



RULES AND ORDERS

2020 Edition

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RULES AND ORDERS

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2020 Edition

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As made by the Speaker in terms of Rule 3 on 17 April 2020

Commencement dates: 17 April 2020 and 18 February 2022

2020 Edition

CHAPTER 1

A: PREAMBLE

Section 116(1)(b) of the Constitution of the Republic of South Africa provides that a provincial legislature may make rules and orders concerning its business, with due regard to representative and participatory democracy, accountability, transparency and public involvement.

The Mpumalanga Provincial Legislature made the rules and orders provided hereunder in compliance with the provisions of Section 116(1)(b).

B: PURPOSE OF THE RULES

- (1) The Rules are for proceedings of the Mpumalanga Provincial Legislature and for the exercising of its powers.
- (2) The Rules are intended to enable the Legislature to fulfil its constitutional mandate. To this end they must –
 - (a) promote the orderly conducting of the business of the Legislature, including the House and Committees in accordance with the Constitution;
 - (b) promote the ability of the Legislature to pass laws, oversee the executive and forge links between government and the public;
 - (c) facilitate deliberation and participatory and representative democracy;
 - (d) ensure that all parties and members have an opportunity to participate in the work of the Legislature in a manner consistent with democracy;
 - (e) ensure public access to the Legislature, its proceedings, and facilitate public involvement in its process; and
 - (f) promote the values of the non-racialism, non-sexism, multi-party system of democracy, accountability, responsiveness and openness as espoused in section 1 of the Constitution.
- (3) The Rules are not intended to diminish or restrict the Legislature's powers, privileges and immunities as contained in the Constitution and any other relevant legislation.

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DEFINITIONS

1. In these Rules, unless the context otherwise indicates:

“**ad hoc Committee**” means a committee appointed through a resolution of the Legislature to carry out a particular assignment for a specific period;

“**ATC**” means a document produced on a daily basis containing Announcements, Tablings and Committee Reports;

“**the Board**” means the Legislature Service Board established in terms of section 8 of the Mpumalanga Provincial Legislature Service and Administration Act, 2006 (Act 7 of 2006);

“**Chamber**” means the venue in which the proceedings of the Legislature take place, including the public, VIP and media gallery;

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

“**day**” means working day, unless stated otherwise;

“**Government business**” means any matter of business for which a member of the Executive Council is responsible;

“**House**” means the Legislature meeting in plenary;

“**intrusive object**” means any electronic, sharp, blunt or dangerous instrument that may interfere with the proceedings of the House;

“**Leader of Government Business**” means the member of the Executive Council who is responsible for liaison between the Provincial Legislature and the Executive Council.

“**Legislature**” means the Mpumalanga Provincial Legislature;

“**Legislature Protection Services**” means any person authorised by the Legislature to perform security and protection services within the precincts of the Legislature,

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and includes all Legislature staff members employed, appointed, assigned, delegated or contracted by the Legislature to perform security and protection functions within the precincts of the Legislature.

“member” means a member of the Mpumalanga Provincial Legislature including the Premier and members of the Executive Council;

“member in charge of a Bill” means a member who introduced the Bill;

“money Bill” means a provincial Bill that appropriates money or imposes taxes, levies or duties and to which section 120 of the Constitution applies;

“national Bill” means any Bill that is introduced either in the National Assembly or the National Council of Provinces.

“permanent delegate” means a permanent delegate representing Mpumalanga Province at the National Council of Provinces in terms of the Constitution;

“plenary” means members of the Legislature sitting together to conduct business of the House;

“precincts of the Legislature” means the precincts as described in section 2 of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act, 2004 (Act 4 of 2004).

“Premier” means the Premier of Mpumalanga Province;

“Presiding Officers” means the Speaker, Deputy Speaker, Chairperson of Committees and Deputy Chairperson of Committees;

“provincial Bill” means any Bill that is introduced in the Mpumalanga Provincial Legislature;

“portfolio committee” means a committee responsible for maintaining oversight over a provincial government department and any provincial organ of state.

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“**recess**” means a period determined as a recess by the Programming and Prioritisation Committee, or by resolution of the House during which the business of the House is interrupted;

“**recording**” includes any electronic, device or other facility in or on which information including visual material is recorded, stored or kept;

“**Rules**” means the Mpumalanga Provincial Legislature Rules and Orders made under section 116(1)(b) of the Constitution;

“**section 74 Bill**” means a national Bill to which the procedure prescribed in section 74 of the Constitution applies;

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

“**section 76 Bill**” means a national Bill to which the procedure prescribed in section 76 of the Constitution applies;

“**section 77 Bill**” means a national Bill to which the procedure prescribed in section 77 of the Constitution applies;

“**security services**” means the security services referred to in section 199 of the Constitution;

“**Sergeant-at-Arms**” means the official of the Legislature responsible for the mace and for security of the House;

“**Secretary**” means the Secretary to the Legislature;

“**select committee**” means a committee established by the Rules Committee to maintain oversight over a body or institution which falls within the government, but is not within the line function of government;

“**session**” means that period commencing when the House is summoned to meet and ending when the House is prorogued. A session may include more than one Sitting;

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“**sitting**” means a plenary meeting of the Legislature;

“**sitting day**” with reference to the Legislature means a day on which the House sits in plenary;

“**simple majority**” means fifty percent plus one of the members of the Legislature;

“**standing committee**” means a committee established in terms of these Rules to deal with matters assigned to it in terms of these Rules or the resolution of the Legislature;

“**Speaker**” means the member appointed in terms of Rule 6(2);

“**speaker's list**” means the house document indicating the names of members who will speak in the House, in their order and time allocated as per the order paper.

“**term**” means the period from the first day of election as proclaimed by the Premier in terms of section 108(2) of the Constitution until the day before the first day of polling for the next election; and

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

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

“**year**” means a period of twelve months starting from the 1st of January.

Application of the Rules

2. (1) These Rules apply to the proceedings of the Legislature and its Committees.
- (2) These Rules apply to –

CHAPTER 1

- (a) members;
- (b) political parties represented in the Legislature;
- (c) permanent delegates representing the province in the NCOP;
- (d) officials of the Legislature and other organs of state in the province;
- (e) consultants or contractors of the Legislature; and
- (f) any person that interacts with the Legislature or its Committees, including members of the public.

Unforeseen Matters

- 3. (1) The Speaker may give a ruling or frame a rule consistent with the Constitution in respect of any eventuality for which these Rules do not provide.
- (2) A rule framed by the Speaker remains in force until the Rules Committee has decided thereon.
- (3) The Rules Committee must decide on such a rule at its first meeting after the rule was framed.

Virtual Sittings and Committee Meetings

- 3A. (1) The House may sit or a committee may meet with its members in remote attendance, by virtual means.
- (2) The sittings of the House or meetings of committees may be conducted in accordance with the Rules for Sittings of the House and Meetings of Committees by Virtual Means (Rules of Virtual Meetings), attached hereto as “Annexure A”.
- (3) The Speaker may issue other directives as are necessary to give effect to this rule.

[Rule 3A inserted on 17 April 2020]

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Suspension of the Rules and Orders

4. (1) Any provision of these Rules relating to the proceedings or business of the Legislature or a Committee thereof may be suspended by resolution of the Legislature.

- (2) The suspension of any provision of these Rules must be limited in its operation to the particular purpose for which the rule was suspended.

CHAPTER 2

PROCEEDINGS IN CONNECTION WITH THE FIRST SITTING

First sitting of the Legislature after elections and swearing in of members

5. (1) On the first sitting after the Legislature has been convened in terms of section 110(1) of the Constitution, the Secretary or any officer designated by him or her must read the notice convening the Legislature.

(2) After the notice convening the Legislature has been read, members must, before the Chief Justice or a judge designated by him or her, swear or solemnly affirm faithfulness to the Republic and obedience to the Constitution in accordance with Schedule 2 of the Constitution.

(3) A member filling a vacancy must swear or affirm in accordance with Schedule 2 of the Constitution before the Speaker in the chamber or at any place designated by the Speaker.

Election of Premier, Speaker and Deputy Speaker

6. (1) At its first meeting and after all members have sworn or solemnly affirmed, the Legislature must elect one of its members as a Premier in accordance with the procedure set out in Section 128 and Part A of Schedule 3 of the Constitution.

(2) After the election of the Premier, the Legislature must elect another member as a Speaker in accordance with the procedure set out in Section 111 and Part A of Schedule 3 of the Constitution.

(3) A judge designated by the Chief Justice presides over the election of the Premier and the Speaker, and the Speaker presides over the election of the Deputy Speaker.

(4) After the election of the Speaker, the Speaker must preside over the election of a Deputy Speaker in accordance with the procedure set out in Section 111 and Part A of Schedule 3 of the Constitution and the rules promulgated by the Chief Justice in terms of item 9 of Part A of Schedule 3 of the Constitution.

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(5) Whenever it is necessary to re-elect a Premier or Speaker, the Secretary, must in consultation with the Chief Justice or judge designated by him or her, facilitate the re-election of the Premier or Speaker in accordance with the procedure set out in Section 128 or 111, respectively, and Part A of Schedule 3 of the Constitution.

(6) Whenever it is necessary to re-elect a Deputy Speaker, the Secretary must, in consultation with the Speaker, facilitate the re-election of the Deputy Speaker in accordance with the procedure set out in Section 111 and Part A of Schedule 3 of the Constitution.

Designation of Acting Premier

7. Whenever the Premier is absent or otherwise unable to fulfill the duties of the office of the Premier and the Premier has not designated a member of the Executive Council as the Premier or members of the Executive Council have not designated another as the Acting Premier, the Speaker must act as the Premier until the Legislature has delegated one of its members as Acting Premier.

Official opening of the Legislature after an election

8. (1) The Speaker must inform the Legislature of the time and the date on which the Premier must deliver his or her Opening Address, and the House proceedings must be suspended until the Premier has delivered his or her Opening Address, unless the Speaker in consultation with the Premier decides otherwise.

Premier's State of the Province Address

9. (1) The Speaker must inform the Legislature of the time at which and the date on which the Premier must deliver his or her State of the Province Address, and the House proceedings must be suspended until the Premier has delivered his or her State of the Province Address, unless the Speaker in consultation with the Premier decides otherwise.

CHAPTER 2

- (2) The sitting in terms of sub-rule (1) is a special sitting dedicated solely to receive the State of the Province address by the Premier.
- (3) After the Premier has delivered his or her State of the Province Address, the Secretary must place it on the Order Paper for debate.
- (4) Subsequent sittings must be determined by the Programming and Prioritisation Committee or by the Speaker.
- (5) The Secretary must issue notices of sittings determined in terms of sub-rule (4) to members of the Legislature and the public.

9A. Non-interruption of Premier's State of the Province Address and Policy and Budget Speeches

The Premier, Members of the Executive Council and Speaker must be allowed to deliver the State of the Province Address or Policy and Budget Speech, as the case maybe, without interruption.

Opportunity for Prayer or Meditation

- 10.** At the commencement of the proceedings of the House, the Speaker may afford members an opportunity for silent prayer or meditation, or may invite religious leaders to lead the House in prayer.

CHAPTER 3

PRESIDING OFFICERS AND OFFICE BEARERS

Election of Other Presiding Officers

11. (1) The House must elect from amongst its members, a Chairperson of Committees and a Deputy Chairperson of Committees respectively, for the duration of the Legislature.

(2) The Chairperson and Deputy Chairperson of Committees are other presiding officers to assist the Speaker or the Deputy Speaker.

Relief of the Speaker

12. The Deputy Speaker or the Chairperson or Deputy Chairperson of Committees presides at the sitting of the Legislature when delegated by the Speaker.

Absence of the Speaker

13. (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 acts as Speaker.

(2) When both the Speaker and the Deputy Speaker are absent or unable to perform the functions of the office of Speaker, or when both offices are vacant, the Chairperson of Committees (or, in his or her absence, the Deputy Chairperson of Committees) acts as Speaker.

(3) Whenever the Legislature has been informed of the likelihood of the continued absence of both the Speaker and the Deputy Speaker for longer than seven (7) consecutive sitting days, the Chairperson of Committees acts as Speaker and the Deputy Chairperson of Committees as Chairperson of Committees, until the Speaker or Deputy Speaker resumes the chair or the Legislature decides otherwise.

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Absence of all Presiding Officers

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

Whips' Forum

15. (1) The Whips' Forum is a political parties' liaison forum that is established to ensure that the roles and responsibilities of the Chief Whip and the whips of other political parties are executed without any hindrance.

(2) The Whips' Forum further serves as a political consultative forum among political parties in the Legislature.

(3) The Whips' Forum consists of whips or such senior members of the parties as parties may designate.

(4) The Chief Whip of the Majority Party chairs the Whips' Forum.

(5) The Speaker, Deputy Speaker and Leader of Government Business are *ex-officio* members of the Whips' Forum.

Leader of Government Business

16. The Premier must—
 - (1) appoint a member of the Executive Council as the Leader of Government Business; and
 - (2) at the first sitting after the appointment, announce in the Legislature the name of the person so appointed or inform the Speaker in writing of the appointment. The Speaker must publish such notice of appointment in the ATC.

CHAPTER 4

PROGRAMME OF THE LEGISLATURE

Precincts of the Legislature and Programme

17. (1) The Legislature must ordinarily sit at its declared precincts, but may resolve to sit beyond its declared precincts.
- (2) The programme of the Legislature must be determined by the Committee responsible for programming.
- (3) The Speaker must cause the business of the House to be placed on the Order Paper.
- (4) The business of the House must be disposed of in accordance with the Order Paper, unless the Rules require or allow otherwise.
- (5) The precincts of the Legislature are as described in section 2 of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act, 2004 (Act 4 of 2004).
- (6) The Speaker, in accordance with section 3, read with section 28, of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act, exercises control and authority over the precincts on behalf of the Legislature.
- (7) The Speaker or Chairperson of a committee holding a meeting outside the precincts of the Legislature must declare the area as a precinct of the Legislature for the duration of the meeting.

Sitting Days and Times

18. (1) Mondays, Tuesdays, Wednesdays, Thursdays and Fridays are working days for the Legislature.

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(2) The business of the Legislature may be considered by it on the days referred to in sub-rule (1), and the hours of sitting on these days are as follows:

Mondays to Thursdays:

From 14:15, or such other time as the Speaker may determine, to adjournment;

Fridays:

From 10:00, or such other time as the Speaker may determine, to adjournment.

(3) National public holidays are not sitting days of the Legislature or any Committee: Provided that, if a public holiday falls on a Sunday, the Legislature or any Committee may not sit on the following Monday.

Extraordinary Sittings

19. The Premier may summon the Legislature to an extraordinary sitting at any time to conduct special business.

Quorum Requirements

20. Unless the Constitution provides otherwise –

- (1) the presence of at least one third of the Members constitutes a quorum of the House;
- (2) a simple majority of the members must be present before a vote is taken on a Bill or an amendment to a Bill;
- (3) at least one third of the members must be present before a vote is taken on any other question before the Legislature;

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- (4) all questions are decided by a majority of the votes cast; and
- (5) 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 the support of a vote of at least two thirds of the members.

Absence of Quorum

21. (1) If there is no quorum at the time allocated for the meeting of the Legislature, the meeting may not commence until a quorum is present, in which case the Speaker must take the chair.
- (2) If a quorum is still not present at the expiration of half an hour after the time appointed for the meeting, the Speaker must take the chair and adjourn the Legislature.
- (3) If the attention of the Speaker is called to the absence of a quorum, and if after an interval of five (5) minutes, during which time the bells are rung, there is still no quorum, he or she may postpone the decision of the question or adjourn the Legislature.

Adjournment due to Absence of Quorum

22. Whenever the Legislature is adjourned due to the absence of a quorum, the time of such adjournment and the names of the members present, must be recorded in the Minutes of Proceedings.

Public access to and involvement in the Legislature

23. (1) The Legislature must conduct its business in an open manner, and hold its sittings, and those of its committees, in public.

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- (2) The Speaker may take reasonable measures –
 - (a) to regulate public access, including access of the media, to the Legislature and its committees; and
 - (b) 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 from the House or the precincts of the Legislature.
- (3) Members of the public attending the proceedings of the Legislature or its committees must observe such directions and conform to such rules as may be laid down by the presiding officer.
- (4) The Legislature must facilitate public involvement in the legislative and other processes of the Legislature and its committees.

Sergeant-at-Arms to remove members of the public

24. The Sergeant-at-Arms must remove or arrange for the removal of a person–
 - (1) who, without permission, is present in that part of the Chamber designated for members only or in another place which is out of bounds for that person; or
 - (2) who disrupts the proceedings of the House, causes a nuisance or does not withdraw from the Chamber when ordered to withdraw.

Members' attendance of sittings and meetings

25. Members' attendance

- (1) Subject to minimum standards as provided for in these rules, members' attendance of official Legislature activities is regulated by their political parties.

CHAPTER 4

- (2) A member's absence from the Legislature during a Legislature 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 Legislature.
- (3) The party whip assigned responsibility for members' leave by the party, must inform –
 - (a) The party's duty whip, in the event of absence from a sitting; or
 - (b) The chairperson of the relevant committee, in the event of absence from a committee meeting of the member's approved absence from a sitting of the House or a committee meeting, respectively.
- (4) In order to ensure that there is a quorum, the notification regarding the approved absence of the party's duty whip or relevant chairperson of a committee, in line with sub-rule 25(3), must be done at least 24 hours before the sitting or committee meeting, unless exceptional circumstances exist.
- (5) All political parties must –
 - (a) maintain proper leave records for their members in accordance with these Rules; and
 - (b) annually, within 14 days after the last sitting day of the session, publish the leave records in the ATC.

25A. Absence from sitting 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 these rules, may not exceed 10 consecutive sittings per annum.
- (2) Leave may be requested of the House by motion for a member's absence in excess of 10 consecutive sittings, the leave to be requested not later than the close of the 10th consecutive sitting day of the member's absence.
- (3) The motion request to the House must state the reason for the request and the period for which continued leave of absence is sought.

CHAPTER 4

- (4) If the motion requesting leave of absence is rejected by the House, the reason 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 the Legislature without delay.

25B. Sanctions for extended unauthorised absence from sittings of House

- (1) A member who absents himself or herself for 10 (ten) or more consecutive sittings of the Legislature per annum, without authorisation as provided for in these Rules, loses his or her membership of the Legislature in accordance with section 106(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 Legislature in terms of this rule.

25C. 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 these 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 of the committee to the responsible whip of each of the parties represented in the committee.
- (4) The Secretary must every three months, submit a report to the Speaker on all members who have been absent from three or more consecutive meetings without approval as recorded in the committee's minutes.

CHAPTER 4

25D. 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 25C(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. **(Fine: R2 500 as at 20 November 2019)**
- (2) The Speaker must inform the member without delay of the imposition of a fine terms of this rule.

25E. Appeal against application of sanctions

- (1) A member who feels aggrieved by the sanction imposed upon him or her in terms of Rule 25B or 25D may lodge a formal appeal with the Speaker within 14 working 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.

25F. Categories of leave

The following categories of leave are provided for:

- (1) Family responsibility leave is granted to a member on 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.

CHAPTER 4

- (2) Compassionate leave is granted to a member in exceptional circumstances where the member's family responsibility leave has been exhausted but he or she 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 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 is entitled to maternity leave for six weeks after the miscarriage or stillborn.
- (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 (two) 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 (two) years. A member is entitled to 3 (three) weeks spousal leave provided that a 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 the Legislature. A member must clearly specify in writing the number of days required and present a communication from the leadership of the member's party confirming that the member requires party political leave. This is limited to 30 (thirty) working days annually, however should the member be absent for 10 (ten) or more consecutive 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 Legislature in terms of the Code of Conduct and Ethics.

CHAPTER 4

- (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) cultural or religious leave annually.
- (10) Sick leave is granted due to 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 a 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 number of days required. This leave is limited to 10 (ten) working days annually.

25G. Procedure for granting leave

- (1) All applications for absence from the Legislature must be approved by the whip designated by the political party.
- (2) If a member is not able to apply for leave him/herself another member or representative of his/her party may do so.
- (3) 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 and the political party.

CHAPTER 4

25H. Loss of membership of the Legislature

- (1) A member loses membership of the Legislature if that member—
 - (a) ceases to be eligible in terms of the Constitution;
 - (b) is absent from the sittings of the Legislature for ten (10) consecutive sittings, or Committee meetings on which such member serves without permission for fifteen (15) or more consecutive working days per annum; or
 - (c) ceases to be a member of the party that nominated him or her as member of the Legislature.

- (2) A member who loses membership of the Legislature has the right to administrative action that is lawful, reasonable and procedurally fair in terms of section 33 of the Constitution.

[Rules 25, 25A, 25B, 25C, 25D, 25E, 25F, 25G and 25H amended on 5 December 2019]

Visitor's Address

26. (1) The Speaker may, in accordance with these Rules, designate a sitting to be a special sitting to hear the address by a head or deputy head of state or province or a minister of national government or member of the Executive Council of another provincial government or a member of National Council of Provinces or a member of the public who has performed outstanding service to the community or any other foreign dignitary.

- (2) The special sitting referred to in sub-rule (1) may only dispose of the visitor's address.

- (3) The content of the address by the visitor must be deemed to be a matter of public importance unless the Speaker determines otherwise.

Sectoral Parliaments

- 26A (1) The Rules Committee must not later than October of each year determine which Sectoral Parliaments must be held by the Legislature.

- (2) A maximum of four (4) Sectoral Parliaments must be held in a financial

CHAPTER 4

year, and the determination must take into consideration the demographics of the province.

- (3) Sectoral Parliaments must be held on the dates determined by the Programming and Prioritisation Committee.
- (4) The Select Committee on Public Participation, Petitions and Members' Legislative Proposal Committee must ensure the implementation of each Sector Parliament in terms of rule 143.
- (5) Members of the Executive Council must attend the Sectoral Parliaments on the determined dates.
- (6) Sectoral Parliaments may be held at the Legislature, or such other places as determined by the Programming and Prioritisation Committee.
- (7) The Legislature may assist the public to attend Sectoral Parliaments.
- (8) The Speaker must ensure that a report with Resolutions on each Sectoral Parliament held by the Legislature is prepared and tabled in the House by the responsible Chairperson of a committee for consideration and adoption within thirty (30) calendar days from the date on which the Sectoral Parliament was held.
- (9) An adopted report of the Sectoral Parliament must be referred to the relevant organ of state for implementation and also to the relevant portfolio or select committee of the Legislature to monitor the implementation of the Resolutions.
- (10) At a subsequent similar Sectoral Parliament, the Member of the Executive Council to which the report was referred must table the progress report on the implementation of the Resolutions contained in the previously adopted report.

CHAPTER 5

NATIONAL COUNCIL OF PROVINCES

Appointment of Permanent Delegates

27. (1) The Legislature must, within 30 days after the result of an election is declared—
- (a) determine, in accordance with national legislation, how many of each party's delegates are to be permanent delegates; and
 - (b) appoint such delegates in accordance with the nominations of the parties.
- (2) Nominations by parties must be in writing and must be signed by at least one member of the Legislature.
- (3) A person who is nominated must indicate acceptance of the nomination by signing the written nomination.
- (4) Vacancies among the permanent delegates must be filled in terms of national legislation.

Designation of Special Delegates

28. (1) The Legislature must, with the concurrence of the Premier and leaders of the parties entitled to special delegates, designate four special delegates, including the Premier, as may be required from time to time, from among the members of the Legislature.
- (2) The Premier is the head of the delegation.
- (3) In the event that the Premier is not available, he or she must from time to time designate one member of the delegation as head of the delegation.

CHAPTER 5

Proof of designation as Special Delegate

29. The Speaker must certify—
- (1) the designation of special delegates, the alternates and the purpose of designation;
 - (2) compliance with the Constitution as far as it relates to the designation of special delegates; and
 - (3) provide a copy thereof to the Chairperson of the NCOP and each special delegate.

Procedure for raising issues in the NCOP

30. (1) Whenever there is a matter that affects the Province and the Legislature does not have the competency to deal with the matter, a member or committee of the Legislature may table that matter in the Legislature by way of a motion for debate, requesting that the matter be dealt with by Legislature in terms of this rule.
- (2) The member or committee must, together with the motion, table a draft memorandum making a proposal on whether the matter be dealt with by—
- (a) introducing legislation in the NCOP;
 - (b) asking questions to the national executive through a permanent delegate at the NCOP;
 - (c) introducing a motion in the NCOP through a permanent delegate; or
 - (d) any other process permitted in terms of the Rules of the NCOP.
- (3) The Legislature may debate the motion and take a resolution to deal with the matter through the NCOP according to sub-rule (2) above.
- (4) The Legislature may send special delegates or may request permanent delegates to raise the matter on behalf of the Province in the NCOP in accordance with the resolution of the Legislature and the Rules of the NCOP.

CHAPTER 5

Permanent Delegates' rights in the Legislature

31. (1) The Province's permanent delegates to the NCOP may attend, and may speak in the Legislature and its committees, but may not vote.
- (2) Unless the Speaker determines otherwise, the permanent delegates must report to the Legislature during every NCOP Provincial Week.
- (3) The Legislature may require a permanent delegate to attend the Legislature or its committees.

Recall of Permanent Delegates

32. (1) A person ceases to be a permanent delegate if that person-
- (a) ceases to be eligible to be a member of the provincial legislature for any reason other than being appointed as a permanent delegate;
 - (b) becomes a member of Cabinet;
 - (c) has lost the confidence of the provincial legislature and is recalled by the party that nominated him or her;
 - (d) ceases to be a member of the party that nominated him or her and is recalled by that party; or
 - (e) is absent from the NCOP without permission in circumstances for which the rules of Council prescribe loss of membership.
- (2) Vacancies among the permanent delegates must be filled in terms of national legislation.

CHAPTER 6

CONDUCT OF MEMBERS IN MEETINGS OF THE HOUSE AND RULES OF DEBATE

Freedom of speech and debate

33. (1) Members and the province's permanent delegates have freedom of speech in the Legislature and its committees, subject to the Constitution, these Rules and any other law.
- (2) Members and the province's permanent delegates are not liable to civil or criminal proceedings, arrest, imprisonment or damages for-
- (a) anything that they say in, produced before or submitted to the Legislature or any of its committees; or
 - (b) anything revealed as a result of anything that they have said in, produced before or submitted to the Legislature or any of its committees.

Conduct in the House

34. (1) Every member must be identifiable when he or she enters, leaves or moves to any part of the Chamber during a sitting, provided that a member who must, for cultural or religious reasons, wear attire that covers the member's face may, with the permission of the Speaker, wear such attire.
- (2) Every member desiring to speak must stand while addressing the presiding officer, unless he or she is unable to do so due to his or her disability.
- (3) Every member must bow to the presiding officer when entering or leaving the Chamber or passing to or from his or her seat.
- (4) A member may not pass between the presiding officer and the member who is speaking, nor between the presiding officer and the table, nor stand in any of the passages or walkways.

CHAPTER 6

- (5) A member may only use in-house communication equipment during proceedings.
- (6) Members and the public may not bring food, drinks or any intrusive object into the Chamber.
- (7) Members and the public may not read for leisure any newspapers or any other reading material or bring any intrusive electronic equipment into the Chamber without prior approval by the presiding officer.
- (8) Electronic equipment prohibited in sub-rule 7, does not include tools of trade for members, including but not limited to laptops, iPads and cellular phones that enable members to carry out their duties.
- (9) Other than members, only service officers, Legislature legal advisors and table staff may enter the floor of the Chamber.
- (10) Any messages from members should be sent electronically to the member's desk or passed to the service officers for transmission to the relevant member.
- (11) A member may not refer to another member by his or her first name, but by surname only, which must always be prefixed by, "Honourable..."
- (12) Members or members of the public may not sing or converse aloud in the Chamber during a sitting.
- (13) Members may not interact with persons sitting in the gallery without the permission of the presiding officer.
- (14) Members may not bring or circulate any unauthorised article, object or exhibit into the Chamber for debating purposes, without the prior approval of the Speaker.
- (15) In keeping with the decorum of the House, members must wear dignified and presentable attire when attending sittings and committee meetings. Any items that may be dangerous or harmful to the body of other persons are not allowed.

CHAPTER 6

Members not to converse aloud

35. Members may not converse aloud during the proceedings and must maintain and observe the dignity of the Legislature.

Precedence of Presiding Officer

36. (1) At the beginning of proceedings when the presiding officer enters the Chamber, members must rise and remain in their places until the presiding officer has instructed them to take their seats.
- (2) Whenever the presiding officer rises 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.
- (3) At adjournment of a sitting of the Legislature, members must rise and remain in their places until the presiding officer has left the Chamber.

Members not to be interrupted

37. (1) A member may not interrupt another member whilst speaking, except to put a question to such member or call attention to-
- (a) a point of order;
 - (b) a question of privilege; or
 - (c) the presence of non-members on the floor of the House.
- (2) When a point of order is raised, the member called to order must resume his or her seat.
- (3) After the point of order has been stated to the presiding officer by the member raising it, the presiding officer must give his or her ruling thereon forthwith or may defer the ruling to some later date determined by the presiding officer.
- (4) A member may not raise a point of order on another member's point of order.

CHAPTER 6

Members not to deliberately mislead the House

38. A member may not deliberately mislead the House.

Irrelevance or Repetition

39. The presiding officer, after having called attention to the conduct of a member who persists in irrelevance or repetition of arguments, may direct the member to discontinue his or her speech.

Member ordered to leave the Chamber

40. If the presiding officer is of the opinion that a member is—
- (a) deliberately contravening a provision of these Rules, the Constitution or any other law;
 - (b) in contempt of the Legislature;
 - (c) disregarding the authority of the presiding officer; or
 - (d) grossly disorderly,
- the presiding officer may order the member to immediately leave the Chamber for the remainder of the day's sitting.

40A. Removal of member from Chamber

- (1) If a member refuses to leave the Chamber when ordered to do so by the presiding officer in terms of Rule 40, the presiding officer must in terms of rule 24(2) instruct the Sergeant-at-Arms to remove the member from the Chamber forthwith.
- (2) If the Sergeant-at-Arms is unable in person to effect the removal of the member, the presiding officer may call upon the Legislature Protection Services to assist in removing the member from the Chamber.
- (3) A member who is removed from the Chamber in terms of subrule (2), is thereby immediately automatically suspended for that day's sitting, and may not enter the Chamber for the duration of the suspension.

CHAPTER 6

- (4) The presiding officer may make a ruling at the next sitting on whether the member who has been suspended may be suspended for a further period as determined in Rules 41 and 43.
- (5) If a member resists attempts to be removed from the Chamber in terms of subrules (1) or (2), the Sergeant-at-Arms and the Legislature Protection Services may use such force as may be reasonably necessary to overcome any resistance.
- (6) 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.
- (7) Any member or members who contravene subrule (5) may, on the instruction of the presiding officer, also be summarily removed from the Chamber forthwith.
- (8) 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.
- (9) When entering the Chamber on the instruction of the presiding officer members of the Legislature Protection Services may not be armed.
- (10) A member who has been removed from the Chamber will be escorted by the Legislature Protection Services personnel and will not be allowed to enter the Chamber or precincts of the Legislature as the Rules prescribe.
- (11) 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 Legislature Protection Services.

CHAPTER 6

Naming or Suspension of Members

41. (1) If a presiding officer is of the opinion that a contravention committed by a member is of such a serious nature that an order to withdraw from 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; or
 - (b) if he or she is not the Speaker, name the member, whereupon the Speaker, after consultation with the presiding officer, may take such action as he or she deems necessary.
- (2) The suspension of, or the action taken against a member, is an administrative action and must comply with the provisions of the Promotion of Administrative Justice Act, 2002 (Act No. 3 of 2000).

Member to withdraw from precincts of Legislature

42. (1) A member ordered to withdraw from the Chamber or who is suspended must, after having been heard from his or her seat, forthwith withdraw from the precincts of the Legislature.
- (2) If a presiding officer other than the Speaker orders a member to withdraw from the Chamber and the member is a member of the Executive Council, the Speaker must, after consultation with the presiding officer, order the member to withdraw from the precincts of the Legislature or take other such action as he or she deems necessary.
- (3) The action taken against a member by the Speaker must be announced in the Legislature.

Period of suspension

43. The suspension of a member may-
- (a) on the first occasion during a session, continue for not longer than five (5) sittings,
 - (b) on the second occasion be between five (5) and ten (10) sittings, and
 - (c) on any subsequent occasion be between ten (10) and twenty (20) sittings.

CHAPTER 6

Expression of Regret

44. (1) A member who has been suspended or named may submit to the Speaker a written expression of regret, and if the Speaker approves of such expression of regret, he or she may discharge the suspension or permit the member to take his or her seat.
- (2) An expression of regret approved by the Speaker must be recorded in the Minutes of the Proceedings or the ATC.

Grave Disorder

45. 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 determined by him or her.

Member to withdraw from the chair while his or her conduct is debated

46. If it becomes necessary that the conduct of a member, including the presiding officer, be debated, such member must, after being heard, withdraw from the Chamber while his or her conduct is debated.

Point of order against the conduct of the presiding officer

47. (1) The presiding officer must preside over the proceedings of the Legislature in a fair and impartial manner and protect the rights, privileges and integrity of the House and its members.
- (2) The presiding officer's decision regarding a point of order raised or on interpretation of a rule in the rules and orders is final.
- (3) Any member who feels aggrieved by a decision or conduct of the presiding officer during proceedings of the Legislature must direct his or her grievance to the presiding officer in writing as soon as is reasonably possible, but not later than three (3) working days, after the relevant sitting.

CHAPTER 6

(4) The presiding officer must reply in writing to the member concerned within five (5) working days of receipt of the grievance, and both the grievance and the response must be published in the ATC.

Member called to speak

48. (1) Member must be called to speak by the presiding officer in accordance with a list of members who are to speak in the debate and for time allocated for speeches.

(2) If two or more members rise at the same time, the member who is so called by the presiding officer is entitled to speak.

Time limits for speeches

49. (1) Unless otherwise provided for in these Rules, members are restricted to the times allocated to them to speak on the business before the Legislature.

(2) Notwithstanding the provisions of sub-rule (1) the Speaker may either limit the time allocated to a member and if times have not been so allocated, allocate time to the member to speak on the business before the Legislature.

Offensive language

50. A member may not use unparliamentary, offensive or unbecoming language in the Legislature or deliberately make a false statement concerning any member or the business before the Legislature.

Reflections upon decisions or statutes of same session

51. A member may not reflect upon any decision, ruling or statutes of the same session of the Legislature, except for the purpose of moving for its amendment or rescission.

CHAPTER 6

Reflections upon judges and other judicial officers

52. A member may not reflect upon the competence or honour of a judge, or the holder of any judicial office.

Matters subject to pending judicial decision

53. A member may not, while addressing the Legislature or during the proceedings of any of its committees, reflect on any matter on which a judicial decision is pending.

Rule of Anticipation

54. (1) A member may not anticipate the discussion of a matter appearing on the Order Paper.

(2) In determining whether a discussion is out of order on the ground of anticipation, the presiding officer must have regard to the probability that the matter anticipated is going to be discussed in the Legislature within a reasonable time.

Explanation

55. (1) An explanation during debate is allowed only when a material part of a member's speech has been misquoted or misunderstood, but such member may not be permitted to introduce any new matter, and no debate may be allowed upon such explanation.

(2) A member may, with the prior consent of the presiding officer, also 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 (3) minutes.

Acting for absent Member

56. A member may take charge of a motion or an order of the day in the absence of the member in charge, provided he or she has been authorised to do so by such member; and the Speaker or any person acting in that capacity has been informed beforehand.

CHAPTER 6

Right of members to speak

57. (1) Subject to the Constitution, and the provisions of rules 37, 48 and 49, a member may speak on –
- (a) any question before the Legislature;
 - (b) any amendments proposed to a question;
 - (c) a question or an amendment proposed or to be proposed by himself or herself;
 - (d) a point of order or a question of privilege; or
 - (e) motions, interpellations.
- (2) A member may speak in a debate only when called by the presiding officer.
- (3) A member who wishes to speak in a debate but is not on the speaking list must indicate his or her wish to the presiding officer by rising in his or her seat.
- (4) A member may not rise on a point of order, whilst another member is on the floor, on a point of order.
- (5) The presiding officer's right to speak takes precedence over the right of other members to speak.

When reply allowed

58. (1) A reply must be allowed to the member introducing a subject for a debate.

(2) In the case of a debate on the Premier's State of the Province Address, the opportunity to reply must be allowed to the Premier.

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(3) In the case of a debate on a matter affecting a particular department, the opportunity to reply must be allowed to the relevant MEC or the Premier, in the case of a debate on a matter affecting the Office of the Premier.

(4) In the case of a debate on a matter affecting the administration of the Legislature, the opportunity to reply must be allowed to the Speaker.

Closure of a debate

59. A reply to a debate closes the debate.

CHAPTER 7

DECISION ON QUESTIONS

Question upon closure of debate

60. Upon closure of a debate, the presiding officer must put a question to the Legislature for decision.

Decision postponed

61. In the absence of the required number of members to take a decision at the conclusion of a debate, the presiding officer may postpone the decision on the question.

Decision of postponed question

62. The presiding officer must determine a day for the decision of questions postponed in terms of rule 61.

Postponed Question put without further debate

63. A question on which the debate has been concluded, must be put without further debate.

Electronic voting system

64. Questions may, at the discretion of the presiding officer, be decided by the utilisation of an electronic voting system in accordance with a procedure determined by the Speaker.

Question put again

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

CHAPTER 7

Question fully put

66. (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 has been fully put when the voices of both the "Ayes" and the "Noes" have been given thereon.

Declaration of vote

67. (1) The presiding officer may, at any time after a question has been fully put, permit one member of each political party to state on behalf of his or her party, in a speech not exceeding 3 minutes, the reasons why the party is in favour of or against the question.
- (2) A member addressing the presiding officer in terms of sub-rule (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 the Proceedings.

Recording of opposition

68. When the presiding officer puts the question, 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 the Proceedings.

Demand for division

69. (1) A member may demand a division after a question has been put and the presiding officer has indicated whether in his or her opinion the "Ayes" or the "Noes" have it, whereupon a division must take place without debate.
- (2) The presiding officer may order that a division takes place if three (3) or more members wish to record their individual opposition.

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Members supporting demand for division

70. (1) When a division is demanded, the presiding officer must, before ordering the ringing of the division bells, satisfy himself or herself that at least three (3) members support the demand for the division.
- (2) If fewer than three (3) members rise in support thereof, the presiding officer must forthwith declare the decision on the question.

Division bells rung and doors locked

71. (1) If the required number of members support the demand for a division, the division bells must be rung and the doors locked after the lapse of 3 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 locked after the lapse of 15 seconds as the presiding officer may direct.
- (2) When the doors are locked, no member may enter or leave the Chamber until the declaration of the result of the division.

Procedure after doors locked

72. (1) The presiding officer must, subject to sub-rule (3), again put the question when the doors have been locked.
- (2) The presiding officer must then indicate on which side of the Chair the "Ayes" and the "Noes" must take their seats, and he or she appoints tellers for each side.
- (3) After the lapse of the periods prescribed by rule 71, the presiding officer may again put the question and may declare afresh whether in his or her opinion the "Ayes" or the "Noes" have it, in which case a division takes place only if such fresh declaration is challenged.

CHAPTER 7

Minority consisting of fewer than five (5) members

73. When, during a division, fewer than five (5) members appear on one side, the presiding officer must forthwith declare the decision on the question in favour of the side with more than five (5) members.

Member calling for division not to leave the Chamber

74. A member demanding a division may not leave the Chamber until the result of the division has been declared.

Members present must vote

75. Every member present in the Chamber when the question is put with the doors locked must vote, or note his or her abstention.

Points of order during division

76. While a division is in progress, members may speak to a point of order arising out of or during the division.

Result to be declared

77. The tellers must sign the division lists and hand them to the presiding officer, who must declare the result of the division.

Confusion or error concerning division

78. In the event of confusion or error concerning a division, another division must take place, unless the numbers can otherwise be corrected.

Correction of Minutes

79. If the numbers have been inaccurately reported or error occurs in the names on the division lists, the presiding officer must order the Minutes of Proceedings to be corrected.

CHAPTER 8

MOTIONS

Nature of Motions

80. A member who wishes the House to adopt a resolution must introduce a motion.

Same motion rule

81. A member may not propose for adoption of a motion which is similar in substance as a motion already introduced during the same session.

No amendment to draft resolution

82. An amendment to a draft resolution may not be moved, except an amendment –

- (1) on a question of privilege;
- (2) to substitute the name of another member for the name of a member in a draft resolution; or
- (3) which is allowed by the presiding officer.

Motions without Notice

83. (1) Every motion requires a notice except a motion –
- (a) amending a draft resolution in terms of these Rules;
 - (b) for the postponement or discharge of, or giving precedence to, an order of the day;
 - (c) referring a Bill to a Committee;
 - (d) raising a point of order or a question of privilege;
 - (e) by the member in charge, proposing a draft resolution on the report of a committee immediately after the debate on the

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- report has been concluded;
- (f) specially excepted by these Rules; or
 - (g) in regard to which notice is dispensed with by a unanimous concurrence of all the members present.
- (2) To introduce a motion without notice, a member must read the motion out loud.
- (3) A motion without notice must be considered by the House immediately.
- (4) Members may be recognised by the presiding officer to move a motion without notice on any matter for not more than two minutes.
- (5) Members of each party are entitled to move a motion without notice, minority parties being given an opportunity to participate in a manner consistent with democracy.
- (6) If a member, for whatever reason, during the sequence of proceedings, fails to utilise the opportunity to move a motion without notice, the party to which that member belongs forfeits that opportunity.
- (7) Members of various parties must be recognised in the order of their representation in the Legislature.
- (8) The process in sub-rule (7) must continue until motions without notice are exhausted or five motions without notice have been moved, whichever occurs first.

Notice of Motion

84. (1) When giving notice of motion a member must –
- (a) read it aloud and deliver at the Table a signed copy of the notice; or
 - (b) deliver to the Secretary a signed copy of the notice on any working day of the Legislature for placing on the Order Paper.
- (2) Written notices of motion delivered to the Secretary after 12:00 on any working day of the Legislature may be placed on the Order Paper for

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the sitting as determined by the Legislature's Select Committee on Programming and Prioritisation, unless the Speaker determines otherwise.

- (3) Members moving a notice of motion in terms of rule 84(1)(b) may be recognised by the presiding officer to move such notice of motion for not more than three (3) minutes.
- (4) Members of each party are entitled to move a notice of motion in terms of sub-rule (3), minority parties being given an opportunity to participate in a manner consistent with democracy.
- (5) If a member, for whatever reason, during the sequence of proceedings, fails to utilise the opportunity to move a notice of motion, the party to which that member belongs forfeits that opportunity.
- (6) Members of various parties must be recognised in the order of their representation in the Legislature.
- (7) The process in sub-rule (6) must continue until notices of motion are exhausted or five notices of motion have been moved, whichever occurs first.

Notice of Motion on behalf of absent member

- 85.** A member may give notice of motion on behalf of an absent member, provided he or she has been authorised to do so by the absent member and the Speaker is informed beforehand.

Speaker may amend Notices

- 86.** (1) Any notice of motion which is inconsistent with the Constitution, the practice, or these Rules may be amended or otherwise dealt with as the Speaker may decide.
- (2) The Speaker must notify the member giving the notice of motion of his or her decision in terms of sub-rule (1) above.

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Question of privilege

87. An urgent motion directly concerning the privileges of the Legislature takes precedence over other motions and orders of the day.

Lapsing of Motion

88. (1) If a member does not move a motion standing in his or her name on the Order Paper, such a motion lapses unless moved by another member, provided that he or she has been authorised to do so by such member and the Speaker is informed beforehand.

(2) A motion that has lapsed may again be moved during the same session.

Withdrawal of Motion

89. A member who has moved a motion or another member on behalf of the mover may move without notice that it be withdrawn provided that in the case where the motion is moved by another member other than the original mover, the Speaker must be informed beforehand.

89A: Guidelines for Motions

The following are guidelines for motions without notice, notices of motion and motions of condolence -

A. Motions without Notice

Guidelines for motions without notice

1. A motion which otherwise require notice, may be moved without notice provided not a single member present objects.
2. It is common practice, but not required to consult the other parties before the House meets when seeking to move a motion without notice, and to inform the presiding officer of the intention to do so.
3. Motions without notice are to be moved when the presiding officer calls any motions without notice in terms of Rule 83, usually at the beginning of the day's sitting.
4. A signed copy must be presented at the Table.

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5. When a motion is moved without notice, the presiding officer gives members the opportunity to object. If there is any objection, the motion is not moved. In this case it may instead be converted to a notice of motion.

B. Notice of Motion

The Rules provide for two types of motions to come before the House, namely, subjects for discussion (debate only) and draft resolution for consideration (decision with or without debate).

(a) General guidelines for notices of motion

1. Notices of motion should be limited to matters that members specifically intend should be brought before the Legislature for debate or decision.
2. With some exceptions (listed below) notice must be given of every motion, since in principle the House must be informed in advance of any substantive motion, to give members and parties time to prepare to debate it.
3. Exceptions: the following motions do not require notice:
 - (a) Amending a draft resolution in terms of the Rules;
 - (b) For the postponement or discharge of, or giving precedence to, an order of the day;
 - (c) Raising a point of order or a question of privilege;
 - (d) For the postponement or discharge of, or giving precedence to, an order of the day;
 - (e) Referring a Bill to a committee;
 - (f) By the member in charge, proposing a draft resolution on the report of a committee immediately after the debate on the report has been concluded; or
 - (g) In regard to which notice is dispensed with by the unanimous concurrence of all the members present.
4. Contingent notices: Members may give contingent notices of motion, that is, notices that particular motions will be moved contingent upon some event occurring in the course of proceedings of the Legislature, such as the moving of another motion.
5. Speaker may amend notices: the Speaker may amend or otherwise deal with a notice of motion which offends against practice or the Rules.

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6. A practice has been developed of not amending offending notices but ruling them out of order and referring them back to the member concerned.

(b) Procedure

1. Notices can be given of a motion by reading the motion aloud in the Legislature when the presiding officer calls for notices of motion, or by delivering to the Secretary a signed copy of the notice on any working day.
2. The permission of the Legislature is required to give oral notice of a motion at any time.
3. Having given oral notice of motion in the House, a member is required immediately afterward to deliver to the Table a signed, written copy of that notice.
4. If the signed version differs from the oral version, the written version is treated as a standard written notice of motion, while the verbal notice is not placed on the Order Paper and the member is advised accordingly.
5. If authorised to do so, a member may give notice of a motion on behalf of another member.
6. Oral notice of motion given on any sitting day by agreement and on the Speaker's authority, will appear on the Order Paper at a sitting as determined by the Legislature's Select Committee on Programming and Prioritisation.
7. A written notice of motion received by the Secretary after 12:00 on any day will appear on the Order Paper at a sitting as determined by the Legislature's Select Committee on Programming and Prioritisation.
8. When notice has been given of a motion, the full text is printed on the Order Paper once. Thereafter it is listed as a page reference under Further Business, until it is programmed for debate when it will once be published in full.
9. Notices of motion shall lapse six (6) weeks after the notice was given.

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(c) *Draft resolution*

Draft resolutions may further be divided into:

Substantive motions which are independent, self-contained proposals concerning a concrete item of business.

Formal motions, which are substantive motions of a specifically procedural nature, including motions to amend sitting hours, to postpone or give precedence to an order of the day. As they normally deal with the business of the House, they are usually introduced by the Chief Whip of the majority party.

Motion which has constitutional consequences: Another form of draft resolution which may be distinguished is a motion, adoption of which has constitutional consequences. Examples are a motion of no confidence in terms of section 141 of the Constitution, or a motion to dissolve the Legislature in terms of section 109 of the Constitution.

(d) *Guidelines for draft resolutions*

Generally, draft resolutions should be short and succinct and framed so as to express with as much clarity as possible the distinct opinion or decision of the House.

A draft resolution-

- i. Must deal with matters within the competence of the Legislature,
- ii. Must deal with only one substantive matter,
- iii. Must consist of a clear and succinct proposed resolution or order of the House. Any extraneous matter to motivate a decision should be omitted, and can be put forward when the member introduces the motion in the House,
- iv. Must not contain statements, quotations or other matters not strictly necessary to make the proposed resolution or order intelligible,
- v. Is subject to the Rule of Anticipation. A notice of motion on the Order Paper on a particular topic will therefore block all other notices on substantively the same topic,
- vi. May not be the same in substance as a draft resolution that has been approved or rejected during the same session,
- vii. May not contain unbecoming or offensive expressions,

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- viii. May not issue an instruction to the Executive Council,
- ix. Should observe the principles of co-operative government (Chapter 3 of the Constitution), and
- x. Must be handed to the Table immediately after notice has been given in the House (a written signed copy).

Rules of debate apply: all motions are subject to the rules of debate of the House, including the role on offensive language and the *sub judice* rule.

(e) Subject for discussion

1. A subject for discussion provides an opportunity for the House to debate a particular topic without the House being required, at the end of the debate, to take a decision.
2. The wording of a subject for discussion should be clearly established. The wording determines the scope and focus of the debate. A topic that is too vague or broad will lead to an unstructured general debate.
3. A member proposing such a motion should identify it as a subject for discussion.
4. A motion proposing a subject for discussion also requires prior notice.

C. Motions of condolence

1. The Legislature should always stand to acknowledge the passing of a serving member of the House but this should be accompanied by an appropriate motion on the Order Paper and a debate.
2. The Legislature should stand to acknowledge the passing of a former member of the House (after 1994). A debate on the motion will only take place on the recommendation of the Whips' Forum to the Select Committee Programming and Prioritisation.
3. The Legislature should stand and consider and debate a motion, placed on the Order Paper, to acknowledge the passing of a prominent person. Discretion would have to be exercised in terms of deciding who qualifies as a prominent person. In each case it may be appropriate for the Speaker to consult the Programming and Prioritisation Committee or Whips' Forum before making such a determination. One criterion to consider maybe a person's citizenship of South Africa.

CHAPTER 9

MATTERS OF PUBLIC INTEREST AND STATEMENTS BY MEMBERS

Matters of public importance

- 90.** (1) A member may, during a sitting of the Legislature, request the Speaker to place a matter of public importance on the Order Paper for debate at the next sitting.
- (2) Such a discussion may not exceed the time allocated for it by the Speaker after consultation with the Whips Forum.
- (3) If fifteen (15) minutes before the expiration of the allocated time a member other than the responsible Member of the Executive Council is speaking, the presiding officer must interrupt such member and ascertain from the Member of the Executive Council whether he or she wishes to reply.
- (4) Questions of privilege and matters already discussed by the Legislature during the same session may not be debated under this rule.

Matters of urgent public importance

- 91.** (1) A member may at least one and a half hours prior to the time appointed for a sitting request the Speaker in writing to allow a matter of urgent public importance to be debated by the Legislature.
- (2) If the Speaker grants the request, the presiding officer must announce it in the Legislature, and the debate on the matter must stand over until the time appointed by the presiding officer.
- (3) The debate under this rule may not exceed the time allocated for it by the Speaker after consultation with the Leader of Government Business.
- (4) The provisions of rule 90(3) and (4), with necessary changes required by the context, apply.

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- (5) The rule of anticipation does not apply to the debate under this rule.
- (6) Not more than one matter may be discussed on the same day under this rule.

Snap debates

- 92.** (1) A member may request the Speaker in writing to allow for a snap debate on a specific and definite matter.
- (2) On receipt of the request, the Speaker may refer the matter to the Whips' Forum for recommendation.
- (3) If the Speaker grants the request, he or she must cause the matter to be placed on the Order Paper.
- (4) The debate under this rule may not exceed the time allocated for it by the Speaker after consultation with the Whips' Forum.
- (5) Not more than three matters may be discussed on the same day under this rule.

Statements by members

- 93.** (1) A member other than a member of the Executive Council may be recognized by the presiding officer to make a statement on any matter for not more than one and half minutes.
- (2) The 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 utilize the opportunity to make a statement, the party to which that member belongs forfeits that opportunity.

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- (4) Members of various parties must be recognized in the order of their representation in the Legislature.
- (5) The process in sub-rule (4) must continue until statements by members are exhausted or five statements have been made, whichever occurs first.
- (6) At the conclusion of statements by members, a member of the Executive Council may be given an opportunity to respond, for not more than two minutes, to any statement directed to that member of the Executive Council.
- (7) In the absence of a member of the Executive Council who may respond to a statement as envisaged in sub-rule (6), another member of the Executive Council from the same cluster may respond on behalf of the absent member of the Executive Council.
- (8) Responses from the members of the Executive Council must be taken in the following order of preference: the member of Executive as envisaged in sub-rule (6), a member of the Executive Council from the same cluster responding on behalf of the absent member of the Executive Council.
- (9) A maximum of five (5) members of the Executive Council may be given an opportunity to respond to a member's statement.
- (10) Statements may be taken on any sitting day upon invitation by the Speaker.

Executive statements

- 93A**
- (1) A member of the Executive Council may make a factual or policy statement relating to government policy, any executive action or other similar matter of which the Legislature should be informed.
 - (2) Not more than three (3) executive statements shall be made per sitting and the time allotted to a member of the Executive Council making an executive statement in terms of sub-rule (1) may not exceed five (5) minutes, unless the Legislature agrees otherwise.

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- (3) Whenever 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 Legislature.
- (4) After an executive statement has been made, the member of the Executive Council concerned must, if applicable, table a compendium of background information.
- (5) Following any executive statement, a member or members of each of the parties represented in the Legislature may in a manner consistent with democracy, comment on the executive statement for not more than three (3) minutes per party, commencing with the official opposition and followed by the other parties in the order of the size of their membership in the Legislature.

CHAPTER 10

INTERPELLATION AND QUESTIONS

Notice

94. (1) Except as otherwise provided in these Rules or with the prior consent of the Speaker –
- (a) notice must be given of each interpellation selected for reply by the Speaker in the Legislature and of each question by placing it on the Question Paper; and
 - (b) no interpellation or question for oral reply may be asked on the day on which notice thereof is given unless it is a follow-up question to a question asked.
- (2) A member who desires to give notice of an interpellation or a question must deliver a signed copy of the notice to the Secretary for placement on the Question Paper, indicating the day on which the interpellation or question will be put.
- (3) A member may give notice of an interpellation or a question or take charge of an interpellation on behalf of an absent member, provided he or she has been authorised to do so by the absent member.
- (4) Any notice of interpellation or question which is against the practice or these Rules may be amended or otherwise dealt with as the Speaker may determine.
- (5) No interpellation or question may be addressed to any person other than a member of the Executive Council.

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INTERPELLATIONS

Form and placing

95. (1) An interpellation consists of a question containing not more than two subdivisions.

(2) An interpellation may be placed on the Question Paper for reply every Tuesday of every second week: Provided that the Speaker may, in consultation with the relevant Chief Whip, consent to an interpellation on a matter of urgent public importance being taken at shorter notice in substitution of an interpellation of which due notice has been given.

Procedure

96. (1) After the presiding officer has formally put the interpellation from the Chair –

- (a) the responsible member of the Executive Council must reply to the interpellation in a speech not exceeding three (3) minutes;
- (b) the interpellant may respond to the member of the Executive Council's reply in a speech not exceeding three (3) minutes; and
- (c) in the remainder of the allotted fifteen (15) minutes, the member of the Executive Council and other members may speak for up to two (2) minutes at a time: Provided that the member of the Executive Council is restricted to two (2) such additional turns to speak, plus an opportunity to reply to the debate.

Precedence

97. Interpellations shall have precedence once a week.

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Number of interpellation debates

98. The number of interpellation debates on one and the same day shall be limited to two 15 minute debates.

QUESTIONS

Placing and arrangement

99. (1) Questions delivered to the Secretary before 12:00 on any working day of the Legislature may appear on the Question Paper on the second sitting day thereafter and not earlier.
- (2) Subject to these Rules, the Secretary must place the questions on the Question Paper in the order in which they are handed to him or her.
- (3) Questions for oral reply must be dealt with in the following order –
- (a) questions to the Premier standing over from previous question days;
 - (b) new questions to the Premier;
 - (c) questions to members of the Executive Council standing over from previous question days; and
 - (d) new questions to members of the Executive Council.
- (4) Questions may not –
- (a) contain offensive or disrespectful language;
 - (b) express a point of view;
 - (c) contravene a rule of law;
 - (d) seek only legal opinion;

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- (e) be based on hypotheses, arguments or deduction;
- (f) request information upon the merits of any matter pending before the courts in a way that could interfere with the administration of justice or infringe upon the independence of the Courts;
- (g) anticipate discussion of a matter appearing on the order paper; or
- (h) refer to proceedings of the committee that were closed to the public until those proceedings are reported to the House.

Notice and placing of questions

100. (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;
 - (b) no question for oral reply may be asked on the day on which notice thereof is given.
- (2) A member who wants to give notice of a question must deliver to the Secretary, for placement on the Question Paper, a signed copy of the notice, indicating the day on which the question will be put.
- (3) No question may be addressed to any person other than a member of the Executive Council.
- (4) If a notice of a question offends against the practice or these Rules the Speaker must, through the Whip, return it to the member who submitted it.
- (5) A member may give notice or take charge of a question on behalf of an absent member if the member has been authorised to do so by the absent member.

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- (6) Subject to rule 99, an authorised representative of a party may before 12:00 on the Thursday preceding the question day on which questions put by members of that party are to be answered, notify the Secretary in writing of the order in which those questions are to be placed on the Question Paper.
- (7) 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. That order is determined by the Whips' Forum from time to time.
- (8) If a member of the Executive Council is absent on a day when questions relating to the relevant department are to be answered and those questions are not answered by another member of the Executive Council, the Speaker may, if requested to do so by the member in whose name a question to that member of the Executive Council stands, and after consultation with the Leader of Government Business, direct that:
 - (a) questions to that member of the Executive Council be placed on the Question Paper for the first question session for the member of the Executive Council following that day; and
 - (b) an additional thirty (30) minutes be added to the question time for that session.
- (9) Questions to members of the Executive Council must not be scheduled for a day on which the Premier is scheduled to answer questions in the Legislature.

Questions standing over

- 101.** (1) A question for oral reply must stand over if a person to whom it is addressed-
- (a) so requests, either in the Legislature when the question comes up for reply, or by notice in writing to the Secretary before the start of question time on the day for which it is on the Question

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- Paper; or
- (b) is not present when the question comes up for reply and the question is not replied to on his or her behalf.
- (2) Subject to a direction by the Speaker under rule 100, a question that stands over in terms of sub-rule (1) must be placed on the Question Paper for reply on the next question day on which the person to whom it is addressed is scheduled to reply to questions;
- (3) A question for oral reply remains on the order paper until it has been replied to.
- (4) If a question standing over is not answered, either orally or in writing, the Question Paper must be endorsed to the effect that the question has not been replied to.

Questions for oral reply to MECs

102. (1) A member of the Executive Council must reply to a question within ten (10) working days after the tabling thereof or at the ensuing sitting.
- (2) A question for oral reply must be placed on the Question Paper for reply at least five (5) working days prior to the question day on which it is to be replied to.

Form of Questions

103. (1) A member who desires an oral reply to a question must distinguish it by an asterisk.
- (2) If the Speaker is of the opinion that a question deals with matters of a statistical nature, he or she may direct that such question be placed on the Question Paper for written reply.

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(4) A question for oral reply may not contain more than five (5) subdivisions, and all the subdivisions must relate to the same subject matter.

(5) Not more than four (4) questions for oral reply may be put to a member of the Executive Council in respect of any one Department on any particular question day.

(6) The restrictions imposed by sub-rules (1), (2), (3), (4) and (5) do not apply to questions for written reply placed on the Question Paper for oral reply.

Times allotted

104. (1) Questions for oral reply must be taken immediately after interpellations on every second and fourth Thursday of the month.

(2) Any unused portions of the times allotted for interpellations must be used for replies to questions.

(3) The time allotted for questions must be one hundred and fifty (150) minutes.

(4) The reply to a question is limited to fifteen (15) minutes but if the presiding officer is of the opinion that the matter is of sufficient importance an additional three minutes may be allowed.

(5) In accordance with sub-rule 4 above, members of the Executive Committee may not use more than ten (10) minutes for reply thus allowing members five (5) minutes for follow up questions.

(6) The Speaker may extend question time by a maximum of thirty (30) minutes if he or she is of the opinion that it would be in the public interest to do so.

(7) Replies to questions for oral reply which have not been reached on the expiration of the time allotted must be handed to the Secretary for

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inclusion in the Official Report of the Debates of the Legislature.

- (8) If a reply to such a question is not received by the Secretary by 12:00 on the Thursday following the question day concerned –
- (a) the question must be regarded as standing over; and
 - (b) in the case of a question that has stood over in terms of (a) above or rule 101 from a previous question day, the Question Paper must be endorsed to the effect that the question has not been replied to.

Oral questions to Premier

- 105.** (1) Questions may be put to the Premier on the days determined by the Speaker in consultation with the Whips but after consultation with the Premier. The Premier must reply to the question within twenty one (21) working days after the tabling thereof or at the ensuing sitting.
- (2) A maximum of one hundred and twenty (120) minutes must be allowed for questions and replies under this rule, but if proceedings relating to a question are in progress when that time expires, the Speaker may allow them to be concluded.
- (3) A member who wants to put a question on a day determined by the Speaker in terms of sub-rule (1) must, in writing and under his or her signature, submit his or her name and the name of the political party which he or she represents in the Legislature, to the Secretary not earlier than the fifth working day of the Legislature before that Thursday and not later than 12:00 on the second working day.
- (4) The Secretary must select the names so submitted at random in a manner that is fair, and must place not more than 6 names so selected or such other number as may be determined by the Speaker from time to time, in the order selected but subject to sub-rule (5), on the Order Paper on the last working day of the Legislature preceding the Tuesday in question.

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(5) If more than two names of members who represent the same political party in the Legislature are selected as provided above, only the first two selected must be included in the names placed on the Order Paper, and if the name which according to the selection is to appear first on the Order Paper is that of a member belonging to the Premier's party, that name must be interchanged on the Order Paper with the first succeeding name of a member who does not belong to that party.

(6) The presiding officer must call the members in the order in which their names appear on the Order Paper.

(7) The member called may put one question in a concise form and, immediately after a reply thereto, one supplementary question which must relate to the original question or the reply.

(8) A question put by a member under this rule may not be included in the number of questions allowed to him or her under any other rule.

Urgent questions

106 (1) A member may, with the permission of the Speaker, place an urgent question for oral reply on the Question Paper for a question day on which such a question would not normally be dealt with.

(2) A member who wants to place an urgent question on the Question Paper must deliver a signed copy of the question to the Speaker before 12:00 on the Tuesday in the week preceding the week in which the question is to be answered, clearly indicating that it is an urgent question.

(3) The Speaker must consult the Leader of Government Business before approving an urgent question.

(4) If the Speaker approves an urgent question, it must appear on the Question Paper before or on the Friday of the week preceding the week in which the question is to be answered.

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Questions for written reply

- 107.** (1) Questions for written reply may be placed on the Question Paper for reply on any working day of the Legislature: Provided that such questions must be delivered to the Secretary before 12:00 on the Tuesday of the sitting week of the Legislature during which they are to be placed on the Question Paper for reply.
- (2) When the Legislature is not in session, questions for written reply may be directed to a member of the Executive Council: Provided that the question must be delivered to the Secretary for submission to the responsible member of the Executive Council who must reply within ten (10) working days.
- (3) A question for written reply may not contain more than five (5) subdivisions.
- (4) Questions for written reply are limited to three (3) per member per department, in respect of each quarter.

Questions for written reply not replied to

- 108.** If the responsible member of the Executive Council has not furnished a reply to the question within 10 working days of the Legislature on the day for which a question has been set down for written reply, the Secretary must, if the member in whose name the question stands so requests, place the question on the Question Paper for oral reply.

Oral reply to questions for written reply

- 109.** After furnishing the Secretary with a written reply to a question, the Premier or member of the Executive Council must give oral reply in the House at the ensuing sitting.

CHAPTER 10

Reply to questions

- 110.** (1) The Premier and members of the Executive Council must adequately reply to all questions put to them.
- (2) The Speaker must give the Member who asked the question an opportunity to ask a maximum of two (2) follow up questions, and may give other two (2) members an opportunity to ask one (1) follow up question each.
- (3) A member who asked the question may request Speaker to make a ruling on the adequacy of the response if he or she is of the view that his or her question was not adequately responded to.
- (4) If the Speaker finds that the question was inadequately responded to, he or she must require the member of the Executive Council to whom the question was put or the Premier to give a written supplementary reply within ten (10) days of the ruling.
- (5) The Secretary must publish the supplementary reply in the ATC.

CHAPTER 11

COMMITTEES

Rules applicable to Committees generally

111. (1) The provisions of this Chapter apply to all committees established by or in terms of these Rules except in so far as any of these provisions is inconsistent with another provision of these Rules applicable in a specific case or a resolution of the Legislature.
- (2) Before any committee is established, including by way of legislation, the proposal must first be referred to the Rules Committee.
- (3) Parties are entitled to be represented in committees in substantially the same proportion in which they are represented in the Legislature, 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 in accordance with that proportion.
- (4) Subject to these Rules and where practically possible, each party is entitled to at least one (1) representative in a committee.
- (5) When committee members are appointed, the need for women to be fairly represented on committees must be taken into account. If women are not fairly represented on committees, the Speaker and the Whips must consider methods of achieving their fair representation.
- (6) A committee may have such sub-committees as established by these Rules, and may appoint a sub-committee only when there is provision for such appointment in these Rules.

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- (7) Sub-rule (6) does not prevent a committee from appointing a sub-committee for a purely internal administrative purpose. Such sub-committee may not be regarded as a sub-committee for purposes of these Rules.

Election of Chairperson of a Committee

- 112.** (1) The Secretary or any other official designated by him or her, must call and chair a meeting of a committee to elect a Chairperson within five (5) working days after the names of the members of the committee have been announced.

(2) If the Legislature is in recess, the Secretary or any other official designated by him or her, must notify the members of the committee, the Chief Whip of the Majority Party and the most senior whip of each of the other parties, of the time and place of the meeting at least seven (7) working days prior to the meeting, unless the circumstances require otherwise.

Chairpersons of Committees

- 113.** (1) Subject to the provisions of these Rules and the directions of the committee, a Chairperson of a committee must –
- (a) ensure the arrangement of the business of the committee;
 - (b) preside over meetings of the committee;
 - (c) act in any matter on behalf of and in the best interest of the committee when it is not practicable to arrange a meeting of the committee to discuss that matter;
 - (d) perform any function, task and duties and exercise powers that the committee and the Legislature may assign to him or her;
 - (e) exercise a casting vote in addition to the Chairperson's vote as a member in the event of an equality of votes on any question before the committee.

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(f) report to the committee on any steps taken in terms of sub-rule 2 which report may either be approved or rejected by the committee.

(2) The Chairperson may act in terms of sub-rule (1)(c) on, amongst others, the following matters-

- (a) an urgent request by a person to give evidence or to make oral representations to the committee; and
- (b) the initiation of any steps or decisions necessary for the committee to perform its functions or exercise its powers;

Acting Chairpersons

114. (1) Whenever the position of a Chairperson of a committee becomes vacant or the Chairperson is for any reason absent or is unable to perform the functions of Chairperson, the committee must elect among its members another member as Chairperson or Acting Chairperson, whatever the case may be.

(2) An Acting Chairperson must perform the functions and exercise the powers of the Chairperson until a Chairperson is able to perform his or her functions or has been elected, whatever the case may be.

(3) Whenever a committee does not elect an Acting Chairperson or Chairperson after the latter position has become vacant, the Chairperson of Committees or any member designated by him or her must, within a reasonable time, call and chair a meeting for election of a Chairperson or Acting Chairperson, whatever the case may be.

CHAPTER 11

Meetings of Committees and Sub-committees

- 115.** (1) Committees or sub-committees meet whenever it is necessary to do so and as determined by the Programming and Prioritisation Committee in consultation with the Chairpersons of Committees.
- (2) Committees or sub-committees must ordinarily sit at the precincts of the Legislature.
- (3) A committee may sit beyond the precincts of the Legislature only with the permission of the Speaker in consultation with the Chief Whip of the majority party and after consultation with the whips of other parties.
- (4) Except where the Speaker directs otherwise, a committee or sub-committee may meet only on a working day.
- (5) Only a Chairperson or Acting Chairperson of a committee, the Chairperson of Committees or the Speaker may call a meeting of a committee or sub-committee.
- (6) When a meeting is called, members and alternative members of the committee must –
- (a) be given at least 48 hours' notice of the meeting indicating the venue, date and time of the meeting; and
 - (b) be provided with all relevant documents, including agenda or details of the purpose of the meeting.
- (7) A meeting of a committee may not be cancelled less than twenty four (24) hours before its sitting, except where there are exceptional circumstances beyond the committee's control.
- (8) If at the start of the meeting there is no quorum, the members present may cancel the meeting if there is still no quorum after thirty (30) minutes of the start time.

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- (9) The Chairperson of the Committee to which a meeting was cancelled in terms of sub-rule (8) due to the absence of a quorum must ensure that the meeting is rescheduled on the Legislature programme for another date.

Administrative assistance

- 116.** The Speaker must ensure that committees have adequate administrative and other assistance to perform their functions.

Interruption, suspension or adjournment

- 117.** The member presiding at a meeting of a committee or sub-committee may in consultation with committee members interrupt or suspend the proceedings or adjourn the meeting, and may change the date for the resumption of business of the committee.

Reporting

- 118.** (1) Unless these Rules provide otherwise, a committee must, from time to time, report to the Legislature on –

- (a) all its decisions, except those decisions concerning its internal business;
- (b) oversight functions;
- (b) study tours; and
- (d) any other activities as the Speaker may determine.

(2) Where, other than in terms of rule 190(6), a committee is required to report to the House, such report must be circulated to all members at least twenty four (24) hours before the debate.

(3) A report of a committee which has been adopted by the House may be withdrawn by a resolution of the House.

[Rule 118(2) amended, 9 December 2019]

General powers of Committees

119. Subject to the Constitution, legislation, these Rules and resolutions of the Legislature, a committee may –

- (1) summon any person to appear before it to give evidence on oath or affirmation, or to produce documents if that person has, after being invited to do so on previous occasion, failed to appear before it;
- (2) receive representations or submissions from interested persons or institutions;
- (3) conduct public hearings;
- (4) permit oral evidence or representation;
- (5) determine its own procedure;
- (6) meet whether or not the Legislature is in session or sitting on that particular day, or is in recess; or
- (7) exercise any other powers assigned to it by the Constitution, legislation, the provisions of these Rules or resolution of the Legislature.

Persons appearing before a Committee or Sub-committee

120. (1) A person summoned to appear before a committee or a sub-committee may do so in person or be represented by a legal representative.

(2) Any person, including legal representatives, appearing before a committee or sub-committee must observe the directions and conform to the procedures determined by the Chairperson of the committee or sub-committee.

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Participation of non-members

121. A member other than a member of a committee may attend, and may, with the permission of the Chairperson of a committee or sub-committee, speak in a meeting of a committee or sub-committee, but may not vote.

Committees, Local Government and House of Traditional Leaders

122. (1) When dealing with a matter before it, a committee may invite organised local government, individual local government authorities and the House of Traditional Leaders to attend its meetings and make representations.
- (2) Participants referred to in sub-rule (1) may take part in the deliberations of the committee at the discretion of the committee but may not vote.

Admission of the public

123. (1) Meetings of committees and sub-committees are open to the public, including the media.
- (2) A Chairperson may not exclude the public and the media, from the meeting, except when legislation, these Rules or resolution of the Legislature provide for the committee or sub-committee to meet in closed session; or the committee or sub-committee is considering a matter which is—
- (a) of a private nature and may be prejudicial to a particular person; or
 - (b) protected under parliamentary privilege; or
 - (c) for any other reason, privileged in terms of the law.
- (3) A decision to exclude the public must be taken by the committee or sub-committee concerned, provided that the Chairperson of the committee or sub-committee may at any time –

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- (a) before the commencement of the meeting rule that the meeting must take place in closed session; or
- (b) close the meeting for a decision whether the committee or sub-committee should consider any matter in closed session.

Order to leave meetings

- 124.** The Chairperson at a meeting of a committee or sub-committee may order a member of the public to leave the meeting when the public is excluded from a meeting.

Removal of persons

- 125.** When instructed by the Chairperson, the Sergeant-at-arms or any person designated by him or her must remove or cause the removal of any person who refuses to leave the meeting when ordered to do so.

Publication of proceedings, evidence, reports, etc.

- 126.** (1) All documents and recordings officially before, or emanating from a committee or sub-committee are open to the public, including the media, but the following documents and recordings may not be published and their contents may not be disclosed except with the permission of the committee or sub-committee or by order of the Speaker or by resolution of the Legislature –
- (a) the proceedings of, or evidence taken by or placed before the committee or sub-committee while the public was excluded from a meeting;
 - (b) any report on or summary of such proceedings or evidence of a closed session.
 - (c) any document or recording placed before, or presented to or submitted to and accepted by the committee or sub-committee as a confidential document or recording.

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(2) The permission, order or resolution authorising the publication, or the disclosure of the contents of documents and recordings referred to in this rule may provide those specific parts of or names mentioned in the document or recording may not be published or disclosed.

(3) For the purposes of this rule a document or recording is officially before a committee or sub-committee when—

- (a) the presiding member places the document or recording or permits the document or recording to be placed before the committee or sub-committee; or
- (b) a person appearing before the committee or sub-committee as a witness or to make representations presents the document or recording to the committee or sub-committee.

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PORTFOLIO COMMITTEES

Establishment

127. The Speaker, acting with the concurrence of the Rules Committee, must –

- (1) establish a range of portfolio committees for the duration of the Legislature;
- (2) assign a portfolio of government affairs to each committee;
- (3) determine a name for each committee; and may
- (4) cluster committees.

Appointment procedures

128. (1) Unless these Rules provide otherwise, a political party nominates members to represent it in a particular committee and notify the Speaker accordingly.

(2) The Speaker must upon receipt of the names, appoint members to committees and notify members and their parties accordingly.

(3) The names of the members appointed must, within a reasonable time, be published in the ATC.

Alternates

129. One (1) or more members may be appointed as alternate members of a committee taking into account the proportional representation of political parties.

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Term of office

- 130.** A member or alternate member of a committee ceases to be a member if a whip of the party that nominated him or her withdraws the nomination in writing.

Functions of Committees

- 131.** (1) A portfolio committee must –
- (a) deal with Bills and other matters falling within its portfolio as referred to it in terms of the Constitution, legislation, these Rules or by resolution of the Legislature;
 - (b) maintain oversight of –
 - (i) the exercise of power, including the implementation of legislation, by provincial executive authority falling within its portfolio;
 - (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) 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, organization, structure, staff and policies of such organ of state, institution or other body;
 - (d) consult and liaise with any executive organ of state or constitutional institution; and

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- (e) perform any other functions, tasks or duties assigned to it in terms of the Constitution, legislation, these Rules or resolution of the Legislature, including functions, tasks and duties concerning parliamentary oversight or supervision of such executive organs of state, constitutional institutions or other bodies or institutions.

(2) If there is doubt which portfolio committee must deal with a specific matter, the Speaker in consultation with the Chief Whip of the majority party, must decide that question, subject to any directions of the Rules Committee or a resolution of the Legislature.

Quorum and decisions

132. (1) Unless the Constitution provides otherwise –

- (a) the presence of at least one third of the members constitutes a quorum and may vote on a question before the committee;
- (b) all questions before a committee must be decided by a majority of votes cast.

(2) The Chairperson or Acting Chairperson has no deliberative vote, but must cast a deciding vote when there is an equal number of votes on each side of a question.

Co-option when members and alternates are not available

133. 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 member to act as a member of the committee until that committee member or the alternate member is present.

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Sub-committee

134. A portfolio committee may appoint a sub-committee from amongst its members to assist the committee in carrying out its functions.

Select Committees

135. The following Select Committees must be established for the duration of the Legislature –

- (a) Rules Committee;
- (b) Programming and Prioritisation Committee;
- (c) Public Participation, Petitions and Members' Legislative Proposals Committee;
- (d) Select Committee on Public Accounts (SCOPA);
- (e) Disciplinary Committee;
- (f) Members' Affairs Committee;
- (g) Committee of Chairpersons; and
- (h) such other committee as may be established by a resolution of the Legislature or by the Speaker.

COMPOSITION, POWERS AND FUNCTIONS

Rules Committee

136. There must be the Rules Committee consisting of–

- (a) the Speaker; who is the Chairperson of the committee and if the Speaker is not available, the Deputy Speaker acts as the Chairperson;
- (b) Deputy Speaker;

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- (c) Chief Whip of the Majority Party;
- (d) Chairperson of Committees;
- (e) Deputy Chairperson of Committees;
- (f) Chief Whip of the Official Opposition; and
- (h) any other two Members appointed by resolution of the House.

Powers and Functions

- 137.** (1) The Rules Committee must –
- (a) recommend Rules and Orders to the Legislature;
 - (b) review Rules and Orders and recommend amendments to the Legislature;
 - (c) perform any function assigned by the Rules and Orders; and
 - (d) deal with any other matter referred to it by the Legislature or the Speaker.

Members' Affairs Committee

- 138.** (1) There must be a Members' Affairs Committee consisting of–
- (a) the Deputy Speaker who is the Chairperson of the Committee;
 - (b) the Chief Whip of the majority party;
 - (c) the Chief whip of the official opposition; and
 - (d) any other two (2) members designated by the Speaker.

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Powers and Functions

- 139.** (1) The Members' Affairs Committee is responsible for matters relating to the welfare of members including human resource development.
- (2) The Members' Affairs Committee may recommend amendments of Rules and Orders on matters relating to the welfare of members to the Rules Committee.

Programming and Prioritisation Committee

- 140.** (1) There must be a Programming and Prioritisation Committee consisting of the –
- (a) Speaker;
 - (b) Deputy Speaker;
 - (c) Leader of Government Business;
 - (d) Chief Whip of the Majority Party;
 - (e) Chairperson of Committees;
 - (f) Deputy Chairperson of Committees; and
 - (g) Whip of each political party.
- (2) The Speaker is the Chairperson of the Programming and Prioritisation Committee and if the Speaker is not available the Deputy Speaker performs the functions of the Chairperson of the Committee. In the absence of both the Speaker and the Deputy Speaker, Chairperson of Committees acts as the Chairperson.

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Powers and Functions

141. (1) The Programming and Prioritisation Committee is responsible for the programme of the Legislature and may perform any other function assigned to it by the Legislature or the Speaker.

(2) The Speaker may, in liaison with the Chairperson of Committees, in between meetings of the Programming and Prioritisation Committee make changes to the programme of the Legislature, if it so desirable.

Public Participation, Petitions and Members' Legislative Proposals Committee

142. There must be Public Participation, Petitions and Members' Legislative Proposals Committee consisting of the number of members as the Speaker, with the concurrence of the Rules Committee and after consultation with the Chief Whip of the Majority Party and the Whips of other parties, may determine.

Powers and Functions

143. The Public Participation, Petitions and Members' Legislative Proposals Committee is responsible for –

- (a) making recommendations to the Legislature in relation to the involvement of the public in legislative and other processes of the Legislature;
- (b) considering legislative proposals made by members intending to introduce Bills and referred to it;
- (c) considering petitions referred to it by the Speaker; and
- (d) may deal with any matter assigned to it by the Legislature or the Speaker.

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Disciplinary Committee

- 144.** (1) There must be a Disciplinary Committee consisting of the–
- (a) Deputy Speaker who is, by virtue of his or her office, the Chairperson of the Committee;
 - (b) Chairperson of Committees;
 - (c) Deputy Chairperson of Committees;
 - (d) Chief Whip of the Majority Party; and
 - (e) Whips of other parties.
- (2) Whenever the Deputy Speaker acts as Speaker or is absent, the Chairperson of Committees or, in his or her absence, the Deputy Chairperson of Committees must act as Chairperson of the Committee.

Powers and functions

- 145.** The Disciplinary Committee must, at the request of the Speaker, investigate and advise the Speaker on the alleged infringements by members of the Legislature which do not involve the privileges or proceedings of the Legislature or any committee of the Legislature.

Select Committee on Public Accounts

- 146.** There must be a Select Committee on Public Accounts (SCOPA) consisting of the number of members as the Speaker may determine.

Powers and Functions

- 147.** (1) The Select Committee on Public Accounts –
- (a) must consider–
 - (i) the financial statements of any provincial department and

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any provincial organ of state after those statements have been tabled in the Legislature;

- (ii) any audit reports issued on those statements;
 - (iii) any reports issued by the Auditor-General on the affairs of a provincial department or provincial organ of state;
 - (iv) any other financial statements or reports referred to it in terms of these Rules;
- (b) must report on any of those financial statements or reports to the Legislature;
 - (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, or resolution of the Legislature, including functions, tasks and duties concerning parliamentary financial oversight.

2. The Speaker must refer the financial statements and reports mentioned in paragraph (a) (i), (ii) and (iii) to the committee when they are tabled in the Legislature irrespective of whether they are also referred to another committee.

Select Committee of Chairpersons

148. There must be a Committee of Chairpersons which consists of the Chairperson of Committees, the Deputy Chairperson of Committees and the Chairpersons of all Committees.

Powers and functions

149. The Committee of Chairpersons is responsible for the co-ordination of the programme of committees and any other matter which may be referred to it by the Speaker or the resolution of the Legislature.

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Notice to Portfolio Committee

- 150.** When a matter falling within any portfolio committee's competence is to be considered by the SCOPA, the Chairperson of SCOPA, after consultation with the Chairperson of that portfolio committee, must notify that portfolio committee of the venue, date and time on which the matter will be considered.

Sub-committee

- 151.** A select committee may appoint a sub-committee from among its members to assist it in carrying out its functions.

AD HOC COMMITTEES

Establishment

- 152.** (1) An ad hoc committee may be established by resolution of the House or when the Legislature is not in session, by the Speaker after consultation with the Chief Whip of the Majority Party and the senior Whips of other parties.
- (2) A decision by the Speaker to appoint an ad hoc committee must be tabled in the Legislature for ratification at the first sitting after the decision was taken.
- (3) An ad hoc committee appointed in terms of sub-rule (1) must continue to function until it has completed the functions for which it was established or has been discharged from its function.

Composition

- 153.** (1) An ad hoc committee consists of such number of members as the Legislature or Speaker may determine.
- (2) The names of the members appointed must be published in the ATC within a reasonable time after the committee has been appointed.

Powers and Functions

- 154.** An ad hoc committee must perform only the function for which it was established.

CHAPTER 13

HOUSE OF TRADITIONAL LEADERS

Advice and proposals of the House of Traditional Leaders

- 155.** (1) The Legislature may, by way of a motion request advice and proposals from the House of Traditional Leaders in respect of any matter relating to traditional authorities, indigenous law or the traditions and customs of traditional communities within the Province.
- (2) When the Legislature is not in session, requests for advice and proposals must be approved by the Speaker after consultation with the Rules Committee.
- (3) Requests for advice and proposals must be submitted in writing to the House of Traditional Leaders by the Secretary within three (3) working days from the date of the adoption of the motion or approval by the Speaker.
- (4) Advice and proposals received from the House of Traditional Leaders, whether on request, or in terms of section 24(1)(a) of the Mpumalanga Provincial House and Local Houses of Traditional Leaders Act, 2005 must be referred to a relevant portfolio committee, as determined by the Speaker, for enquiry and report.

Referral of Bills to the House of Traditional Leaders

- 156.** (1) The Speaker must refer a Bill introduced in the Legislature pertaining to traditional authorities, indigenous law or such traditions and customs, or any other matter having a bearing thereon to the House of Traditional Leaders for comments.
- (2) If the Speaker is in doubt whether a Bill pertains to traditional authorities, indigenous law or such traditions and customs, or any other matter having a bearing thereon, he or she must refer the Bill to the House of Traditional Leaders for advice.

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Support or opposition to a Bill

157. (1) The House of Traditional Leaders may, within thirty (30) calendar days from the date of receipt of such referral, notify the Legislature in writing if it supports or opposes the Bill, and furnish reasons or comments thereon.
- (2) The Legislature may not pass the Bill before a period of thirty (30) calendar days has lapsed since the referral unless the House of Traditional Leaders has given notification in terms of sub-rule (1).
- (3) The Speaker must refer the notification referred to in sub-rule (1) above and comments received from the House of Traditional Leaders to the relevant portfolio committee for its consideration.
- (4) The relevant portfolio committee may invite the House of Traditional Leaders and other interested parties to make oral representations to the committee.
- (5) If the House of Traditional Leaders fails to indicate its opposition or support within thirty (30) calendar days from the date of referral, the Legislature may proceed with the Bill.

CHAPTER 14

POWERS, PRIVILEGES AND IMMUNITIES OF THE LEGISLATURE

General Powers

158. The Legislature has the powers as contemplated in section 104 of the Constitution, Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act No. 4 of 2004 and the Rules.

Local Government

159. The Legislature has the power to pass legislation for the determination of different types of municipalities to be established in the province and, through a relevant provincial department, to see to the effective performance by municipalities of their functions in respect of matters listed in Schedules 4 and 5 of the Constitution as contemplated in section 155.

Police

160. The Legislature or its committee may require the provincial commissioner to appear before it to answer questions relating to –

- (a) police conduct;
- (b) the effectiveness and efficiency of the police service, including receiving reports of the police service;
- (c) good relations between the police and the community; and
- (d) the effectiveness of visible policing.

CHAPTER 15

LEGISLATIVE PROCESS

Powers of the Legislature

161. (1) The Legislature may, in exercising its legislative power, initiate or prepare legislation other than money Bills.

(2) The Legislature initiates and prepares legislation through its committees, acting with the permission of the Legislature.

Introduction of Bills

162. (1) Only members of the Executive Council or a committee or member of the Provincial Legislature may introduce a Bill in the Legislature.

(2) A member of the Executive Council, the Chairperson of a Committee, or a member of the Legislature in charge of a Bill may introduce it by—

- (a) delivering an introductory speech and thereafter submitting a copy and an electronic copy thereof to the Speaker; or
- (b) submitting a copy and an electronic copy thereof to the Speaker without making an introductory speech.

(3) The Bill must be introduced together with an explanatory memorandum setting out—

- (a) the financial implications of the Bill;
- (b) the policy context of the bill and how the bill relates to its policy objectives;
- (c) the relevance and rationale of the Bill;
- (d) the process used to solicit comments from stakeholders and the public;
- (e) the names, addresses and telephone numbers of all persons and institutions which were consulted or made representations on the Bill;

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- (f) an evaluation of the comments solicited, received and discounted in the drafting process;
- (g) a clause-by-clause explanation of the content of the Bill; and
- (h) any such other information deemed necessary regarding the Bill.

(4) A Bill initiated by a member of the Executive Council shall, before introduction, be certified by State Law Advisors as being in compliance with the Constitution.

Bills initiated by committees of the Legislature

163. (1) A committee intending to introduce a Bill must, for the purpose of obtaining permission of the Legislature, table a memorandum—

- (a) containing particulars of the proposed legislation;
- (b) explaining the objects thereof; and
- (c) financial implications of the Bill,

in the Legislature.

(2) The Speaker must place it on the order paper for a decision.

(3) The Legislature may give permission for the proposal with or without conditions, or reject the proposal.

(4) If the Legislature approves the proposal, the committee must prepare the Bill and memorandum of objects, and introduce the Bill in the Legislature.

Publication of Bills

164. (1) A Bill other than a money Bill may not be introduced in the Legislature, unless —

- (a) it has been published in the *Provincial Gazette* for public comments at least fourteen (14) days before its introduction;
- (b) notice of a Bill has been published in at least two newspapers circulating in the Province at least fourteen (14) days before its introduction.

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- (2) Copies of the Bill must be delivered to all members.
- (3) Comments received on the Bill must be forwarded to a relevant committee.

Bill not published

- 165.** If a Bill has not been published in terms of rule 164 it may not be introduced without the permission of the Speaker.

Bills affecting Local Government

- 166.** A Bill that affects the status, institutions, powers or functions of local government must be published for public comment before it is introduced, in a manner that allows organized local government, municipalities and other interested persons, an opportunity to make representations with regard to the Bill.

PRIVATE MEMBER'S BILL

Introduction of Private Member's Bill

- 167.** (1) A member, other than the Premier or an MEC, may introduce a Bill in the Legislature in an individual capacity in terms of section 119 of the Constitution.
- (2) The Bill must be introduced by delivering an introductory speech and thereafter submitting it to the Table if the House is sitting.
 - (3) If the House is not sitting, the Bill may be introduced by submitting it to the Speaker.
 - (4) A member introducing a Bill must publish the explanatory memorandum of the Bill or the Bill as it is to be introduced, in the *Provincial Gazette* and the *Provincial Gazette* may contain an invitation for public comments to be submitted to the Secretary to the Legislature.

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(5) The Bill must be accompanied by a memorandum as required in terms of Rule 162(3).

(6) A private member's Bill shall, before introduction by a member, be certified by the Legislature Legal Advisors as being in compliance with the Constitution.

Procedure after introduction

167(A) (1) A private member's Bill that has been introduced must be referred by the House or the Speaker to the Portfolio Committee under which the subject of the Bill falls, or to a joint committee consisting of more than one Portfolio Committee, or to the Public Participation and Petitions and Members' Legislative Proposals Committee, or to an *ad hoc* committee, or at the request of the member in charge of the Bill, to any other committee of the Legislature.

(2) A Committee to which the Bill is referred must provide a minimum of five (5) working days to the member who introduced the Bill of the time, date and venue for the consideration of the Bill.

Report to House by Committee

167(B) The Committee to which a private member's Bill has been referred must present a report to the House with a recommendation to pass the Bill without amendments, with amendments agreed to by the committee or to reject the Bill within the timeframes as determined by the Speaker or the House.

TABLING PROCEDURE

Part I

When Legislature is in session

168. (1) When the Legislature is in session, a Bill accompanied by an explanatory memorandum, must be laid upon the Table by the member in charge of the Bill.

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(2) A Bill introduced in terms of sub-rule (1) is deemed to have been duly introduced and read the first time in the Legislature and that the subject of the Bill has been referred to the relevant Committee under which that subject falls, for consideration and report.

(3) A Bill deemed to have been read a first time under sub-rule (2), may by resolution of the Legislature, be referred to another Committee other than the Committee referred to in that sub-rule.

(4) If the Bill has been referred to another Committee in terms of sub-rule (3), and unless the Legislature determines otherwise, the Committee has the powers of a Portfolio Committee.

When Legislature is not in session

169. (1) When the Legislature is not in session, a Bill accompanied by a memorandum, may be tabled in the office of the Speaker.

(2) If the Bill is tabled in terms of sub-rule (1), it is deemed to have been read for the first time in the Legislature.

(3) The Speaker must refer the Bill tabled in terms of sub-rule (1) to the relevant Committee for enquiry in accordance with rule 170 and report back to the Legislature.

(4) The Secretary shall publish a list of the short titles of the Bills introduced during recess in the ATC as soon as possible.

Part II

Process in Committee

170. (1) If a Bill has been published for public comments, the committee to which the Bill is referred must arrange its business in such a manner that interested persons and institutions have an opportunity to comment on the Bill.

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(2) If a Bill has not been published for public comments, and the committee to which the Bill is referred considers public comments 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) The committee –

- (a) must inquire into the subject of the Bill;
- (b) may, if it is a Bill amending provisions of legislation, propose further amendments to the Legislature;
- (c) may, or if ordered by the Speaker, must consult any other committee that has direct interest on the substance of the Bill;
- (d) may consult the member in charge of the Bill;
- (e) may recommend approval or rejection of the Bill or present, with its report, an amended or redraft of the Bill; and
- (f) must report to the Legislature.

Committee Report

171. (1) The committee to which the Bill is referred must table in the Legislature –

- (a) a comprehensive report;
- (b) the Bill that has been agreed upon by it, or if it has not amended the Bill, the Bill as referred to it; and
- (c) the supporting memorandum which was introduced with the Bill or, if the memorandum has been amended by the committee, the amended memorandum.

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- (2) In its report the committee must–
- (a) state whether it recommends the approval of the Bill with or without amendments, redraft of the Bill or rejection of the Bill;
 - (b) 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 that it is out of order, was rejected by the committee;
 - (c) specify each amendment by the committee if an amended Bill was agreed upon by the committee;
 - (d) specify such details or information about its inquiry and any representations or evidence received or taken by the committee, as it may consider necessary for the purposes of the debate on the Bill;
 - (e) report on any matter arising from its deliberations on the Bill; and
 - (f) recommend to the Legislature that any matter contained on the report be placed on the Order Paper for debate.

Explanation of Report

- 172.** The Chairperson or any other member of the committee who tables the report in the Legislature on behalf of the committee may address the Legislature in order to explain the report.

Part III

Amendments and recommitment or re-referral of a Bill to Committee for reconsideration before decision on Second Reading

- 173.** (1) After a Bill has been placed on the Order Paper for second reading but before the Legislature decides on the second reading, a member may place amendments to clauses of the Bill on the Order Paper.

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(2) A Bill that has been rejected by the committee which considered the Bill may not be amended under this rule.

(3) Amendments delivered to the Secretary 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.

Amendments that are out of order

174. (1) The following amendments are out of order and may not be proposed under rule 173–

- (a) amendments that affect the principles of the Bill and in respect of which the Legislature has not given any instruction;
- (b) amendments that would render the Bill unconstitutional or procedurally out of order; and
- (c) amendments that are for any reason out of order.

(2) 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 member of the Executive Council is in charge, and that member of the Executive Council places such an amendment on the Order Paper.

(3) The Speaker's ruling on whether the amendment is out of order is final.

(4) 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 a committee, to that committee, together with the amendment; or

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- (b) put the amendment for decision by the Legislature and then the second reading of the Bill as a whole, including any approved amendment.
- (5) A committee to which a Bill is recommitted must deal with the Bill in terms of rule 170.
- (6) A Bill may not be recommitted to a committee more than once in terms of this rule.

Reconsideration of a recommitted Bill by a Committee

- 175.** If a Bill is recommitted to a committee in terms of rule 174(4)(a), 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) must mention in its report amendments agreed to by the committee; and
 - (c) must specify in the report each amendment placed on the Order Paper by the member in charge of the Bill but rejected by the committee.

Report to the Legislature by Committee

- 176.** The Committee to which a Bill has been re-committed must present to the Legislature a report and a Bill that has been agreed to by it, or if it has not agreed to a Bill, the Bill as referred to it, and the memorandum on its objects.

Bill placed on Order Paper for Second Reading

- 177.** A Bill and the explanatory memorandum, which has been presented to the Legislature together with the report of a Committee, shall be placed on the Order Paper for Second Reading.

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Debate on Second Reading of a Bill

- 178.** (1) The debate on the motion for the Second Reading of a Bill must be confined to the objects and principles of the Bill.
- (2) The debate on the motion for the Second Reading of an amending Bill must be confined to the objects and principles of the proposed amendments to the principal Act and other relevant amendments.

Same Bill may not be introduced twice

- 179.** When a Bill has been passed, or has been rejected during a session, no Bill of the same substance may be introduced before the commencement of the next ensuing session, unless the Bill is referred back by the Legislature.

Resumption of proceedings on lapsed Bills

- 180.** (1) A Bill that has not been disposed of when a general election takes place or when the Legislature is dissolved or its term expires, lapses.
- (2) The proceedings on any Bill which lapsed under sub-rule (1) may, by resolution of the Legislature, be placed on the Order Paper during the next ensuing term.
- (3) Unless otherwise ordered, such a Bill must be proceeded with from the commencement of the particular stage it reached during the preceding term.

Withdrawal of a Bill

- 181.** (1) The member in charge of a Bill may withdraw the Bill at any time before the third reading thereof, provided that the Speaker, the Whips of the parties and the committee to which the Bill was referred, are notified in writing beforehand.
- (2) Whenever a Bill is withdrawn in terms of sub-rule (1), the Speaker must inform the House accordingly.

CHAPTER 15

Stages of a Bill

182. Not more than two (2) stages of a Bill may be proceeded with on the same sitting day.

Third reading of a Bill

183. On the orders for third reading of a Bill the Secretary must read only the short title thereof.

Rejection and adoption of a Bill

- 184.** (1) If the Legislature rejects the third reading of any Bill, it rejects the Bill.
- (2) If the Legislature adopts a Bill after third reading, it adopts the Bill.
- (3) When a Bill has been adopted by the Legislature, the Speaker must certify two legible copies thereof as being correct and the Secretary must forward the copies to the Premier for assent and signature, in line with the provisions of rule 198.

Error or defect in a Bill

- 185.** (1) If any error or defect is discovered in the version of any Bill agreed to by the Legislature after such Bill has been passed by the Legislature but before it is presented to the Premier for his or her assent and signature, the Speaker must report such defect or error to the Legislature.
- (2) If the Legislature agrees to an amendment, it agrees to the third reading of the Bill as amended.
- (3) If the error or defect is so substantial such that it may not be addressed by means of an amendment, the Legislature may agree by voting by means of “Yes” or “No” that the Bill be withdrawn.
- (4) Should the Legislature decide to withdraw the Bill, the member of the executive council in charge of the Bill or the Chairperson of the relevant committee must inform the Secretary in writing, within two (2) working days of the decision.
- (5) The Secretary must publish a notice in the ATC and in the *Government Gazette* stating that the Bill has been withdrawn.

CHAPTER 16

MONEY BILLS

General

186. (1) Only a member of the Executive Council responsible for financial matters may introduce a money Bill.

(2) 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.

Recommendation by Premier

187. (1) The Legislature may not adopt any Bill appropriating money out of the Provincial Revenue Fund or authorising the raising of any loan or revenue by way of taxation, unless recommended by the Premier.

(2) If an amendment to a Bill referred to in sub-rule (1) seeks to increase expenditure or taxation or to alter the destination of expenditure, such amendment, whether moved in the House or in committee, may not be put, unless the Premier has moved or recommended it.

(3) If increased expenditure or taxation is incidentally involved in a clause or in an amendment to a clause of a Bill, other than a Bill referred to in sub-rule (1), such clause or amendment may not be put, unless the Premier has recommended it.

(4) The recommendation of the Premier under this rule may be delivered in writing to the Speaker or verbally in a sitting by the Premier or other member of the Executive Council designated by him or her.

First Reading of a Bill

188. (1) The member of the Executive Council who is responsible for financial matters in the Province must introduce a money Bill by delivering an introductory speech in the Legislature.

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(2) After the member of the Executive Council has delivered the introductory speech, he or she must lay papers and electronic copies thereof, if any, upon the Table.

(3) After the member of the Executive Council has delivered the introductory speech and has laid papers and electronic copies thereof, if any, upon the Table, it is deemed that the Bill has been duly introduced and read the first time.

(4) After the Bill has been read for the first time, the Secretary must deliver to each Member a printed and an electronic copy thereof, if any, together with the papers laid upon the Table, if any.

Referral of a Bill to Portfolio Committee

189. (1) On the day on which a money Bill has been introduced and read the first time, the Speaker must refer the Bill, the introductory speech, the papers and electronic copies thereof, if any, laid upon the Table by the member in charge of the Bill to the Portfolio Committee responsible for financial matters for deliberation.

(2) The commencement of and period for the consideration of a Bill and papers so referred must be determined by the Speaker after consultation with the Leader of Government Business and the Whips.

(3) No amendment to a Bill or any other paper which has in terms of this rule been referred to a committee may be moved while the committee is considering the Bill and papers.

Budget Procedure

190. (1) The member of the Executive Council responsible for financial matters must table the annual budget for a financial year in the Legislature not later than fourteen (14) calendar days (two (2) weeks) after the tabling of the national annual budget, unless the Minister responsible for financial matters approves an extension of time for the tabling of a provincial budget.

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(2) The member of the Executive Council responsible for financial matters must in writing, forward to the Legislature the letter of approval of extension from the Minister responsible for financial matters, and must thereafter table the annual budget in the Legislature within two weeks of receipt of the letter of approval of extension from the Minister.

(3) An annual budget must be in accordance with a format, as described in section 27(3) of the Public Finance Management Act, 1999, (Act No. 1 of 1999), as amended.

(4) In order to facilitate the annual discussion of individual votes each Member of the Executive Council must table to the Office of the Speaker its annual performance plan, annual budget, medium-term strategic plan and any other information relevant thereto, where-after the Speaker must refer the said documents to the relevant portfolio committee for consideration and report back to the House.

(5) The Legislature must receive the documents mentioned in sub-rule (4) –

(a) after the member of the Executive Council responsible for financial matters has tabled the annual budget, and

(b) Ten (10) calendar days prior to the discussion of the department's budget vote by the relevant portfolio committee.

(6) The report of the committee must be circulated to all members, forty-eight (48) hours before the debate.

[Rule 190(6) amended, 5 December 2019]

Departmental policy and budget speeches

191. Each member of the Executive Council must on the day and time determined by the Speaker, deliver a policy speech and table a budget for his or her department where-after the Speaker must call for a debate on the speech and the budget.

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Bill placed on Order Paper for Second Reading

192. (1) After the members of the Executive Council have delivered their policy and budget speeches, the Chairperson of the relevant portfolio committee must table the Committee's report in the Legislature.

(2) The Speaker must allow for the committee's report to be debated in the Legislature, by some members from the relevant portfolio committee, in accordance with the speaker's list.

(3) The member of the Executive Committee responsible for finance matters must be afforded an opportunity to respond to the debate.

(4) After the debate on the committee's report has been tabled by the Chairperson, the latter must ask the House to adopt the committee's report, as tabled.

(5) The Speaker must ask the House whether the Bill as introduced by the member of the Executive Committee responsible for finance matters, be adopted by the House, by going through the Bill, vote by vote, and allowing the House to vote for and against each separate vote by means of a "Yes" or "No".

(6) After voting on the Bill has been concluded, the Speaker must ask the House if it agrees to adopt the Bill, for the relevant financial year as introduced in the House.

Third reading

193. (1) After the debate as envisaged in terms of rule 192(2) to (6) above, the Bill may either be adopted or rejected.

(2) On the orders for third reading of a Bill the Secretary must read only the short title thereof.

CHAPTER 16

Adjustments Appropriation Bill

194. (1) A member of the Executive Council responsible for financial matters must, when it is necessary to do so, table in the Legislature Adjustments Appropriation Bill by delivering an introductory speech and laying on the table papers and electronic copies thereof, if any.
- (2) On the day on which a Bill has been introduced and read a first time, the Speaker must refer the Bill, the introductory speech, the papers and electronic copies thereof, if any, laid upon the table by the member in charge of the Bill, to the portfolio committee responsible for financial matters for deliberation and report back to the Legislature.
- (3) The committee to which the Bill has been referred must invite Chairpersons of the portfolio committees to a meeting where the Bill will be dealt with.
- (4) The commencement of and period for the consideration of a Bill and documents so referred, must be determined by the Speaker after consultation with the Leader of Government Business and the Whips.
- (5) No amendment to a Bill or any other document which has, in terms of this rule, been referred to a committee may be moved while the committee is considering the Bill and papers.
- (6) The report of the committee must be circulated to all members, forty-eight (48) hours before the debate.
- (7) The Bill must, after the committee has presented its report, be dealt with in terms of rules 192 and 193.

Amendment of a Money Bill

195. (1) Subject to rule 189(3), the Committee responsible for financial matters may propose amendments to the Bill referred to it in terms of rule 189(1).

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(2) The amendments in terms of sub-rule (1) must be referred to the Speaker within forty eight (48) hours of them being proposed.

(3) The Speaker, must within forty eight (48) hours of receipt of the said amendments, refer them to the Budget Committee contemplated in Section 4 of Mpumalanga Finance Matters Act, 2006, for consideration and report to the House.

(4) The Budget Committee may deal only with the proposed amendments referred to it in terms of this rule.

(5) Whenever it considers the proposed amendments referred to it in terms of sub-rule (3), the Budget Committee must invite comments from the member of the Executive Council responsible for financial matters and any other affected member of the Executive Council whose department is likely to be affected by the amendment.

(6) The Budget Committee must in terms of sub-rule (5) above, afford the MEC responsible for finance matters and other any other affected MECs one (1) working day to submit their comments to the Budget Committee.

(7) The Budget Committee must—

- (a) table in the House any amendments it considered;
- (b) state whether it recommends the approval of amendments;
- (c) specify amendments agreed upon by it and each amendment considered and, for any reason other than that it is out of order, was rejected by it; and
- (d) report on any matter arising from its deliberations on the proposed amendments.

(8) If the Budget Committee tables an amendment, the House must first decide the amendment before it decides the Bill.

CHAPTER 16

Establishment and Composition of the Budget Committee

- 196.** (1) The Budget Committee contemplated in section 4 of the Mpumalanga Finance Matters Act, 2006 is hereby established.
- (2) The Budget Committee must be representative of all political parties represented in the Legislature in a manner consistent with democracy.
- (3) Notwithstanding sub-rule (1), all Chairpersons of Portfolio Committees are members of the Budget Committee.
- (4) The Chairperson of Committees is the Chairperson of the Budget Committee.
- (5) Whenever the Chairperson of Committees is not available, the Deputy Chairperson of Committees acts as the Chairperson of the Budget Committee.

Taxation proposals

- 197.** All proposals to raise funds by way of taxation must be initiated by the member of the Executive Council responsible for financial matters and must be dealt according to the process prescribed in rules 186 - 193.

Assent to Bills and Publication of Provincial Acts

- 198.** (1) The Premier must either assent to and sign a Bill passed by the House in terms of these Rules within twenty (21) working days of the date that it has been forwarded to the Premier or;
- (2) If the Premier has reservations about the constitutionality of the Bill, he or she must not assent to it and must refer it back to the Legislature without delay for reconsideration.
- (3) If the Premier refers a Bill back to the Legislature for reconsideration, the Premier must set out the reservations in a memorandum and submit it, with the Bill to the Legislature.

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(4) If, after reconsideration, a Bill fully accommodates the Premier's reservations, the Premier must assent to and sign the Bill, within fourteen (14) working days of receiving it from the Legislature, and if it does not fully accommodate the Premier's reservations, the Premier must, within fourteen (14) working days of receiving the Bill from the Legislature, either–

- (a) assent to and sign the Bill; or
- (b) refer it to the Constitutional Court for a decision on its constitutionality.

(5) If the Constitutional Court decides that the Bill is constitutional, the Premier must assent to and sign it.

(6) If the Bill is referred back to the Legislature, the Legislature must deal with the Bill as if introduced for the first time.

(7) A Bill assented to and signed by the Premier of a Province becomes a Provincial Act, and must be published promptly by the Premier, and takes effect when published, or on a later date determined in terms of the Act.

Safekeeping of Provincial Acts

199. The signed copy of an Act passed by the Legislature is conclusive evidence of the provisions of that Act and, after publication, must be entrusted by the Secretary to the Constitutional Court for safekeeping.

CHAPTER 17

BILLS AMENDING THE CONSTITUTION AND NATIONAL BILLS AFFECTING THE PROVINCE

Bills amending the Constitution

200. (1) A Bill referred to the Legislature in terms of section 74(5)(b) of the Constitution for the views of the Legislature, shall be referred to a relevant committee by the Speaker, for consideration and report back to the Legislature.

(2) After receiving the report on the Bill from the relevant committee, together with the particulars of the proposed amendment to the Bill, the Legislature shall state its views on the Bill by way of resolution.

(3) The Secretary to the Legislature must transmit the resolution of the Legislature to the person or committee that submitted the Bill containing particulars of the proposed amendment and must inform the Secretary to Parliament in writing of the views of the Legislature on the said particulars.

(4) A Bill referred to the Legislature dealing with a matter in section 74(8) of the Constitution must be referred to a relevant committee for consideration and report back to the Legislature.

(5) The Legislature may approve or reject the Bill referred to it under this rule.

(6) The Legislature must confer authority on the provincial delegation to cast a vote on its behalf in accordance with these Rules and the Mandating Procedures of Provinces Act, 2008 (Act No. 52 of 2008).

National Bills affecting provinces

201. (1) When a Bill is referred to the Legislature by the National Council of Provinces in terms of section 76 or section 74 of the Constitution, the Speaker must refer such Bill to the Chairperson of Committees and the relevant Committee.

CHAPTER 17

- (2) The committee to which the Bill is referred must consider the Bill and, through the Chairperson of the committee, confer a negotiating mandate to the provincial delegation to the NCOP in terms of section 5 of the Mandating Procedures of Provinces Act, 2008 (Act No. 52 of 2008).
- (3) The committee must consider views expressed by the NCOP Select Committee after considering negotiating mandates from provinces and public submissions received, and any proposed amendments to the Bill and report to the Legislature recommending that the Legislature confer a final mandate on the Province's delegation to the NCOP to vote in favour or against the Bill or to abstain from voting.
- (4) The Legislature must confer a final mandate on the Province's delegation to the NCOP in terms of the Mandating Procedures of Provinces Act, 2008.
- (5) If after receiving final mandates from provinces, the NCOP Select Committee amends the Bill or any matter arises from its deliberations that necessitate reconsideration of the final mandate, the committee must reconsider and recommend to the Legislature which must confer a voting mandate in terms of the Mandating Procedures of Provinces Act, 2008.
- (6) If the Legislature is not sitting when a final or voting mandate is required, the Speaker may confer such mandate as recommended by the committee.
- (7) The Legislature must ratify the Speaker's conferral of the mandate at the sitting of the House.

Draft National Bills affecting provinces

- 202.** (1) The Speaker must refer a draft Bill and the memorandum referred to in rule 159(1) and (2) of Joint Rules of Parliament to the Chairperson of Committees and the relevant Portfolio Committee, in order—
- (a) to assist the Legislature and the relevant committee to plan their work; and
 - (b) to enable members of the committee to acquaint themselves with and to develop their positions with regard to the proposed legislation.

CHAPTER 17

- (2) The committee may deal with the draft Bill in a manner they deem appropriate, until the final version of the Bill has been referred to it in terms of rule 201.

CHAPTER 18

ADOPTION OF PROVINCIAL CONSTITUTION AND APPLICATION TO CONSTITUTIONAL COURT

Adoption of Provincial Constitution

- 203.** (1) The Legislature may pass a Constitution for the Province or amend such a Constitution in terms of sections 142 to 145 of the Constitution.
- (2) The rules applicable to public Bills are applicable to the provincial Constitution or a Bill amending the provincial Constitution.

Application by Members to Constitutional Court

- 204.** (1) At least 20% of members of the Legislature may apply to the Constitutional Court in terms of section 122 of the Constitution for an order declaring that all or part of an Act passed by the Legislature is unconstitutional.
- (2) The application referred to in sub-rule (1) must be made within thirty (30) days of the date on which the Premier assented to and signed the Act.

CHAPTER 19

PETITIONS

Form of Petitions

- 205.** All petitions filed with the Legislature must comply with the Mpumalanga Petitions Act, 2000, (Act No. 6 of 2000) and the Regulations thereto.

Referral by Speaker

- 206.** Each petition must be deposited for at least one (1) day with the Office of the Speaker, who must refer it to the Public Participation, Petitions and Members' Legislative Proposals Committee.

Concluded Petition

- 207.** A petition which has been concluded by a committee must be submitted, together with the Committee report, to the Speaker, who must deal with the petition in terms of the Mpumalanga Petitions Act, 2000 and the Regulations thereto.

CHAPTER 20

EXECUTIVE COUNCIL

Accountability to the Legislature

208. Members of the Executive Council –

- (1) are accountable collectively and individually to the Legislature for the exercise of their powers and performance of their functions; and
- (2) must provide the Legislature with quarterly and annual reports concerning matters under their control.

Submission of interventions in a municipality in terms of section 139 of the Constitution

209. (1) Notice of an intervention in a municipality by the Executive Council in terms of section 139 of the Constitution must be tabled in the Legislature within fourteen (14) calendar days after the intervention began.

- (2) The Speaker must publish in the ATC any notice received in terms of sub-rule (1) and also refer the notice to the relevant portfolio committee for consideration and report back to the Legislature.

Motions of no confidence

210. (1) The Legislature may, by a vote supported by a majority of its members, pass a vote of no confidence in the provincial Executive Council or the Premier.

- (2) If a motion of no confidence is passed in the Executive Council, the Premier must reconstitute the Executive Council.

- (3) If the motion of no confidence is passed in the Premier, the Premier and other members of the Executive Council must resign.

CHAPTER 20

Resolutions affecting Executive Council

211. (1) The Speaker must communicate resolutions of the Legislature affecting the Executive Council to the Premier and the member of the Executive Council concerned within five (5) working days of the date of such resolution.
- (2) The Executive Council must notify the Legislature within fourteen working days from the date of receipt of the communication or any prescribed period of any action taken in terms of such resolution.
- (3) The Speaker must publish in the ATC the response of the Executive Council in terms of sub-rule (2) and refer the report to the relevant portfolio committee for consideration and monitoring of the resolution and report back to the House.
- (4) If the resolution has not been implemented within 30 calendar days or the prescribed period, the relevant MEC must report in writing to the Speaker –
- (a) the reasons for not implementing the resolution;
 - (b) the steps undertaken to implement the resolution; and
 - (c) the plan to implement the resolution.
- (5) The Premier must provide the Legislature with a report on the action taken by the Executive Council in response to Resolutions of the Legislature affecting the Executive Council within thirty (30) calendar days of the date of communication thereof in terms of this Rule.

211(A) Failure to implement House Resolutions by the Executive Council

- (1) In order to secure the integrity of the Legislature and comply with the constitutional duties of the Legislature, the Speaker may, on recommendation of a Committee:
- (a) inform the Premier in writing of the relevant MEC's failure to implement the resolutions and request the Premier to intervene on the matter and report back to the Legislature in accordance with section 133 of the Constitution read with Rule 208; or

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- (b) instruct a member or official of the Legislature to take the necessary measures within its constitutional power to ensure implementation of the resolutions.

Consent in respect of land or property of Province

- 212.** The Legislature may not proceed upon any Bill, motion or proposal affecting land owned by or property of the Province and of which a member other than a member of the Executive Council is in charge, unless a communication has been received from the Premier indicating the views of the Executive Council on the matter.

Advice, recommendation or approval of Committee to Executive Council

- 213.** (1) When the Speaker receives a request from the Premier of the Province, a member of the Executive Council or any other authority of the provincial government for advice, recommendation or approval, in terms of an Act of the Legislature, of a Committee mentioned in the request, on a matter so mentioned, the Speaker must refer the request to the relevant committee for consideration and report or to a committee established for the purpose of such consideration and report, as the circumstances may require.
- (2) The Secretary must submit a copy of the request together with a notification of the referral to each member of the committee.
- (3) The committee must inquire into the matter and submit a report to the Speaker.
- (4) The Speaker must as soon as practicable, table the report in the Legislature.
- (5) The Secretary must, on the directive of the Speaker, submit a copy of the report to the authority that made the request.

CHAPTER 21

CONTEMPT

Member adjudged guilty of contempt

- 214.** Any member of the Legislature adjudged guilty of contempt of the Legislature may–
- (a) be committed to the custody of the Sergeant-at-Arms by order of the Speaker and dealt with as the Legislature may direct;
 - (b) impose a fine not exceeding R5 000.00, which fine may be recovered by deducting specified installments from his or her remuneration;
 - (c) be suspended for a period not exceeding five (5) months.

Fines

- 215.** The amount of fine leviable in terms of section 12(5)(f) of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures, 2004 (Act No. 4 of 2004), for each offence referred to in these Rules or any resolution of the Legislature, must in every case be determined by a resolution of the Legislature.

Recovery of fines

- 216.** All fines must be recovered by the Secretary and paid into the Provincial Revenue Fund.

Fines remitted and persons discharged

- 217.** A fine or a portion thereof may be remitted or the commitment of any person may be discharged by order of the Legislature.

CHAPTER 22

DEPARTMENTAL REPORTS

Quarterly Reports of provincial departments

- 218.** (1) Provincial Departments must table quarterly reports in the Legislature.
- (2) The member of the Executive Council responsible for a provincial department must table the quarterly report of the department to the Speaker, within thirty (30) calendar days after the end of a quarter.
- (3) The Speaker must thereafter refer the report to the relevant committee for consideration and report to the Legislature.
- (4) The committee report must be tabled in the Legislature within two (2) months of the referral of the quarterly report by the Speaker.
- (5) In the event that the committee is unable to report to the Legislature within the period referred to in sub-rule (4), the committee must request an extension setting out reasons for failure to comply with sub-rule (4) from the Speaker.

Annual Reports of provincial departments

- 219.** (1) Provincial Departments must table annual reports in the Legislature in terms of section 65 of the Public Finance Management Act, 1999 (Act No. 1 of 1999), as amended.
- (2) The member of the Executive Council responsible for a provincial department must table the annual report of the department to the Speaker.
- (3) The report must thereafter be referred to the relevant portfolio committee for consideration and report to the Legislature.
- (4) The committee report must be tabled in the Legislature within six (6) months of the referral of the annual report.

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(5) In the event that the committee is unable to report to the Legislature within the period referred to in sub-rule (4), the Committee must request an extension with reasons for failure to comply with sub-rule (4) from the Speaker.

Annual reports of other institutions

220. (1) The Public Service Commission must report to the Legislature at least once a year in respect of its activities in the Province through its provincial commissioner.

(2) The provincial police commissioner must report to the Legislature annually on policing in the Province.

(3) The Legislature may require the provincial police commissioner to appear before it or any of its committees to answer questions.

(4) The Financial and Fiscal Commission must report regularly to the Legislature.

(5) The Speaker must refer reports received in terms of sub-rules (1), (2), (3) and (4) to the relevant committees for consideration and report back to the Legislature.

(6) The committee must table its report in the Legislature within six (6) months of the referral in terms of sub-rules (5) above.

(7) In the event that the committee is unable to report to the Legislature within the period referred to in sub-rule (6), the committee must request an extension with reasons for failure to comply with sub-rule (6) from the Speaker.

CHAPTER 22

Annual Reports of provincial organs of state

- 221.** (1) Provincial organs of state must table annual reports in the Legislature in terms of section 55 read with section 65 of the Public Finance Management Act, 1999, as amended.
- (2) The report is thereafter referred to the relevant committee for consideration and report to the Legislature.
- (3) The committee report must be tabled in the Legislature within six (6) months of the referral of the annual report.
- (4) In the event that the committee is unable to report to the Legislature within the period referred to in sub-rule (3), the committee must request an extension with reasons for failure to comply with sub-rule (3) from the Speaker.

CHAPTER 23

WITNESSES

Attendance of witnesses detained in prison

222. If a witness whose attendance before the Legislature or a committee thereof is required, is detained in any prison, the person in charge of such prison may be requested to bring the witness in safe custody for examination as often as his or her attendance is required.

Summoning of witnesses

223. (1) A committee may—

- (a) summons any person to appear before it to give evidence on oath or affirmation, or to produce documents; or
- (b) require any person or institution to report to it.

(2) A summons in terms of sub-rule (1), or section 115 of the Constitution, to appear before a committee to give evidence or to produce documents must be issued by the Secretary on the instruction of —

- (a) the Speaker; or
- (b) the Chairperson of the committee concerned, Acting in accordance with a resolution of the committee and with the concurrence of the Speaker.

(3) The summons must state —

- (a) the name of the person summonsed;
- (b) the name or designation of the person who must serve the summons;
- (c) the time, place and venue at which the person summonsed is required to appear;
- (d) the subject of the enquiry;
- (e) the purpose for which the evidence of that person is required; and
- (f) a description of the document, if any, which that person is required to produce.

CHAPTER 23

- (4) The summons must be served by the sheriff, or by a person designated by the Secretary, by delivering a copy of the summons—
- (a) to the person mentioned in the summons; or
 - (b) at that person's usual or last known place of residence or of employment or business, to a person apparently over the age of 18 years and apparently residing or employed there.
- (5) A return by the person who served the summons that service thereof has been effected in accordance with sub-rule (4) is *prima facie* proof of the service.
- (6) A person summonsed in terms of this rule or requested by a committee to attend a meeting of the committee, is entitled to be paid an amount for his or her expenses, as approved by the Speaker in accordance with these Rules.

Examination of witnesses

- 224.** When the House or a committee requires the oral examination of a witness, the person presiding at the enquiry must—
- (a) administer an oath or affirmation on the witness; and
 - (b) examine that person, or request the person to produce any document in the person's possession or custody or under his or her control which may have a bearing on the subject of the enquiry, subject to any limitation provided for in the standing rules with regard to the type of subject matter about which a witness may be questioned or the type of document that a witness may be requested to produce.

Privilege of witnesses

- 225.** (1) Subject to sub-rule (2), the law regarding privilege as applicable to a witness summonsed to give evidence or to produce a document before the High Court of South Africa applies to the examination of a person in terms of these Rules.

CHAPTER 23

(2) A person who is being examined under oath or affirmation in terms of these Rules may be required to answer any question put to him or her in connection with the subject of the enquiry, and to produce any document he or she is required to produce under that rule, despite the fact that the answer or the document would incriminate him or her or would tend to expose him or her to criminal or civil proceedings, or damages.

(3) Evidence given under oath or affirmation by a person before a committee may not be used against that person in any court or place outside the Legislature, except in criminal proceedings where the person concerned stands trial on a charge of perjury or a charge contemplated in rule 226(1)(c) or 2(d) or (e).

Offences relating to witnesses

226. (1) A person who—

- (a) has been duly summonsed in terms of rule 223 and who fails, without sufficient cause—
 - (i) to attend at the time and place specified in the summons; or
 - (ii) to remain in attendance until excused from further attendance by the person presiding at the enquiry;
- (b) when called upon under rule 224(a), refuses to be sworn in or to make an affirmation as a witness; or
- (c) after being sworn in or making affirmation, knowingly gives false testimony;
- (d) fails, without sufficient cause—
 - (i) to answer fully and satisfactorily all questions lawfully put to him or her under rule 224(b); or
 - (ii) to produce any document in his or her possession or custody or under his or her control which he or she has been required to produce under rule 224(b),

commits an offence and is liable to a fine or to imprisonment for a period not exceeding twelve (12) months or to both the fine and the imprisonment.

CHAPTER 23

- (2) A person who –
- (a) threatens or obstructs another person in respect of evidence to be given before a House or committee;
 - (b) induces another person –
 - (i) to refrain from giving evidence to or producing a document before a House or committee; or
 - (ii) to give false evidence before a House or committee;
 - (c) assaults or penalises or threatens another person, or deprives that person of any benefit, on account of the giving or proposed giving of evidence before a House or committee;
 - (d) with intent to deceive a House or committee, produces to a committee any false, untrue, fabricated or falsified document; or
 - (e) whether or not during examination, or makes a statement before it, which is false or misleading, commits an offence and is liable to a fine or to imprisonment for a period not exceeding two years or to both the fine and imprisonment.

(3) The Sergeant-at-Arms, assisted by the Legal Advisor shall ensure that a complaint in respect of any offence committed in terms rule 214, is reported to a local police station and shall further ensure persons who must provide statements to the police are available for that purpose.

(4) Subject to section 13 of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures, 2004 (Act No. 4 of 2004), sub-rule (1) and (2), do not apply to a member.

Witness expenses

227. Subject to the Speaker's approval, the Secretary may pay to witnesses reasonable expenses incurred.

CHAPTER 24

OFFICE OF SECRETARY AND RECORDS OF LEGISLATURE

Minutes of proceedings

- 228.** (1) The Secretary must cause the proceedings in the Legislature to be minuted and formally recorded in the Minutes of Proceedings.
- (2) The Minutes of the proceedings of the House must be circulated to Members within two (2) working days after the sitting.

Journals of Legislature

- 229.** The following constitute the journals of the Legislature—
- (a) Minutes of proceedings signed by the Secretary; and
- (b) Verbatim reports.

Custody of documents

- 230.** The Secretary has custody of all records and other documents of the Legislature, and he or she may neither remove nor permit or cause to be removed any such records or other papers beyond the precincts of the Legislature without the permission of the Speaker.

Access to tabled documents

- 231.** Any person may have access to, or be entitled to take extracts from, or make copies of documents laid upon the Table, unless the Speaker or the Legislature has ordered that the contents of any such documents may not be made public, or if such documents are marked confidential, in which event no member or any person may divulge such contents.

General duties of Secretary

- 232.** Subject to the directions of the Speaker or the Legislature, the Secretary is responsible for the administration of all matters connected with the business of the Legislature.

CHAPTER 25

MISCELLANEOUS MATTERS

Administrative assistance to Political Parties

233. The Board, after consultation with the Members' Affairs Committee, must determine the financial and administrative assistance to each political party represented in the Legislature in proportion to its representation, to enable that party and its leader to perform its functions effectively in the Legislature.

Recognition of Leader of Opposition

234. (1) The leader of the largest minority party which is not in coalition with the governing party must, in terms of that party's membership in the Legislature, be recognised as the Leader of the Opposition.

(2) If the Leader of the Opposition cannot be determined in terms of sub-rule (1), the Speaker must, in consultation with the leaders of minority parties in the Legislature, determine it.

(3) If the Leader of the Opposition cannot be determined in terms of sub-rules (1) and (2), no Leader of the Opposition may be recognised.

Oversight and Public Participation mechanisms by the Legislature

235. (1) The Legislature shall, in carrying out its law-making, oversight, and public participation mandate utilise specific tools and mechanisms (hereinafter referred to as "oversight and public participation mechanisms") that will ensure that the Legislature's mandate is continuously improved and enhanced.

(2) The oversight and public participation mechanisms referred to in sub-rule (1) include, but are not limited to Sector Oversight Model and Public Participation Model, that may be customised, approved or adopted and reviewed by the Legislature from time to time.

CHAPTER 25

(3) All provincial organs of state must comply with the approved oversight mechanisms.

Diligent performance of obligations

236. As required by Section 237 of the Constitution, all constitutional obligations must be performed diligently and without delay.

Conflict between these Rules, the Constitution and other legislation

237. (1) If there is any conflict between any provision of these Rules and Orders and the Constitution, the provisions of the Constitution prevail.

(2) If there is any conflict between any provision of these Rules and Orders and any other Act, the provision of the relevant Act prevails.

Validity of old Rules

238. Nothing herein contained invalidates any arrangements or acts done in compliance with the old Rules and Orders: Provided that the Legislature may, by resolution supported by the majority of its members, change such arrangements or acts.

ANNEXURE A

RULES FOR SITTINGS OF THE HOUSE AND MEETINGS OF COMMITTEES BY VIRTUAL MEANS

(RULES OF VIRTUAL MEETINGS)

MADE BY THE SPEAKER IN ACCORDANCE WITH RULE 3 OF THE RULES AND
ORDERS OF THE MPUMALANGA PROVINCIAL LEGISLATURE

PREAMBLE

- **Whereas** Rule 3(1) of the Rules and Orders of the Mpumalanga Provincial Legislature (the Rules) provides that “The Speaker may give a ruling or frame a rule consistent with the Constitution in respect of any eventuality for which these Rules do not provide”.

- **Whereas**, there are or maybe legal limits:¹
 - on the ability of the House to sit; and/or
 - on the ability of committees of the Legislature to meet;
with all or some of its members in physical attendance or to interact with members of the public;

- **Whereas** the current Rules do not make provision for proceedings regarding virtual House sittings, committee meetings or voting;

- The Speaker, in accordance with rule 3 of the Rules, therefore, makes rule 3A:

¹ ATC No.34-2020, Second Session – Sixth Legislature, published on 17 April 2020

Rules of Virtual Meetings

Rule 3A

- 1) The House may sit or a committee may meet with its members in remote attendance, by virtual means.
- 2) The sittings of the House or meetings of committees may be conducted in accordance with the Rules for Sittings of the House and Meetings of Committees by Virtual Means (Rules of Virtual Meetings), attached hereto as “Annexure A”.
- 3) The Speaker may issue other directives as are necessary to give effect to this rule.

[Rule 3A inserted, 17 April 2020]

PART A

1. PURPOSE

- (a) The purpose of the Rules of Virtual Meetings (these Rules) is to enable the House and Committees to hold virtual meetings and sittings using technological platforms, in accordance with rule 3A of the Rules as determined by the Speaker under the authority of rule 3, published in the ATC on 17 April 2020.
- (b) Rule 3 provides that “The Speaker may give a ruling or frame a rule consistent with the Constitution in respect of any eventuality for which these Rules do not provide”. As a result of the gap in the current Rules which do not make provision for proceedings regarding virtual committee meetings, or

Rules of Virtual Meetings

House sittings or for voting, rule 3A has therefore been determined under the authority of the Speaker to address the gap in the Rules.

(c) These Rules shall be referred to as the Rules of Virtual Meetings.

2. DEFINITIONS

“Present” means to be able to participate in the sitting of the House or committee meeting by electronic means;

“Site” means the venue where the legislature elects to conduct the meeting or sitting from.

“Technical support team” means any person authorised by the Legislature to perform technical support services in the Legislature, and includes all Legislature staff employed, appointed, assigned, delegated or contracted by the Legislature to perform technical related functions within the Legislature.

“Virtual Means” means using any form of technology, including, but not limited to, teleconference or video conference.

“Virtual Meeting” means where members are not physically present in the same venue and the meeting or sitting is conducted by using any form of technology, including, but not limited to, teleconference or video conference.

“Legislature” for the purposes of these Rules, legislature refers to the National Council of Provinces or a provincial legislature, where applicable.

3. APPLICATION OF THE RULES

These Rules apply to:

- (a) sittings of the House;
- (b) meetings of committees;
- (c) briefings of the legislature on a matter in respect of which a legislative mandate is required as provided for in the Mandating Procedures of Provinces Act, 52 of 2008 or any other matter;
- (d) briefings of the legislature on any other matter in respect of which the National Council of Provinces requests inputs from legislatures;

Rules of Virtual Meetings

- (e) interaction with members of the public; and
- (f) any other legislature matter.

in circumstances where the members participating in the House sitting or committee meeting are not physically present in the same venue, but are interacting by virtual means.

4. TECHNICAL SUPPORT

- (a) The Secretary is responsible to ensure the provision of technical support for sittings of the House and meetings of committees by virtual means.
- (b) Where possible, the technical support team must be given at least two (2) working days' notice of the sitting of the House or meeting of the committee.
- (c) Where possible, the technical support team must perform pre-conference testing at least one (1) working day before the sitting of the House or meeting of the committee.
- (d) The technical support team must be available at all times during the sitting of the House or meeting of the committee.
- (e) During the sittings of the House or meetings of committees, the virtual systems shall be regarded as "live", irrespective of whether images appear on the screen.

5. NOTICE

- (a) The Secretary is responsible to ensure the issuing and publishing of notices, Agenda, documentation or other correspondence relevant to the sitting of the House or meeting of the committee.
- (b) The particulars of any notice in respect of any sitting of the House, or of any meeting of a committee, will include the date, time and virtual means to be utilised — and these must be communicated at least two (2) working days before the meeting.
- (c) Documents relevant to the meeting must be distributed by email or any electronic means to which members have access.
- (d) Reasonable measures will be made to ensure that notices of sittings of the House or committee meetings are available to members of the public.
- (e) The place of the meeting will be deemed to be Mbombela, legislature building.

Rules of Virtual Meetings

6. QUORUM

The quorum requirements for sittings of the House or meetings of committees will be those as determined by the Constitution and the Rules of the legislature.²

7. VOTING

- (a) Where sittings of the House or meetings of committees are conducted by virtual means, the members present at such sittings or meetings shall be entitled to cast their votes by clearly identifying themselves to the Presiding Officer, and subsequently clearly and verbally expressing their vote.
- (b) The Presiding Officer must ensure that all members present and voting are clearly identified, and that all votes are clearly and verbally expressed.
- (c) The Secretary shall ensure that a system is in place and maintained for the verification of votes cast by members.
- (d) Sittings of the House and meetings of committees by virtual means must be digitally recorded, and recordings must be stored.

8. POWERS, PRIVILEGES AND IMMUNITIES

The Rules relating to powers, privileges and immunities of members in sittings of the House or meetings of committees apply to virtual meetings.

9. MAINTENANCE OF ORDER

When a member is considered to be out of order by the Presiding Officer, the Presiding Officer may, where applicable, mute the microphone of such member, and call such member to order.

10. PUBLIC INVOLVEMENT

- (a) Public involvement processes in the sittings of the House or committee meetings will be those as determined by the Constitution and the Rules.³
- (b) The admittance to virtual meetings of members of the public and the media is subject to the provisions of the Constitution and the Rules.
- (c) Reasonable measures may be taken to facilitate public involvement by using different forms of communication or media platforms including, but not limited to, oral or written submissions, radio stations, newspapers and social media.

Rules of Virtual Meetings

11. TABLING OF DOCUMENTS

- (a) Documents may be tabled in the Office of the Speaker in accordance with a format determined by the Speaker, including but not limited to, any electronic means.
- (b) Where possible, tabled documents must be published in the ATC and distributed to members.

12. FORMALITIES FOR SITTINGS OF THE HOUSE

- (a) There shall be no procession of the Sergeant-at-Arms, Presiding Officer, Secretary and Table Staff for sittings of the House by virtual means.
- (b) The Secretary shall ensure that the attendance of members at sittings of the House by virtual means is recorded.
- (c) When the Presiding Officer announces that the House is adjourned or suspended, the business of the House shall be considered concluded or temporarily adjourned, and members may then exit the sitting of the House on the relevant virtual system.

13. REGULATION OF URGENT HOUSE BUSINESS WHEN THE HOUSE CANNOT SIT

- (a) Any resolution that has been published by the Speaker, specifically in terms of this rule, through the ATC, on any subject matter shall be deemed to have been adopted by the House, unless, at least four (4) members have submitted a written objection to the Secretary by 12h00 of the following day.
- (b) If at least four (4) members have submitted an objection in terms of the above, then the matter shall be decided by the House.
- (c) The Speaker may, in consultation with the leaders of political parties, settle certain matters that normally require the resolution of the House.
- (d) Any such matter settled in terms of this rule, must be ratified by the House within a reasonable opportunity.
- (e) All decisions taken in accordance with this rule shall have full effect of the House resolution.

PART B

RULES APPLICABLE TO BILLS AFFECTING PROVINCES (INTERACTING WITH THE NCOP)

14. BRIEFING BY DEPARTMENTS

- (a) Members of the relevant committee of a provincial legislature may virtually access the briefing of the Select Committee of the NCOP, by the department.
- (b) The Chairperson of the relevant Select Committee must inform the provincial legislature of the date and time of the virtual meeting at least three days before the briefing.
- (c) The physical site of the briefing will be deemed to be the National Council of Provinces.
- (d) Where members of the relevant committee of the provincial legislature had access to the briefing, briefing by the Permanent Delegates will not be compulsory.
- (e) The Rules of the NCOP apply.

15. BRIEFING BY PERMANENT DELEGATES TO A COMMITTEE OF THE LEGISLATURE

In the event that the relevant provincial legislature committee could not virtually access the briefing, the following Rules apply:

- (a) Each Permanent Delegate will be afforded an opportunity to brief their provincial legislature on a Bill affecting provinces which is before the NCOP at the time appointed for such briefing.
- (b) Members of the relevant provincial legislature committee may ask questions.
- (c) Once one provincial legislature has been briefed and the time allocated to it has expired, the proceedings will be adjourned in respect of that provincial legislature and the next provincial legislature on the line will be connected for a briefing by its Permanent Delegate. This will continue until all the provincial legislatures have been briefed.
- (d) The place of the briefing will be deemed to be the provincial legislature.
- (e) The Rules of that provincial legislature apply.

Rules of Virtual Meetings

15.1 Chairperson

- (a) The virtual meeting must be chaired by the Chairperson of the relevant committee of the provincial legislature.
- (b) The Chairperson has the powers of the Chairperson of a committee as provided for in the Rules of the provincial legislature.

15.2 Minutes and Records

- (a) The provincial legislature must maintain the minutes and records of the proceedings.
- (b) The minutes referred to in (a) above shall constitute records of a provincial legislature.

15.3 Powers, Privileges and Immunities

The Rules relating to powers, privileges and immunities of Permanent Delegates and members of the provincial legislature in meetings of committees apply to virtual meetings.

16. CONFERRAL OF NEGOTIATING, FINAL AND VOTING MANDATES

- (a) Subject to the provisions of the Mandating Procedures of Provincial Legislatures Act 52 of 2008, the relevant committee of each provincial legislature must, in terms of the processes determined by that legislature confer on its Permanent Delegate the authority either to negotiate or vote on the matter that serves before the relevant Select committee of the National Council of Provinces.
- (b) The authority so conferred must be communicated to the relevant Permanent Delegate by means of email or other electronic means to which a Permanent Delegate may have access.
- (c) Production of an electronic copy of such authority shall be prima facie proof of the conferral of such authority, unless the contrary is proved.

Rules of Virtual Meetings

- (d) Where the meeting of the Select Committee is by virtual means:
- (i) the venue of the meeting will be deemed to be the National Council of Provinces;
 - (ii) the chairperson of the relevant Select Committee of the NCOP must call upon Permanent Delegates of each of the provinces to state the negotiating or voting position of the province on a matter before the Select Committee;
 - (iii) the chairperson may invite comments and questions for discussion on the positions of the provinces.
 - (iv) the National Council of Provinces must maintain the minutes and records of the proceedings.

EXPLANATORY SUMMARY OF AMENDMENTS TO THE RULES AND ORDERS

The expression (A) means that the rule or sub-rule was amended, and
(N) means that a new rule, sub-rule or title of a chapter was inserted.

The following amendments or insertions were made:

2013 EDITION

(As adopted by the House on 14 March 2014)

Chapter 1: Definitions and Application of Rules

Preamble (N)

Rule 1: Definitions

Section 74 – 77 Bills: (A);

Day, Intrusive object, Legislature, majority of members of the Legislature, precincts of the Legislature, Premier, Presiding Officers, Sergeant-at-Arms and Speakers' List (N)

Rule 2: Application of the rules: Sub-rule 2(2) (N)

Rule 3: Unforeseen matters: Rule 3(1) (A); Rule 3(3) (N)

Chapter 2: Proceedings in connection with the first sitting

Rule 5: First sitting of the Legislature after elections and swearing in of members: Rule 5(3) (N)

Rule 6: Election of Premier, Speaker and Deputy Speaker (A)

Rule 9: Premier's State of the Province Address: Rule 9(1) – (3) (A); Rule 9(4) – (N)

Leader of Government Business: Formerly rule 9, moved to Chapter 3 - rule 16, dealing with Presiding Officers and Officer Bearers

Chapter 3: Presiding Officers and Office Bearers

Rule 15: Whips' Forum (A)

Chapter 4: Programme of the Legislature (A)

Rule 17: Precincts of the Legislature and Legislature Programme: Rule 17(5)-(6) (N)

Rule 25 – Leave of absence of members and loss of membership of the Legislature: Rule 25(4) (A); Rule 25(5)-(8) (N).

Chapter 5: National Council of Provinces

Rule 27: Appointment of permanent delegates: Rule 27(1) (A)

Rule 28: Designation of special delegates: Rule 28(1) (A)

Rule 30: Procedure for raising issues in the NCOP (N)

Rule 31: Permanent delegates' rights in the Legislature: Rule 31(3) (N)

Chapter 6: Conduct of members in meetings of the House and Rules of debate

Rule 33: Freedom of speech and debate (A)

Rule 34: Conduct in the House: Rule 34(8) (N); Rule 34(11)-(13) (A)

Rule 36: Precedence of presiding officer: Rule 36(2)-(3) (N)

Rule 37: Members not to be interrupted (A)

Rule 40: Member ordered to leave the Chamber (A)

Rule 43: Period of suspension (A)

Rule 47: Point of order against the conduct of the presiding officer (N)

Rule 53: Matters subject to pending judicial decisions (A)

Rule 58: When reply allowed: Rules 58(2)-(4) (N)

Chapter 7: Decision on questions

Rule 60: Question upon closure of debate (N)

Rule 61: Decision postponed (A)

Rule 70: Members supporting demand for division: Rule 70(1)-(2) (A)

Rule 74 – Member calling for division not to leave the Chamber (A)

Chapter 8: Motions

Rule 80: Nature of motion (A)

Rule 81: Same motion rule (A)

Rule 83: Motions without notice (A): Rule 83(2) – (3) (N)

Rule 86: Speaker may amend notices: Rule 86(1) (A); and Rule 86(2) (N)

Chapter 9: Matters of public interest and statements by members

No substantial changes

Chapter 10: Interpellation and Questions

Rule 99: Placing and Arrangement: 99(4) (N):

Rule 101: Questions standing over: Rule 101(3) (N)

Rule 103: Form of questions: Rule 103(4) (A)

Rule 104: Times allotted: Rule 104(3) (A); Rule 104(5)-(6) (N)

Rule 107: Questions for written reply: 107 (3)-(4)(N)

Rule 110: Reply to questions (N)

Chapter 11: Committees

Rule 115: Meetings of Committees and sub-committees: Rule 115(8) (N)

Rule 118: Reporting: Rule 118(5) (A)

Rule 122: Committees, Local Government and House of Traditional leaders: Rule 122(1) (A)

Chapter 12: Portfolio Committees

Rule 133: Co-option when members and alternates not available (N)

Rule 134: Sub-committee (N)

Rule 135: Select Committees (N)

Rule 137: Powers and Functions (A)

Summary of Amendments to the Rules and Orders

Rule 141: Powers and Functions: 141(2) (N)

Rule 142: Public Participation and Members' Legislative Proposals Committee (A)

Rule 143: Powers and Functions (A)

Chapter 13: House of Traditional Leaders

Rule 156: Referral of Bills to the House of Traditional Leaders (A)

Rule 157: Support or opposition to a Bill (A)

Chapter 14: Powers, Privileges and Immunities of the Legislature

Rule 160: Police (A)

Chapter 15: Legislative Process (A)

Rule 161: Powers of the Legislature (N)

Rule 162: Introduction of Bills (A)

Rule 167: Introduction of Private Member's Bill (N)

Rule 167A: Procedure after introduction (N)

Rule 167B: Report to House by Committee (N)

Rule 173: Amendment and re-committal or re-referral of a Bill to Committee for consideration before decision on Second Reading (N)

Rule 185 – Error or defect in a Bill: Rule 185(3)-(5) (N)

Chapter 16: Money Bills

Rule 190: Budget Procedure: Rule 190(1)–(3) (A)

Rule 192: Bill placed on Order Paper for Second Reading: 192(1)-(5) (A)

Rule 195: Amendment of a Money Bill: Rule 195(2)-(3) (A) and Rule 195(6) (N)

Rule 197: Taxation proposals (A)

Rule 198: Assent to Bills & Publication of Provincial Acts: Rule 198(1)-(4) & Rule 198(5) (A)

Summary of Amendments to the Rules and Orders

Chapter 17: Bills amending the Constitution and National Bills affecting the province

Rule 200: Bills amending the Constitution (A)

Rule 201: National Bills affecting provinces (N)

Rule 202: Draft national Bills affecting provinces (N)

Chapter 18: Adoption of provincial Constitution and application to Constitutional Court (N)

No substantial changes

Chapter 19: Petitions

No substantial changes

Chapter 20: Executive Council

No changes

Chapter 21: Contempt

Rule 214: Member adjudged guilty of attempt: Rule 214(c) (A)

Chapter 22: Departmental Reports (A)

Rule 218: Quarterly reports of provincial departments (N)

Chapter 23: Witnesses

No substantial changes

Chapter 24: Office of Secretary and records of Legislature

No change

Summary of Amendments to the Rules and Orders

Chapter 25: General

Rule 235: Oversight mechanisms and public participation by the Legislature (N)

Rule 236: Diligent performance of obligations (N)

Rule 237: Conflict between these Rules, Constitution and other legislation (N)

2015 EDITION

(As adopted by the House on 8 September 2015)

Chapter 6: Conduct of members in meetings of the House and Rules of debate

Rule 40A: Removal of member from the Chamber (N)

Rule 41: Naming or suspension of members (A)

Rule 42: Member to withdraw from precincts of Legislature (A)

Rule 43: Period of suspension (A)

2016 EDITION

(As adopted by the House on 22 November 2016)

Chapter 2: Proceedings in connection with the First sitting

Rule 9A: Non-interruption of Premier's State of the Province Address and Budget Speeches (N)

Rule 22: Adjournment due to absence of Quorum

Chapter 4: Programme of the Legislature

Rule 25: Attendance of sittings and meetings (A)

Rule 25A: Maternity leave (N)

Rule 25B: Family responsibility leave (N)

Rule 25C: Leave for political work (N)

26A: Sectoral Parliaments

Summary of Amendments to the Rules and Orders

Chapter 6: Conduct of members in meetings of the House and Rules of debate

Rule 34: Conduct in the House (A)

Rule 40A: Removal of member from the Chamber (N)

Chapter 8: Motions

Rule 83: Motions without notice (A)

Rule 84: Notice of motion (A)

89A: Guidelines for motions (N)

93A: Executive Statements (N)

Chapter 11: Committees

Rule 112: Election of Chairperson of a committee (A)

Rule 115: Meetings of Committees and Sub-committees (A)

Chapter 16: Money Bills

Rule 190: Budget procedure (A)

Chapter 20: Executive Council

Rule 209: Submission of interventions in a municipality in terms of section 139 of the Constitution (A)

Rule 211: Resolutions affecting the Executive Council (A)

Rule 211A: Failure to implement House resolutions by the Executive Council (N)

Chapter 24: Office of Secretary and records of the Legislature

Rule 228: Minutes of Proceedings (A)

2019 EDITION

Summary of Amendments to the Rules and Orders

(As adopted by the House on 5 December 2019)

Programme of the Legislature

Rules 25, 25A, 25B, 25C, 25D, 25E, 25F, 25G and 25H: Members' attendance of Meetings and Sittings (A)

Chapter 11: Committees

Rule 118(2): Reporting (A)

Chapter 16: Money Bills

Rule 190(6): Budget Procedure (A)

2020 EDITION

As made by the Speaker on 17 April 2020 in terms of Rule 3

Chapter 1: Application, Supplementing and Suspension of Rules

Rule 3A: Rules for Virtual Sittings and Committee Meetings (N)

Notes



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