions prescribed in the rules.
- (c) The House may approve recommendations by the Rules Committee to provide for any further responsibilities, duties or functions of the parliamentary whippers.

34. Designation of parliamentary counsellors

- (1) The Speaker may, on the recommendation of the President and the Deputy President, designate two members as parliamentary counsellors to the President and the Deputy President, respectively.

- (2) The parliamentary counsellors must facilitate communication between the National Assembly and the offices of the President and Deputy President, respectively.
- (3) The names of the designated parliamentary counsellors must be published in the ATC.

Part 3: Members' attendance

35. Members' attendance

- (1) Subject to minimum standards as provided for in these rules, members' attendance of official parliamentary activities is regulated by their political parties.
- (2) A member's absence from Parliament during a parliamentary session, other than during a formal recess or resulting from the member's suspension in terms of these rules and orders of the House, must be approved by the member's political party in Parliament.
- (3) A member, or the party whip assigned responsibility for members' leave by the party, must inform —
 - (a) the party's duty whip; or
 - (b) the chairperson of a relevant committee,of the member's approved absence from a sitting of the House or a committee meeting, respectively.
- (4) All political parties must —
 - (a) maintain proper leave records for their members in accordance with an attendance policy for members formally approved by Parliament; and
 - (b) annually, within 14 days after the last sitting day of the session, submit the attendance records of their members to the Speaker for publication in the ATC.

[See Appendix A for the leave policy approved by the Joint Rules Committee]

36. Absence from sittings of House

- (1) The period for which leave may be granted to a member by the member's party, other than maternity leave and parental/adoption leave as provided for in the approved attendance policy, may not exceed 15 consecutive sitting days in a session.
- (2) Leave may be requested of the House by motion for a member's absence in excess of 15 consecutive sitting days, the leave to be requested not later than by the close of the fifteenth consecutive sitting day of the member's absence.
- (3) The motion presented to the House must state the reasons for the request and the period for which continued leave of absence is sought.
- (4) If the motion requesting leave of absence is rejected by the House, the reasons for such rejection must be put to the House by way of a formal amendment to the motion, and the motion as amended must be supplied to the member and the member's party in Parliament without delay.

37. Sanctions for extended unauthorised absence from sittings of House

- (1) A member who absents himself or herself for 15 or more consecutive sitting days of the Assembly without authorisation as provided for in these rules, loses his or her membership of the National Assembly in accordance with Section 47(3)(b) of the Constitution.
- (2) The Speaker must without delay inform a member and the member's party of the member's loss of his or her membership of the Assembly in terms of this rule.

38. Absence from meetings of committee

- (1) A member may not without his or her party's approval be absent from more than two consecutive meetings of a committee to which the member has been appointed as a full member in terms of the rules.
- (2) A member's approved absence from a meeting of a committee referred to in Subrule (1) must be recorded in the minutes of the meeting as formally adopted by the committee.
- (3) The secretary to a committee must without delay send a copy of the formal minutes of each meeting of the committee to the responsible whip of each of the parties represented on the committee.
- (4) The Secretary must every three months within a session submit a report to the Speaker on all members who have been absent from three or more consecutive meetings of a committee without approval as recorded in the committee's minutes.

39. Sanctions for extended unauthorised absence from meetings of committee

- (1) A member who is absent from three or more consecutive meetings of a committee referred to in Rule 38(1) without his or her party's approval may be fined an amount to be determined by the Rules Committee from time to time for each day of absence.
- (2) The Speaker must inform the member without delay of the imposition of a fine in terms of this rule.

40. Appeal against application of sanctions

- (1) A member who feels aggrieved by the sanction imposed upon him or her in terms of Rule 37 or 39 may lodge a formal appeal with the Speaker within 14 days of being notified of the application of the sanction.
- (2) If the Speaker is unable to resolve the appeal on reasonable grounds, the Speaker must refer the appeal to a committee to be determined by the Rules Committee.
- (3) The committee must report its findings to the House.
- (4) The Speaker must report any sanction imposed or appeal processed in terms of these rules to the House.

CHAPTER 4

SITTINGS OF ASSEMBLY

Part 1: General

41. Forums for proceedings of National Assembly

- (1) Subject to the Constitution and these rules, proceedings of the National Assembly may be conducted at sittings of the House or in mini-plenary sessions of the House.
- (2) Subject to Section 59 of the Constitution, sittings of the House and its forums in terms of Subrule (1) must be held in public.

42. Working days and hours of sitting

- (1) Mondays, Tuesdays, Wednesdays, Thursdays and Fridays, excluding official public holidays, are parliamentary working days.
- (2) Unless otherwise determined by the Programme Committee in accordance with Rule 210, the House may consider business on these days during the following times:
 - (a) Mondays to Thursdays: 14:00, or such later time as the Speaker determines, to adjournment.
 - (b) Fridays: 09:00, or such later time as the Speaker determines, to adjournment.
- (3) The Speaker may, in exceptional circumstances, after consultation with the Leader of Government Business and party whips, allow the House to sit on any other day.

43. Change of venue

- (1) The Speaker may in an emergency or on grounds of security —
 - (a) in terms of Section 51(3) of the Constitution, after consultation with the Leader of Government Business and the chief whips or party representatives of each party in the House, direct that the National Assembly sit at a place other than the seat of Parliament in Cape Town; and
 - (b) after consultation with the Leader of Government Business and the chief whips or party representatives of each party in the House, direct that a sitting of the House be held, or resumed, in a different chamber within the precincts.
- (2) The Assembly may on grounds of public interest or convenience, in terms of Section 51(3) of the Constitution, resolve to sit at a place other than the seat of Parliament in Cape Town, provided that the resolution —
 - (a) identifies the public interest or convenience that is the reason for the change of venue; and
 - (b) approves the change of venue to a specified place and for a specific period.

44. Arrangement of business on Order Paper when no consensus in Programme Committee

- (1) If no consensus could be reached in the Programme Committee in accordance with Rule 210 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.
- (2) The Secretary must, on instruction of the Speaker, draw up the order of business as agreed to in terms of Subrule (1) for each sitting.

Part 2: Sittings in plenary

45. Quorum required only for taking decisions

The Assembly may proceed with its business irrespective of the number of members present, but may vote on a Bill or decide on any question only if a quorum is present in terms of Rule 96.

46. Opportunity for prayer or meditation

At the commencement of parliamentary business on every sitting day the presiding officer must afford members an opportunity for silent prayer or meditation.

47. Sequence of proceedings

- (1) Subject to the Constitution and these rules, and unless altered by resolution of the House, the business on each sitting day of the House must follow the following sequence of events:
 - (a) Opportunity for silent prayer or meditation;
 - (b) announcements from the Chair;
 - (c) swearing in of new members;
 - (d) formal motions moved by the Chief Whip;
 - (e) statements by Cabinet members; and
 - (f) orders of the day and notices of motion on the Order Paper, which must be dealt with in sequence; provided that precedence must be given to questions on question days.

- (2) Subject to Subrule (1), and unless altered by resolution of the House, the business on any sitting day of the House may additionally include any event below, after the business under Subrule (1) has been completed and if included during any sitting must follow the following sequence of events:
 - (a) Any other formal motions;
 - (b) motions without notice;
 - (c) opportunity for statements by members and responses to statements by Cabinet members;
 - (d) notices of motion; and
 - (e) petitions.

48. Interruption, suspension or adjournment of proceedings

- (1) The presiding officer may interrupt, suspend or adjourn the proceedings of the House.
- (2) The presiding officer may in consultation with the Leader of Government Business adjourn the House until a parliamentary working day other than the next scheduled sitting day as determined by the Programme Committee in accordance with Rule 210; provided that during such adjournment the Speaker may accelerate or postpone the date for the resumption of business.

Part 3: Mini-plenary sessions

49. Business of mini-plenary sessions

- (1) The Speaker refers matters for consideration in a mini-plenary session after due consideration of the views and directions of the Programme Committee.

- (2) Any matter may be discussed or debated in a mini-plenary session.
- (3) No more than three mini-plenary sessions may take place simultaneously.
- (4) Mini-plenary sessions are held in the precincts of Parliament, but in special circumstances the Speaker may direct that a mini-plenary session may be held elsewhere.

50. Members attending

- (1) A mini-plenary session in respect of a budget vote of a particular department or on a Bill or oversight matter related to that department consists of the members of the corresponding portfolio committee, and all other Assembly members who attend the proceedings of the mini-plenary session.
- (2) A mini-plenary session in respect of any matter other than a matter referred to in Subrule (1) consists of all Assembly members who attend the proceedings of the mini-plenary session.

51. Quorum

A mini-plenary session may proceed with its business irrespective of the number of members present.

52. Decisions

- (1) No decisions may be taken in a mini-plenary session.
- (2) In the event that a decision is required on a budget vote debated in a

mini-plenary session, such decision must be deferred to be taken by a plenary session of the House, provided that when the decision is taken in the House —

- (a) no further debate on the matter may be allowed; and
- (b) declarations of vote must be permitted subject to Rule 108(5).

53. Speakers' list

- (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.
- (2) In referring a matter for consideration to a mini-plenary session in terms of Rule 49(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.
- (3) When a speakers' list is not used, the presiding officer must, in a balanced manner, allow speakers from all parties to participate in the debate or discussion, subject to any time limit imposed in terms of Subrule (2).
- (4) A member may participate in a debate in a mini-plenary session more than once if recognised by the presiding officer.

54. Presiding officer

The Chair of a miniplenary session must be taken by —

- (a) an elected presiding officer; or
- (b) any other member,
appointed by the Speaker for that purpose.

55. Relief of presiding officer

A member attending a mini-plenary session must take the Chair whenever requested to do so by the presiding officer.

56. Order in meetings and rules of debate

In addition to these rules, the rules generally applicable to plenary sessions of the House are also applicable to the proceedings of a mini-plenary session.

Part 4: Public access

57. Admission of visitors

- (1) The power to admit visitors to the places set apart for them in the Chamber or public galleries of the Chamber or in any other venue in which the House or a mini-plenary session or a committee of the House is meeting, or to regulate or limit any activity, access or movement of visitors whilst within the precincts of Parliament or a venue utilised for parliamentary work, vests in the Speaker, subject to Section 59 of the Constitution.

- (2) Unless the Speaker directs otherwise in respect of a particular visitor or group of visitors, all visitors must, in an appropriate manner, be subjected to a security check or screening before entering the precincts of Parliament or the Chamber or any venue utilised for parliamentary work and, if reasonable cause exists, any visitor may at any time while within the precincts of Parliament or a venue utilised for parliamentary work, be subjected to a security check or screening.
- (3) If any visitor refuses in any manner whatsoever to comply with the procedures in Subrules (1) and (2), such visitor may be refused access to the precincts of Parliament or any such venue or may be immediately removed from the precincts of Parliament or such venue by the Parliamentary Protection Services, who may in exercising that duty be assisted by members of the security services acting on or in terms of the instruction of the Speaker.
- (4) The House may approve an operational manual, as recommended by the Joint Rules Committee, for the use of members of the Parliamentary Protection Services or security services for purposes of exercising this and any other function in terms of the Powers and Privileges Act and these rules.

58. Access for non-members to floor of Chamber

The Speaker may give a non-member access to the floor of the Chamber during a sitting of the House or a mini-plenary session in special circumstances.

59. Conduct of visitors

Visitors admitted in terms of Rule 57 may not disrupt the proceedings in any manner and must adhere to the directives of the presiding officer and members of the Parliamentary Protection Services and the security services.

60. Withdrawal of visitors

The presiding officer may, whenever he or she thinks it reasonable and justifiable in an open and democratic society to do so, order visitors to withdraw from the precincts of the House or a mini-plenary session and the places set apart for them in a Chamber, or from the precincts of Parliament.

61. Serjeant-at-Arms to remove visitors

When instructed by the presiding officer, the Serjeant-at-Arms must remove, or arrange with the Parliamentary Protection Services in terms of Rule 57(3) for the removal of, any person who —

- (a) without permission is present in that part of the Chamber designated for members only or in another place within the precincts of Parliament or any other venue utilised for parliamentary work which is out of bounds for that person; or
- (b) disrupts the proceedings of the House or a mini-plenary session or a committee or any other forum of the House or does not withdraw when duly ordered to do so.

62. Invitation to head of state, head of government or other person to address House

- (1) The Speaker, after consultation with or at the request of the Leader of Government Business, may invite a head of state or a head of government who is on an official visit to the Republic to address the House.
- (2) The National Assembly may by resolution invite any person to address the House.

CHAPTER 5

ORDER IN PUBLIC MEETINGS AND RULES OF DEBATE

Part 1: Order in meetings

63. Freedom of speech

- (1) In accordance with Section 58(1)(a) of the Constitution, Cabinet members, Deputy Ministers and members of the National Assembly have freedom of speech in the Assembly and in its committees, subject to its rules and orders.
- (2) In accordance with Section 58(1)(b) of the Constitution, Cabinet members, Deputy Ministers and members of the National Assembly are not liable to civil or criminal proceedings, arrest, imprisonment or damages for anything that they have said in, produced before or submitted to the Assembly or any of its committees, or anything revealed as a result of anything that they have said in, produced before or submitted to the Assembly or any of its committees.
- (3) The provisions of Subrules (1) and (2) also apply to proceedings in a mini-plenary session and other forums of the Assembly.

64. Conduct of members

Members must at all times accord the presiding officers of the National Assembly and members due respect and conduct themselves with dignity and in accordance with the decorum of the House and are required —

- (a) to enter or leave the House with decorum;
- (b) to be seated when the bells stop ringing to mark the start of proceedings;

- (c) to rise, if possible, when the presiding officer enters the Chamber at the start of proceedings and to remain standing until invited to be seated;
- (d) not during proceedings to pass between the Chair and the member who is speaking, nor between the Chair and the Table, nor to stand in any of the aisles or cross aisles, nor to cross the floor of the House in front of the benches;
- (e) not to bring weapons of any kind nor dangerous or threatening articles or objects nor replicas of any such articles or objects into the Chamber, excluding cultural objects with the prior approval of the Speaker;
- (f) to dress in a manner befitting the dignity and decorum of the House, as may further be provided for in guidelines approved by the Rules Committee; provided that no party symbols may be displayed;
- (g) not to take photographs or video footage during proceedings, speak on a cellphone, eat, read newspapers or in any other way conduct themselves in a manner not befitting the dignity and decorum of the House; and
- (h) on adjournment of the House, to rise, if they are able to do so, and remain in their allocated seats until the presiding officer has left the Chair.

65. Members not to converse aloud

Members may not converse aloud during debate.

66. Member not to be interrupted

No member may interrupt another member whilst speaking, except —

- (a) to call attention to a point of order, subject to Rule 92, or a question of privilege; or
- (b) at the discretion of the presiding officer, on a point of clarity to request permission to put a question to the member speaking.

67. Precedence of presiding officer

Whenever the presiding officer addresses the House during a debate, any member then speaking or offering to speak must resume his or her seat, and the presiding officer must be heard without interruption.

68. Irrelevance or repetition

The presiding officer may order a member addressing the House to stop speaking if that member, despite warnings from the Chair, persists in irrelevant or repetitive arguments.

69. Grossly disorderly conduct

Members may not engage in grossly disorderly conduct in the House and its forums, including —

- (a) deliberately creating serious disorder or disruption;
- (b) in any manner whatsoever physically intervening, preventing, obstructing or hindering the removal of a member from the House who has been ordered to leave the House;
- (c) repeatedly undermining the authority of the presiding officer or repeatedly refusing to obey rulings of the presiding officer or repeatedly disrespecting and interrupting the presiding officer while the latter is addressing the House;
- (d) persisting in making serious allegations against a member without adequate substantiation or following the correct procedure;
- (e) using or threatening violence against a member or other person; or
- (f) acting in any other way to the serious detriment of the dignity, decorum or orderly procedure of the House.

70. Member ordered to leave Chamber

- (1) If the presiding officer is of the opinion that a member is deliberately contravening a provision of these rules, or that a member is disregarding the authority of the Chair, or that a member's conduct is grossly disorderly, he or she may order the member to leave the Chamber immediately for the remainder of the day's sitting.
- (2) A member ordered to leave the Chamber must immediately withdraw from the precincts of Parliament.

71. Naming or suspension of member

If a presiding officer is of the opinion that a contravention committed in terms of Rule 70 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 74 and order him or her to leave the Chamber immediately; 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 74; provided that the Speaker's decision must be announced within two working days after the member has been named.

72. Action against member to be announced in House

The action taken against a member by the Speaker under Rule 71(b) must be announced in the House.

73. Removal of member from Chamber and precincts

- (1) If a member refuses to leave the Chamber when ordered to do so by the presiding officer in terms of Rule 70 or 71, the presiding officer must instruct the Serjeant-at-Arms to remove the member from the Chamber and the precincts of Parliament forthwith.
- (2) If the Serjeant-at-Arms is unable in person to effect the removal of the member, the presiding officer may call upon the Parliamentary Protection Services to assist in removing the member from the Chamber and the precincts of Parliament.
- (3) Unless already suspended in terms of Rule 71, a member who is removed from the Chamber in terms of Subrule (2) is thereby immediately automatically suspended for the period applicable as provided for in Rule 74, and may not enter the Chamber or the precincts for the duration of the suspension.
- (4) If a member resists attempts to be removed from the Chamber in terms of Subrule (1) or (2), the Serjeant-at-Arms and the Parliamentary Protection Services may use such force as may be reasonably necessary to overcome any resistance.
- (5) No member may, in any manner whatsoever, physically intervene in, prevent, obstruct or hinder the removal of a member from the Chamber in terms of these rules.
- (6) Any member or members who contravene Subrule (5) may, on the instruction of the presiding officer, also be removed from the Chamber and the precincts of Parliament forthwith.
- (7) If proceedings are suspended for the purposes of removing a member or members, all other members must remain seated or resume their seats, unless otherwise directed by the presiding officer.

- (8) When entering the Chamber on the instruction of the relevant presiding officer —
 - (a) members of the Parliamentary Protection Services may not be armed; and
 - (b) members of the security services may not be armed, except in extraordinary circumstances in terms of security policy.
- (9) Members who have been removed from the Chamber will be escorted off the precincts by Parliamentary Protection Services personnel and will not be allowed to enter the House or precincts of Parliament as the rules prescribe.
- (10) If, after having been removed from the Chamber, a member(s) offers resistance to being removed from the precincts, members of the security services may be called upon to assist with such removal.
- (11) In the event of violence ensuing in the Chamber as a result of a member(s) resisting removal, the presiding officer may suspend proceedings, and members of the security services may be called upon by the Speaker during such period of suspended proceedings to assist with the removal of members from the Chamber and the precincts of Parliament forthwith in terms of Section 4(1) of the Powers and Privileges Act; provided that the security services may intervene directly anywhere in the precincts and in the Chamber in terms of Section 4(2) of the Act when there is immediate danger to the life or safety of any person or damage to any property.
- (12) Whenever a member is physically removed from the Chamber in terms of this rule, the circumstances of such removal must be referred by the Speaker, within 24 hours, for consideration to a subcommittee of the Rules Committee appointed for that purpose.
- (13) The House may approve standard operating procedures, recommended by the Rules Committee, for the exercise of this function, in particular in relation to the use of the Parliamentary Protection Services and members of the security services.

- (14) For the purposes of this rule, “precincts” excludes the Chamber.

74. Period of suspension

The suspension of a member on the first occasion during a session continues for 5 parliamentary working days, on the second occasion for 10 parliamentary working days, and on any subsequent occasion for 20 parliamentary working days.

75. Expression of regret

- (1) A member of the House who has been suspended or named may submit to the Speaker a written expression of regret, and if the Speaker approves such expression of regret, he or she may discharge the suspension or other action taken against the member, or reduce the severity of any such action, and the Speaker must inform the House accordingly.
- (2) An expression of regret approved by the Speaker must be recorded in the Minutes of Proceedings.

76. Member to withdraw while his or her conduct is debated

Whenever a charge is made against a member, he or she must, after having been heard from his or her place, withdraw from the Chamber while such charge is being debated.

77. Grave disorder

In the event of grave disorder at a meeting, the presiding officer may adjourn the meeting, or may suspend the proceedings for a period to be stated by him or her.

Part 2: Rules of debate

78. Member to address Chair

- (1) Every member desiring to speak must, if possible, stand while addressing the Chair.
- (2) At a sitting in the Chamber of the National Assembly a member may —
 - (a) only speak from the podium during debate and whenever the presiding officer so directs, and at all other times address the Chair from a microphone on the floor of the Chamber; or
 - (b) deliver his or her address in such other manner as the member is physically able to do and agreed to by the presiding officer.
- (3)
 - (a) The Speaker and Deputy Speaker must be referred to as “honourable Speaker”, or “honourable Deputy Speaker” or “Mister” or “Madam Speaker” and “Mister” or “Madam Deputy Speaker”, as the case may be, and the other presiding officers must be referred to as “honourable Chairperson”.
 - (b) No name to impugn the dignity or undermine the authority or legitimacy of any presiding officer may be used.

79. Recognition of members to speak

- (1) Subject to Rule 78, a member may speak only when recognised by the presiding officer during proceedings of the House.
- (2) Subject to Subrule (1), a member may draw the attention of the presiding officer to a point of order or a question of privilege at any time.

- (3) In a debate the presiding officer must recognise a member in accordance with a list of members who are to speak in the debate and the times allocated for speeches by members of different parties.

80. Control of microphones in Chamber

- (1) In the event of a member not showing due respect to the authority of or not obeying an order or ruling or direction of the presiding officer, or acting in a disruptive or grossly disorderly manner in the House, the presiding officer may disable or switch off the microphone being used by such member or order that that be done.
- (2) Before proceeding in terms of Subrule (1), the presiding officer must inform the member and the House of the intention to do so.

81. List of speakers and time limits for speeches

- (1) Unless otherwise provided in these rules, and subject to Rules 94 and 95, members speak in a debate in accordance with a list of speakers compiled by the Chief Whip in consultation with the whips or party representatives of the other parties represented in the House.
- (2) The list of speakers must accommodate all parties represented in the House that wish to participate in the debate.
- (3) Members on the list may speak for the time allocated to them on the list, which may not be less than three minutes unless by agreement with the member concerned.
- (4) If a list of speakers is incomplete in respect of the identification of members who are to speak in a debate or the time allocated to each, or in the absence of a list of speakers, the Speaker must determine speaking arrangements for the debate in accordance with this rule after consultation with the party whips.

- (5) If amendments are proposed to the question before the House at a late stage in a debate, the presiding officer may, at his or her discretion, extend the debate after consultation with the party whips to allow members the opportunity to respond to the amendments.

82. Reference to member in respectful terms

- (1) In the House and in mini-plenary sessions members must refer to one another in respectful terms.
- (2) Further to Subrule (1), no member may refer to any other member by his or her name only.
- (3) No name to impugn the dignity of any member may be used.

83. Member not to read speech

A member must as far as possible refrain from reading his or her speech, but may refresh his or her memory by referring to notes.

84. Unparliamentary or unacceptable language or gestures

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

85. Reflections upon members, the President and Ministers or Deputy Ministers who are not members of the Assembly

- (1) No member may impute improper motives to any other member, or cast personal reflections upon a member's integrity or dignity, or verbally abuse a member in any other way.

- (2) A member who wishes to bring any improper or unethical conduct on the part of another member to the attention of the House, may do so only by way of a separate substantive motion, comprising a clearly formulated and properly substantiated charge that in the opinion of the Speaker *prima facie* warrants consideration by the House.
- (3) Subrules (1) and (2) apply also to reflections upon the President and Ministers and Deputy Ministers who are not members of the House.

86. Reflections upon decisions or statutes

No member may —

- (a) for the remainder of the term of the House, reflect upon any decision of the House that directly refers to any specified person, except for the purpose of moving that such decision be amended or rescinded; or
- (b) reflect upon any statute of the same session, except for the purpose of moving for its amendment or repeal.

87. Reflections upon the House and its proceedings and decisions

No member may reflect in a disrespectful manner upon the House or its forums and committees or upon their proceedings and decisions.

88. Reflections upon judges and certain other holders of public office

No member may reflect upon the competence or integrity of a judge of a superior court, the holder of a public office in a state institution supporting constitutional democracy referred to in Section 194 of the Constitution, or any other holder of an office (other than a member of the government) whose removal from such office is dependent upon a decision of the House, except upon a separate substantive motion in the House presenting clearly formulated and properly substantiated charges which, if true, would in the opinion of the Speaker *prima facie* warrant such a decision.

89. Matters sub judice

No member may reflect upon the merits of any matter on which a judicial decision in a court of law is pending.

90. Rule of anticipation

- (1) No member may anticipate the discussion of a matter appearing on the Order Paper or agreed upon by the Programme Committee for scheduling.
- (2) In determining whether a discussion is out of order on the ground of anticipation, the presiding officer must consider whether it is probable that the matter anticipated will be discussed in the House or at a joint sitting within a reasonable time.

91. Explanations

- (1) A member may, with the prior consent of the presiding officer, make an explanation at a time approved by the presiding officer after the conclusion of the debate from which the complaint arises, but only if, during that debate, a material part of the member's speech has been misquoted or misunderstood; provided that —
 - (a) such explanation must be limited to reading into the record a correction as agreed in principle by the presiding officer, not to exceed three minutes in duration; and
 - (b) no debate is allowed upon such explanation.
- (2) A member may also, with the prior consent of the presiding officer, explain matters of a personal nature, but such matters may not be debated, and the member must confine himself or herself strictly to the vindication of his or her own conduct and may not speak for longer than three minutes.

92. Points of order

- (1) A member may raise a point of order at any time during the proceedings of the House, in terms of the procedure prescribed in Rule 66, by stating that he or she is rising on a point of order.
- (2) A point of order must be confined only to a matter of parliamentary procedure or practice, or a matter relating to unparliamentary conduct, as defined, and must be raised immediately when the alleged breach of order occurs.
- (3)
 - (a) The member raising the point of order must commence by quoting the exact rule or standing order, or at least the principle or subject matter, upon which the point of order is based.
 - (b) If the member does not do so, the presiding officer may insist on him or her doing so, and if he or she fails or does not adequately do so, the presiding officer may summarily rule that it does not amount to a point of order or that the matter is out of order.
- (4) The presiding officer may, at his or her discretion, allow members to address the presiding officer briefly on a point of order that has been raised.
- (5) The presiding officer must give a ruling, and may give his or her ruling or decision on the point of order immediately, or defer the decision to the earliest opportunity thereafter by way of a considered ruling.
- (6) No point of order may be raised in response to a considered ruling in terms of Subrule (5).
- (7) No other member may raise another point of order before the presiding officer has ruled on the first point of order.

- (8) No member may raise a point of order again or a similar point of order, if the presiding officer has ruled that it is not a point of order or that the matter is out of order.
- (9) Members may not disrupt proceedings by raising points of order that do not comply with this rule.
- (10) When a point of order is raised during debate, the member called to order must resume his or her seat, and after the point of order has been stated to the presiding officer by the member raising it, the member raising the point of order must likewise immediately resume his or her seat when he or she has concluded his or her submission or if the presiding officer asks him or her to do so.
- (11) The presiding officer's ruling on a point of order is final and binding, and may not be challenged or questioned in the House.
- (12)
 - (a) A member who is aggrieved by a presiding officer's ruling on a point of order may subsequently in writing to the Speaker request that the principle or subject matter of the ruling be referred to the Rules Committee.
 - (b) The Rules Committee may deal with the referral in terms of Paragraph (a) as it deems fit, provided that it must confine itself to the principle underlying, or subject matter of, the ruling concerned, and may not in any manner consider the specific ruling which is final and binding.

93. Acting for absent member

If the member in charge of a motion or an order of the day is absent, another member authorised by the absent member may take charge of the motion or order after having timeously notified the presiding officer, where possible.

94. When reply allowed

The member in charge of a motion or an order of the day, including an executive statement, is allowed to reply.

95. Debate closed

A reply to a debate closes the debate.

CHAPTER 6

DECISION OF QUESTIONS

96. Quorum

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 4, at least one third of the members must be present before a vote may be taken on any other question before the Assembly.

97. Questions to be decided by majority

In terms of Section 53 of the Constitution, except where the Constitution provides otherwise, all questions before the Assembly are decided by a majority of the votes cast.

98. Absence of quorum

- (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.
- (2) If the bells are rung and, after the interval referred to in Subrule (1), there is still no quorum, the presiding officer may suspend the proceedings or postpone the decision of the question.

- (3) (a) For the purpose of establishing whether a quorum is present, the presiding officer may, at his or her discretion, utilise the electronic voting system; and
- (b) all members present in the Chamber when the electronic voting system is used must record their presence as directed by the presiding officer.
- (4) The presiding officer must be counted for the purpose of establishing whether a quorum is present.

99. Decision of question postponed

When the debate on a question has been concluded in the House, the presiding officer may postpone the decision of the question.

100. Decision of postponed questions

Whenever it is expedient to do so, the Speaker may after consultation with the Programme Committee in terms of Rule 208 or, if the Programme Committee is not due to meet in time, after consultation with party whips, determine a day for the decision of postponed questions by the House.

101. Decision of questions requiring special majorities

- (1) A question requiring a special majority in terms of the Constitution must be decided by voting, whether or not a division is demanded.
- (2) (a) In accordance with Section 53(2)(b) of the Constitution, the presiding officer may cast a deliberative vote when a question must be decided with a supporting vote of at least two thirds of the members of the Assembly.

- (b) Whenever a presiding officer casts a deliberative vote, he or she must inform members accordingly.

[See Appendix B for Special Majorities required in terms of the Constitution of the Republic of South Africa, 1996]

102. Casting of votes

Unless the Constitution provides otherwise, voting takes place in accordance with Rules 103 or 104.

103. Electronic voting system

- (1) At a sitting of the House held in a Chamber where an electronic voting system is in operation, unless the presiding officer directs otherwise, questions are decided by the utilisation of such system in accordance with a procedure predetermined by the Speaker and directives as announced by the presiding officer.
- (2) Members may vote only from the seats allocated to them individually in the Chamber.
- (3) Members vote by pressing the “Yes”, “No” or “Abstain” button on the electronic consoles at their seats when directed by the presiding officer to cast their votes.
- (4) A member who is unable to cast his or her vote, must draw this to the attention of the Chair and may in person or through a whip of his or her party inform the Secretary at the Table of his or her vote.
- (5) When all members have cast their votes, the presiding officer must immediately announce the result of the division.

- (6) Members' names and votes must be printed in the Minutes of Proceedings.

104. Manual voting procedure

- (1) Where no electronic voting system is in operation, a manual voting system may be used in accordance with a procedure predetermined by the Speaker and directives to be announced by the presiding officer.
- (2) When members' votes have been counted, the presiding officer must immediately announce the result of the division.
- (3) If the manual voting procedure permits, members' names and votes must be printed in the Minutes of Proceedings.

105. Postponed question put without further debate

A question referred to in Rules 99 and 100 must be put without further debate.

106. Question put again

If the presiding officer has put a question and it is not heard or understood, he or she must put it again.

107. Question fully put

- (1) No member, except a member who is permitted to make a declaration of vote, may speak to any question after it has been fully put by the presiding officer.

- (2) A question is deemed to have been fully put when the voices in favour of and against the question have been given.

108. Declaration of vote

- (1) Subject to Subrule (4), 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 (2).
- (2) The time allocated to a member from each party for making a declaration of vote must be determined by the Rules Committee and must take into account the proportional strength of the party in the House.
- (3) A member addressing the Chair in terms of Subrule (1) may read out aloud a written formulation of his or her party's viewpoint, and deliver a signed copy thereof at the Table for inclusion in the Minutes of Proceedings.
- (4) No declaration of vote is permitted if the question is put for decision immediately after the debate on the question has been concluded.
- (5) When the budget votes in the schedule to the main Appropriation Bill are to be decided upon, declarations of vote, if requested, must be limited to a total time for all the budget votes, as well as proportional time per party, as allocated for that purpose by the Programme Committee in accordance with Rule 210.

109. Recording of opposition

- (1) Whenever a question is put by the presiding officer, any member may, instead of demanding a division, inform the presiding officer that he or she wishes his or her opposition, or that of the party to which he or she belongs, to be formally recorded in the Minutes of Proceedings.
- (2) The presiding officer may order that a division take place in the event of four or more members wishing to record their individual opposition.

110. Demand for division

After a question has been put and the presiding officer has indicated whether in his or her opinion the voices in favour of or against the question are in the majority, any member may demand a division, whereupon, subject to Rule 111, a division must take place without debate.

111. Fewer than four members supporting demand for division

- (1) Whenever a division is demanded, the presiding officer must, before ordering the division bells to be rung, satisfy himself or herself that at least four members support the demand for the division.
- (2) If fewer than four members rise in support thereof, the presiding officer must immediately declare the decision on the question.
- (3) The names of the members who indicated their support for the division in terms of Subrule (2) must be recorded in the Minutes of Proceedings.

112. Division bells rung and doors barred

- (1) If the required number of members support the demand for a division, the division bells must be rung and the doors must be barred as soon after the lapse of five minutes as the presiding officer may direct, but if further divisions are required to dispose of the question and such divisions follow immediately upon the first division, the division bells must again be rung and the doors must be barred as soon after the lapse of 15 seconds as the presiding officer may direct.
- (2) When the doors have been barred, no member may enter or leave the Chamber until the result of the division has been declared.

113. Procedure after doors barred

When the doors have been barred and all members are seated, the presiding officer must inform members of the question to be decided and announce that a division has been demanded.

114. Member calling for division to vote against question

A member demanding a division may not leave the Chamber until the result of the division has been declared and in the event that he or she did not vote, his or her vote must be recorded as against the question put by the presiding officer.

115. Members present must vote

- (1) Every member present in the Chamber when the question is put with the doors barred must vote or record an abstention; provided that in terms of Section 53(2) of the Constitution the presiding officer has no deliberative vote, but —

- (a) must cast a deciding vote when there is an equal number of votes on each side of a question; and
 - (b) may cast a deliberative vote when a question must be decided with a supporting vote of at least two thirds of the members of the Assembly.
- (2) In accordance with Section 54 of the Constitution, the provisions of Subrule (1) do not apply to the President of the Republic or to a Minister or Deputy Minister who is not a member of the House.

116. Points of order during division

Subject to all other rules relating to the taking of points of order, while a division is in progress, members may only raise points of order directly related to the procedures during the division.

117. Confusion or error concerning division

- (1) If in the opinion of the presiding officer there is confusion or error concerning a division, the presiding officer may direct that another division must take place; provided that if in the opinion of the presiding officer the nature of the confusion or the extent of the error does not affect the result of the division, the presiding officer may direct that the numbers be corrected otherwise.
- (2) Party whips may, at the request of any affected members, scrutinise the electronic voting results at the Table and under their signature make limited corrections, provided the corrections so made do not affect the result of the division.

118. Correction of minutes

If any member, in writing to the Speaker within 24 hours after the Minutes of Proceedings have been published, reports that his or her vote has been mistakenly altered, as recorded, or if any other error occurs in the voting results as published in the Minutes of Proceedings, the Speaker may order the Minutes of Proceedings to be corrected.

CHAPTER 7

MOTIONS

Part 1: General

119. Nature of motions

A member may propose a subject for discussion, or a draft resolution for approval as a resolution of the House, with or without debate.

120. Same question rule

- (1) No matter may be proposed for discussion in the House which is the same in substance as a matter that has been discussed in it during the same annual session.
- (2)
 - (a) No draft resolution may be moved in the House which is the same in substance as a draft resolution which has been approved, with or without amendments, or rejected by it during the same annual session.
 - (b) The House may amend or rescind such previous resolution.

121. Amendments to draft resolutions generally

- (1) Subject to Rule 122, a member may propose an amendment in writing to a draft resolution, provided the amendment does not extend the scope of the draft resolution or is ruled out of order for any other reason by the presiding officer.
- (2) When an amendment is moved as provided for in Subrule (1), a signed copy of the proposed amendment must be delivered to the Secretary at the Table without delay.

- (3) A proposed amendment to a draft resolution which does not strictly comply with Subrules (1) and (2) and Rule 122 may not be proceeded with in the House.
- (4) Proposed amendments to draft resolutions must be put for decision in sequence, with the last amendment being put first and the original motion, with or without amendments, last, unless the presiding officer determines otherwise.

122. Amendments to draft resolutions relating to committee reports

No amendment may be proposed to the content and substance of a committee report tabled for consideration by the House, except in respect of any recommendation made in such report for adoption by the House.

123. Motions without notice

- (1) Every motion requires notice, except a draft resolution —
 - (a) by way of amendment to a draft resolution permitted in terms of these rules;
 - (b) raising a question of privilege when approved by the Speaker in terms of Rule 31;
 - (c) for the postponement or discharge of an order of the day, giving precedence to an order of the day scheduled for that day or giving precedence to any other business;
 - (d) referring a Bill to a committee;
 - (e) by the Chief Whip, or any other member with the permission of the presiding officer, proposing a decision on a report of a committee immediately after the debate on the report has been concluded;
 - (f) specially excepted by these rules; or

- (g) in regard to which notice is dispensed with by all the members present, subject to Subrule (2).
- (2) Motions in respect of which notice is dispensed with in terms of Subrule (1)(g) are accommodated according to the following conditions:
 - (a) Members of each party are entitled to move motions without notice, minority parties being given an opportunity to participate in a manner consistent with democracy.
 - (b) The number of motions without notice on any sitting day, the period of time within which such motions must be completed on that day and the sequence of party participation must be determined by the Rules Committee.
 - (c) Motions without notice must be confined to national issues and must comply with the following criteria as are applicable to all motions requiring a decision of the House: Such a motion —
 - (i) must be consistent with the Constitution, the law and these rules,
 - (ii) must deal with only one substantive matter,
 - (iii) must consist of a clear and succinct proposed resolution,
 - (iv) may not contain statements, quotations, arguments or other matters not strictly necessary to make the proposed resolution intelligible,
 - (v) may not be the same in substance as a draft resolution that has been approved or rejected during the same session,
 - (vi) may not contain unbecoming or offensive expressions,
 - (vii) may not propose to issue an instruction to the executive,
 - (viii) must observe the principles of co-operative government in accordance with Chapter 3 of the Constitution, and

- (ix) may in any event not take longer than 90 seconds to read out.
- (d) Unless the Speaker decides otherwise in a particular case, a member may not be given an opportunity to read out and move a motion without notice in the House unless the following requirements have been met:
 - (i) The member or the member's party must make the text of the motion available to the Secretary to the National Assembly before 10:00 on the day on which it is to be moved,
 - (ii) the proposed motion must comply with the criteria specified in Paragraph (c),
 - (iii) if the proposed motion complies with the specified criteria, the Secretary to the National Assembly must circulate it to all parties by 11:00 on that day, and
 - (iv) at least five parties including the majority party and the largest minority party have notified the Secretary to the National Assembly at least 30 minutes before the sitting of the House commences that they have no objection to the motion being moved without notice.
- (e) If a proposed motion is preceded by another motion of the same substance that has already been approved or rejected on the same day, the proposed motion falls away and may not be read out and moved.
- (f) If a member is not given the opportunity to read out and move the motion without notice in terms of Paragraph (d) or, for whatever reason, during the sequence of party participation the member fails to utilise the opportunity to move a motion without notice, the party to which that member belongs forfeits that opportunity.
- (g) If a proposed motion without notice as submitted does not

comply with the specified criteria, the member or the member's party must be informed accordingly and the proposed motion without notice may be adjusted and resubmitted as a motion without notice for the next appropriate sitting day or be presented as a notice of motion.

- (3) Members may be given an opportunity to move a motion without notice only on a sitting day of the House when motions without notice have been placed on the Order Paper in terms of Rule 44 read with Rule 47.

124. Notices of motion

- (1) Members of each party are entitled to give notices of motion when recognised by the presiding officer for that purpose.
- (2) The number of notices of motion on any sitting day and the period of time within which such motions must be completed on that day must be determined by the Programme Committee in accordance with Rule 210.
- (3) Members must be given an opportunity to give notices of motion only on a sitting day of the House when notices of motion have been placed on the Order Paper in terms of Rule 44 read with Rule 47.
- (4) A notice of motion in the form of a draft resolution must —
 - (a) be submitted in writing;
 - (b) deal with a subject within the competence of the National Assembly;
 - (c) be concise;
 - (d) refer to a single substantive matter; and
 - (e) comply with any other rules and orders of the House and relevant guidelines approved by the Rules Committee.

- (5) A notice of motion in the form of a proposed subject for discussion must comply with the requirements of Subrule (4) and must additionally be limited to clearly identifying the proposed topic.
- (6) When giving notice of a motion, a member must —
 - (a) read it aloud and immediately thereafter deliver at the Table a signed copy of the notice, which may not differ from the notice as read aloud; or
 - (b) deliver to the Secretary a signed copy of the notice on any parliamentary working day for placing on the Order Paper.
- (7) Written notices of motion delivered to the Secretary in terms of Subrule (6)(b) after 12:00 on any parliamentary working day may be placed on the Order Paper only after the expiry of 24 hours, unless in a particular case the Speaker directs otherwise.

125. Acting for absent member

A member may give notice of a motion on behalf of an absent member, provided he or she has been authorised to do so by the absent member.

126. Speaker may disallow notices

The Speaker may disallow notices of motion which contravene the rules and orders of the House or directives and guidelines approved by the Rules Committee.

127. Motions on questions of privilege

An urgent motion directly concerning the privileges of the House must take precedence over other motions and orders of the day.

128. Withdrawal and lapsing of motion

- (1) A member who has given notice of a motion may withdraw it at any time before being called upon to move it in the House.
- (2) Once moved in the House, a motion may only be withdrawn with the unanimous concurrence of all the members present.
- (3) A notice of motion on the Order Paper lapses —
 - (a) after a period as determined by the Rules Committee from time to time; or
 - (b) at the end of the day as specified in Rule 351.

Part 2: Motions of no confidence in terms of Section 102 of Constitution

129. Motions of no confidence in terms of Section 102 of Constitution

- (1) A member may propose that a motion of no confidence in the Cabinet or the President in terms of Section 102 of the Constitution be placed on the Order Paper.
- (2) The Speaker must accord such motion of no confidence due priority and before scheduling it must consult with the Leader of Government Business and the Chief Whip.
- (3) The motion must comply, to the satisfaction of the Speaker, with the prescripts of any relevant law or any relevant rules and orders of the House and directives and guidelines approved by the Rules Committee, before being placed on the Order Paper, and must include the grounds on which the proposed vote of no confidence is based.

- (4) The Speaker may request an amendment of, or in any other manner deal, with a notice of a motion of no confidence which contravenes the law, rules and orders of the House or directives and guidelines approved by the Rules Committee.
- (5) After proper consultation and once the Speaker is satisfied that the motion of no confidence complies with the aforementioned prescribed law, rules and orders of the House and directives or guidelines of the Rules Committee, the Speaker must ensure that the motion of no confidence is scheduled, debated and voted on within a reasonable period of time given the programme of the Assembly.
- (6) The debate on a motion of no confidence may not exceed the time allocated for it by the Speaker, after aforesaid consultation process.
- (7) If a motion of no confidence cannot reasonably be scheduled by the last sitting day of an annual session, it must be scheduled for consideration as soon as possible in the next annual session.
- (8) Rules 120, 123 and 127 do not apply to motions of no confidence in terms of this rule.

CHAPTER 8

DISCUSSION OF URGENT MATTERS OF NATIONAL PUBLIC IMPORTANCE

130. Urgent matter of national public importance

- (1) A private member may request the Speaker in writing to schedule without delay an urgent matter of national public importance for discussion by the House.
- (2) In submitting the request, the member must motivate why the matter is of so urgent a nature that it should be dealt with in terms of this rule.
- (3) In granting such a request, depending on the urgency of the matter, the Speaker may at his or her discretion —
 - (a) if, on a sitting day, the request is received at least by midday, schedule the discussion for the same day;
 - (b) if the House is not programmed to meet at an early date that will accommodate the urgency of the matter, convene a special sitting of the House for the discussion; or
 - (c) schedule the matter for discussion at the earliest opportunity.
- (4) If the Speaker grants the request, he or she must without delay inform the House, the Leader of Government Business and the responsible Minister of the date and time set for the discussion.
- (5) Such a discussion may not exceed the time allocated for it by the Speaker, after consultation with the Leader of Government Business and the Chief Whip.
- (6) In the absence of the responsible Minister, any other member of the executive may respond to the discussion on that Minister's behalf; provided that, at the Speaker's discretion, the discussion may proceed

even if no member of the executive is available to respond.

- (7) There may only be one discussion in terms of this rule on a sitting day, and if the Speaker receives more than one request, he or she must decide which matter is more urgent or important.
- (8) In exercising his or her discretion, the Speaker must apply the following criteria:
 - (a) Matters already discussed by the House during the same annual session may not be discussed under this rule;
 - (b) the matter must be raised at the earliest opportunity;
 - (c) the matter must be —
 - (i) of so serious a nature that it requires urgent attention, or
 - (ii) of sufficient immediate public importance to warrant it taking precedence over other programmed business;
 - (d) the request must deal with a matter of national importance for which the government can be held responsible, or that falls within the scope of ministerial action;
 - (e) the subject must relate to a specific matter of recent occurrence, and not to a general state of affairs or to a matter of policy;
 - (f) the matter must be defined and specific;
 - (g) the request must deal with only one substantive matter;
 - (h) the request will not be granted if the matter can be considered by some other means in the near future; and
 - (i) the sub judice rule (Rule 89) applies to such a discussion.

131. Withdrawal of scheduled discussion on matter of urgent public importance

The member who requested the discussion may request the Speaker to withdraw the scheduled discussion, provided that sufficient notice of such withdrawal is given.

CHAPTER 9

MEMBERS' STATEMENTS AND EXECUTIVE STATEMENTS

132. Statements by members

- (1) A member, other than the Deputy President, a Minister or a Deputy Minister, may be recognised by the presiding officer to make a statement on any matter for not more than one and a half minutes.
- (2) Members of each party are entitled to make a number of statements, minority parties being given an opportunity to participate in a manner consistent with democracy.
- (3) If a member, for whatever reason, during the sequence of proceedings, fails to utilise the opportunity to make a statement, the party to which that member belongs forfeits that opportunity.
- (4) The number of members' statements on any sitting day, the period of time within which such statements must be completed on that day and the sequence of party participation must be determined by the Rules Committee.
- (5) At the conclusion of statements by members, a Minister or Deputy Minister present may be given an opportunity to respond, for not more than two minutes, to any statement.
- (6) The number of permissible ministerial responses to members' statements must be determined by the Rules Committee.
- (7) Statements are only taken on any sitting day when placed on the Order Paper in terms of Rule 44 read with Rule 47.

- (8) The rules of debate apply to members' statements and ministerial responses.

133. Executive statements

- (1) A Cabinet member may request the Speaker for an opportunity for that Cabinet member or the relevant Deputy Minister on behalf of that Cabinet member to make a factual or policy statement relating to government policy, any executive action or other similar matter of which the House should be informed.
- (2) The time allotted to a Cabinet member making an executive statement in terms of Subrule (1), including any reply to party responses in terms of Subrule (7), may not exceed 20 minutes, except with the consent of the House.
- (3) Whenever reasonably possible, a copy of an executive statement must be delivered to the leader of each party, or that leader's representative, at or before the time the statement is made in the House.
- (4) After any executive statement has been made, the Cabinet member concerned may table relevant supporting papers.
- (5) Following any executive statement, a member or members of each of the parties represented in the House may comment on the executive statement, the time allocated to each party for that purpose and the sequence for party comments to be determined by the Rules Committee.
- (6) Party responses as envisaged in Subrule (5) may be postponed by agreement between the majority of parties represented in the House or by motion without notice in the House to a later date as determined by the Programme Committee in accordance with Rule 210.

- (7) At the conclusion of party responses, the responsible Cabinet member or Deputy Minister must, subject to Subrule (2), be given an opportunity to reply.

CHAPTER 10

QUESTIONS

Part 1: General

134. Notice and placing of questions

- (1) Except as otherwise provided in these rules or with the prior consent of the Speaker —
 - (a) notice must be given of each question by placing it on the Question Paper; and
 - (b) no question for oral reply may be asked on the day on which notice thereof is given.
- (2)
 - (a) A member may give notice of a question on any working day in accordance with these rules.
 - (b) A member who wants to give notice of a question must deliver to the Speaker, for placement on the Question Paper —
 - (i) a signed copy of the notice, or
 - (ii) an electronic copy of the notice, which must be accompanied by the member's electronic signature or originate from the member's email address, indicating the day on which the question will be put.
 - (c) A whip or representative of the member's party designated by the party may submit a notice in terms of Subrule (2)(a) on behalf of the member.
- (3) Questions delivered to the Speaker before 12:00 on any working day in terms of Subrule (2) may appear on the Question Paper only after the expiry of 24 hours.

- (4) Subject to these rules and any guidelines that may be approved by the Rules Committee, and in particular Rules 137(7) and 140, questions must be placed on the Question Paper in the order in which they are received.
- (5)
 - (a) No question may be addressed to any person other than a member of the Cabinet; and
 - (b) questions must relate to matters for which Cabinet members are officially responsible.
- (6) If a notice of a question is not consistent with these rules or any guidelines that may be approved by the Rules Committee, the Speaker may either amend the question or return it to the member who submitted it.

135. Lapsing of questions

All questions on the Question Paper on the last sitting day of an annual session lapse 20 working days after the last sitting day.

136. Monitoring replies to questions

- (1) The Speaker must in consultation with the Rules Committee establish a system to monitor and report regularly to the House on questions that have been endorsed as unanswered on the Question Paper in terms of Rules 143(2), 144(5) and 146(3).
- (2) The Leader of Government Business must be informed of any steps taken in respect of any member of the executive in giving effect to the monitoring of replies and the application of Rules 143 to 146.

Part 2: Questions for oral reply

137. Form and arrangement of questions

- (1) A member who wants an oral reply to a question must write the words “for oral reply” on the copy of the notice of the question delivered to the Speaker in terms of Rule 134(2).
- (2) A question for oral reply must be concise and may not contain more than two subdivisions.
- (3) If the Speaker is of the opinion that a question comprises matters of a substantively statistical nature, the Speaker may direct that the question be placed on the Question Paper for written reply.
- (4) Questions for oral reply are limited to two questions per member per question day.
- (5)
 - (a) The restrictions imposed by Subrule (4) and by Rules 138(7), 139(3) and 140(3) do not apply to questions —
 - (i) approved as urgent questions in terms of Rule 141,
 - (ii) standing over in terms of Rule 144(1) or (3), or
 - (iii) transferred from written to oral reply in terms of Rule 146.
 - (b) If a question referred to in Paragraphs (a)(i) to (iii) is included on a Question Paper for a particular day, an additional 30 minutes must be added to the question time for that day.
- (6) A question that is submitted for oral reply must be placed on the Question Paper for reply at least six working days prior to the question day on which it is to be replied to.

- (7) An authorised representative of a party may before 12:00 on the day after questions for a particular question day appear on the Question Paper for the first time, notify the Speaker in writing of the order in which questions put by members of that party are to be placed on the Question Paper.
- (8) Questions that cannot be placed on the Question Paper for oral reply because of quotas must be placed as questions for written reply.
- (9) The sequence of questions on the Question Paper rotates without interruption for the duration of an annual session according to the order in which members of the respective parties may put questions, such order being determined by the Rules Committee from time to time.
- (10) (a) If the member in whose name a question appears on the Question Paper is absent on the day when the question is to be replied to, another member authorised by the absent member may take charge of the question after having timeously notified the presiding officer, where possible.
- (b) If another member has not been authorised to take charge of a question as contemplated in Paragraph (a), the relevant member of the executive must still reply to the question after which, notwithstanding Rule 142(5), the presiding officer permits four supplementary questions, each of one minute's duration.

138. Questions to Ministers

- (1) Questions for oral reply by Ministers must be dealt with in accordance with a clustered system of government portfolios, as determined by the Rules Committee from time to time and published in the ATC.

- (2) The clusters rotate on a weekly basis, so that, subject to Subrules (5) and (6), questions relating to each cluster are answered in succession in accordance with the agreed system.
- (3) A Minister may authorise his or her Deputy Minister to reply to a question directed at that Minister, provided the Deputy Minister is able also to respond competently to any permissible supplementary questions that may be asked.
- (4) If a Minister and his or her Deputy Minister are absent on a day when questions relating to the relevant Ministry are to be answered, the Minister may authorise another Cabinet member to reply to a question directed at that Minister, provided the Cabinet member so authorised is able also to respond competently to any permissible supplementary questions that may be asked.
- (5) If a Minister is absent on a day when a question relating to the relevant cluster is called and the question is not answered by the Deputy Minister concerned or another Cabinet member in accordance with Subrules (3) and (4), the Speaker may, if requested to do so by the member in whose name the question to that Minister stands, and after consultation with the Leader of Government Business, direct that —
 - (a) such question to that Minister be placed on the Question Paper for the first question session for Ministers following that day; and
 - (b) an additional 30 minutes be added to the question time for that session.
- (6) Questions to Ministers must not be scheduled for a day on which the President is scheduled to answer questions in the Assembly.
- (7) The number of questions to a Minister is limited to 10 questions per question day in respect of any one department of state.

- (8) Where the order in which questions are put to Ministers according to Rule 137(9) is interrupted at the end of a question session, the next question session to Ministers starts from the point where the order was so interrupted.

139. Questions to Deputy President

- (1) Questions to the Deputy President must be scheduled by the Programme Committee in accordance with Rule 210 for a question day once per month during session time in accordance with the annual programme of the Assembly, outside of the question time for Ministers; provided that —
 - (a) questions to the Deputy President may not be scheduled for any week in which questions to the President are scheduled; and
 - (b) the Programme Committee must further determine which months qualify as months during session time within the annual programme for purposes of this rule.
- (2) Questions to the Deputy President must be limited to matters of national and international importance, as assigned to him or her by the President.
- (3) The number of questions to the Deputy President is limited to six questions per question day.
- (4) The total time allowed for replies to questions and associated supplementary questions under this rule is limited to a maximum of three hours.
- (5) Where the order in which questions are put to the Deputy President according to Rule 137(9) is interrupted at the end of a question session to the Deputy President, the next question session to the Deputy President starts from the point where the order was so interrupted.

- (6) Questions to the Deputy President must be submitted to the Speaker at least 16 calendar days before the question day on which they are to be answered, for the Speaker's approval as complying with these rules and the guidelines determined by the Rules Committee.

140. Questions to President

- (1) Questions to the President must be —
 - (a) scheduled in accordance with Rule 210 for a question day at least once per quarter during session time within the annual programme; and
 - (b) limited to matters of national and international importance.
- (2) Questions to the President must be submitted to the Speaker at least 16 calendar days before the question day on which they are to be answered, for the Speaker's approval as complying with these rules and the guidelines determined by the Rules Committee.
- (3) The number of questions to the President is limited to six questions per question day.
- (4) The total time allowed for replies to questions and associated supplementary questions under this rule is limited to a maximum of three hours.
- (5) Where the party sequence in which questions are put to the President according to Rule 137(9) is interrupted at the end of a question session, the next question session to the President starts from the point where the sequence was so interrupted.

141. Urgent questions

- (1) A member may request the Speaker in writing to allow an urgent question for oral reply to be put to —
 - (a) the relevant Minister at the next question session for Ministers in the House, regardless of whether that Minister falls within the ministerial cluster for that day; or
 - (b) the President or the Deputy President on the next applicable question day.
- (2) A member who wants to put an urgent question in terms of Subrule (1) must deliver a signed copy of the question to the Speaker before 12:00 on the day preceding the question day on which the question is to be answered, clearly indicating that it is an urgent question.
- (3) In submitting the request, the member must motivate why the question is so urgent that it must be dealt with in terms of this rule.
- (4) The Speaker must consult the Leader of Government Business before approving an urgent question.
- (5) An approved urgent question takes precedence over all other questions on the relevant question day.

142. Times allotted and time limits

- (1) Questions for oral reply have precedence on Wednesdays, unless the Programme Committee determines otherwise in accordance with Rule 210.
- (2) The time allotted for questions is three hours.

- (3) The reply to a question is limited to four minutes, but if the presiding officer is of the opinion that the matter is of sufficient importance, an additional two minutes may be allowed.
- (4) In respect of each question, four supplementary questions may be asked, the member in whose name a question stands or who takes charge of a question in terms of Rule 137(10) being given the first opportunity to ask a supplementary question.
- (5) A member who asks a supplementary question may make a statement or express an opinion, but the time allowed for the first supplementary question is limited to two minutes and for subsequent supplementary questions one minute.
- (6) A supplementary question must arise directly from the original question and the reply given thereto and may not constitute a new question.
- (7) A supplementary question may not consist of more than one question.
- (8) The reply to a supplementary question is limited to two minutes.
- (9) The provisions of Subrules (1), (2), (3) and (8) do not apply to questions to the Deputy President and the President.

143. Unanswered questions for oral reply

- (1) Replies to questions for oral reply which have not been reached at the end of the time allotted on a question day must be submitted in writing to the Speaker on the same day for appropriate distribution and inclusion in the Official Report of the Debates of the Assembly.

- (2) If a reply to such a question is not received by the Speaker on the question day concerned, the question must be regarded as unanswered and the question must be endorsed on the Question Paper to that effect.

144. Questions for oral reply standing over

- (1) A question for oral reply must stand over if the Minister to whom it is addressed —
 - (a) so requests, either in the Assembly when the question is called for reply, or by notice in writing to the Speaker before the start of question time on the day for which it is on the Question Paper; or
 - (b) is not present in the Assembly when the question is called for reply and the question is not replied to by the relevant Deputy Minister or another Cabinet member on his or her behalf in terms of Rule 138(3).
- (2) Subject to a direction by the Speaker under Rule 138(5), a question that stands over in terms of Subrule (1) must be —
 - (a) placed on the Question Paper for reply on the next question day on which the relevant Minister is scheduled to reply to questions; and
 - (b) published at the end of the Question Paper, but may be prioritised in terms of Rule 137(7); provided that if more than one question is to be so published, the questions must be published in the order in which they previously appeared.
- (3) A question for oral reply may not stand over more than once and is regarded as unanswered, unless the relevant Minister offers a valid reason —
 - (a) in the Assembly for requesting that it stand over again, when the question is called for reply; or

- (b) in writing to the Speaker for being absent from the House on the question day for which it has been set down in terms of Subrule (2);
or the Speaker determines otherwise.
- (4) If a question stands over again in terms of Subrule (3), the member in whose name the question stands may again request the Speaker that the question be placed on the Question Paper for the first question session for Ministers following that day in terms of Rule 138(5).
- (5) If a question standing over is not answered, either orally or in terms of Rule 143(1), the Question Paper must be endorsed to the effect that the question has not been replied to.

Part 3: Questions for written reply

145. Form and placing of questions

- (1) A question for written reply may be placed on the Question Paper for any working day.
- (2) A question for written reply may not contain more than 10 subdivisions.
- (3) Questions for written reply are limited to three questions per member per week.
- (4) The restriction imposed by Subrule (3) does not apply to questions referred to in Rule 137(8).
- (5)
 - (a) A question for written reply must be replied to within 10 working days, provided that the responsible Minister may in writing request the Speaker for an extension not exceeding a further 10 working days on good cause shown.

- (b) If the Speaker approves a request for an extension in terms of Paragraph (a), the member in whose name the question stands must be informed accordingly and the extension must be recorded on the Question Paper.

146. Written reply not given

- (1) If the responsible Cabinet member has not replied in writing to a question within 10 working days of the day for which the question was set down for written reply or within the period of an extension approved by the Speaker in terms of Rule 145(5), and the member in whose name the question stands, or who takes charge of a question in terms of Rule 137(10), so requests, the Speaker must place the question on the Question Paper for oral reply.
- (2) If a reply to a question placed on the Question Paper for oral reply in terms of Subrule (1) is submitted in writing to the Speaker not later than 12:00 on the question day on which it is to be replied to, the question must not be called in the House.
- (3) If a written reply has not been received within 10 working days or within the period of an extension approved by the Speaker in terms of Rule 145(5), subject to Subrule (1) the Question Paper must be endorsed to the effect that the question has not been replied to, and the Speaker must inform the Leader of Government Business accordingly.

CHAPTER 11

MESSAGES

147. Messages from Council

A message received from the Council must be recorded in the ATC, or be made known in such other manner as the Speaker may determine.

148. Messages to President of the Republic

A message from the House to the President of the Republic must be signed and communicated by the Speaker.

149. Messages from President of the Republic

- (1) All communications from the President of the Republic to the House must, if he or she does not attend a sitting of the House or a joint sitting, be by message.
- (2) The message must be presented to the House by the presiding officer, may in the discretion of the presiding officer be read out by him or her, and must be printed in the ATC, or in the Minutes of Proceedings if the message is read out in the House.
- (3) The consideration of the message may be placed on the Order Paper, or the presiding officer may interrupt business at the request of the Leader of Government Business in order that precedence may be given to the consideration of the message; provided that a message whereby the President of the Republic calls a sitting of Parliament in terms of Section 42(5) of the Constitution may not be considered.

CHAPTER 12 COMMITTEE SYSTEM

Part 1: Introduction

150. List of committees

- (1) The Assembly has the following committees —
 - (a) as established by these rules:
 - (i) the Rules Committee established by Rule 190;
 - (ii) the Programme Committee established by Rule 205;
 - (iii) the Disciplinary Committee established by Rule 216;
 - (iv) the Forum of Committee Chairpersons established by Rule 221;
 - (v) the portfolio committees that must be established in terms of Rule 225;
 - (vi) the Standing Committee on Public Accounts established by Rule 243;
 - (vii) ad hoc committees that may be established in terms of Rule 253; and
 - (viii) the Chief Whips' Forum established by Rule 256; and
 - (b) as established by these rules in terms of legislation:
 - (i) the Powers and Privileges Committee established by Rule 211;
 - (ii) the Standing Committee on Finance established by Rule 230;
 - (iii) the Standing Committee on Appropriations established by Rule 236; and
 - (iv) the Standing Committee on the Auditor-General established by Rule 249.

- (2) Other committees may be established but only by resolution of the Assembly.
- (3) If a proposal to establish a committee is contained in draft legislation before a portfolio committee, that committee must first refer the proposal to the Rules Committee for a report and recommendation before that committee considers the proposal.
- (4) The Assembly participates in joint committees and other joint structures in accordance with the Joint Rules.

151. Subcommittees

- (1) A committee —
 - (a) has such subcommittees as are established by these rules; and
 - (b) may appoint a subcommittee only when —
 - (i) there is provision for such appointment in these rules, or
 - (ii) authorised by resolution of the Assembly.
- (2) Subrule (1) does not prevent a committee from assigning a task to one or more of its members for a purely internal or administrative purpose.
- (3) If a proposal to establish a subcommittee is contained in draft legislation before a portfolio committee, that committee must first refer the proposal to the Rules Committee for a report and recommendation before that committee considers the proposal.

152. Application of rules to committees and subcommittees established in terms of legislation

These rules also apply to a committee or subcommittee established in terms of legislation, and in such application the committee or subcommittee must be regarded as having been established in terms of these rules.

Part 2: Rules applicable to committees generally

153. Application of this part

The provisions of this part apply to all committees established by or in terms of these rules except in so far as any of these provisions is inconsistent with —

- (a) another provision of these rules applicable in a specific case; or
- (b) a resolution of the Assembly.

154. Composition

- (1) Parties are entitled to be represented in committees in substantially the same proportion as the proportion in which they are represented in the Assembly, except where —
 - (a) these rules prescribe the composition of the committee; or
 - (b) the number of members in the committee does not allow for all parties to be represented.
- (2) Subject to these rules, the Joint Rules and decisions of the Rules Committee, and where practicably possible, each party is entitled to at least one representative in a committee.

155. Appointment procedures

- (1) Unless these rules provide otherwise, the parties appoint the members of a committee and advise the Speaker accordingly.
- (2) Parties must appoint their members within five working days after the establishment of a committee by the House.

- (3) The names of the members appointed, and alternates appointed in terms of Rule 156, must be published in the ATC without delay.

156. Alternates

- (1) Alternates may be appointed for one or more specific members of a committee.
- (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.

157. Term of office

- (1) Subject to Section 49(4) of the Constitution, members of a committee and alternates for members are appointed until the Assembly's term expires or the Assembly is dissolved, whichever occurs first.
- (2) A member of a committee ceases to be a member and an alternate for a member ceases to be an alternate if a whip of the party to which that member or alternate belongs, or a designated representative of that party, gives notice to the Speaker, in writing, that the member or alternate is to be replaced or withdrawn.

158. Chairpersons

- (1) A committee must elect one of its members as the chairperson of the committee.

- (2) The chairperson of a committee, subject to other provisions of these rules and directions of the committee —
 - (a) presides at meetings of the committee;
 - (b) may act in any matter on behalf of and in the best interest 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;
 - (c) performs the functions, tasks and duties and exercises the powers that the committee, resolutions of the Assembly and legislation may assign to the chairperson; and
 - (d) in the event of an equality of votes on any question before the committee, must exercise a casting vote in addition to the chairperson's vote as a member.
- (3) The chairperson must report to the committee on any steps taken in terms of Subrule (2)(b).

159. Acting chairpersons

- (1) If the chairperson of a committee is absent or unable to perform the functions of chairperson, the committee must elect another of its members as acting chairperson.
- (2) An acting chairperson performs the functions and may exercise the powers of the chairperson.

160. First meetings

- (1) The Secretary must call a meeting of a committee within five working days after the names of the members of the committee have been announced.
- (2) If a party or parties have not appointed their members in time, as provided for in Rule 155(2), the Secretary must call a meeting of the committee within five working days after a sufficient number of members have been appointed to form a quorum in terms of Rule 162(2).
- (3) If the Assembly is in recess, the Secretary must notify the members of the committee, the Chief Whip and the most senior whip of each of the other parties of the time and place of the meeting at least 14 days before the meeting.

161. Meetings

- (1) Committees meet whenever necessary and as determined in accordance with these rules and the decisions, directives and guidelines of the Programme Committee in accordance with Rule 210.
- (2) A meeting of a committee may be called in terms of Subrule (1) —
 - (a) by the chairperson of the committee; or
 - (b) by resolution of the Assembly.
- (3) If at least one third of the members of a committee, in writing, request the chairperson of the committee to call a meeting of the committee, the chairperson must call the meeting within a reasonable time.

162. Quorum requirements

- (1) A 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 committee must be present for it to decide any question.
- (3) When a committee has to decide a question and a quorum in terms of Subrule (2) is not present, the chairperson may either suspend business until a quorum is present, or adjourn the meeting.

163. Co-option when members and alternates not available

If a member of a committee and that member's alternate are both absent from a meeting of the committee, the chairperson may co-opt any other Assembly member from the same party to act as a member of the committee until that committee member or the alternate member is no longer absent.

164. Interruption, suspension or adjournment

The chairperson of a committee —

- (a) may interrupt or suspend the proceedings or adjourn the meeting; and
- (b) may change the date for the resumption of business, provided reasonable notice is given.

165. Information reflecting upon integrity of members

If any information reflecting upon the integrity of an Assembly member comes before a committee, the committee may not proceed upon that information, but must report it to the Speaker without delay.

166. Reporting

- (1) A committee must report to the Assembly on a matter referred to the committee —
 - (a) when the Assembly is to decide the matter in terms of these rules, the Joint Rules, a resolution of the Assembly or legislation;
 - (b) if the committee has taken a decision on the matter, whether or not the Assembly is to decide the matter as contemplated in Paragraph (a); or
 - (c) if the committee is unable to decide a matter referred to it for report.
- (2) A committee must report to the Assembly 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 committee —
 - (a) must be formally adopted by the committee;
 - (b) must be submitted to the Assembly by the chairperson or another member of the committee designated by the committee; and
 - (c) may request that the chairperson or another member of the committee designated by the committee introduces or explains the report in the Assembly.
- (4)
 - (a) A committee may not submit a minority report.
 - (b) If a report is not a unanimous report, it must —
 - (i) specify in which respects there was not consensus, and
 - (ii) in addition to the views representative of the majority in the committee, express any views of a minority in the committee.

- (5) If a 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 Assembly, it may make a request to that effect in the report.

167. General powers

For the purposes of performing its functions a committee may, subject to the Constitution, legislation, the other provisions of these rules and resolutions of the Assembly —

- (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) permit oral evidence on petitions, representations, submissions and any other matter before the committee;
- (d) conduct public hearings;
- (e) consult any Assembly or Council committee or subcommittee, or any joint committee or subcommittee;
- (f) determine its own working arrangements;
- (g) meet at a venue determined by it, which may be a venue beyond the seat of Parliament;
- (h) 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 the Assembly is not sitting,
 - (iii) at a time when the Assembly is sitting, or
 - (iv) during a recess; and
- (i) exercise any other powers assigned to it by the Constitution, legislation, the other provisions of these rules or resolutions of the Assembly.

168. Privilege of witnesses

Prior to a witness giving evidence before a House or committee, the chairperson must in accordance with Section 16 of the Powers and Privileges Act 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."

169. Conferring powers of committees

- (1) A committee may confer with any other committee of the Assembly.
- (2) Committees must confer —
 - (a) if the Assembly instructs them to confer; or
 - (b) during a recess, if the Speaker, with the concurrence of the Chief Whip, instructs them to confer.
- (3) When committees meet to confer, the chairpersons of the respective committees co-chair the meeting.
- (4) Committees conferring in terms of Subrule (1) may report jointly, subject to the provisions of Rule 228(2).

- (5) If a committee is unable to meet to confer with another committee within reasonable time frames, the committee may invite the other committee to convey its views in writing.

170. Public involvement

Committees must ensure public involvement in accordance with the provisions of the Constitution and these rules.

Part 3: Rules applicable to subcommittees generally

171. Application of this part

The provisions of this part apply to all subcommittees established by or in terms of these rules except in so far as any of these provisions is inconsistent with —

- (a) another provision of these rules applicable in a specific case; or
- (b) a resolution of the Assembly.

172. General rules

- (1) A subcommittee established by or in terms of these rules —
 - (a) is accountable to its parent committee;
 - (b) must carry out its task and responsibilities within a policy framework determined by its parent committee and in accordance with these rules and any directives, guidelines or regulations issued by the parent committee;
 - (c) may consult any Assembly or Council committee or subcommittee, or any joint committee or subcommittee;
 - (d) may determine its own working arrangements, subject to these rules, any directives of the parent committee or resolutions of the Assembly;

- (e) may only make recommendations to its parent committee; and
 - (f) must report to its parent committee regularly or when requested by the parent committee.
- (2) The parent committee of a subcommittee —
 - (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 limits 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.

173. Alternates

- (1) A parent committee may appoint alternates from among its members for one or more specific members of a 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.

174. Term of office

- (1) Subject to Section 49(4) of the Constitution, the members of a subcommittee established by a provision of these rules and any alternates for those members are appointed until the Assembly's term expires or the Assembly is dissolved, whichever occurs first.

- (2) A subcommittee established by a committee in terms of a provision of these rules ceases to exist —
 - (a) when it has completed the task for which it was established; or
 - (b) if it is dissolved earlier by the parent committee.
- (3) (a) A member of a subcommittee ceases to be a member and an alternate for a member ceases to be an alternate if a whip of the party to which that member or alternate belongs gives notice to the Speaker, in writing, that the member or alternate is to be replaced or withdrawn.
- (b) The written notice to the Speaker in terms of Subrule (3)(a) must be copied to the parent committee.

175. Chairpersons

- (1) The parent committee of a subcommittee must designate a member of the subcommittee as the chairperson of the subcommittee.
- (2) The chairperson of a subcommittee, subject to the other provisions of these rules and the directions of the parent committee —
 - (a) presides at meetings of the subcommittee;
 - (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

- (c) performs the functions, tasks and duties and exercises the powers that the parent committee, resolutions of the Assembly and legislation may assign to the chairperson.
- (3) The chairperson must report to the subcommittee on any steps taken in terms of Subrule (2)(b).

176. Acting chairpersons

- (1) If the chairperson of a subcommittee is absent or unable to perform the functions of chairperson, the subcommittee must elect another of its members as acting chairperson.
- (2) An acting chairperson performs the functions and exercises the powers of the chairperson.

177. Meetings

- (1) Subcommittees meet whenever necessary and as determined in accordance with these rules and the decisions, directives and guidelines of the Programme Committee in accordance with Rule 210.
- (2) A meeting of a subcommittee may be called in terms of Subrule (1) by —
 - (a) the chairperson of the subcommittee;
 - (b) the parent committee; or
 - (c) the chairperson of the parent committee.

178. Matters relating to quorum

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

179. Decisions

- (1) A question before a subcommittee is decided by consensus.
- (2) If consensus cannot be reached, all views in the subcommittee on the question must be reported to the parent committee.

180. General powers

A subcommittee has the powers listed in Rule 167 only when assigned to it in terms of these rules or by a resolution of the Assembly.

Part 4: Rules applicable to both committees and subcommittees generally

181. Application of this part

The provisions of this part apply to all committees and subcommittees established by or in terms of these rules except in so far as any of these provisions is inconsistent with —

- (a) another provision of these rules applicable in a specific case; or
- (b) a resolution of the Assembly.

182. Conduct of members

Members must at all times conduct themselves in a manner befitting the dignity and decorum of a forum of the Assembly.

183. Persons appearing before committees

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

184. Admission of public

- (1) Meetings of committees and subcommittees are open to the public, including the media, and the chairperson of the committee or subcommittee may not exclude the public, including the media, from the meeting, except when —
 - (a) legislation, these rules or resolutions of the Assembly 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, or
 - (iii) confidential in terms of legislation,the nature of which is such that its confidential treatment is reasonable and justifiable in an open and democratic society.
- (2) A decision in terms of Subrule (1) to exclude the public must be taken, after due consideration, by the 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 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 may take reasonable measures —
 - (a) to regulate public access, including access of the media, to the 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.

185. Presence of other Assembly members

- (1) A member of the Assembly who is not a member of the committee or subcommittee may be present at a meeting of the committee or subcommittee.
- (2) A member mentioned in Subrule (1) who is present at a meeting of a committee or subcommittee —
 - (a) may speak on a matter before the committee or subcommittee subject to any reasonable restrictions the chairperson may impose; and
 - (b) may not vote except when the vote is cast as an alternate in terms of Rule 156.

186. Exclusion of members of public from meetings

The chairperson of a 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 Rule 184(1), or
 - (ii) when necessary to give effect to the measures taken under Rule 184(3); or
- (b) order a person referred to in Rule 183 to leave the meeting if that person does not comply with a ruling of the chairperson.

187. Exclusion of other persons from meetings

When the public is excluded from a meeting of a committee or subcommittee in terms of Rule 184(1), the chairperson may order a staff member, a government official and any other person not deemed a member of the public, excluding a member of the Assembly, also to leave the meeting.

188. Removal of persons

When instructed by the chairperson of a committee or subcommittee, the Serjeant-at-Arms must remove or arrange for the removal of any person who —

- (a) without permission, is present in that part of a committee room designated for members of the committee or subcommittee only;
- (b) disrupts the proceedings of the committee or subcommittee or causes a nuisance; or
- (c) does not leave when ordered to leave under Rule 186 or 187.

189. Publication or disclosure of proceedings, evidence, reports, etc

- (1) All documents officially before, or emanating from, a 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, or by resolution of the Assembly:
 - (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 Rule 184(1);
 - (b) any report or summary of such proceedings or evidence; and
 - (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 of the committee or subcommittee, or
 - (ii) after its submission to members, declared by the chairperson 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 committee or subcommittee when —
 - (a) the chairperson places the document, or permits 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) Subrules (1)(c) and (d) apply only to documents that —
 - (a) contain information of a private nature 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; or
 - (d) are subject to a media embargo, until the embargo expires, the nature of which is such that its confidential treatment is reasonable and justifiable in an open and democratic society.

Part 5: Rules Committee

190. Establishment

There is a Rules Committee.

191. Composition

- (1) Unless the House by resolution decides otherwise, the Rules Committee consists of —
 - (a) in their capacity of elected office-bearers —
 - (i) the Speaker, and
 - (ii) the Deputy Speaker; and
 - (b) in their capacity as party representatives —
 - (i) the Chief Whip and nine other members of the majority party,
 - (ii) the Chief Whip of the largest opposition party and two other members of that party,
 - (iii) two members of the second largest opposition party, and

- (iv) two members representative of other parties,
appointed by the Speaker as members of the Rules Committee.
- (2) Alternate members may be appointed for the party representatives referred to in Subrule (1)(b).
- (3) The House Chairpersons and other members may attend and participate in Rules Committee meetings in accordance with Rule 185.

192. Chairperson

- (1) The Speaker is the chairperson of the Rules Committee.
- (2) If the Speaker is not available, the Deputy Speaker performs the functions of the Speaker.

193. Functions and powers

- (1) The Rules Committee may —
 - (a) develop and formulate policy proposals concerning the exclusive business of the Assembly in respect of the proceedings, procedures, rules, orders and practices concerning the business of the Assembly;
 - (b) monitor and oversee the implementation of policy on all matters referred to in Paragraph (a);
 - (c) make recommendations to the Joint Rules Committee on any matter falling within the functions and powers of the Rules Committee;
 - (d) lay down guidelines and issue directives regarding any aspect of policy referred to in this rule;
 - (e) appoint committees or subcommittees to assist it with the performance of any of its functions or the exercise of any of its powers;

- (f) recommend to the Assembly for adoption rules and orders and other policy proposals concerning the business of the Assembly; and
 - (g) perform any other functions assigned to it by legislation, other provisions of these rules or resolutions of the Assembly.
- (2) The 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
 - (ii) the Speaker.

194. Implementation of policy

- (1) The responsibility for the implementation of policy determined by the Rules Committee vests in the Speaker, subject to the decisions of the Rules Committee and resolutions of the Assembly.
- (2) The Speaker, with the concurrence of the Rules Committee, may appoint task teams to assist the Speaker in executing the responsibility mentioned in Subrule (1).

195. Quorum

- (1) The Rules Committee requires at least one third of its members or alternates referred to in Rules 191(1) and (2) to be present for it to conduct any business.
- (2) A majority of the members must be present for it to decide any question.

196. Decisions

A question before the Rules Committee is decided when there is a quorum present in terms of Rule 195(2) and there is agreement on the question among the majority of the members present.

197. Subcommittees

- (1) The Rules Committee has the following subcommittees:
 - (a) Subcommittee on Review of Assembly Rules;
 - (b) Subcommittee on Physical Removal of Member from Chamber; and
 - (c) any other subcommittee appointed in terms of Rule 193(1(e)).
- (2) When the Rules Committee appoints the members of a subcommittee, the committee —
 - (a) is not restricted to the members of the Rules Committee; and
 - (b) may appoint any Assembly member.
- (3) A subcommittee of the Rules Committee may take a matter to a joint subcommittee of the Joint Rules Committee only if authorised by the Rules Committee.

Subcommittee on Review of Assembly Rules

198. Composition

The Subcommittee on Review of Assembly Rules consists of the number of members and party representation as determined by the Rules Committee.

199. Chairperson

The Rules Committee must appoint one of the members of the subcommittee as the chairperson of the subcommittee.

200. Functions and powers

The subcommittee may —

- (a) make recommendations to the Rules Committee regarding —
 - (i) the proceedings, procedures, rules, orders and practices of the Assembly, and
 - (ii) the development, formulation or adoption of policy on a matter mentioned in Subparagraph (i); and
- (b) perform any other function and exercise any other power assigned to it by the Rules Committee.

Subcommittee on Physical Removal of Member from Chamber

201. Composition

The Subcommittee on Physical Removal of Member from Chamber consists of —

- (a) the Deputy Speaker, or if the Deputy Speaker presided in the Chamber at the time when the member was physically removed, a House Chairperson designated by the Speaker;
- (b) a senior whip from each party in the Assembly nominated by the party; and
- (c) any other member that may be designated by the Speaker.

202. Chairperson

The Deputy Speaker or, as appropriate, the House Chairperson as provided for in Rule 201(a) is the chairperson of the subcommittee.

203. Functions and powers

- (1) The subcommittee must consider the circumstances of the physical removal of a member from the Chamber as reported to it by the Speaker in terms of Rule 73(12), taking into account all relevant aspects including —
 - (a) the conduct of the member concerned;
 - (b) the ruling by the relevant presiding officer; and
 - (c) the manner in which the member was removed.
- (2) In carrying out its function, the subcommittee may exercise such powers contained in Rule 167 as it may require.
- (3) The subcommittee's mandate in considering the circumstances referred to it does not extend to disciplinary proceedings against the member nor a formal review of the presiding officer's ruling.
- (4) The subcommittee must report its findings to the Rules Committee within 10 working days, including any recommendations it may make based on those findings.

204. Public access

Meetings of the subcommittee are held in public but may be closed if the subcommittee so decides in accordance with Rule 184.

Part 6: Programme Committee

205. Establishment

There is a Programme Committee.

206. Composition

The Programme Committee consists of —

- (a) the Speaker;
- (b) the Deputy Speaker;
- (c) the Leader of Government Business or a designated representative;
- (d) the House Chairpersons;
- (e) the Chief Whip;
- (f) the deputy chief whip of the majority party in the Assembly;
- (g) the whip of the majority party responsible for programming; and
- (h) the number of party representatives that the Speaker may determine with the concurrence of the Rules Committee, provided that each party is entitled to at least one representative on the committee.

207. Chairperson

- (1) The Speaker is the chairperson of the Programme Committee.
- (2) If the Speaker is not available, the Deputy Speaker presides at a meeting of the committee.

208. Functions and powers

The Programme Committee, subject to Rule 210 —

- (a) must prepare and, if necessary, from time to time adjust the annual programme of the Assembly, subject to any relevant decisions of the Joint Programme Committee;
- (b) must monitor and oversee the implementation of Parliament's annual programme in the Assembly, including the legislative programme;
- (c) must implement the rules regarding the scheduling or programming of the business of the Assembly, and the functioning of Assembly committees and subcommittees;
- (d) may make recommendations to the Joint Programme Committee on any matter falling within the functions and powers of that committee; and
- (e) may take decisions and issue directives and guidelines to prioritise or postpone any business of the Assembly, but when the committee prioritises or postpones any government business in the Assembly it must act in consultation with the Leader of Government Business.

209. Quorum

The committee may proceed with its business irrespective of the number of members present.

210. Decisions

- (1) Decisions are taken in the Programme Committee by consensus.
- (2) If consensus cannot be reached on a question before the Programme Committee, a decision on the question may be taken, at the meeting

or subsequently, by the Chief Whip with the concurrence of the Speaker and the Leader of Government Business in accordance with Rule 44.

- (3) If a decision is taken subsequently in terms of Subrule (2), the decision must be communicated to all parties without delay.

Part 7: Powers and Privileges Committee

211. Establishment

There is a Powers and Privileges Committee as required by Section 12 of the Powers and Privileges Act.

212. Composition

- (1) The committee consists of the number of Assembly members that the Speaker may determine with the concurrence of the Rules Committee, subject to the provisions of Rule 154.
- (2) The committee must elect a chairperson, and may elect an acting chairperson when the chairperson is not available.

213. Meetings

- (1) The chairperson of the committee convenes meetings of the committee.
- (2) Meetings of the committee must be held in closed session when the committee considers a matter affecting a specific member or members and the committee regards that matter to be confidential, unless the committee decides to open a meeting in the public interest.

- (3) Meetings of the committee must be open when it considers matters in terms of its general functions when such matters are not related to a specific member or members.

214. Functions

- (1) The committee must consider any matter referred to it by the Speaker relating to contempt of Parliament or misconduct¹ by a member or a request to have a response recorded in terms of Section 25 of the Powers and Privileges Act, except a breach of the Code of Conduct contained in the Schedule to the Joint Rules.
 - (2) (a) Upon receipt of a matter relating to contempt of Parliament or misconduct by a member, the committee must deal with the matter in accordance with the procedure contained in the Schedule to the Rules of the National Assembly.
 - (b) The committee must table a report in the Assembly on its findings and recommendations in respect of any alleged contempt of Parliament, as defined in Section 13 of the Powers and Privileges Act, or misconduct.
 - (c) If it is found that a member is guilty of contempt or misconduct, the committee must recommend an appropriate penalty from those contained in Section 12(5) of the Powers and Privileges Act.
 - (d) The Assembly may impose the recommended penalty, an alternative penalty contained in Section 12(5) of the Powers and Privileges Act, or no penalty.
- (3) The committee may on its own initiative or upon request by the Speaker conduct research and comment on matters relating to the powers, privileges and immunities of Parliament.

¹ The rules in this part are still to be reviewed, also with reference to "misconduct". (See *Chapter 1, Part 1: Definitions* and *Chapter 12, Part 8: Disciplinary Committee*)

- (4) (a) After receiving the request to have a response recorded referred to in Subrule (1), the committee must without delay inform the member or witness concerned that a request to have a response recorded has been received, and thereafter consider the request in accordance with criteria that the committee has approved.
- (b) In considering the request, the committee may invite verbal or written submissions by the member, witness or any other person concerned.
- (c) After considering the request to have a response recorded, the committee must publish the response in the ATC, refer it back to the person for amendments, or not publish the response.

215. Decisions

A question before the committee is decided when a quorum in terms of Rule 162(2) is present and there is agreement among the majority of the members present.

Part 8: Disciplinary Committee

216. Establishment

There is a Disciplinary Committee consisting of —

- (a) the Deputy Speaker;
- (b) a senior whip from each party in the Assembly nominated by the party; and
- (c) any other Assembly member or members designated by the Speaker.

217. Chairperson

- (1) The Deputy Speaker is the chairperson of the Disciplinary Committee.
- (2) If the Deputy Speaker is not available, a member of the committee designated by the Speaker performs the functions of the Deputy Speaker as chairperson of the committee.

218. Meetings

The Deputy Speaker convenes a meeting of the Disciplinary Committee.

219. Functions and powers

The Disciplinary Committee —

- (a) at the Speaker's request, must investigate any alleged misconduct by a member except —
 - (i) a charge against a member of contempt of Parliament in terms of the Powers and Privileges Act, or
 - (ii) a breach of the Code of Conduct contained in the Schedule to the Joint Rules; and
- (b) must report to the Speaker.

220. Public access

Meetings of the committee must be held in closed session.

Part 9: Forum of Committee Chairpersons

221. Establishment

There is a Forum of Committee Chairpersons.

222. Composition

- (1) The Forum of Committee Chairpersons consists of —
 - (a) the House Chairpersons; and
 - (b) the chairperson of each Assembly committee and each Assembly member who is a chairperson or co-chairperson of a joint committee, or an Assembly member of the committee designated by the chairperson.
- (2) The forum may co-opt the chairperson of an ad hoc committee as a member of the forum.

223. Chairperson

- (1) The House Chairperson designated by the Speaker presides at meetings of the Forum of Committee Chairpersons.
- (2) If the designated House Chairperson is not available, another House Chairperson may preside at a meeting of the forum.

224. Functions and powers

The Forum of Committee Chairpersons may make recommendations to the Rules Committee or the Programme Committee regarding any matter affecting the scheduling or functioning of any Assembly committee, subcommittee or other Assembly forum.

Part 10: Portfolio committees

225. Establishment

The Speaker acting with the concurrence of the Rules Committee must —

- (a) establish a range of portfolio committees;
- (b) assign a portfolio of government affairs to each committee; and
- (c) determine a name for each committee.

226. Composition

A portfolio committee consists of the number of Assembly members that the Speaker may determine with the concurrence of the Rules Committee in each case, subject to the provisions of Rule 154.

227. Functions

- (1) A portfolio committee —
 - (a) must deal with Bills and other matters falling within its portfolio as are referred to it in terms of the Constitution, legislation, these rules, the Joint Rules or by resolution of the Assembly;
 - (b) must maintain oversight of —
 - (i) the exercise within its portfolio of national executive authority, including the implementation of legislation,
 - (ii) any executive organ of state falling within its portfolio,
 - (iii) any constitutional institution falling within its portfolio, and
 - (iv) any other body or institution in respect of which oversight was assigned to it;

- (c) may monitor, investigate, enquire into and make recommendations concerning any such executive organ of state, constitutional institution or other body or institution, including the legislative programme, budget, rationalisation, restructuring, functioning, organisation, structure, staff and policies of such organ of state, institution or other body or institution;
 - (d) may consult and liaise with any executive organ of state or constitutional institution; and
 - (e) must perform any other functions, tasks or duties assigned to it in terms of the Constitution, legislation, these rules, the Joint Rules or resolutions of the Assembly, including functions, tasks and duties concerning parliamentary oversight or supervision of such executive organs of state, constitutional institutions or other bodies or institutions.
- (2) Bills and amendments to Bills referred to a portfolio committee must be considered by it in accordance with Chapter 13 of these rules and Chapter 3 of the Joint Rules.
- (3) If there is doubt which portfolio committee must deal with a specific matter, the Speaker in consultation with the Chief Whip must decide the question, subject to any directions of the Rules Committee or a resolution of the Assembly.

228. Decisions

- (1) A question before a portfolio committee is decided when a quorum in terms of Rule 162(2) is present and there is agreement among the majority of the members present.
- (2) A question before two or more conferring Assembly committees is decided when a majority of members of each of the conferring committees is present and there is agreement on the question between the conferring committees.

229. Subcommittees

A portfolio committee may appoint a subcommittee from among its members to assist the committee.

Part 11: Standing Committee on Finance

230. Establishment

There is a Standing Committee on Finance, established in terms of Section 4(1) of the Money Bills Amendment Procedure and Related Matters Act, 2009 and Rule 152.

231. Composition

The Standing Committee on Finance consists of the number of Assembly members that the Speaker may determine with the concurrence of the Rules Committee, subject to the provisions of Rule 154.

232. Functions and powers

- (1) The Standing Committee on Finance must perform the functions and exercise the powers specified in the Money Bills Amendment Procedure and Related Matters Act, 2009.
- (2) The committee must also perform the functions listed in Rule 227 and can exercise the powers specified in Rule 167, except in so far as any of these provisions are inconsistent with —
 - (a) the provisions of the Money Bills Amendment Procedure and Related Matters Act, 2009;
 - (b) another provision of these rules applicable in a specific case; or
 - (c) a resolution of the Assembly.

233. Consultation

The committee must consult with its counterpart in the Council and other committees on matters specified in the Money Bills Amendment Procedure and Related Matters Act, 2009, in a manner agreed by the committee.

234. Subcommittees

The committee may appoint a subcommittee from amongst its members to assist the committee, the subcommittee to adhere to the provisions of Part 3 of Chapter 12 of the Assembly Rules.

235. Public involvement

The committee must ensure public involvement in accordance with the provisions of the Constitution and the Money Bills Amendment Procedure and Related Matters Act, 2009.

Part 12: Standing Committee on Appropriations

236. Establishment

There is a Standing Committee on Appropriations, established in terms of Section 4(3) of the Money Bills Amendment Procedure and Related Matters Act, 2009 and Rule 152.

237. Composition

The Standing Committee on Appropriations consists of the number of Assembly members that the Speaker may determine with the concurrence of the Rules Committee, subject to the provisions of Rule 154.

238. Functions and powers

- (1) The Standing Committee on Appropriations must perform the functions and exercise the powers specified in the Money Bills Amendment Procedure and Related Matters Act, 2009 and can exercise the powers specified in Rule 167.
- (2) The committee must perform any other functions, tasks or duties assigned to it in terms of the Constitution, legislation, these rules, the Joint Rules or resolutions of the Assembly.
- (3) The committee may consult and liaise with any executive organ of state or constitutional institution.

239. Consultation

The committee must consult with its counterpart in the Council and other committees on matters specified in the Money Bills Amendment Procedure and Related Matters Act, 2009, in a manner agreed by the committee.

240. Subcommittees

The committee may appoint a subcommittee from amongst its members to assist the committee, the subcommittee to adhere to the provisions of Part 3 of Chapter 12 of the Assembly Rules.

241. Mediation

When conflicting amendments are proposed by portfolio committees —

- (a) a subcommittee of the Standing Committee on Appropriations consisting of the chairperson and three other members must conduct mediation with a view to finding agreement on the conflicting amendments; and

- (b) the subcommittee established in terms of (a) will be advised by three members from each of the portfolio committees that had submitted conflicting amendments and, if requested by the Standing Committee on Appropriations, two members designated by the Speaker.

242. Public involvement

The committee must ensure public involvement in accordance with the provisions of the Constitution and the Money Bills Amendment Procedure and Related Matters Act, 2009.

Part 13: Standing Committee on Public Accounts

243. Establishment

There is a Standing Committee on Public Accounts.

244. Composition

The Standing Committee on Public Accounts consists of the number of Assembly members that the Speaker may determine with the concurrence of the Rules Committee, subject to the provisions of Rule 154.

245. Functions and powers

- (1) The Standing Committee on Public Accounts —
 - (a) must consider —
 - (i) the financial statements of all executive organs of state and constitutional institutions or other public bodies when those statements are submitted to Parliament,

- (ii) any audit reports issued on those statements,
 - (iii) any reports issued by the Auditor-General on the affairs of any executive organ of state, constitutional institution or other public body,
 - (iv) any reports reviewing expenditure of public funds by any executive organ of state and constitutional institution or other public body, and
 - (v) any other financial statements or reports referred to the committee in terms of these rules;
 - (b) may report on any of those financial statements or reports to the Assembly;
 - (c) may initiate any investigation in its area of competence; and
 - (d) must perform any other functions, tasks or duties assigned to it in terms of the Constitution, legislation, these rules, the Joint Rules or resolutions of the Assembly, including functions, tasks and duties concerning parliamentary financial oversight or supervision of executive organs of state, constitutional institutions or other public bodies.
- (2) The Speaker must refer the financial statements and reports mentioned in Paragraphs (a)(i) to (iv) to the committee when they are submitted to Parliament, irrespective of whether they are also referred to another committee.

246. Decisions

A question before the committee is decided when a quorum in terms of Rule 162(2) is present and there is agreement among the majority of the members present.

247. Subcommittees

The Standing Committee on Public Accounts may appoint a subcommittee from amongst its members to assist the committee.

248. Notice to portfolio committee

When a matter falling within a portfolio committee's competence is to be considered by the Standing Committee on Public Accounts, the chairperson of the committee, after consultation with the chairperson of the portfolio committee, must give notice to the portfolio committee when that matter will be considered by the committee.

Part 14: Standing Committee on the Auditor-General

249. Establishment

There is a Standing Committee on the Auditor-General, established in terms of Section 10(3) of the Public Audit Act, 2004.

250. Composition

The Standing Committee on the Auditor-General consists of the number of Assembly members that the Speaker may determine with the concurrence of the Rules Committee, subject to the provisions of Rule 154.

251. Functions and powers

- (1) The Standing Committee on the Auditor-General must —
 - (a) maintain oversight over the Auditor-General; and
 - (b) perform the functions and exercise the other powers as specified in the Public Audit Act, 2004.
- (2) The Assembly may by resolution assign any other function, task or duty to the Standing Committee on the Auditor-General within its area of competence.

- (3) The Standing Committee on the Auditor-General may not consider —
 - (a) audit reports produced by the Auditor-General; and
 - (b) any budget or business plan other than that of the Auditor-General.

252. Decisions

A question before the Standing Committee on the Auditor-General is decided when a quorum in terms of Rule 162(2) is present and there is agreement among the majority of members present.

Part 15: Ad hoc committees

253. Establishment

- (1) An ad hoc committee may be established —
 - (a) by resolution of the Assembly; or
 - (b) during an adjournment of the Assembly for a period of more than 14 days, by the Speaker after consulting the Chief Whip and the most senior whip of each of the other parties.
- (2) Any decision by the Speaker to appoint an ad hoc committee must be tabled in the Assembly on its first sitting day after the decision was taken, for ratification by the Assembly.
- (3) An ad hoc committee may only be established for the performance of a specific task.
- (4) The resolution of the Assembly or decision of the Speaker establishing an ad hoc committee must —

- (a) specify the task assigned to the committee; and
 - (b) set time frames for —
 - (i) the completion of any steps in performing the task, and
 - (ii) the completion of the task.
- (5) An ad hoc committee has those of the powers listed in Rule 167 only as are specified in the resolution or decision establishing the committee.
- (6) An ad hoc committee ceases to exist —
 - (a) when it has completed the task for which it was established and has submitted its report to the Assembly;
 - (b) if it is dissolved by the Assembly earlier; or
 - (c) if it has not completed its task by the date set for the completion of the task;provided that the committee may be revived thereafter by decision of the Speaker or resolution of the House.

254. Composition

- (1) The Assembly resolution establishing an ad hoc committee must either specify the number of members to be appointed or the names of the members who are appointed.
- (2) The Speaker appoints the members of an ad hoc committee if —
 - (a) the resolution of the Assembly establishing the ad hoc committee does not specify the names of the committee members; or
 - (b) the Speaker established the ad hoc committee.
- (3) The Speaker must appoint the members of an ad hoc committee

established by —

- (a) the Assembly, within five working days after the establishment of the committee; and
 - (b) the Speaker, within 10 working days after the establishment of the committee.
- (4) When appointing the members of an ad hoc committee the Speaker must consult —
- (a) the Chief Whip when a member of the majority party is appointed; and
 - (b) the most senior whip of another party when a member of that particular party is appointed.
- (5) The names of the members appointed must be published in the ATC without delay.

255. Decisions

Unless a resolution establishing an ad hoc committee provides otherwise, a question before an ad hoc committee is decided when a quorum in terms of Rule 162(2) is present and there is agreement among the majority of the members present.

Part 16: Other structures relating to Assembly programming and functioning

Chief Whips' Forum

256. Establishment

There is a Chief Whips' Forum.

257. Composition

- (1) The Chief Whips' Forum consists of —
 - (a) the House Chairpersons;
 - (b) the Chief Whip;
 - (c) the deputy chief whip of the majority party; and
 - (d) the most senior whip of each of the other parties represented in the Assembly.
- (2) The Speaker and the Deputy Speaker may attend meetings of the forum or designate someone to attend on their behalf.
- (3) A whip referred to in Subrule (1)(d) who is unable to attend a meeting of the forum may designate another whip to attend the meeting.
- (4) Rule 156 does not apply to this forum.

258. Chairperson

- (1) The Chief Whip is the chairperson of the Chief Whips' Forum.
- (2) If the Chief Whip is not available, the deputy chief whip of the majority party performs the functions of the Chief Whip.

259. Meetings

- (1) The Chief Whip may call a meeting of the forum on own initiative or upon request by another member of the forum, but must call a meeting if the Speaker so requests.
- (2) The forum meets in closed session unless it decides otherwise.

260. Functions and powers

The Chief Whips' Forum acts as a forum —

- (a) for the discussion and co-ordination of matters for which the whips are responsible; and
- (b) which the Speaker may consult when appropriate.

Arrangement of House business and certain committee meetings

261. Unusual meetings of committees and subcommittees

- (1) A 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 the Assembly, or at a time when the Assembly is sitting, only with the permission of the Chief Whip.
- (2) If a committee or subcommittee applies to the Chief Whip to sit on a day which is not a working day, or at a venue beyond the seat of Parliament, the Chief Whip may give permission in terms of Subrule (1) only after having consulted the Speaker.

House Chairperson: Committees

262. Scheduling function of the designated House Chairperson

The House Chairperson designated by the Speaker must, as delegated by the Speaker, implement any policy, directive or guideline on the scheduling and co-ordination of meetings of all committees and subcommittees.

Part 17: Miscellaneous committee matters

263. Composition of Assembly component in Mediation Committee

- (1) The number of Assembly representatives in the Mediation Committee to which a party is entitled must be determined by multiplying the number of seats the party holds in the Assembly by 9 and dividing the result by 401.
- (2) The result, disregarding any decimal fractions, indicates the number of representatives allocated to the party.
- (3) If any number of representatives remains unallocated, the representative or number of representatives is allocated in sequence of the highest decimal fractions referred to in Subrule (2).
- (4) If no representative is allocated to a party in terms of Subrules (1) to (3), that party may designate an observer in the Assembly component of the Mediation Committee.

264. Election of Assembly members to Mediation Committee

- (1) The Assembly must elect its nine representatives to the Mediation Committee in accordance with the respective allocations made to parties in terms of Rule 263.
- (2) Each party must nominate in accordance with its allocation a member or members for election by the Assembly.
- (3) If the Assembly fails to elect a member nominated by a party, the party must nominate another member.

265. Alternates for Assembly representatives in Mediation Committee

Alternates for Assembly representatives in the Mediation Committee envisaged in Joint Rule 105 must be elected in accordance with the same procedure applicable to the election of the Assembly representatives in terms of Rule 264.

266. Ad hoc joint committees

- (1) The Speaker must appoint the members of the Assembly who are to serve on an ad hoc joint committee.
- (2) The Speaker must cause the names of the members so appointed to be published in the ATC.
- (3) The Speaker must so appoint members whose names have been submitted by the chief or other whip of a party in the Assembly, not exceeding the number of members which such party is entitled to have on the committee.
- (4) If the names of members of a party have not been so submitted within two working days after the Speaker has called upon the chief or other whip of a party to submit the names of members to be appointed to the committee, such party must be regarded as not willing to participate in the committee.

CHAPTER 13

LEGISLATIVE PROCESS

Part 1: Introduction

267. Legislative powers of Assembly

- (1) The national legislative authority as vested by the Constitution in Parliament confers on the Assembly, in terms of Section 44(1) of the Constitution, the power —
 - (a) to amend the Constitution;
 - (b) to pass legislation with regard to any matter, including a matter within a functional area listed in Schedule 4 to the Constitution, but excluding, subject to Subrule (2), a matter within a functional area listed in Schedule 5; and
 - (c) to assign any of its legislative powers, except the power to amend the Constitution, to any legislative body in another sphere of government.

- (2) The Assembly may, as part of the legislative process contemplated in terms of Section 44(2) of the Constitution, pass legislation falling within a functional area listed in Schedule 5 to the Constitution, when it is necessary —
 - (a) to maintain national security;
 - (b) to maintain economic unity;
 - (c) to maintain essential national standards;
 - (d) to establish minimum standards required for the rendering of services; or
 - (e) to prevent unreasonable action taken by a province which is prejudicial to the interests of another province or to the country as a whole.

- (3) Any Bill may in terms of Section 73(1) of the Constitution be introduced in the Assembly.
- (4) In exercising its legislative powers, the Assembly in terms of Section 55 of the Constitution may —
 - (a) consider, pass, amend or reject any legislation before the Assembly; and
 - (b) initiate or prepare legislation, except money Bills.

268. Initiation of legislation by Assembly

- (1) The Assembly initiates or prepares legislation in terms of these rules for introduction as envisaged in Section 73(2) of the Constitution through —
 - (a) its committees acting with the permission of the Assembly; or
 - (b) its members.
- (2) Save for a money Bill or legislation envisaged in Section 214 of the Constitution, any committee or member of the Assembly may in terms of Section 73(2) of the Constitution introduce a Bill in the Assembly that has been initiated or prepared in terms of Subrule (1).

269. Initiation of legislation by national executive

- (1) The national executive may prepare and initiate legislation in terms of Section 85(2)(d) of the Constitution for introduction in the Assembly.
- (2) Such legislation may be introduced in the Assembly by a Cabinet member or a Deputy Minister in terms of Section 73(2) of the Constitution, but only the Cabinet member responsible for national financial matters may introduce a money Bill or a Bill which provides for equitable shares and allocations of revenue as envisaged in Section 214 of the Constitution.

270. Application of this chapter

- (1) The rules set out in Parts 1, 2, 3 and 9 of this chapter apply to Bills of all types to the extent that those rules are not inconsistent with the rules for specific types set out in Parts 4 to 8 of this chapter.
- (2) This chapter must be read with Chapter 4 of the Joint Rules.

Part 2: Steps prior to introduction

Bills initiated by Cabinet members and Deputy Ministers

271. Submission of legislative proposals to Speaker

A Cabinet member or Deputy Minister intending to introduce a Bill in the Assembly must, as is set out in Joint Rule 159, before the Bill is introduced submit to the Speaker —

- (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.

Bills initiated by Assembly members in individual capacity

272. Preparation of draft Bill

- (1) A member who intends to initiate or prepare legislation in an individual capacity (other than as a Cabinet member or Deputy Minister) for introduction in the Assembly as contemplated in Rule 268 must —

- (a) prepare a draft Bill, and a supporting memorandum setting out the objects of the Bill, in a form and style that complies with any prescribed requirements, including those set out in Rule 279; and
 - (b) comply with Rule 276 or, if it is a proposed constitutional amendment, with Rule 295.
- (2) The Speaker must reimburse a member —
 - (a) for any reasonable expenses incurred by the member in the publication of a Bill as contemplated in Rule 276, provided that such publication is facilitated by the Speaker; and
 - (b) in full for any reasonable expenses incurred by the member in the preparation of a Bill as contemplated in Rule 276 if the Bill, with or without amendments, is passed by the Assembly, provided that those expenses were approved by the Speaker before they were incurred.

Bills initiated by Assembly committees

273. Submission of legislative proposals to Speaker

- (1) An Assembly committee intending to introduce a Bill in the Assembly must, for the purpose of obtaining the Assembly's permission in terms of Rule 268(1), table in the Assembly a memorandum which —
 - (a) sets out particulars of the proposed legislation;
 - (b) explains the objects of the proposed legislation;
 - (c) states whether the proposed legislation will have financial implications for the state and, if so, gives an account of those implications; and
 - (d) sets out the views of the executive on the objects of the proposed legislation.

- (2) The Speaker must place the proposed legislation on the Order Paper for decision.
- (3) The Assembly may —
 - (a) give permission that the proposed legislation be proceeded with;
 - (b) refer the proposed legislation back to the committee for reconsideration; or
 - (c) refuse permission.
- (4) If the Assembly gives permission that the proposed legislation be proceeded with, it may, if it so chooses —
 - (a) express itself on the desirability of the proposed legislation; or
 - (b) subject its permission to conditions.

274. Preparation of draft Bill

- (1) If the Assembly gives permission that the proposed legislation be proceeded with, the committee must —
 - (a) prepare a draft Bill, and a memorandum setting out the objects of the Bill in a form and style that complies with any prescribed requirements, including those set out in Rule 279;
 - (b) consult the JTM for advice on the classification of the Bill; and
 - (c) comply with Rule 276 or, if it is a proposed constitutional amendment, with Rule 295.
- (2) If the committee chooses in terms of Rule 276 or 295 to publish the draft Bill, it is not bound to publish the Bill as it is to be introduced, but the committee may publish any version of the draft Bill prepared by it in terms of Subrule (1)(a).

- (3) The committee must report to the Assembly when it publishes the draft Bill.

275. Consideration of draft Bill before introduction

Before introducing its Bill, the committee —

- (a) must give interested persons and institutions a period of at least three weeks after the draft Bill or particulars of the draft Bill have been published in terms of Rule 276 or 295 to comment on the proposed legislation;
- (b) must 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;
- (c) must consult the JTM for advice on the classification of the draft Bill as it is to be introduced; and
- (d) may in view of any comments received in terms of Paragraph (a) or (b) or advice given in terms of Paragraph (c), adjust the draft Bill before its introduction.

All Bills generally

276. Prior notice and publication of draft legislation

- (1) A Bill may be introduced in the Assembly only if —
 - (a) a copy of the draft legislation has been submitted to the Speaker in terms of Rule 271, if it is a Bill initiated by the national executive and that rule is applicable;
 - (b) prior notice of its introduction has been given in the Gazette; and
 - (c) an explanatory summary of the Bill, or the draft Bill as it is to be introduced, has been published in the Gazette.

- (2) When intending to introduce a Bill in the Assembly, an Assembly member acting in his or her individual capacity must, as soon as possible after publication contemplated in Subrule (1)(c), submit to the Speaker the explanatory summary of the Bill, or the draft Bill, as appropriate.
- (3) The Speaker must refer the explanatory summary of the Bill, or the draft Bill, as appropriate, contemplated in Subrule (2) to the responsible portfolio committee in order —
 - (a) to assist the committee in planning its work; and
 - (b) to enable the committee members to acquaint themselves with and to develop their positions with regard to the proposed legislation.
- (4) If the Bill as it is to be introduced is published, the notice referred to in Subrule (1)(b) must contain an invitation to interested persons and institutions to submit written representations on the draft legislation to the Speaker within a specified period.
- (5) If the draft Bill itself is published, a memorandum setting out the objects of the Bill must also be published.
- (6) This rule does not apply to —
 - (a) constitution amendment Bills, which must be dealt with in terms of Rule 295; and
 - (b) money Bills when the special procedure set out in Rule 322(2) is followed.
- (7) Subrules (1)(b) and (c) do not apply to a Bill that has been certified by the member in charge of the Bill, in consultation with the Speaker, as an urgent matter.

277. Notice withdrawing proposed legislation

- (1) If a Cabinet member, Deputy Minister, committee or member decides not to proceed with the introduction of a Bill after Rule 276 has been complied with, the Cabinet member, Deputy Minister, committee or member must without delay inform the Speaker in writing of the decision.
- (2) In the case of a Cabinet member or Deputy Minister referred to in Subrule (1), he or she must publish a notice in the Gazette stating that the proposed legislation has been withdrawn.
- (3) The Speaker must publish a notice in the Gazette stating that the proposed legislation has been withdrawn where a committee or member decides not to proceed with the introduction of the Bill as is contemplated in Subrule (1).

278. Referral of Bills to National House of Traditional Leaders

- (1) The Secretary must refer a Bill to the National House of Traditional Leaders if the JTM has made a finding that the Bill pertains to customary law or customs of traditional communities in accordance with Rule 192 of the Joint Rules.
- (2) The Secretary must inform the Speaker and the chairperson of the portfolio committee to which the Bill was referred of the date of referral, which date must be published in the relevant parliamentary paper.

Part 3: Introduction of Bills and First and Second Readings

Introduction and related matters

279. Introduction of Bills in Assembly

- (1) A Cabinet member or Deputy Minister or an Assembly member or committee introduces a Bill (other than a Bill mentioned in Subrule (8)) by submitting to the Speaker —
 - (a) a copy of the Bill or, if the Bill as it is introduced was published in terms of Rule 276(1)(c), a copy of the Gazette concerned;
 - (b) the explanatory summary referred to in Rule 276(1)(c), if a draft of the Bill itself was not published; and
 - (c) a supporting memorandum which must —
 - (i) state whether the Bill is introduced as a proposed Section 75 Bill, a Section 76(1) Bill, or a money Bill,
 - (ii) explain the objects of the Bill,
 - (iii) give an account of the financial implications of the Bill for the state,
 - (iv) contain a list of all persons and institutions that have been consulted in preparing the Bill; provided that in respect of Bills introduced by a member in his or her individual capacity, such a list may be included where consultations were conducted,
 - (v) if the Bill is introduced by a Cabinet member or a Deputy Minister, include a legal opinion by a state law adviser, or a law adviser of the state department concerned, on the classification of the Bill and any other question in respect of which the JTM is required to make a finding in terms of Joint Rule 160, and
 - (vi) if the Bill is introduced by a committee or an Assembly member, include a legal opinion by a parliamentary legal adviser on the classification of the Bill and any other question in respect of which the JTM is required to make a finding in terms of Joint Rule 160.

- (2) A Bill introduced by a Cabinet member or Deputy Minister must be certified by the Chief State Law Adviser or a state law adviser designated by him or her as being —
 - (a) consistent with the Constitution; and
 - (b) properly drafted in the form and style which conforms to legislative practice.
- (3) If a Bill is not certified as contemplated in Subrule (2), the Bill must be accompanied by a report or legal opinion by a state law adviser mentioned in Subrule (2) on why it has not been so certified.
- (4) A Bill introduced by a committee or an Assembly member must be certified by the Chief Parliamentary Legal Adviser or a parliamentary legal adviser designated by him or her as being —
 - (a) consistent with the Constitution and existing legislation; and
 - (b) properly drafted in the form and style which conforms to legislative drafting practice.
- (5) If a Bill is not certified as contemplated in Subrule (4), the Bill must be accompanied by a report or legal opinion by a parliamentary legal adviser mentioned in Subrule (4) on why it has not been so certified.
- (6) A Bill introduced by a Cabinet member or Deputy Minister must contain on its cover page a reference to that Cabinet member or Deputy Minister as the person introducing the Bill.
- (7) A Bill introduced by —
 - (a) an Assembly member; or
 - (b) a committee with the Assembly's permission in terms of Rule 273(3), must —
 - (i) be accompanied by a statement to that effect, and
 - (ii) contain on its cover page a reference to the name of the member or the committee as the member or committee introducing the Bill.

- (8) This rule does not apply to —
 - (a) constitution amendment Bills, which must be introduced in accordance with Rule 297; and
 - (b) money Bills when the special procedure set out in Rule 322(2) is followed.

280. Classification of Bills

- (1) When a Bill, other than a Bill initiated by an Assembly committee, is introduced in the Assembly in terms of Rule 279 or 297, the Speaker must refer the Bill to the JTM for classification of the Bill in terms of Joint Rule 160.
- (2) The findings of the JTM contemplated in Rule 275(c) in respect of a Bill initiated by an Assembly committee must be tabled in the Assembly with the Bill when it is introduced.
- (3) The classification of the Bill and all findings of the JTM must be —
 - (a) conveyed to the portfolio or other committee considering the Bill; and
 - (b) tabled in the Assembly.

281. Reintroduction of Bills ruled out of order by JTM

A Bill reintroduced in the Assembly in terms of Joint Rule 162 must follow the same procedure as if it were introduced for the first time, except that the steps prior to introduction as prescribed by the Assembly rules do not apply if no substantive new provisions were added to the Bill.

First and Second Reading procedures

282. When First and Second Reading procedures are applicable

- (1) Subject to Rules 283(2) and 284(2), all Bills introduced in the Assembly have a First Reading, except a Bill initiated and introduced by an Assembly committee, and a Second Reading in the Assembly after their introduction, and all Bills introduced in and as passed by the Council have a First Reading and a Second Reading in the Assembly after their referral to the Assembly.
- (2) The First Reading of a Bill consists of an introduction by the member in charge followed by a debate as provided for in these rules, the First Reading being confined to the principles of the Bill as contained in the Long Title of the Bill and as may be elaborated on in the supporting memorandum.
- (3) The Second Reading of a Bill consists of a debate on the substance of the Bill and a decision on the Bill by the Assembly.

283. Procedure when Assembly in session

- (1) If the Assembly is in session when a Bill is introduced in the Assembly or when a Bill introduced in and as passed by the Council is referred for the first time to the Assembly —
 - (a) the person in charge of the Bill must submit to the Speaker a notice of First Reading of the Bill; and
 - (b) the Speaker must table in the Assembly the Bill and the supporting memorandum and, if there is one, also the explanatory summary.
- (2) (a) Once notice has been given in terms of Subrule (1)(a), the Bill must be placed on the Order Paper for First Reading, unless the Programme Committee in accordance with Rule 210 decides otherwise in respect of a particular Bill.

- (b) The First Reading is conducted in accordance with Rule 285.
 - (c) No decision is taken by the Assembly at the conclusion of the First Reading and no amendment to a Bill is allowed on the First Reading of the Bill.
 - (d) When the First Reading has been concluded, or when the First Reading is dispensed with by decision of the Programme Committee in accordance with Rule 210, the Bill is regarded as having been read a first time.
- (3) When a Bill has been read a first time, the Speaker must refer the Bill and its annexures —
- (a) to the portfolio committee under which the subject of the Bill falls;
 - (b) by resolution of the Assembly to any other Assembly committee; or
 - (c) to a joint committee, if this is required by a decision in terms of Joint Rule 166.
- (4) If the Bill is referred to an Assembly committee, the committee must deal with the Bill in accordance with Rule 286, but if the Bill is referred to a joint committee, the Joint Rules apply.
- (5) A Bill initiated and introduced by an Assembly committee does not have a First Reading but upon introduction must be placed directly on the Order Paper for Second Reading unless the Bill is referred to a joint committee.

284. Procedure during recess

- (1) If the Assembly is in recess when a Bill is introduced in the Assembly

or when a Bill introduced in and as passed by the Council is referred for the first time to the Assembly, the Speaker must refer the Bill and its annexures —

- (a) to the portfolio committee within whose portfolio the subject of the Bill falls;
 - (b) with the concurrence of the person in charge of the Bill, to any other Assembly committee; or
 - (c) to a joint committee, if this is required by a decision in terms of Joint Rule 166.
- (2) (a) A Bill referred to a committee in terms of Subrule (1) must additionally be placed on the Order Paper for First Reading in the Assembly at an early date upon the resumption of House business, unless the Programme Committee in accordance with Rule 210 decides otherwise in respect of a particular Bill.
- (b) If the First Reading of a Bill is dispensed with in terms of Paragraph (a), the Bill is regarded as having been read a first time.
- (3) The Bill, together with its annexures, must be submitted to the members of the committee at least 14 days before the date appointed for a meeting of the committee, unless the Assembly or, if the Bill is referred to a joint committee, both Houses, are due to meet during that period.
- (4) If the Bill is referred to an Assembly committee, the committee must deal with the Bill in accordance with Rule 286, but if the Bill is referred to a joint committee, the Joint Rules apply.

285. First Reading

- (1) The debate on the First Reading of a Bill must be conducted on the principles of the Bill as contained in its Long Title.

- (2) The Programme Committee must schedule and allocate time for the debate in accordance with Rule 210.
- (3) The person in charge must be allocated 15 minutes to make an introductory speech and to reply to the debate.
- (4)
 - (a) There is no speakers' list, members being permitted to speak for no longer than three minutes upon being recognised by the presiding officer.
 - (b) No member except the person in charge of the Bill may speak more than once in the debate.
- (5) At the conclusion of the First Reading debate on the Bill, no decision on the Bill is taken by the House but the Bill is regarded as having been read a first time.

286. Process in committee

- (1) If a Bill has been published for public comment in terms of Rule 276 or 295, the Assembly committee to which the Bill is referred must give interested persons and institutions an opportunity to comment on the Bill.
- (2) If a Bill has not been published for public comment and the committee to which the Bill is referred considers public comment on the Bill to be necessary, it may by way of invitations, press statements, advertisements or in any other manner, invite the public to comment on the Bill.
- (3) A committee to which a Bill introduced by an Assembly member in his or her individual capacity has been referred must provide reasonable notice to the person in charge of the Bill before it considers the Bill.

- (4) The committee —
- (a) must inquire into the subject of the Bill and report on it to the Assembly;
 - (b) may seek the permission of the Assembly to inquire into extending the subject of the Bill;
 - (c) if the Bill amends provisions of legislation, must, if it intends to propose amendments to other provisions of that legislation, seek the permission of the Assembly to do so;
 - (d) may, or if ordered by the Speaker must, consult any other committee that has a direct interest in the substance of the Bill;
 - (e) 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;
 - (f) may, or if permitted by the Assembly to extend the subject of a Bill in accordance with Paragraph (b) or (c) must, consult the person in charge of the Bill;
 - (g) may consult the JTM on 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;
 - (h) may not propose an amendment that —
 - (i) affects the classification of the Bill, except as provided in Subrule (5) and Joint Rule 163, or
 - (ii) renders the Bill constitutionally or procedurally out of order within the meaning of Joint Rule 161;
 - (i) after due deliberation, must consider a motion of desirability on the subject matter of the Bill and, if rejected, must immediately table the Bill and its report on the Bill;
 - (j) if the motion of the desirability is adopted, must proceed to deliberate on the details of the legislation;

- (k) may recommend approval or rejection of the Bill or present with its report an amended Bill or a redraft of the Bill, provided that in the case of a redraft the subject of the Bill has not been extended without the permission of the Assembly as contemplated in Paragraphs (b) and (c);
 - (l) must report to the Assembly in accordance with Rule 288;
 - (m) may report to the Assembly on a Bill introduced in the Assembly and classified as being subject to Section 18(1) of the Traditional Leadership and Governance Framework Act, 2003, only after 30 days have passed since the referral to the National House of Traditional Leaders in terms of Rule 278; and
 - (n) if an amended Bill or a redraft of the Bill is to be presented to the Assembly, must formally adopt the final version of the Bill as it is to be presented.

- (5) The committee may propose an amendment that changes the classification of a Section 75 to a Section 76 Bill, or a Section 76 to a Section 75 Bill, only if the JTM is of the view that the Bill as amended is unlikely to lead to unmanageable procedural complications.

- (6) In the process of inquiring into a Bill, the committee must, where applicable, as far as possible apply the following separate formal stages:
 - (a) Informal 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 public comments that have been received;
 - (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 the hearing and examination of such or other oral submissions if deemed necessary;

- (d) deliberation by members, taking into consideration proposed amendments and comments and proposals received and evidence presented;
- (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 Assembly.

287. Referral to Assembly committee if joint committee fails to report

- (1) If a Bill has been referred to a joint committee in terms of Rule 283(3(c) or 284(1)(c) and that joint committee fails to present a report or fails to reach consensus on the Bill, the Speaker must refer the Bill and its annexures —
 - (a) to the portfolio committee within whose portfolio the subject of the Bill falls; or
 - (b) by resolution of the Assembly, to any other Assembly committee.
- (2) The committee to which the Bill is referred must deal with the Bill in accordance with Rule 286.

288. Committee's report

- (1) The Assembly committee to which a Bill is referred must table in the Assembly —
 - (a) its report;
 - (b) the Bill that has been agreed on by it, in its final amended or redrafted form as adopted by the committee where applicable, or, if it has not agreed on a Bill, the Bill as referred to it;
 - (c) the supporting memorandum which was introduced with the Bill or, if the memorandum has been amended by the committee, the amended memorandum; and

- (d) if the Bill was introduced by a member in his or her individual capacity, the views, if any, expressed on the Bill by the relevant department in the national executive authority or executive organ of state in the national sphere of government.
- (2) The committee may report to the Assembly 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) in the case of a Bill introduced by a member in his or her individual capacity, must state the views on the Bill submitted by the relevant executive authority;
 - (d) must specify each amendment if an amended Bill (other than a redraft of the Bill) was agreed on by it, and each amendment that was considered and, for a reason other than its being out of order, was rejected by it;
 - (e) must specify each amendment rejected by the committee if a redrafted Bill was agreed on by it;
 - (f) must, if it is not a unanimous report—
 - (i) specify in which respects and why there was not consensus, and
 - (ii) in addition to the views representative of the majority in the committee, convey any views of a minority in the committee in order to facilitate debate when the report comes before the House;
 - (g) may specify such details or information about its inquiry and any representations or evidence received or taken by it as it may consider necessary for the purposes of the debate on the Bill;
 - (h) may report on any matter arising from its deliberations on the Bill but which is not necessarily related to the Bill; and

- (i) may recommend to the Assembly that any matter contained in the report be placed on the Order Paper for separate consideration either before or after the Assembly considers the Bill.

289. Explanation of report

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

290. Second Reading

- (1) All Bills placed on the Order Paper for Second Reading must be debated, unless the Programme Committee notwithstanding Rule 210 by consensus decides otherwise in respect of a particular Bill.
- (2) (a) If a Bill has been referred to an Assembly or joint committee, the debate on the Second Reading of the Bill may not commence before at least three working days have elapsed —
 - (i) since the committee's report was tabled, or
 - (ii) if a committee member has addressed the Assembly in terms of Rule 289, since the address was delivered.
- (b) If a Bill introduced by a committee has not been referred to a joint committee in terms of Rule 283(5), the debate on the Second Reading of the Bill may not commence before at least three Assembly working days have elapsed since the Bill was introduced.
- (3) (a) The debate on the Second Reading of a Bill must be conducted on the subject of the Bill.

- (b) The debate on the Second Reading of a Bill that amends legislation must be conducted on the subject of the proposed amendments.
- (4) No motion may be moved during the debate.
- (5) The Assembly passes a Bill if it approves the Second Reading of the Bill in accordance with Sections 53(1)(a) and (c) of the Constitution, except that the Second Reading of —
 - (a) a constitution amendment Bill must be approved in accordance with Rule 299(2) or (3); and
 - (b) a Bill determining the seat of Parliament must be approved in accordance with Section 76(5) of the Constitution.
- (6) The Assembly rejects a Bill if it rejects the Second Reading of the Bill or, subject to Rule 331, fails to approve the Second Reading with the appropriate majority.

291. Amendments proposed by members before decision of Second Reading

- (1)
 - (a) After a Bill has been placed on the Order Paper for Second Reading but before the Assembly decides on the Second Reading, a member may, subject to Subrule (4), place amendments to clauses of the Bill on the Order Paper.
 - (b) A Bill that has been rejected by the committee which considered it may not be amended under this rule.
- (2) Amendments delivered to the Speaker after 12:00 on any working day may be placed on the Order Paper for the second sitting day thereafter and not earlier, unless the Speaker determines otherwise in a particular case.

- (3) (a) The following amendments are out of order and may not be proposed under this rule:
 - (i) Amendments that affect the principle of the Bill and in respect of which the Assembly has not given any instruction,
 - (ii) amendments that change the classification of the Bill, except as provided for in Joint Rule 163,
 - (iii) amendments that would render the Bill constitutionally or procedurally out of order within the meaning of Joint Rule 161, and
 - (iv) amendments that are out of order for any other reason.
 - (b) The Speaker's ruling on whether an amendment is out of order or in order, is final, provided that if the JTM has made a finding on the substance of the amendment, the Speaker is bound by the finding.
- (4) No amendment which has the same effect as an amendment previously rejected in the committee may be placed on the Order Paper, except when it is a Bill of which a Cabinet member or Deputy Minister is in charge and that Cabinet member or Deputy Minister places such an amendment on the Order Paper.
- (5) If an amendment has been placed on the Order Paper and the debate on the Second Reading has been concluded, the Speaker may either —
 - (a) recommit the Bill for reconsideration to the committee which considered the Bill or, if it is a Bill introduced by an Assembly committee, to that committee, together with the amendment; or
 - (b) put the amendment for decision by the Assembly and then the Second Reading of the Bill as a whole, including any approved amendment.
- (6) An Assembly committee to which a Bill is recommitted must deal with the Bill in terms of Rule 292.

- (7) A Bill may not be recommitted to a committee more than once in terms of this rule.

292. Referral of amendments proposed in Assembly to Assembly committee

- (1) If a Bill is recommitted in terms of Rule 291(5) to an Assembly committee, 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 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) or Joint Rule 163, or
 - (ii) renders the Bill constitutionally or procedurally out of order within the meaning of Joint Rule 161; and
 - (f) must table its report together with the Bill in the Assembly.
- (2) Subrule (1)(d) applies only if the person in charge of the Bill is a Cabinet member or a Deputy Minister.
- (3) The committee may agree on an amendment that changes the classification of a Section 75 to a Section 76 Bill, or a Section 76 to a Section 75 Bill, but only if the JTM is of the view that the Bill as amended is unlikely to lead to unmanageable procedural complications.

293. Referral to Assembly committee if joint committee fails to report

- (1) If a Bill is recommitted to a joint committee in terms of Rule 291(5), and that joint committee fails to present a report or fails to reach consensus on any amendments, the Speaker must refer the Bill and its annexures —
 - (a) to the portfolio committee within whose portfolio the subject of the Bill falls; or
 - (b) by resolution of the Assembly, to any other Assembly committee.
- (2) The committee to which the Bill is referred must deal with the Bill in terms of Rule 286.

294. Consideration of report of Assembly committee or joint committee

- (1) The report of the Assembly committee or joint committee to which a Bill has been recommitted or referred must be placed on the Order Paper for consideration of —
 - (a) the amendments agreed on by the committee; and
 - (b) any amendment specified in the report in terms of Rule 292(1)(d) or Joint Rule 170(1)(d) and which is moved in the Assembly, which motion may be moved without notice.
- (2) Before the Assembly decides on the Second Reading of the Bill, the Speaker must put the amendment or amendments to the vote.

Part 4: Specific rules applicable to constitution amendment Bills

Specific rules relating to matters in Parts 1 and 2

295. Requirements prior to introduction of constitution amendment Bill

- (1) A Cabinet member or a Deputy Minister, or a member or committee of the Assembly, intending to introduce a Bill amending the Constitution must, before introducing the Bill, comply with Section 74(5) of the Constitution.
- (2) When the person or committee intending to introduce the Bill publishes particulars of the Bill in the Gazette in accordance with Section 74(5), the publication must contain —
 - (a) a notice stating the intention to introduce the Bill; and
 - (b) an invitation to interested persons and institutions to submit written representations on the draft constitutional amendment to the person or committee intending to introduce the Bill.
- (3) If the draft Bill itself, as it is to be introduced, is published, a memorandum setting out the objects of the Bill must also be published.

296. Notice withdrawing proposed constitutional amendment

- (1) If a Cabinet member, Deputy Minister, committee or member decides not to proceed with the introduction of a Bill after Rule 295 has been complied with, the Cabinet member, Deputy Minister, committee or member must without delay inform the Speaker in writing of the decision.

- (2) The Cabinet member or Deputy Minister referred to in Subrule (1) must publish a notice in the Gazette stating that the proposed legislation has been withdrawn.
- (3) The Speaker must publish a notice in the Gazette stating that the proposed legislation has been withdrawn where a committee or member decides not to proceed with the introduction of the Bill as contemplated in Subrule (1).

297. Introduction of constitution amendment Bill

- (1) A Cabinet member or Deputy Minister or an Assembly member or committee introduces a constitution amendment Bill by submitting to the Speaker —
 - (a) a copy of the Bill, or if the Bill itself, as it is introduced, has been published in the Gazette to give effect to Section 74(5) of the Constitution, a copy of the Gazette;
 - (b) a supporting memorandum which must —
 - (i) state that the Bill is introduced as a constitution amendment Bill,
 - (ii) explain the objects of the proposed constitutional amendment,
 - (iii) give an account of the financial implications of the proposed constitutional amendment for the state,
 - (iv) contain a list of all persons and institutions that have been consulted in preparing the Bill,
 - (v) if the Bill is introduced by a Cabinet member or a Deputy Minister, include a legal opinion by a state law adviser, or a law adviser of the state department concerned, on the classification of the Bill and any other question in respect of which the JTM is required to make a finding in terms of Joint Rule 160, and
 - (vi) if the Bill is introduced by a committee or an Assembly member, include a legal opinion by a parliamentary

legal adviser on the classification of the Bill and any other question in respect of which the JTM is required to make a finding in terms of Joint Rule 160; and

- (c) any written comments on the Bill envisaged in Section 74(6) of the Constitution.
- (2) A constitution amendment Bill introduced by a Cabinet member or a Deputy Minister must contain on its cover page a reference to that Cabinet member or Deputy Minister as the person introducing the Bill.
- (3) A constitution amendment Bill introduced by —
- (a) an Assembly member in an individual capacity; or
 - (b) by an Assembly committee with the Assembly's permission in terms of Rule 273(3) —
 - (i) must be accompanied by a statement to that effect, and
 - (ii) contain a reference on its cover page to the name of the member or committee as the member or committee introducing the Bill.

298. Referral of constitution amendment Bill to committee

- (1) If a constitution amendment Bill is in terms of Section 74 of the Constitution required to be passed by the Assembly alone, the Bill may in terms of Rule 283(3) or 284(1) only be referred to an Assembly committee.
- (2) If a constitution amendment Bill is in terms of Section 74 required to be passed by both Houses, the Bill must in terms of Rule 283(3) or 284(1) be referred either —
 - (a) to an Assembly committee; or

- (b) if this is required by a decision in terms of Joint Rule 166, to a joint committee on constitutional matters.

299. Consideration of committee's report and Bill

- (1) The Speaker must place the committee's report and the Bill presented to the Assembly in terms of Rule 288 or Joint Rule 168 on the Order Paper irrespective of whether the time period mentioned in Section 74(7) of the Constitution has expired, but the Assembly may not vote on the Second Reading of the Bill unless this time period has expired.
- (2) A constitution amendment Bill is passed by the Assembly if its Second Reading —
 - (a) is put to the vote after the expiry of the time period mentioned in Section 74(7) of the Constitution; and
 - (b) receives a supporting vote of at least two thirds of the members of the Assembly or, if it is a Bill referred to in Section 74(1), a supporting vote of at least 75 per cent of the members.
- (3) If the Bill, in addition to other constitutional amendments, contains amendments referred to in Section 74(1), the Second Reading of the Bill is approved if —
 - (a) the Bill as a whole is passed with a supporting vote of at least 75 per cent of the members; or
 - (b) the Bill, excluding the Section 74(1) amendments, is passed with a supporting vote of at least two thirds of the members and the Section 74(1) amendments are passed separately with a supporting vote of at least 75 per cent of the members.
- (4) If a Bill mentioned in Subrule (3) is passed with a supporting vote of at least two thirds of the members, but the Section 74(1)(a) amendments fail to achieve 75 per cent support —
 - (a) the Speaker, after consulting the member in charge of the Bill, may refer the Bill to an Assembly committee to delete the Section 74(1) amendments and to table an amended Bill; or

- (b) the person in charge of the Bill may withdraw the Bill if the Section 74 provisions are not severable.
- (5) When the committee resubmits the Bill as amended, the Assembly votes on the amended Bill without debate.

300. Consequences of approval or rejection of Second Reading

- (1) Joint Rule 173 applies if the Assembly approves the Second Reading of a constitution amendment Bill.
- (2) A constitution amendment Bill lapses if the Assembly rejects the Second Reading of the Bill.

Reconsideration of constitution amendment Bill if amended by Council

301. Procedure if Council amends Bill

- (1) If the Council has amended a constitution amendment Bill passed by the Assembly, the Speaker must —
 - (a) place the amended Bill on the Order Paper for debate and decision if the chairperson of the portfolio committee concerned or other relevant Assembly committee so requests; or
 - (b) refer the amended Bill to the portfolio committee concerned, or to any other appropriate Assembly committee, for a report and recommendations on the Council's amendments.
- (2) If the amended Bill is referred to a committee, the committee —
 - (a) may consult with the appropriate Council committee or chairperson of that committee;
 - (b) must confine itself to the amendments effected by the Council;
 - (c) may consult the JTM on whether any of the Council's

amendments —

- (i) changes the JTM's classification of the Bill, or
 - (ii) renders the Bill constitutionally or procedurally out of order within the meaning of Joint Rule 161;
 - (d) may not propose any amendments; and
 - (e) may state reasons if it does not support any of the Council's amendments.
- (3) The committee must table its report and recommendations.
 - (4) When the report is tabled, the Speaker must place the Bill as amended by the Council on the Order Paper for debate and decision.

302. Debate and decision

- (1) The debate in the Assembly on the amended Bill must be confined to —
 - (a) the matters dealt with in the committee's report, if there is a report; and
 - (b) the question whether the amended Bill should be passed or not.
- (2) No member may place any amendments to the Bill on the Order Paper.
- (3) If the Assembly passes the amended Bill in accordance with the procedure set out in Rules 299(2)(b) and (3) or (4), the Bill must be submitted to the President for assent.
- (4) If the Assembly rejects the Bill or fails to pass it in accordance with the said procedure, read with Rule 331, the Bill must be referred to the Mediation Committee in terms of Joint Rule 177.

303. Process if mediation successful

- (1) The Speaker must table a notice in the Assembly stating that the Assembly's version of the Bill has been agreed on by the Mediation Committee, if the Mediation Committee has agreed on the version of the Bill as originally passed by the Assembly before its rejection or amendment by the Council.
- (2) The Speaker must place a Bill agreed on by the Mediation Committee on the Order Paper for debate and decision if that Bill is —
 - (a) the Council's amended Bill which the Assembly has rejected or has failed to pass as stated in Rule 302(4); or
 - (b) a version that differs from any version of the Bill as passed by either the Assembly or the Council.
- (3) If, after consultation with the chief whips of the parties and the chairperson of the portfolio committee or other Assembly committee concerned, the Speaker is of the view that the Assembly debate on the Bill in terms of Subrule (2) may be facilitated by a report of the portfolio committee concerned or any other appropriate Assembly committee, the Speaker must first refer the Bill to the committee for a report before placing the Bill on the Order Paper.
- (4) If the Bill is referred to a committee, the committee may —
 - (a) consult with the appropriate Council committee or the chairperson of that committee; and
 - (b) not propose any amendments to the Bill.
- (5) The committee must table in the Assembly —
 - (a) the committee's report; and
 - (b) the version of the Bill as agreed on by the Mediation Committee.

- (6) The debate in the Assembly on the Bill as agreed on by the Mediation Committee must be confined —
 - (a) to the matters dealt with in the committee's report, if the Bill was referred to a committee, or to the clauses of the Bill which differ from the clauses of the Bill as originally passed by the Assembly, if the Bill was not referred to a committee; and
 - (b) to the question whether the Bill as agreed on by the Mediation Committee should be passed.
- (7) No amendments may be proposed to the Bill as agreed on by the Mediation Committee.

304. Consequences of unsuccessful mediation

A constitution amendment Bill lapses in terms of Joint Rule 180 if mediation is unsuccessful.

Part 5: Specific rules applicable to Section 75 Bills

305. Application of this part to money Bills

The rules set out in this part apply to all Section 75 Bills, as well as money Bills other than those dealt with in terms of the special procedure set out in Rule 322(2).

306. Consequences of approval or rejection of Second Reading

A Section 75 Bill —

- (a) must be referred to the Council in terms of Joint Rule 181 if the Assembly approves the Second Reading of the Bill; or
- (b) lapses if the Assembly rejects the Second Reading of the Bill.

Reconsideration of Section 75 Bills if Council rejects or passes subject to amendments

307. Referral of Bill to Assembly committee

- (1) If the Council rejects a Section 75 Bill referred to it in terms of Joint Rule 181 or passes the Bill subject to amendments, the Speaker must refer the Bill and any amendments proposed by the Council to the portfolio committee concerned or to any other appropriate Assembly committee for —
 - (a) a report on the Council's rejection of the Bill or on the amendments proposed by the Council; and
 - (b) recommendations on whether the Bill should be passed again with or without any amendments, or whether it should not be proceeded with.
- (2) The committee to which the Bill is referred —
 - (a) may consult with the appropriate Council committee or the chairperson of that committee;
 - (b) may not propose any amendment which is not strictly relevant either to the Council's rejection of the Bill or to the amendments proposed by it;
 - (c) may consult the JTM on whether any of the Council's amendment proposals or any amendments proposed in the committee —
 - (i) will change the JTM's classification of the Bill, or
 - (ii) will render the Bill constitutionally or procedurally out of order within the meaning of Joint Rule 161; and
 - (d) may not propose any amendment that would —
 - (i) change the classification of the Bill, or
 - (ii) render the Bill constitutionally or procedurally out of order within the meaning of Joint Rule 161.

308. Committee's report

- (1) The committee to which the Bill is referred must table in the Assembly —
 - (a) the committee's report and recommendations;
 - (b) the Council's proposed amendments, if the Council has passed the Bill subject to amendments; and
 - (c) an amended Bill, if the committee, in view of the Council's rejection of the Bill or its amendment proposals, has agreed to amend the Bill previously passed by the Assembly.
- (2) When the report is tabled, the Speaker must place the Bill on the Order Paper for debate and decision.

309. Debate and decision

- (1) The debate in the Assembly on the committee's report and the Bill must be confined to —
 - (a) the matters dealt with in the report;
 - (b) the question whether the Bill should be proceeded with; and
 - (c) any amendments proposed either by the Council or the committee.
- (2) No member may place any amendments to the Bill on the Order Paper.
- (3) The Assembly may recommit the Bill or any amendment proposal to the committee for reconsideration and a further report and recommendation before it decides on the Bill.

- (4) The Assembly may either —
 - (a) pass the original Bill again;
 - (b) pass any amended Bill proposed by the committee;
 - (c) pass the original Bill incorporating any amendments proposed by the committee or any amendments proposed by the Council which were rejected by the committee; or
 - (d) decide not to proceed with the Bill.
- (5) If Subrule (4)(c) applies, the Assembly must first decide on each amendment proposal of the Council, then on each amendment proposal of the committee and then on the Bill as a whole, incorporating any amendment proposals agreed to by the Assembly.
- (6) A Bill passed by the Assembly in accordance with this rule and Sections 53(1)(a) and (c) of the Constitution must be submitted to the President for assent.
- (7) If the Assembly decides not to proceed with the Bill, the Bill lapses.

Part 6: Specific rules applicable to Section 76(1) Bills introduced in Assembly

310. Consequences of approval or rejection of Second Reading

A Section 76(1) Bill —

- (a) must be referred to the Council in terms of Joint Rule 184(1) if the Assembly approves the Second Reading of the Bill; or
- (b) lapses if the Assembly rejects the Second Reading of the Bill.

Reconsideration of Section 76(1) Bills if amended by Council

311. Bill to be placed on Order Paper or referred to portfolio committee

- (1) If the Council amends a Bill referred to it in terms of Joint Rule 184(1), the Speaker must —
 - (a) place the Bill on the Order Paper for debate and decision if the chairperson of the portfolio committee concerned or other relevant Assembly committee so requests, provided that any debate must be confined to the Council's amendments; or
 - (b) submit the amended Bill to the portfolio committee concerned or any other appropriate Assembly committee for a report and recommendations on the Council's amendments.
- (2) The committee to which the Council's amended Bill is referred —
 - (a) may consult the appropriate Council committee or the chairperson of that committee;
 - (b) may not propose any further amendments to the Bill; and
 - (c) may consult the JTM on whether any of the Council's amendments —
 - (i) changes the JTM's classification of the Bill, or
 - (ii) renders the Bill constitutionally or procedurally out of order within the meaning of Joint Rule 161.

312. Committee's report

- (1) The committee to which the Council's amended Bill is referred must table in the Assembly —
 - (a) its report and recommendations; and
 - (b) the Council's amended Bill.

- (2) When the report is tabled, the Speaker must place the report and the Council's amended Bill on the Order Paper for debate and decision.

313. Debate and decision

- (1) The debate on the report and the Council's amended Bill must be confined to —
 - (a) the matters dealt with in the report; and
 - (b) the question whether the amended Bill should be passed or not.
- (2) No amendments may be proposed to the Council's amended Bill.
- (3) If the Assembly passes the Council's amended Bill in accordance with Sections 53(1)(a) and (c) of the Constitution, the Speaker must without delay submit the Bill to the President for assent.
- (4) If the Assembly refuses to pass the Council's amended Bill, the Bill must be referred to the Mediation Committee in terms of Joint Rule 186.

Process after mediation

314. Process if mediation successful

- (1) The Speaker must table a notice in the Assembly stating that the Assembly's version of the Bill has been agreed on by the Mediation Committee, if the Mediation Committee has agreed on the version of the Bill as originally passed by the Assembly before its rejection or amendment by the Council.

- (2) The Speaker must place a Bill agreed on by the Mediation Committee on the Order Paper for debate and decision if that Bill is —
 - (a) the Council's amended Bill which the Assembly has refused to pass as stated in Rule 313(4); or
 - (b) a version that differs from any version of the Bill as passed by either the Assembly or the Council.
- (3) If, after consultation with the chief whips of the parties and the chairperson of the portfolio committee or other Assembly committee concerned, the Speaker is of the view that the Assembly debate on the Bill in terms of Subrule (2) may be facilitated by a report of the portfolio committee concerned or any other appropriate Assembly committee, the Speaker must first refer the Bill to the committee for a report before placing the Bill on the Order Paper.
- (4) If the Bill is referred to a committee, the committee may —
 - (a) consult with the appropriate Council committee or the chairperson of that committee; and
 - (b) may not propose any amendments to the Bill.
- (5) The committee must table in the Assembly —
 - (a) the committee's report; and
 - (b) the version of the Bill as agreed on by the Mediation Committee.
- (6) The debate in the Assembly on the Bill as agreed on by the Mediation Committee must be confined —
 - (a) to the matters dealt with in the committee's report, if the Bill was referred to a committee, or to the clauses of the Bill which differ from the clauses of the Bill as originally passed by the Assembly, if the Bill was not referred to a committee; and
 - (b) to the question whether the Bill as agreed on by the Mediation Committee should be passed.

- (7) No amendments may be proposed to the Bill as agreed on by the Mediation Committee.

315. Process if mediation unsuccessful

- (1) The Speaker, at the request of the person in charge of the Bill, must place the version of the Bill as originally passed by the Assembly before its rejection or amendment by the Council, on the Order Paper for debate and decision in terms of Section 76(1)(e), (i) or (j) of the Constitution if —
- (a) the Mediation Committee is unable to agree within 30 days of the Bill's referral to it;
 - (b) the Assembly refuses to pass the version of the Bill agreed on by the Mediation Committee and considered by the Assembly in terms of Rule 314; or
 - (c) the Mediation Committee has agreed on the version of the Bill as originally passed by the Assembly, and the Council refuses to pass this version.
- (2) If the Assembly passes a version of the Bill as described in Rule 314(2)(b) and the Council refuses to pass this version of the Bill, the Speaker, at the request of the person in charge of the Bill, must place this version on the Order Paper for debate and decision in terms of Section 76(1)(i) of the Constitution.
- (3) Unless the Assembly decides not to proceed with a Bill placed on the Order Paper in terms of Subrule (1) or (2), the Bill must be put to the vote and, if passed with a supporting vote of at least two thirds of the members, be submitted to the President for assent.

Part 7: Specific rules applicable to Section 76(2) Bills introduced in the Council

316. Powers of committee to which Bill is referred

If a Section 76(2) Bill as passed by the Council is referred to an Assembly committee in terms of Rule 283 or 284, the committee may —

- (a) consult with the appropriate Council committee or the chairperson of that committee on the contents of the Bill and any amendments to the Bill that are being considered by the Assembly committee; and
- (b) recommend that any time limit for the Assembly’s consideration of the Bill be extended.

317. Consequences of approval or rejection of Second Reading

A Section 76(2) Bill must be referred to —

- (a) the President in terms of Joint Rule 185(2)(a) if the Assembly approves the Second Reading of the Bill as passed by the Council;
- (b) the Council in terms of Joint Rule 185(2)(b) if the Assembly amends the Bill as passed by the Council; or
- (c) the Mediation Committee in terms of Joint Rule 186(2)(a) if the Assembly rejects the Second Reading of the Bill as passed by the Council.

Process after mediation

318. Process if mediation successful

- (1) The Speaker must table a notice in the Assembly stating that the Assembly’s version has been agreed on by the Mediation Committee

if the Mediation Committee has agreed on the Bill as amended by the Assembly and as referred to the Council in terms of Rule 317(b).

- (2) The Speaker must place a Bill agreed on by the Mediation Committee on the Order Paper for debate and decision if that Bill is —
 - (a) the version as passed by the Council and which the Assembly has either amended or rejected as stated in Rule 317(b) or (c); or
 - (b) a version that differs from any version of the Bill as passed by either the Assembly or the Council.
- (3) If, after consultation with the chief whips of the parties and the chairperson of the portfolio committee or other Assembly committee concerned, the Speaker is of the view that the Assembly debate on the Bill in terms of Subrule (2) may be facilitated by a report of the portfolio committee concerned or any other appropriate Assembly committee, the Speaker must first refer the Bill to the committee for a report before placing the Bill on the Order Paper.
- (4) If the Bill is referred to a committee, the committee may —
 - (a) consult with the appropriate Council committee or the chairperson of that committee; and
 - (b) not propose any amendments to the Bill.
- (5) The committee must table in the Assembly —
 - (a) the committee's report; and
 - (b) the version of the Bill as agreed on by the Mediation Committee.
- (6) The debate in the Assembly on the Bill agreed on by the Mediation Committee must be confined —
 - (a) to the matters dealt with in the committee's report, if the Bill was referred to a committee; and

- (b) to the question whether the Bill as agreed on by the Mediation Committee should be passed.

319. Consequences of unsuccessful mediation

A Section 76(2) Bill lapses in terms of Joint Rule 190 if mediation is unsuccessful.²

Part 8: Specific rules applicable to money Bills

320. Contents of money Bills

In terms of Section 77(1) of the Constitution a money Bill may not deal with any other matter except a subordinate matter incidental to the appropriation of money or the imposition of taxes, levies or duties.

321. Introduction of money Bills

- (1) Only the Cabinet member responsible for national financial matters may introduce a money Bill.
- (2) The responsible Minister must introduce a money Bill by following either the ordinary procedure set out in Rule 279 or the special procedure set out in Rule 322(2), but if it is a Bill appropriating money for the ordinary annual services of the government or imposing taxes, levies or duties for this purpose, the special procedure must be followed; provided that the Minister consults the Speaker when exercising a choice in terms of this rule.

2. If mediation between the Houses on a Section 76(1) Bill fails, the Bill can still be passed if the Assembly can muster a two-thirds majority. This deadlock-breaking mechanism is not available when the Bill is a Section 76(2) Bill, i.e. where the Bill has been introduced in the Council. In terms of the Constitution, a Section 76(2) Bill lapses if mediation fails.

322. Procedure applicable to money Bills

- (1) If the ordinary procedure is followed, the Bill in all respects must be dealt with in the Assembly as if it were an ordinary Section 75 Bill, subject to any legislation envisaged in Section 77(2) of the Constitution.
- (2) If the special procedure is followed, Parts 2, 3 and 4 of this chapter do not apply and the Bill must be dealt with in the Assembly in accordance with the following specific rules.

323. Special introductory procedure

- (1) The Minister in charge of the Bill must deliver an introductory speech in the Assembly on the appointed day.
- (2) After having delivered the introductory speech, the Minister must introduce the Bill by tabling it and any accompanying schedule and papers in the Assembly.

324. Bill placed on Order Paper for First Reading

- (1) After introduction of the Bill in terms of Rule 323, the Speaker must place the Bill on the Order Paper for First Reading.
- (2) The First Reading of the Bill may be considered only after the report of the committee to which it was referred in terms of Rule 325 has been presented to the Assembly.
- (3) If the Assembly rejects the First Reading of the Bill, it rejects the Bill.

325. Referral of Bill to Assembly committee

- (1) On the day on which the Bill is introduced, the Speaker must, unless legislation provides otherwise, refer the Bill, and any accompanying schedule and papers and the Minister's introductory speech to the committee on public finance for consideration and report.
- (2) The committee may confer with the corresponding committee of the Council.
- (3) The committee must —
 - (a) conduct joint public hearings with the corresponding committee of the Council on the fiscal framework and revenue proposals if submitted with the Bill as is required in Section 8(2) of the Money Bills Amendment Procedure and Related Matters Act, 2009; and
 - (b) report on the fiscal framework and revenue proposals if submitted with the Bill within 16 days after the tabling of the framework and proposals.
- (4) Unless legislation provides otherwise, no amendment to a Bill or any accompanying schedule or papers may be moved while the committee is considering the Bill, schedule and papers.

326. Consideration of schedule to appropriation Bill

When the First Reading of an appropriation Bill which has a schedule has been approved, the votes in the schedule must be discussed.

327. Supplementary estimates in main appropriation Bill

When the debate on the schedule to a main appropriation Bill has been concluded, those votes in respect of which supplementary amounts are to be requested, must be placed on the Order Paper for discussion.

328. Approval of votes and schedule

The Assembly must first decide on the separate votes in the schedule to an appropriation Bill (in the case of a main appropriation Bill, when the debate on supplementary amounts has been concluded) and thereafter on the schedule.

329. Second Reading of money Bill

- (1) When the schedule to an appropriation Bill has been approved, the Bill must be placed on the Order Paper for Second Reading.
- (2) When the First Reading of a money Bill which has no schedule has been approved, the Bill must be placed on the Order Paper for Second Reading.

330. Money Bill rejected or passed subject to amendments by Council

- (1) If a money Bill that has been rejected, or passed subject to amendments, by the Council is referred back to the Assembly for reconsideration in terms of Section 75(1)(c) of the Constitution, the Bill may be given precedence over other orders of the day on the day on which it is received from the Council, and a motion to that effect may be moved without prior notice by the Minister in charge of the Bill.
- (2) The Assembly must consider any amendments proposed by the Council and no further amendments may be considered unless moved as permitted by the Money Bills Amendment Procedure and Related Matters Act, 2009 by the Minister in charge of the Bill, who may do so without prior notice.
- (3) The debate on the reconsideration of the Bill, including the consideration of any amendment, may not continue for more than one hour, excluding the reply of the Minister in charge of the Bill, during which time a member may be restricted to one speech not exceeding

five minutes in duration, except the Minister, who may be allowed more than one such speech.

Part 9: General

331. Second vote on Bill rejected through absence of members

- (1) Should a Bill that requires a special majority in the Assembly fail to obtain the required majority when the Bill is put to the vote, the Speaker may, within seven working days after the vote was taken, put the Bill to the vote again, but only if the Chief Whip and the most senior whip of one or more parties which together with the majority party command at least the required majority in the Assembly —
 - (a) request such a second vote; and
 - (b) persuade the Speaker that the Bill failed to obtain the required majority because of the absence of party members.
- (2) The Bill is considered as having been rejected if it again fails to obtain the required majority.

332. Same Bill may not be introduced more than once

When a Bill has been passed or has been rejected during a session in any year, no Bill of the same substance may be introduced in the Assembly in that year except by leave of the Assembly or where otherwise provided in these rules.

333. Lapsing of Bills on last sitting day of annual session or term of Assembly or when Assembly is dissolved

- (1) All Bills introduced in the Assembly and which on the last sitting day of a session of the Assembly appear on the Order Paper for First or Second Reading, lapse at the end of that day unless the Assembly decides otherwise.

- (2) All Bills before the Assembly or any Assembly committee on the last sitting day of a term of the Assembly or when the Assembly is dissolved, lapse at the end of that day.

334. Withdrawal of Bill

The person in charge of a Bill introduced in the Assembly may withdraw the Bill at any time before the Second Reading of the Bill is decided.

335. Discrepancies in versions of Bill

- (1) If any discrepancy in meaning is found between the versions of any Bill in the different official languages after such Bill has been passed by the Assembly but before it is presented to the President for assent, the Speaker must report such discrepancy to the Assembly.
- (2) If the Assembly agrees to an amendment referred to in Subrule (1), the Assembly must be regarded as having agreed to the Second Reading of the Bill as amended.

CHAPTER 14

PROCESS FOR WRITTEN INSTRUMENTS OTHER THAN LEGISLATION

Part 1: General

336. Application

This chapter applies to all written instruments received by the Assembly, other than draft legislation, that have to be formally dealt with in the parliamentary process.

337. Tabling of written instruments in the Assembly

The Speaker must table the following instruments without delay, or if the Assembly is in recess, on its first day when the Assembly resumes its sittings:

- (a) all reports and other written instruments submitted by a member of the national executive or in terms of legislation for tabling in the Assembly;
- (b) all requests, applications and other written submissions made to the Assembly in terms of legislation to activate a parliamentary process prescribed by such legislation;
- (c) all international agreements submitted to the Assembly in terms of Section 231 of the Constitution;
- (d) all special petitions and other petitions of a general nature; and
- (e) any other written instrument required to be tabled in terms of these rules.

338. Referral of written instruments to committees

- (1) Except where these rules or the Joint Rules provide otherwise in a specific case, the Speaker must without delay refer to an appropriate committee —
 - (a) all written instruments tabled or that must be tabled in the Assembly in terms of Rule 337;
 - (b) all reports and other written instruments tabled in the Assembly by a member of the national executive; and
 - (c) any other instrument that must in terms of these rules or the Joint Rules be referred to a committee.
- (2) If there is doubt as to which committee is the appropriate committee, the Speaker, in consultation with the Chief Whip, must decide the issue subject to these rules and any directives of the Rules Committee or a resolution of the Assembly.
- (3) If a matter is referred to two or more committees, the referral may be accompanied by an instruction —
 - (a) whether the committees must confer; and
 - (b) which of them must report, if a report is required, or whether they must report jointly.
- (4) When referring a written instrument to a committee or committees, the Speaker may, where appropriate, direct that a report thereon be submitted to the House within a specified timeframe.

339. Consideration of matter by committees

A committee must deal with an instrument referred to it in terms of Rule 338 in accordance with any applicable procedures prescribed by these rules or the Joint Rules.

340. Reporting by committees

- (1) A committee must report on a matter referred to it if —
 - (a) required by a provision of these rules or the Joint Rules; or
 - (b) the Speaker so instructs.
- (2) If a committee is not required in terms of Subrule (1) to report on a matter referred to it, it may nevertheless submit such a report if it so desires.
- (3) A committee must report on any written instrument referred to it in accordance with Rule 166.

Part 2: International agreements

341. Submission to Parliament for approval

- (1) When the Assembly's approval is to be sought for an international agreement in terms of Section 231(2) of the Constitution, a copy of the agreement must be submitted to the Speaker together with an explanatory memorandum.
- (2) The explanatory memorandum must —
 - (a) briefly set out the history, objectives and implications of the agreement;
 - (b) include a legal opinion by a state law adviser as to whether the agreement is consistent with the domestic law of the Republic, including the Constitution, with the international obligations of the Republic and with international law in general;
 - (c) state whether the agreement contains any self-executing provision that will become law in the Republic in terms of Section 231(4) of the Constitution upon the approval of the agreement by Parliament;

- (d) give an account of the projected financial and other costs of the agreement for the state; and
- (e) contain all other information needed by the Assembly in order to take an informed decision.

342. Tabling and referral to committee

- (1) The Speaker must —
 - (a) table the agreement and explanatory memorandum in the Assembly; and
 - (b) refer the matter for consideration and report —
 - (i) to the portfolio committee under which the subject of the agreement falls, or
 - (ii) by resolution of the Assembly to any other Assembly committee.
- (2) The committee —
 - (a) must enquire into the subject of the agreement with a view to recommending approval or rejection of the agreement;
 - (b) may, or if ordered by the Speaker must, consult the portfolio committee responsible for overseeing international relations and any other Assembly committee that has a direct interest in the substance of the agreement; and
 - (c) must report to the Assembly in accordance with Rule 166.
- (3) In its report the committee must state whether it recommends approval or rejection of the agreement.
- (4) The committee's report must be placed on the Order Paper for decision.

343. Submission to Parliament for information

An international agreement of a technical, administrative or executive nature, or an agreement which does not require either ratification or accession, and which must be tabled in the Assembly in terms of Section 231(3) of the Constitution, must be referred by the Speaker for information —

- (a) to the portfolio committee under which the subject of the agreement falls; or
- (b) by resolution of the Assembly to any other Assembly committee.

Part 3: Petitions

344. Form of petitions

Petitions must be in the form prescribed by the Speaker in accordance with guidelines determined by the Rules Committee.

345. Language of petitions

A petition must be in one of the official languages.

346. Signing of petitions

- (1) Unless the Speaker decides otherwise, every petition must be signed by the petitioners themselves.
- (2) Persons unable to write must make their marks on the petition in the presence of two witnesses, who must sign the petition in that capacity.

347. Lodging

- (1) A petition must be lodged by a member with the Secretary for approval and tabling by the Speaker, and must be signed at the beginning thereof by the member.
- (2) A member may not lodge a petition on his or her own behalf, but such a petition may be lodged by another member.

348. Approval by Speaker

Each petition must be deposited for at least one day with the Secretary, who must submit it to the Speaker for approval before it is tabled in the Assembly.

349. Tabling

If a petition complies with these rules and the guidelines determined by the Rules Committee, the Speaker must approve it and table it in the Assembly without delay.

350. Referral of petitions to committees

After tabling a petition in the Assembly, the Speaker must —

- (a) if it is a special petition, refer the petition to the committee on public finance; or
- (b) if it is a petition of a general nature, refer the petition to the relevant portfolio committee or other appropriate committee.

CHAPTER 15

MISCELLANEOUS

Part 1: Lapsing of business before Assembly

351. Lapsing of business on last sitting day of annual session or term of Assembly or when Assembly is dissolved

- (1) All motions and all other business, other than Bills, on the Order Paper on the last sitting day of an annual session of the Assembly, lapse at the end of that day.
- (2) All business before the Assembly or any Assembly committee on the last sitting day of a term of the Assembly or when the Assembly is dissolved, lapse at the end of that day.

Part 2: Executive government

352. Communication of appointment of Cabinet members and Deputy Ministers and their assigned powers and functions

- (1) The Leader of Government Business must inform the Speaker in writing without delay of —
 - (a) the appointment by the President of the Deputy President, other Cabinet members and Deputy Ministers in terms of Sections 91 and 93 of the Constitution when such appointments are made or changed; and
 - (b) the details of the powers and functions formally assigned, or delegated, to each at the time of appointment or subsequently.
- (2) Upon receipt of a communication in terms of Subrule (1), the Speaker must table it without delay.

353. Resolutions affecting executive government

- (1) Resolutions of the House affecting the executive government must be communicated to the President of the Republic or other relevant executive authority and to the Leader of Government Business by the Speaker.
- (2) The Secretary must send a copy of the Speaker's letter to the Director-General in The Presidency.

354. Consent in respect of state-owned land or property

The House may not proceed upon any Bill, motion or proposal affecting state-owned land or property³ and of which a member other than a Minister is in charge, unless the President of the Republic has given his or her consent that, as far as the state's interests are concerned, the House may take such decision in regard thereto as it thinks fit.

Part 3: Abuse of Privilege

355. Abuse of privilege

- (1) The Assembly may make a finding that a breach or abuse of the privilege provided for in Sections 45(2) and 58 of the Constitution, or as set out in Rule 63 of these rules, is contempt of Parliament as envisaged by Section 13(d) of the Powers and Privileges Act, in accordance with Subrule (2).
- (2) The Assembly may make a finding in terms of Subrule (1) only if the Powers and Privileges Committee has decided that a specified act constitutes contempt of Parliament and has reported accordingly to the House.

3. See State Land Disposal Act, 1961.

356. Fines

The amount of a fine that can be imposed under the Powers and Privileges Act for each of the offences mentioned therein, and for each offence referred to in these rules or any resolution of the Assembly, must be determined in every case by a resolution of the Assembly, but such fine may not exceed the amounts provided in the Act.

357. Recovery of fines

All fines must be recovered by the Secretary and paid into Parliament's bank account.

358. Fines remitted

A fine or portion thereof may be remitted by resolution of the Assembly.

359. Request to have response recorded by persons other than members

The Secretary must refer to the Speaker any written request to have a response recorded by a person, other than a member, regarding a statement or remark made by an Assembly member, a Cabinet member or a witness in or before the Assembly, a committee or other forum of the Assembly, or in or before a joint sitting of the Houses or a joint committee.

Part 4: Witnesses

360. Summoning of witnesses

Any person may be summonsed to appear before the House or a

committee or other forum of the House in accordance with Sections 14 to 17 of the Powers and Privileges Act and these rules.

361. Attendance of witnesses detained in prison

If a witness, whose attendance before the House or a committee or other forum thereof is required, is being detained in any prison, the person in charge of such prison may be ordered to bring the witness in safe custody for examination as often as his or her attendance is deemed necessary, and on the instruction of the Speaker the Secretary may issue his or her warrant accordingly.

Part 5: Office of Secretary and records of the Assembly

362. Records of National Assembly

The records of the National Assembly include —

- (a) the Journals of the National Assembly;
- (b) the Official Report of the Debates of the National Assembly (Hansard);
- (c) the Order Paper, Question Paper and other papers produced under the authority of the House or the Speaker;
- (d) documents officially before, or emanating from, a committee or subcommittee or other forum, excluding internally produced preliminary working drafts;
- (e) papers tabled in the National Assembly; and
- (f) official correspondence.

363. Minutes of Proceedings of National Assembly

The Minutes of Proceedings of the National Assembly and mini-plenary sessions must be recorded by the Secretary and, after having been perused by the Speaker, must be signed by the Secretary, printed and supplied to members.

364. Journals of National Assembly

The Journals of the National Assembly comprise —

- (a) the official minutes of the House and its committees and other forums, including the document entitled Announcements, Tablings and Committee Reports; and
- (b) any transcripts and recordings made by order of the House or any of its committees or other forums.

365. Custody of papers

The Secretary has custody of all records and other papers of the National Assembly, and he or she may neither remove nor permit to be removed any such records or other papers beyond the precincts of this House without the leave of the Speaker.

366. Access to tabled papers

Tabled papers are open to all members and to the public, unless otherwise ordered by the Speaker or by resolution of the House in respect of a particular paper, or part thereof, and subject to Rule 189 in respect of papers officially before or emanating from a committee or subcommittee or other forum.

367. General duties of Secretary

The Secretary is responsible for the regulation of all matters connected with the business of the National Assembly, subject to such directions as he or she may receive from the Speaker or the House.

SCHEDULE
PROCEDURE TO BE FOLLOWED IN THE INVESTIGATION AND
DETERMINATION OF ALLEGATIONS OF MISCONDUCT AND CONTEMPT
OF PARLIAMENT

Notification to member

1. A member charged with misconduct or contempt must receive written notice of all allegations and charges against him or her. The notification must be delivered to the member at least five working days before the hearing. The notice must also clearly indicate the date, time and venue of the hearing, that the member is entitled to be assisted by a fellow member and that the member may request the committee to allow legal representation by a person who is not a member.
2. If it is not possible to serve the notice personally on the member, the Sheriff may be requested to serve such notice.

Outside legal representation

3. In complex cases or cases involving complicated evidence or legal issues, and where the committee is of the view that such legal representation might be essential for a fair hearing, the committee may allow the member charged to be represented by a legal practitioner who is not a member.

Explanation by member

4. If the member wishes to give an explanation after receiving the notice, he or she may do so either verbally or in writing. Such explanation may also be presented at the hearing.

Initiator

5. The committee must nominate a member or a person who is duly qualified, but who is not a member of the committee, to act as the initiator for the duration of the hearing. The initiator presents the evidence regarding the allegations and may cross-examine the member and any witness giving evidence on behalf of the member. At the conclusion of the hearing, the initiator may address the committee on the evidence presented before it and may also propose a penalty to be recommended by the committee in its report.

Plea to charge

6. The initiator must put the charge(s) to the member and the chairperson must request the member to plead to the charge(s). If the member so wishes, he or she can also give a plea explanation. If the member refuses to enter a plea, the chairperson must enter a plea of not guilty.

Hearing

7. The member has a right to be present at the hearing. The committee, initiator and the member may call witnesses and these witnesses may be questioned by the chairperson, initiator, the member or the legal representative, either directly or through the fellow member. Members of the committee may also put questions to the member, but only through the chairperson or with the permission of the chairperson. After all the witnesses have been called, the member or fellow member may sum up the evidence and make a presentation to the committee.
8. If after receiving the notice the member fails, without just cause, to attend the hearing, the committee may proceed in the absence of the member.

Penalty

9. If the committee finds the member guilty of misconduct or contempt, the member, fellow member or legal representative must be given an opportunity to present mitigating factors to the committee before the committee reports to the House. Such representation may be verbal or in writing. The initiator may also address the committee on aggravating or other factors.

Suspension of member

10. In order to facilitate an investigation in terms of Section 12 of the Act against a member in circumstances where there is a possibility that the member may interfere with evidence or witnesses or in circumstances where the allegations are of a very serious nature, the Speaker may request the House to suspend the member. Such suspension may be with or without remuneration and may not be for longer than 14 days. A member who has been suspended must leave the parliamentary precincts, and may not, during the period of suspension, without the permission of the Speaker –
 - (a) enter the precincts for whatever purpose; or
 - (b) participate in any activity of Parliament or any committee.
11. Before the Speaker requests the House to suspend the member, the member must be informed in writing of the request and must be afforded an opportunity to give reasons within a reasonable period why he or she should not be suspended.
12. After the House has resolved to suspend the member, the Speaker must inform the member in writing of the suspension and the period of its operation prior to it taking effect.

APPENDIX A

POLICY FOR ATTENDANCE OF MEMBERS OF PARLIAMENT DURING PLENARY AND MEETINGS OF PARLIAMENTARY COMMITTEES AND FORUMS

(As agreed to by the Joint Rules Committee on 5 March 2014)

(RULES 35 TO 40)

1. Definitions

In this policy, unless the context indicates otherwise —

“Assembly” means the National Assembly;

“attendance” refers to the presence of a member at a plenary, extended public committee, sectoral parliament, a meeting of a parliamentary committee, a recognised parliamentary forum or on an approved oversight activity;

“Council” means the National Council of Provinces;

“Chief Whip” means the Chief Whip of the Majority Party in the National Assembly;

“Chief Whip of the Council” refers to the Chief Whip of the NCOP, as elected in terms of Rule 21(1) of the rules of the NCOP or acting in that capacity;

“committee” refers to all committees of the Assembly and the Council, joint committees, ad hoc committees, standing committees, multiparty whips’ forums and their task teams, provincial whips’ forum, internal committees and recognised parliamentary forums;

“Family member” refers to a relative by blood, marriage, adoption, fostering, traditional kinship or a life partner (including guardian, grandparent and in-laws) of a member or a person who stands in a bona fide domestic or household relationship with the member, including situations in which some dependency or support role for the member is implied;

“Formal institution of education or training” is an institution registered or accredited with the Department of Education, Council on Higher Education or the South African Qualifications Authority (SAQA);

“member” with reference to —

- (a) the Assembly, means a member of the Assembly; and
- (b) the Council, means a permanent delegate to the Council.

For the purposes of this policy, the term “member” excludes members of the Cabinet and Deputy Ministers and special delegates of the Council, members of provincial legislatures and representatives of Salga;

“parliamentary business or work” refers to parliamentary activities sanctioned in terms of the Constitution, the programme of Parliament, an instruction of the Presiding Officers or a decision of a House or its committees or party work sanctioned by the political party or a member and which is related to the work of Parliament;

“party whip” refers to a member appointed by his or her party or recognised as such;

“party leader” refers to a member appointed by his or her party or recognised as such;

“party work” refers to activities sanctioned by the political party of a member;

“private business” refers to any work done, either for remuneration or not, by a member that does not relate to his or her responsibilities as a member but excludes political party work;

“primary caregiver” in the context of this policy refers to a spouse or life partner who takes primary responsibility for an adopted child under the age of two years or a child born from a surrogacy agreement;

“provincial whip” refers to a member designated in terms of Rule 173(1)(c) of the NCOP;

“recess” with reference to —

- (a) a House, means a period determined as a recess by the Programme Committee of the House, or by resolution of the House, during which the business of the House is interrupted; or
- (b) both Houses, means a period determined as a recess by the Joint Programme Committee, or by resolutions adopted in the Houses, during which the business of both Houses is interrupted;

“session” refers to periods that the Assembly or Council are convened for plenary and periods set aside for meetings of parliamentary committees and forums, as well as formal oversight activities of Parliament or its committees and forums, in terms of the programme of a House or the joint programme of Parliament;

“sitting day” refers to a day on which the Assembly or the Council sits in plenary and includes committee meetings;

“spouse” means a spouse or partner in a marriage or civil union partnership in accordance with the Marriage Act, 1961 (Act No 25 of 1961), Recognition of Customary Marriages Act, 1998 (Act No 120 of 1998) or the Civil Union Act, 2006 (Act No 17 of 2006);

“three-line whip” refers to instructions issued by the chief whip of a political party or his or her representative or instructions issued by the Chief Whip of the Council to attend to the business of the House, including plenary sessions and meetings of committees;

“working day” in terms of parliamentary work means any day of the week except —

- (a) Saturday and Sunday; and
- (b) a public holiday in terms of the Public Holidays Act, 1994 (Act 36 of 1994), and, if such a public holiday falls on a Sunday, also the Monday.

2. Rationale for policy and minimum standards for attendance

- (1) Section 47(3)(b) of the Constitution provides that a person loses membership of the Assembly if that person is “...absent from the Assembly without permission in circumstances for which the rules and orders of the Assembly prescribe loss of membership”. Section 62(4)(e) of the Constitution provides that a person ceases to be a member if that person “is absent from the National Council of Provinces without permission in circumstances for which the rules and orders of the Council prescribe loss of office as a permanent delegate.
- (2) Rules 35 to 40 of the Assembly rules provides for instances where a member wants to be absent from sittings of the House or its committees for 15 or more consecutive sitting days, i.e. a member will need the Assembly’s or committee’s approval. It does not, however, provide for loss of membership or punitive measures should such approval not be sought or granted.

[See updated measures in Part 3 of Chapter 3 of Rules of the National Assembly]

- (3) In terms of Rule 25 of the Council a person ceases to be a Permanent

Delegate of the Council if that person is voluntarily and without leave absent from the Council for 15 consecutive sitting days. Furthermore, a Permanent Delegate seeking leave to be absent from the Council for 15 or more consecutive sitting days must apply for such leave from the Council.

- (4) The Remuneration of Public Office Bearers Act, 1998 provides in Section 3(5) that the payment of salaries and allowances of members "...is subject to the rules and orders of the National Assembly and the National Council of Provinces". The Act therefore provides a legal basis for which deductions from members' salaries for unauthorised absences from parliamentary work may be made to the extent that relevant rules are in place.
- (5) It is accepted that political parties are responsible for managing members' leave and that a member's absence from Parliament should be controlled by the political party which the member represents. However, each member has a dual responsibility – towards their political party and towards Parliament as an institution.
- (6) While it is emphasised that plenary sittings and committee meetings are the first priority of members, the nature of their duties is such that it is essential that members are entitled to be away from Parliament, with permission, to attend to their responsibilities to voters, their constituency, their party, interest groups and to represent Parliament at workshops, seminars and on local and overseas visits.
- (7) The multiplicity of activities in which members are engaged makes it necessary for a simple yet effective policy to control the attendance of members when Parliament is in session. This policy would therefore apply during parliamentary sessions and any official activity, but not to recess periods for which holiday leave would be applicable.
- (8) This policy will not apply to instances where a House has, by resolution, imposed a sanction on a member in terms of the suspension of the member's privileges and right to a seat in parliamentary debates or committees.

- (9) While in the National Assembly political parties and in the Council the Chief Whip of the Council after consultation with political parties regulate the leave of their members, it is done against certain minimum standards that are required in terms of attendance of members at plenary and committee meetings. The ensuring of attendance at plenary and committee meetings continues to be a principal function for political parties. Whips from the various political parties should be responsible for ensuring adequate representation at all plenary and other official activities of Parliament.
- (10) As a general principle political parties in the Assembly and the Chief Whip of the Council in the Council have an obligation to ensure that —
 - (a) Parliament is able to function by taking decisions as required; and
 - (b) members are present at committee, forum and plenary meetings and that failure to do so may result in sanction being imposed on a member. However, a collective decision by a political party to break quorum by withholding their participation at such meeting is excluded from this general provision.
- (11) It should be borne in mind that in the Assembly political parties and in the Council the Chief Whip of the Council after consultation with political parties largely regulate the leave of their members for up to 15 days. However, according to the rules of the Assembly and the Council, after 15 or more consecutive days, the leave of the House must be obtained to condone further absence.
- (12) Attendance in Parliament includes the obligation to fulfill the duties imposed upon members by the Constitution and the Rules of the House. A member cannot excuse himself or herself from attending a plenary session or committee meeting when attendance is made compulsory by standing or other orders. Therefore, Parliament should have an enforceable attendance policy which allows for non-attendance by members as specified in the rules.

- (13) Minimum standards regarding absence should be set to allow Parliament to impose sanctions for members as contemplated in the Constitution.
- (14) In this regard the provisions of the Constitution (Sections 53 and 65) which provide respectively the quorum requirements for decisions to be taken by the Assembly and Council may be used to provide a minimum standard for attendance in terms of plenary sessions.
- (15) The Constitution also requires special majorities for decisions on the following:
 - (a) Extension of states of emergency;
 - (b) amendments to the Constitution;
 - (c) a question to be decided in terms of Section 75 of the Constitution in the Council;
 - (d) Section 76 Bill rejected by the Council;
 - (e) Bills changing the seat of Parliament;
 - (f) removal of the President;
 - (g) motions of no confidence in the President or Cabinet;
 - (h) removal of judges;
 - (i) appointment and removal of members of Human Rights Commission, Commission for Gender Equality, Electoral Commission, Auditor-General and Public Protector;
 - (j) appointment and removal of certain members of the Public Service Commission, and
 - (k) appointment of inspector to monitor the intelligence services.
- (16) When decisions of this nature are to be taken, a “three-line whip” approach should be applicable, which would involve a strict instruction to attend and vote issued by the respective political parties in the case of the Assembly or Chief Whip of the Council in the case of the Council.

- (17) Committees play a vital role in the parliamentary process and assist the respective houses in performing their constitutional functions. Committees may be appointed to deal with two main areas of work: the work of Parliament (legislation and oversight) and Parliament's internal arrangements and procedures. While committees may proceed with their business regardless of a quorum being present, they do require a quorum before any decision can be taken. In Assembly committees, a quorum would be the majority of members of the committee, while in Council committees a quorum is dependent on the matter on which a decision is being taken, i.e. in certain instances it will be based on the number of members of the committee but in the case of matters that impact on the provinces decisions are taken on the basis of provincial mandates.
- (18) If there is a conflict between this policy, rules and standing orders of the Houses, the rules and standing order of the Council and the Assembly, respectively, shall prevail.

3. Purpose of the policy

The purpose of this policy is to —

- (1) Provide minimum standards for attendance of members in the business or activities of Parliament, including plenary sittings, committee meetings, study tours, workshops, parliamentary forums or any other parliamentary activity sanctioned by Presiding Officers or a House or its committees;
- (2) define the different categories of leave of absence for members;
- (3) provide an equitable and consistent application of leave for members;
- (4) provide guidelines for consequences of unauthorised absence; and
- (5) provide a mechanism for recourse for grievances in respect of the application of this policy.

4. Scope of application

- (1) The policy applies to members of the Assembly and members of the Council.
- (2) The policy applies to the attendance and absence of members of Parliament during parliamentary sessions.

5. Categories of leave

The following categories of leave are provided for:

- (1) Family responsibility leave is granted to a member on the grounds of illness of his/her child, illness of his/her spouse or life partner, illness of his/her extended family or death of his/her spouse, adopted child, grandchild, sister, brother or a member of the extended family. A member is entitled to 5 (five) working days family responsibility leave annually, provided that a sick certificate or death certificate is provided.
- (2) Compassionate leave is granted to a member in exceptional circumstance where the member's Family Responsibility leave has been exhausted, but he or she still requires additional leave. This leave is limited to 5 (five) working days annually.
- (3) Maternity leave is granted for 4 (four) consecutive months. A member may commence maternity leave at any time from four weeks before the expected date of birth, unless otherwise agreed. A member who has had a miscarriage during the third trimester of pregnancy or bears a stillborn child is entitled to maternity leave for six weeks after the miscarriage or stillbirth.
- (4) Parental/adoption leave is granted for 4 (four) consecutive months to the primary caregiver in a civil union or civil marriage in the event

of the adoption of a child under the age of 2 years upon receipt of an adoption order from the Children's Court. This leave will also be granted to the primary caregiver of a child born from a surrogacy agreement on receipt of a birth certificate.

- (5) Spousal leave is granted to an individual partner, who is not the primary caregiver, in a civil union or civil marriage following the birth or adoption of a child under the age of 2 years. A member is entitled to 3 (three) weeks spousal leave provided that a birth certificate or adoption order from the Children's Court is provided.
- (6) Political party business leave may be granted to a member on request from his or her political party in order to engage in political work outside the precincts of Parliament. A member must clearly specify in writing the number of days required and present communication from the leadership of the member's party confirming that the member requires party political leave. This leave is limited to 30 (thirty) working days annually, however should the member be absent for 15 or more sitting days the approval of the house will be required.
- (7) Private business leave may be granted to enable a member to conduct his/her private business. A member is entitled to 5 (five) working days private business leave annually, provided that the business interests are approved by the political party and declared to Parliament in terms of the Code of Ethics.
- (8) Study leave is granted to a member who is registered as a student of a formal institution of education or training or a member who is registered for a course with a formal institution of education or training. A member is entitled to 2 (two) working days leave for preparation for an exam and 1 (one) day for writing of an exam upon providing proof of the date of the examination.
- (9) Cultural or religious leave may be granted to a member on request. A member is entitled to 2 (two) days cultural or religious leave annually.

- (10) Sick leave is granted due to the illness or injury of a member. A member applying for sick leave must ensure that the application for leave is accompanied by a medical certificate if the member is absent for more than 2 (two) days. A member is entitled to 15 (fifteen) working days sick leave annually. Where sick leave is not taken in a year it may be transferred to the next year in a 3-year cycle.
- (11) Special leave may be granted when a member requests, on approval of the political party, for extraordinary purposes or incidents not limited to appearing before a court, traditional initiation, cultural training, to undertake special research or attend block study classes, to attend a workshop, seminar or conference either locally or internationally. The member must state the purpose and the number of days required. This leave is limited to 5 (five) working days annually.

6. Procedure for granting leave

- (1) All applications for absence from the Assembly must be approved by the whip designated by the political party.
- (2) In the case of the Council, after obtaining approval from his or her political party, a member must also inform the relevant Provincial Whip and the Chief Whip of the Council who will where applicable, based on the work of the Council, consult with the member or his/her party leadership to approve or reject the leave.
- (3) If a member is not able to apply for leave him/herself another member or representative of his/her party may do so.
- (4) Should the reasons provided by the member or his or her representative when applying for leave be found to not warrant the granting of the specified number of days, this will be communicated to the member, the political party whip and in the case of a member of the Council to the Provincial Whip and the Chief Whip of that member's political party.

- (5) Should a member fall ill during the leave period, the member may have the leave credited from the first day of the member falling ill provided that a medical certificate is provided.

7. Period of leave

- (1) The period for which leave may be granted, other than maternity leave and parental/adoption leave, may not exceed 15 (fifteen) consecutive sitting days of either the Assembly or the Council.
- (2) If a member is absent for more than 15 consecutive sitting days a motion must be tabled stating the reason for absence and the period of continued absence.
- (3) The House will then need to agree to this motion for the leave to be granted.
- (4) Should the House not agree to the motion granting leave, reasons for such decision must be provided to the member and his/her political party.

8. Sanctions in respect of absences

- (1) If a member is absent for 15 or more consecutive sitting days of the Assembly or the Council, without authorisation, the member loses his/her seat.
- (2) If a member is absent from 3 consecutive meetings of a committee to which he/she is appointed as a full member, outside of a sanctioned absence agreed to by the member's political party, a sanction may be applied to the member by either the Assembly or the Council to the effect of a fine of R1000 for each day of absence. The rules must provide for such a monetary sanction to be imposed.

- (3) In the case of the Council if a member is absent during a “three-line whip” without being on authorised leave in terms of this policy sanctions may be applied to the member by the Council.
- (4) This policy does not replace any procedures established by any of the Houses to be followed in the investigation and determination of allegations of misconduct and contempt of Parliament.

9. Record of leave applications

- (1) All political parties in the Assembly must keep proper records of the leave of their members. However, it is the responsibility of the member or political party concerned to inform the Chairperson of a committee or duty whip of their absence from a committee meeting or sitting of the House.
- (2) In the Council leave records must be kept by the Chief Whip of the Council.
- (3) In the event of sanctions in respect of absence, documents must be submitted to Parliament’s administration prior to any sanctions being affected.
- (4) The Tables of the respective Houses should receive in advance the relevant documents of a motion for extension of leave and before any administrative action can be taken in terms of the loss of a member’s seat.
- (5) Attendance records of members should be published annually by Parliament in the Announcements, Tablings and Committee Reports document.

10. Recourse for grievances in respect of the application of the policy

- (1) Any member who feels aggrieved by the sanction imposed upon him/her in terms of this policy may lodge a formal appeal to the Speaker of the Assembly or the Chairperson of the Council.
- (2) If the Speaker or the Chairperson is unable to resolve an appeal by a member, they may, establish or make use of an existing multi-party committee to consider instances where a member is aggrieved by a sanction imposed.
- (3) The committee should report its findings to the House to which the member belongs.

11. Communication of the policy

In the Assembly each party, and in the Council the Chief Whip of the Council, must ensure that this policy is communicated to all members on the day of its signing or at least 10 days after a member is sworn in as a member.

APPENDIX B

SPECIAL MAJORITIES REQUIRED IN TERMS OF THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996 (RULE 101)

When the Constitution requires a decision to be taken by special majority, then in all cases, even where there is consensus on the question, a vote count must be conducted to record whether a sufficient number of members are in favour of the question.

Part 1: General Matters

1. States of emergency (Section 37(2)(b))

The Assembly may extend a declaration of a state of emergency for no more than three months at a time.

The first extension must be by a resolution adopted with a supporting vote of a majority of the members of the Assembly (minimum 201 ayes).

Any subsequent extension must be by a resolution adopted with a supporting vote of at least 60 per cent of the members of the Assembly (minimum 240 ayes).

[Note: A resolution on the extension of a state of emergency may only be taken after a public debate in the Assembly.]

2. Bills amending the Constitution (Section 74)

Sections 1 and 74(1) of the Constitution may be amended by a Bill passed by the National Assembly with a supporting vote of at least 75 per cent of its members (minimum 300 ayes).

Any other provision of the Constitution may be amended by a Bill passed by the National Assembly with a supporting vote of at least two thirds of its members (minimum 267 ayes).

3. Ordinary Bills affecting provinces not agreed on by Mediation Committee or rejected by the Council (Section 76)

If the Mediation Committee is unable to agree within 30 days of a Bill introduced in accordance with Section 76 being referred to it, the Bill lapses unless the Assembly again passes the Bill, but with a supporting vote of at least two thirds of its members (minimum 267 ayes).

If the Mediation Committee agrees on the Bill as passed by the Assembly, or if the Mediation Committee agrees on another version of the Bill and it is not passed by the Council, the Bill lapses unless the Assembly passes the Bill with a supporting vote of at least two thirds of its members (minimum 267 ayes).

4. Bill changing the seat of Parliament (Section 76(5))

A supporting vote of the majority of Assembly members is needed to amend Section 42(6) of the Constitution, changing the seat of Parliament (minimum 201 ayes).

5. Motion of no confidence in the President of the Republic or Cabinet (Section 102)

A supporting vote of a majority of members of the Assembly is needed to pass a motion of no confidence in the President of the Republic or the Cabinet (minimum 201 ayes).

Part 2: Appointment of office-bearers or their removal from office

6. Removal of the President of the Republic (Section 89)

The National Assembly, by a resolution adopted with a supporting vote of at least two thirds of its members, may remove the President from office on grounds outlined in Section 89 of the Constitution (minimum 267 ayes).

7. Removal of judges (Section 177)

A judge may be removed from office only if the Judicial Service Commission has made a finding in terms of Section 177 of the Constitution and the National Assembly calls for that judge to be removed by a resolution adopted with a supporting vote of at least two thirds of its members (minimum 267 ayes).

8. Appointment of Public Protector and Auditor-General (Section 193(5))

A resolution for the recommendation of candidates for appointment as Public Protector or Auditor-General must be adopted with a supporting vote of at least 60 per cent of the members of the Assembly (minimum 240 ayes).

9. Removal from office of Public Protector and Auditor-General (Section 194(2))

A resolution of the National Assembly for the removal from office of the Public Protector or Auditor-General must be adopted with a supporting vote of at least two thirds of the members of the Assembly (minimum 267 ayes).

10. Appointment of Inspector-General of Intelligence (Section 210)

The President, as head of the national executive, must appoint an inspector to ensure civilian monitoring of the intelligence services and the appointment must be approved by a resolution adopted by the National Assembly with a supporting vote of at least two thirds of its members (minimum 267 ayes).

11. Appointment and removal of members of the Electoral Commission, Commission for Gender Equality and South African Human Rights Commission (Sections 193(5) and 194)

Recommendations for the appointment or removal of members of the Electoral Commission, Commission for Gender Equality and Human Rights Commission must be approved by a resolution adopted with a supporting vote of a majority of the members of the Assembly (minimum 201 ayes).

12. Appointment of members of Public Service Commission (Section 196(8))

Recommendations for the appointment of five members of the Public Service Commission must be approved by a resolution of the Assembly adopted with a supporting vote of a majority of its members (minimum 201 ayes).

APPENDIX C

STANDARD OPERATING PROCEDURES: REMOVAL OF MEMBER FROM CHAMBER AND PRECINCTS (RULE 73)

- (1) If a member refuses to leave the Chamber, the presiding officer asks the Serjeant-at-Arms to remove the member from the Chamber.
- (2) The Serjeant-at-Arms approaches the member(s) to explain in a respectful manner that the instruction of the presiding officer must be complied with and that failure to do so can constitute a grave offence and have serious implications, including that the member(s) may need to be physically removed from the Chamber.
- (3) If the member still refuses to leave, the Serjeant-at-Arms indicates to the presiding officer that the member refuses to comply, whereupon the presiding officer informs the House that the Parliamentary Protection Services are to be called upon to assist.
- (4) The Parliamentary Protection Services personnel enter the Chamber upon the instruction of the presiding officer, and proceed to remove the member(s) concerned under the direction of the Serjeant-at-Arms.
- (5) Members of the public in the gallery who participate in disorderly conduct will be removed by the security services.









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