

# STANDING RULES OF THE NORTH WEST PROVINCIAL LEGISLATURE



EUROPEAN UNION  
LEGISLATURE SUPPORT  
PROGRAMME

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# **STANDING RULES OF THE NORTH WEST PROVINCIAL LEGISLATURE**

(In terms of The Constitution of the Republic of South Africa, section 116 of Act No. 108 of 1996)

As amended in 2009

## **SUPPLEMENTING AND SUSPENSION OF RULES**

### **Unforeseen circumstances**

1. The Speaker is hereby authorized that during the recess of the Legislature and/or absence of the members to take such decision(s) as may be in the interest of the North West Provincial Legislature as may ordinarily be exercised by the Legislature were it not because of recess and/or absence of Members. Further that the decision(s) taken by the Speaker in pursuance of this authority, be reported in writing during the first possible sitting of the Legislature, or as soon as possible thereafter.
2. A ruling made, a rule or rules framed by the Speaker shall remain in force until decided upon by the Rules Committee.

### **Suspension**

3. Any provision of the Rules relating to the proceedings or any business of the Legislature or of any Committee thereof shall be suspended by a Resolution of the Legislature.
4. The suspension of any provision of the Rules shall not be in conflict with the Constitution, and its operation shall be limited to the purpose for which it is resolved.

## **PROCEEDINGS IN CONNECTION WITH COMMENCEMENT OF SESSION**

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## **Convening Notice read**

5. At the commencement of proceedings of the Legislature on its First Sitting, convened in terms of section 110(1) of the Constitution, the Secretary or an Officer designated by the Secretary, shall read the Notice convening the Legislature.

## **Taking Oath or Affirmation**

6. After the reading of the Notice, Members shall, before assuming their functions in the Legislature take an oath of or affirm faithfulness to the Republic and obedience to the Constitution, in accordance with Schedule 2 thereof.

## **Election of Premier**

7. At its First Sitting after the elections, and whenever necessary to fill such vacancy, the Legislature shall elect, from amongst its Members, the Premier of the Province, in terms of section 128 and Schedule 3 of the Constitution.
8. A judge designated by the President of the Constitutional Court shall preside over the election of the Premier.
9. To fill the vacancy of the Premier of the Province, an election shall be held at a time and on the date determined by the President of the Constitutional Court, but not later than 30 days after the vacancy occurs.
10. Whenever a vacancy of the Premier of the Province occurs, the Leader of the House or a Member of the Legislature nominated by the Leader of the House shall inform the Legislature of such vacancy.



## Designation of Acting Premier

11. “An acting Premier shall be designated to act in terms of section 131 of the Constitution, when the Premier is absent, is unable to fulfill the duties of the office of the Premier, or in the case of a Vacancy in the said office. In such circumstances, the office bearer, in the following order, shall be designated to act as Premier.”
  - a) Member of the Executive Council designated by the Premier;
  - b) Member of the Executive Council designated by other Members of the Executive Council; or
  - c) the Speaker of the Legislature, until the Legislature designates one of its other Members.

## Election of the Speaker and the Deputy Speaker

12. At its First Sitting, or whenever a vacancy of the seat or seats arises in this regard, the Legislature shall elect the Speaker and the Deputy Speaker from among its Members.
13. A judge designated by the President of the Constitutional Court shall preside over the election of the Speaker and the Deputy Speaker.
14. The procedure set out in Schedule 3 of the Constitution applies to the election of the Speaker and the Deputy Speaker.
15. The Legislature shall remove the Speaker or the Deputy Speaker from office by a Resolution, at a Sitting of the Legislature, which shall be adopted by the majority of the

Members of the Legislature.

16. The Legislature shall elect from among its Members other Presiding Officers to assist the Speaker and the Deputy Speaker.
17. The Speaker shall inform the Legislature of the time and day at which the Premier will open the Legislature, and the proceedings thereof, shall be suspended until the Premier has delivered the Opening Address.

## **PREMIER'S OPENING ADDRESS**

### **Opening Address**

18. An Address by the Premier at the Opening of the Legislature shall be the State of the Province Speech for that specific Session of the Legislature.

### **Opening Address reported**

19. The Speaker shall report to the House the Premier's Opening Address.

### **Opening Address placed on Order Paper**

20. After the Premier has delivered the State of the Province Speech, the Secretary shall place it on the Order Paper of the Legislature for debate.

## **TIMES OF SITTING, SUSPENSION AND ADJOURNMENT**

## **Sitting days and hours of sitting and venue**

21. The Legislature shall sit on every Tuesday or on any other day from 10h00 or such other time and day as the Speaker may rule.
22. National Public Holidays shall not be Sitting Days for the Legislature or any of its Committees. Provided, when a Public Holiday is on a Sunday, the Legislature or any of its Committees shall not sit on the following Monday.
23. Warning bells shall ring fifteen (15) minutes before the commencement of the Sitting and one (1) minute before the entrance of the Speaker or Presiding Officer into the Chamber of the Legislature.
24. Portfolio and Standing Committees shall sit from Mondays to Thursdays and on Fridays only if urgent business so requires. The five (5) working days include the Constituency Day. Provided Saturday and/or Sunday shall be considered as working days where a Member or Members are engaged in legitimate work of the Legislature.
25. The Speaker may by Resolution of the House, rule that the Sitting of the Legislature be permitted to be held at a place other than the seat of the Legislature on the grounds of public interest, security or convenience.

## **Interruption, Suspension or Adjournment of Proceedings**

26. The proceedings of the Legislature, or those of any Committee, shall be interrupted, or suspended or adjourned only by the Presiding Officer.

27. The Presiding Officer, in consultation with the Whips, shall adjourn a Sitting of the Legislature to a day and time as shall be determined by the said Officer. Provided during such adjournment, the Speaker may accelerate or postpone the day and time for the resumption of business.

## **PRAYERS AND MEDITATION**

### **Reading of Prayers /or Meditation**

28. At the commencement of business on every Sitting Day of the Legislature, Prayers shall be read or said or Meditation observed, at the discretion of the Speaker.

## **PUBLIC ACCESS**

### **Admittance of the Public (Section 118 of the Constitution)**

29. 1. The Legislature shall -
- a) facilitate Public involvement in the legislative and other processes of the Legislature and its Committees; and
  - b) conduct its business in an open manner, and hold its Sittings, and those of its Committees, in public, but reasonable measures must be taken to-
    - i) regulate Public access, including access of the media, to the Legislature and its Committees; and
    - ii) provide for the searching of any person and, where appropriate, the refusal of entry into, or the removal of any person from the Legislature.

- 2) The Legislature may not exclude the Public, including the media, from the Sitting of a Committee, unless it is reasonable and justifiable to do so in an open and democratic society.
- 3) Persons attending Sittings of the Legislature or its Committees shall observe such directions and conform to such rules as shall be laid down by the Presiding Officer.

### **Sergeant-at-Arms to remove non-Members**

30. The Sergeant-at-Arms shall remove, or cause to be removed, any non-Member from any part of the Chamber reserved for Members only, and also for misconduct by any non-Member, notwithstanding prior admittance into any part of the Chamber or any non-Member, who does not withdraw when non-Members are ordered to withdraw.

## **ABSENCE OF MEMBERS**

### **Leave of absence**

31.
  - a) Any Member who wishes to be absent from the Sittings of the Legislature or from any of its other forums, where he or she is a Member, shall, before so absenting himself or herself, obtain leave from the Whip of the party to which he or she belongs.
  - b) Any Member who wishes to be absent from the Sittings of the Legislature or from any of its other committee, where he or she is a Member, for thirty (30) or more consecutive days, on which the Legislature or such of its committees sit, shall, before so absenting himself or herself, obtain leave from the Whip of the party to

which the Member belongs.

- c) The grant of such leave by the Legislature shall be moved by the Chief Whip of the Legislature.

## QUORUM

### Quorum requirements

32. Unless the Constitution otherwise provides -
  - a) the presence of at least one third (1/3) of the Members, excluding the Speaker or any Presiding Officer, constitutes a Sitting of the Legislature;
  - b) at least two thirds (2/3) of the Members shall be present before the taking of a vote on a Bill or an amendment to a Bill.
  - c) a majority, (fifty percent plus one) of the Members are required in a Sitting of the Legislature before a vote is taken on any other question before the Legislature;
  - d) all questions are decided by a majority of the votes cast;
  - e) the Presiding Officer has no deliberative vote, but -
    - i) shall cast a deciding vote whenever there is a parity of votes on a question; and
    - ii) shall cast a deliberative vote whenever a question is to be decided with the support of a vote of at least two thirds (2/3) of the Members.

## Absence of a quorum

33. a) Where there is no quorum on the day and time appointed for a Sitting of the Legislature, that Sitting shall not commence until the Legislature is quorate and the Speaker shall take the Chair as soon as a quorum is present.
- b) Where there is no quorum at the expiry of half an hour (00h30) after the time appointed for the commencement of a Sitting of the Legislature, the Speaker shall take the Chair and adjourn that Sitting.
- c) Where the attention of the Presiding Officer is drawn to the absence of a quorum and if after an interval of ten (10) minutes, during which time the bells shall have been rung, there is still no quorum, the Presiding Officer may suspend the proceedings or adjourn the Sitting of the Legislature or postpone any pending decision before the Legislature.

## Adjournment owing to absence of quorum

34. a) Whenever the Legislature is adjourned owing to the absence of a quorum, the time of such adjournment, as well as the names of Members present, shall be recorded in the Minutes of Proceedings.
- b) Any Member drawing the attention of the Presiding Officer to the absence of a quorum shall be deemed present in the Legislature, whether physically present or not, when Members are counted.
- c) A Member shall be absent from the Legislature where a

reasonable apology has not been tendered at the commencement of a Sitting or where the tendered apology is found unreasonable or unacceptable by the Members of the Legislature.

## **PRESIDING OFFICERS**

### **Election of other Presiding Officers**

35. a) The Legislature shall elect from among its Members the Chairperson of Committees and another Member as Deputy Chairperson of Committees, for the duration of the life of the Legislature.
- b) Both the Chairperson of Committees and the Deputy shall act as other Presiding Officers in assistance to the Speaker and/or the Deputy Speaker.

### **Panel of Temporary Chairpersons of Committees**

36. At the commencement of every Session of the Legislature, the Speaker shall nominate a panel of not fewer than four (4) Members to act as temporary Chairpersons of Committees and the Deputy Chairpersons of Committees.

### **Relief of Speaker**

37. The Deputy Speaker, the Chairperson of Committees or the Deputy Chairperson of Committees shall preside over the Legislature whenever requested to do so by the Speaker during any of its Sittings.



## **Absence of Speaker**

38. a) Whenever the Speaker is absent, unable to perform the functions of the Office of the Speaker, or whenever that Office is vacant, the Deputy Speaker shall act as the Speaker.
- b) Whenever both the Speaker and the Deputy Speaker are absent or unable to perform the functions of the Office of the Speaker, or whenever both Offices are vacant, the Chairperson of Committees or, in his or her absence, the Deputy Chairperson of Committees, shall act as the Speaker.

## **Continued absence of Speaker and Deputy Speaker**

39. Whenever the Legislature is advised of a pending continued absence of both the Speaker and the Deputy Speaker for a period longer than seven (7) consecutive working days, the Legislature shall appoint one (1) from among its Members, to act as Chairperson of Committees while the Chairperson of Committees shall act as the Speaker, until such time when the Speaker shall resume the Chair or the Legislature decides otherwise.

## **Absence of all Presiding Officers**

40. Whenever the Legislature is advised that all the elected Presiding Officers are unavoidably absent or are to be absent for a Sitting, the Legislature shall, forthwith, elect one (1) from among of its Members to act as Speaker for that particular Sitting only.

## **COMMITTEES**

## IN GENERAL

### Public access

41. a) The power to admit any person to the precinct of this House, or an extended public committee of this house, and the places set apart for them in a Chamber and/ or the entire precincts of the Legislature shall vest in the Speaker, subject to the provisions of the Constitution;
- b) The Presiding Officers, may, whenever he or she thinks fit, order any person to withdraw;
- c) Subject to the provision of Rule 41(d), the Sergeant-at-arms shall remove, or cause to be removed, any person from any part of a Chamber which has been set apart for Members only, and also any person who, having been admitted into any part of the Chamber and/or any person who, having been admitted into any part of the entire precincts of the legislature, misconducts himself or herself or does not withdraw when ordered to withdraw;
- d) The Speaker, acting after consultation with the leader of the House, may invite any head of State who is on state visit to the Republic and/or any other person, to address this House.

### Publication of proceedings, etc

42. a) The proceedings of, evidence taken by, or the report of any Committee sitting in public, or a summary of such proceedings, evidence or report, shall be published upon

authorization by the Speaker, as soon as such evidence or report or summary become available.

b) The proceedings of, evidence taken by, or report of any Committee sitting in camera, or a summary of such proceedings, the said information, evidence or report, shall not be published until the report has been tabled in the Legislature or upon authorization by the Speaker. Provided the Committee shall, in consultation with the Speaker, resolve that the said information or evidence or report is of a privileged or confidential nature and the deliberations thereon shall, therefore, be omitted from the report.

## **RULES COMMITTEE**

### **The Rules Committee is the Committee of the House.**

43. a) The Speaker shall for the life of each Legislature, appoint a Rules Committee consisting of not fewer than five (5) and not more than fifteen (15) Members, including the Speaker and the Deputy Speaker.
- b) The Speaker shall be the Chairperson of the Rules Committee, and when the Speaker is absent, the Deputy Speaker shall preside over that meeting.
- c) The Rules Committee shall sit at least four (4) times or more per annum as the chairperson may deem necessary.

### **Functions of the Rules Committee**

44. The Rules Committee -

- a) considers amendments to the Rules of the Legislature;
- b) performs the functions entrusted by these Rules or by Resolutions of the Legislature;
- c) investigates and advises on all disciplinary matters involving the Members of the Legislature;
- d) develops, formulates and adopts policy concerning the exclusive business of the Legislature in respect of -
- Management, administration and functioning of the Legislature;
  - Financial management and policy of the Legislature, including funding resources, the budget, income and expenditure of the Legislature;
  - The provision of facilities and other support to Members;
  - Making recommendations to the Legislature concerning the Legislature's Annual Budget; and
  - Appointing Committees or Subcommittees to assist it with the performance of any of its functions or the exercise of any of its powers;
- (e) The Speaker must submit a budget estimate, as approved by the Rules Committee, for the Legislature for the following financial year to the Member of the Executive (MEC) responsible for the Department

Finance and financial matters in the province before the 30<sup>th</sup> of September of each year.

(f) The Speaker and the Member of the Executive Committee responsible for financial matters in the province must thereafter meet and agree on the total amount to be allocated to the vote of the Legislature before introduction of the annual budget in terms of rule 44(d).

(g) The amount agreed on must be reflected in the annual budget.

(h) The annual budget of the province may not be introduced unless the Speaker and the Member responsible for financial matters have agreed on the vote of the Legislature and the agreed amount is reflected in the vote of the Legislature.

## DISCIPLINARY COMMITTEE (DC)

### Constitution of disciplinary committee

45. a) There shall be a Disciplinary Committee consisting of the Deputy Speaker, who shall be *ex officio* Chairperson of the Committee, the Chief Whip and the Party Whips of the Legislature.
- b) Whenever and for as long as the Deputy Speaker acts as Speaker or is absent, the Chairperson of Committees or in his or her absence, the Deputy Chairperson of Committees, shall perform the duties of the Deputy Speaker when acting as Chairperson of the Committee.

c) The Disciplinary Committee, at the request of the Speaker, shall investigate and advise upon alleged infringements by Members of the Legislature on matters that do not involve privileges or proceedings of the Legislature or any Committee, thereof.

## **ADHOC PORTFOLIO AND STANDING COMMITTEES**

### **Ad hoc Committee**

46.(1) An ad hoc committee may be established by-

- a) Resolution of the House; or during adjournment of the House for a period of more than 14(fourteen) days, by the Speaker after consulting the Chief Whip and the most senior whip of each of the other parties;
- b) Any decision by the Speaker to appoint an ad hoc committee must be tabled in the House on its first sitting day or as soon as possible thereafter, after the decision was taken , for ratification by the House;
- c) An ad hoc committee may only be established for the performance of a specific task;
- d) The resolution of the House or decision of the Speaker establishing an ad hoc committee must-
  - i) specify the task assigned to the committee; and
  - ii) set the time frames for-
    - i) The completion of any aspects in performing the task; and the completion of the task
- e) An ad hoc committee has those powers listed in Rule 69 and/or only as are specified in the resolution or decision establishing the committee.

- f) An ad hoc committee ceases to exist-
  - i) when it has completed the task for which it was established and submitted its report to the House;
  - ii) if it is dissolved by the House earlier; or
  - iii) it has not completed its task by the date set for the completion of the task.

#### 46(2)-

- a) The House resolution establishing an ad hoc committee must either specify the number of members to be appointed or the names of the members who are appointed;
- (b) The Speaker appoints members of an ad hoc committee if-
  - i) the resolution of the House establishing the ad hoc committee does not specify the names of the committee members; or
  - ii) the Speaker established the ad hoc committee
- (c) The Speaker must appoint the members of an ad hoc committee established by-
  - i) The House, within 5(five) working days after the establishment of the committee;
  - ii) The Speaker established the ad hoc committee.
- (d) The Speaker must appoint members of the ad hoc committee established by -

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

#### **46(3)-**

Unless a resolution establishing an ad hoc committee provides otherwise a question before an ad hoc committee is decided when a quorum in terms of rule 32 is present and there is agreement among the majority of members present.

### **Standing and Portfolio Committees**

- 46A
- a) There shall be Committees of the Legislature, appointed by Resolution of the House, on Legislature and Provincial Executive matters, respectively.
  - b) Each Committee shall be known by the name determined for it by the Speaker.



c) A Committee shall, in accordance with the Rules or its other terms of reference, consider or deal with Bills or other matters which are referred to it by the Speaker or by Resolution of the Legislature.

47. There shall be Standing Committees in respect of:-

- a) Internal Arrangements Committee;
- b) Working Committee;
- c) Chairpersons Forum Committee;
- d) Quality of Life and Status of Women, Youth and Persons with Disabilities Committee; and
- e) Public Accounts Committee.

## COMMITTEES

### Internal Arrangements Committee

48. a) The Internal Arrangements Committee shall deal with matters of the Legislature as shall be referred to it, from time to time, by the Speaker.

b) The Deputy Speaker shall be the Chairperson of the Internal Arrangements Committee.

### Functions of the Internal Arrangements Committee

49. a) The Internal Arrangement Committee shall make recommendations to the Rules Committee on the development, formulation and adoption of policy regarding the administration and management of the Legislature, including

- staff;
- infrastructure;
- household services and catering;
- human resource development and training;
- information systems and the library; and
- public relations and public education;

b) The Internal Arrangements Committee shall monitor and oversee the implementation of policy on the matters referred to in paragraph 49(a) and make recommendations in this regard to the Rules Committee; and

c) The Internal Arrangements Committee shall perform any other function and exercise any other authority as shall be assigned to it by the Rules Committee.

## **WORKING COMMITTEE**

### **Composition**

50. The Working Committee shall consist of the:

- a) Deputy Speaker;
- b) Leader of Government Business;
- c) Chairperson of Committees and/or his/her Deputy;
- d) Chief Whip in the Legislature and/or his/ her Deputy;
- e) Whip of the Majority Party; and
- f) Whip of each Opposition Party

## **Powers and functions of the Working Committee**

51. 1. The Working Committee shall -

- a) Be responsible for the Programme of the Legislature;
  - b) Monitor and oversee the implementation of the Legislature's annual programming, including the legislative programming;
  - c) Implement the Rules regarding the scheduling or programming of the business of the Legislature, and the functioning of its Committees and Sub-committees; and
  - d) Take decisions and issue directives and guidelines to prioritize or postpone any business of the Legislature, but whenever the Committee prioritizes or postpones any Government business in the Legislature it shall do so with the concurrence of the Leader of Government Business.
2. The Chief Whip shall be the Chairperson of the Working Committee and where the Chief Whip is not available, the Members of the Committee shall elect one of the Members as chairperson of that Sitting of the Committee.

## **Chairpersons Forum**

### **52. Composition**

The Chairpersons Forum consists of all the Chairpersons of the Committees of the Legislature.

### **53. Powers of the Committee of Chairpersons**

- a) The Chairperson of Committees shall be the Chairperson of the Committee of Chairpersons.
- b) The Deputy Chairperson shall be the Chairperson of the Committee of Chairpersons in the absence of the Chairperson or when so delegated by the Chairperson, and shall, otherwise, always assist the Chairperson in the execution of the tasks of the Committee and in other related matters.
- c) The Committee of Chairpersons shall make recommendations to the Rules and Working Committees on any matter affecting the scheduling or functioning of any Committee or Subcommittee of the Legislature.

### **54. Functions of the Committee of the Chairpersons**

The Committee of the Chairpersons shall -

- a) Co-ordinate the activities of Committees;
- b) Set guidelines for the arrangement and scheduling of Committee meetings;
- c) set guidelines for the arrangement and procedure of public hearings;
- d) Determine procedure for Portfolio Committee meetings;
- e) Determine format for Portfolio Committee Minutes and Reports; and

- f) Ensure the smooth running of Committee activities.

## **QUALITY OF LIFE AND STATUS OF WOMEN, YOUTH AND PEOPLE WITH DISABILITIES COMMITTEE (QLSWYPDC)**

55. The Standing Committee on Monitoring on the Improvement of Quality of Life and Status of Women, Youth and Persons with Disabilities in the North West Provincial Legislature, shall conform to the Rules of Procedure of the North West Provincial Legislature, the Constitution of the Republic of South Africa, 1996, and all the relevant laws in force in the Republic of South Africa.

### **Establishment**

56. The North West Provincial Legislature establishes, in addition to its existing standing Committees, the standing Committee on monitoring on the improvement of Quality of Life, Status of Women, Youth and Persons with Disabilities( hereinafter referred to as the Quality of Life and Status of Women, Youth and Persons with Disabilities or simply QLSWYPDC).

### **Composition**

57.
  - a) The Speaker in consultation with the Chief Whip of the North West Provincial Legislature and the Whips of the Majority and Opposition Parties in the North West Provincial Legislature shall appoint the members of the Standing Committee on Monitoring on the Quality of Life, Status of Women, Youth and Persons with Disabilities.

b) The QLSWYPDC members shall be drawn from all genders of every Party having a seat or seats in the North West Provincial Legislature.

c) There shall be appointed to the QLSWYPDC, not less than five (5), but not more than fifteen (15) members.

### **Election of the Chairperson and Deputy Chairperson**

58. The appointed members of the QLSWYPDC shall elect, from among themselves, the Chairperson and the Deputy Chairperson.

### **Duties of the Chairperson and the Deputy Chairperson**

59. a) The Chairperson shall convene and preside over the QLSWYPDC meetings in conformity with the Rules of Procedure of the North West Provincial Legislature;

b) Pronounce himself or herself on behalf of the QLSWYPDC;

c) Direct the activities of the QLSWYPDC; and

d) Be a member of the Chairpersons Forum.

### **Duties of the Deputy Chairperson**

60. The Deputy Chairperson shall, in the absence of the Chairperson, execute all the duties of the Chairperson as stipulated in Rule 59 and in the event of death or permanent incapacity of the Chairperson, act as Chairperson until such time the QLSWYPDC elects its Chairperson in terms of Rule 58.

## Functions of the QLSWYPDC

### 61. The QLSWYPDC shall

- a) exercise oversight and monitoring in the Province to ensure the improvement of the quality of life, the upliftment and enhancement of the status of women;
- b) liaise with the Women Caucuses, the Office of the Status of Women in the Premier's Office (OSW), the Commission on Gender and Equality, NGO's, (both national and international), CBOs and any other parliamentary organizations with related programmes;
- c) ensure the implementation of National Government engendering programmes, by articulating and monitoring gender capacity building in the Province; and
- d) Oversee the Gender Focal Points of the Departments to monitor and evaluate the North West Provincial Government.
- e) monitor and exercise an oversight role on the political work, advocacy and overall power and empowerment of the Office of the Status of Women (OSW) provincially, from the gender perspective; and
- f) cause the North West Legislature Gender Budget to be based, amongst other things, on poverty relief projects and HIV/AIDS programmes.

### Decision-Making Process

- 62. a) Decisions in every QLSWYPDC meeting shall be taken

by a majority vote of the Members present in a quorate meeting;

b) The Chairperson shall exercise a deliberative vote; and

c) In the event of a parity of votes, the Chairperson shall exercise a casting vote.

## **Life Duration**

63. The QLSWYPDC shall be appointed for the duration of the North West Provincial Legislature and may conduct its business, notwithstanding, whether the Legislature is prorogued or in Session.

## **PORTFOLIO COMMITTEES**

### **Duration of Portfolio Committees and number of Members**

64. a) A Portfolio Committee shall continue for the duration of the Legislature, unless the Speaker rules otherwise in terms of the Rules.

b) A Committee shall consist of such a number of Members as shall be determined by the Rules Committee, but which shall not be fewer than five (5) or more than twenty (20), unless the Legislature directs otherwise .

### **Appointment of Members of Committees**

65. a) Subject to Rule 64(b), political Parties shall nominate their Members, who shall be appointed, in consultation



with other Parties, by the Rules Committee in the following manner;

i) In the case of an *ad hoc* Committee, within five (5) working days of the Legislature after the appointment of the Committee; and

ii) In the case of a Standing and a Portfolio Committee, as soon as possible after its appointment and for the duration of the Legislature. Names of Members appointed to Committees and of the Alternate Members, if any, shall be published in the Minutes of Proceedings as soon as possible.

### **Chairperson and Deputy Chairperson**

66. a) The appointment Members of a Committee shall elect, from among themselves, the Chairperson and Deputy Chairperson.
- b) The Chairperson shall determine the agenda of each meeting of a Committee in consultation with the Deputy Chairperson, if appointed.
- c) In the absence of the Chairperson, the Deputy Chairperson, if appointed, shall preside over the Committee and in the absence of both the Chairperson and the Deputy Chairperson, the Committee shall elect one (1) from among of its Members to preside as Chairperson.

### **Leader of Government Business**

67. The Premier or his or her delegated Executive Member shall be

the Leader of Government Business in the Legislature.

68. The said Leader of Government Business in the Legislature shall -
- a) be responsible for coordinating the work of the Provincial Government to be submitted or being submitted to the Legislature;
  - b) sit in the Working Committee for the drafting of the Programme of the Legislature.

### **Powers of Committees**

69. (1) Every Committee shall be competent to -
- a) set their own agendas;
  - b) consider, amend and substitute Bills referred to it;
  - c) initiate and/or introduce legislation;
  - d) investigate and report on issues on its own initiative or as referred to it;
  - e) exercise oversight over the Executive, including the implementation of legislation, and, over any other organ of the North West Provincial Legislature;
  - f) call for evidence, summon persons to appear before it and produce or receive any document required by it, and hold public hearings.

## Appearance Before Committee

70. a) Any person who submits a request to appear before a Committee and who, in the opinion of the Chairperson, has a substantial interest in the matter under consideration, shall be given the opportunity to appear before the Committee.
- b) In the event of a refusal, by any Committee, of a request to appear before it, that member of the public shall have the right to appeal to the Speaker, who, in considering such a request, may refer the issue to a relevant Committee for advice.

## Decisions and casting vote

71. a) Subject to Rule 72(b), all questions in any Committee shall be decided on by a majority of votes of Members present in a Committee.
- a. The Presiding Officer shall have and exercise the casting vote only in the event of a parity of votes.
  - b. The removal of a chairperson of a Committee shall be through a simple majority (50% plus one) of the voting members.
  - c. The chairperson of a committee ceases to be chairperson of the relevant committee by and/or in the event of:
    - 1) Resignation
    - 2) Is permanently incapacitated
    - 3) Is deceased
- Is voted out in terms of Rule 71(c)

## Quorum

72. a) Save only when a question is being decided on, in terms of Rule 71(a) and Rule 72(b) the business of a Committee shall proceed, irrespective of the number of Members present.
- b) A majority of the Members of a Committee shall constitute a quorum and only such a quorate Committee shall decide on a question.
- c) Where a Committee is not quorate, but has to decide on a question, its Chairperson shall either suspend business until the Committee is quorate or adjourn the Committee.

## Meetings of Committees

73. a) The first meeting of a Committee shall, unless convened otherwise, be convened by the Secretary within five (5) working days of the Legislature after the names of the Members appointed to it have been published in the Minutes of Proceedings.
- b) A Committee may sit during the Sittings of the Legislature only subject to the Speaker's approval.
- c) A Committee may sit on days on which the Legislature is adjourned or is in Recess, subject to the Speaker's approval.
- d) The attendance of sittings of Committees shall be compulsory for all members.

e) A member of a said Committee may be excused from sittings of the said Committee, only on presentation of a valid written reason to the chairperson prior such scheduled sitting of the Committee.

f) The chairperson has discretion to accept and/or reject such a request tendered by the member to be excused from the scheduled sitting of the Committee.

g) The chairperson shall forward all such requests, accepted and/or rejected, to the Speaker for record and/or consideration.

h) No member must be excused from three (3) consecutive sittings of any Committee without valid written reasons.

i) Any member who is absent from any meeting without valid written reason shall be liable to pay a penalty and/or could be guilty of misconduct.

j) The sanctioned amount of the penalty that may be issued shall be at the discretion of the Speaker and may include, but not limited, to the attachment of a portion of the salary of the member so penalized and/or alternatively, be subjected to any sanction the Speaker deems appropriate

## **Charge against Member**

74. Where any information charging any Member comes before a Portfolio Committee, the Committee shall not seize itself upon such information, but shall report it to the Legislature without delay.

## **Drafting and Consolidation of the Programme**

75. The Working Committee shall draft and consolidate the Programme of the Legislature.

## **Committee Reports**

- 76.
- a) A Committee Report shall reflect the consensus arrived at in a Committee.
  - b) In the absence of a consensus, the Committee Report shall reflect the decision of the Committee and the dissenting views.
  - c) The Committee Report shall be presented to the Legislature by the Chairperson or, in his or her absence, by another member of the Committee.
  - d) It shall not be competent for a Committee to present a minority Report.

## **ORDER AND RULES OF DEBATE IN THE HOUSE**

### **ORDER IN THE HOUSE**

#### **Conduct of Members**

- 77.
- a) Members' attire shall be in accordance with established norms and be consistent with the dignity of the Legislature.
  - b) Every Member shall show respect to the Chair by bowing, in passing to and from his or her seat.

c) No Member shall pass between the Chair and the Member who is speaking, nor between the Chair and the Table, nor stand in any of the passages or gangways during a Sitting of the Legislature.

### **Order at commencement**

78. When the Presiding Officer enters the Chamber at the beginning of a Sitting, Members shall rise and remain standing in their seats until the Presiding Officer has taken his or her seat.

### **Maintenance of order**

79. Order in the Chamber shall be maintained by the Presiding Officer, but disorder in a Committee of the Whole House can only be censured by the Legislature on receiving a Report.

### **Conversation**

80. No Member shall converse aloud during debate.

### **Member not to be interrupted**

81. No Member shall interrupt another Member whilst speaking, except to call attention -

a) to a point of order to be entertained when there is an infringement of the Rules;

b) a question of privilege to seek permission to question a Member; or

c) the presence of non-Members.

## **Order of adjournment**

82. When a meeting adjourns, Members shall rise and remain in their places until the Presiding Officer has left the Chamber.

## **Member ordered to withdraw**

83. Where the Presiding Officer is of the opinion that a Member is deliberately contravening a provision of the Rules, that a Member is in contempt of or is disregarding the authority of the Chair, or that a Member's conduct is grossly disorderly, he or she may order the Member to withdraw immediately from the Chamber for the remainder of the day's Sitting or such shorter period that the Presiding Officer may order, which Order shall be recorded in the Minutes of Proceedings.

## **Naming or suspension of Member**

84. (1) If a Presiding Officer is of the opinion that a contravention committed by a Member of the Legislature 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) Any action taken under this Rule shall be recorded in the



## Minutes of Proceedings.

### Member to withdraw from precincts of Legislature

85. a) A Member who is ordered to withdraw from the Chamber, suspended or named shall, subject to sub-rule(b), withdraw forthwith from the precincts of the Legislature, but such Order shall not affect the responsibilities of the Member save to the extent determined by the Speaker.
- b) Where a Presiding Officer, other than the Speaker, orders a Member of the Legislature to withdraw from the Chamber, the Speaker shall after consultation with the Presiding Officer, order the Member to withdraw from the precincts of the Legislature or take such other action as deemed necessary.
- c) The action taken by the Speaker against a Member shall be announced to the Legislature and be recorded in the Minutes of Proceedings.
- d) A Member who has been named, shall not return to the Precincts of the Legislature before the action taken by the Speaker against the Member has been announced in the Legislature.

### Period of suspension

86. The suspension of a Member shall -
- a) on the first occasion during a Session, be in force for five (5) working days of the Legislature;

- b) on the second occasion during a Session, be in force for ten (10) working days of the Legislature; and
- c) on any subsequent occasion, be in force for twenty (20) working days of the Legislature.

### **Expression of regret**

87. a) A Member who has been suspended or named may submit to the Speaker a written expression of regret, and where the Speaker approves of such expression of regret, may discharge the suspension or permit the Member to take his or her seat, and shall inform the Legislature accordingly.
- b) An expression of regret approved of by the Speaker shall be recorded in the Minutes of Proceedings.

### **Grave disorder**

88. In the event of grave disorder at a meeting, the Presiding Officer may adjourn the meeting, or may suspend the proceedings for such period as he or she deems fit.

### **Member to withdraw while conduct is debated**

89. Whenever a charge is made against a Member, he or she shall, after having been heard from his or her seat, withdraw from the Chamber while such charge is being debated.

## **RULES OF DEBATE**

### **Precedence of Presiding Officer**

90. Whenever the Presiding Officer rises during a debate, any Member then speaking or offering to speak shall resume his or her seat, and the Presiding Officer shall be heard without interruption.

### **Member to address Chair**

91. Every Member desiring to speak shall rise from his or her seat and address the Chair. Provided where a podium is used, a Member shall only speak from it, except -

a) when raising a point of order or a question of privilege;  
or

b) when furnishing an explanation in terms of Rule 103(a), in which case a Member may address the Chair through a microphone from the floor of the Chamber.

### **Right of Members to speak**

92. a) A Member shall be called in a debate by the Speaker or Presiding Officer in accordance with the List of Members, who expressed intention to speak in that debate. Provided the List shall indicate times allocated for each speech by a Member.

b) The speech of a Member shall not exceed the total time allocated to him or her in terms of these Rules.

c) Any Member called in accordance with the provisions

of Sub-rule (a) shall speak to -

- the question before the Legislature;
- any amendment proposed to a question;
- to a question or an amendment proposed or to be proposed by him or herself; or
- to a point of order or a question of privilege.

d) Where any amendment is moved to a question other than a Bill after a Member has spoken, that Member may speak on such amendments, but a Member who speaks to the question for the first time after amendments have been proposed shall be allowed only one speech, which may cover the main question and the amendments.

### **Time limits for speaking**

92A Unless otherwise provided in these Rules, Members shall be restricted, in regard to the length of time they may speak, to the following time limits-

a) In the State of the Province Address, the Premier in the State of the Province Address may not address the House for more than sixty (60) minutes. Other Members of the House may debate the State of the Province speech for a total period of not more than sixty (60) minutes, and each Member shall be restricted to the time allocated to the Member by the Working Committee on the Speaker's List. The Premier may have a maximum of twenty (20) minutes to respond to the debate.

b) In respect of a budget speech, the Member of the Executive Council or the Speaker who is presenting the budget speech may not address the House for more than forty (40) minutes. Other Members of the House may debate the budget speech for a total period of not more than fifty (50) minutes, and each Member shall be restricted to the time allocated to the Member by the Working Committee on the Speakers' List. The MEC or the Speaker who presented the budget speech may have a maximum of ten (10) minutes to respond to the debate.

c) In respect of all other matters, all Members shall be restricted to the time allocated by the Working Committee on the Speakers' List.

### **Member called to speak**

93. a) A Member shall only speak when called upon to do so by the Presiding Officer.
- b) When a Member rises to speak, he or she shall be called by the Presiding Officer, and if two (2) or more Members rise at the same time, the Member who is called shall be entitled to speak.
- c) A Member may not speak twice to a question.

### **Free Speech**

94. a) Save as otherwise provided in the Rules, there shall be free speech in the Legislature.
- b) All Presiding Officers shall further free speech and debate in the exercise of their powers and the

application of the Rules.

### **Offensive Language**

95. No Member shall use offensive or unparliamentary language.

### **Matters Subjudice**

96. In the interests of preserving the rights of litigants to a fair trial, Members shall not comment upon matters pending before any Court, lest they interfere with the proper administration of justice.

### **Reference to Member by Name**

97. No Member shall refer to any other Member by his or her first name, but by surname only, which shall always be prefixed by, “Honourable...”

### **Irrelevance or Repetition**

98. The Presiding Officer, after having called attention to the conduct of a Member who persists in irrelevance or repetition of arguments, shall direct that Member to discontinue his or her speech.

### **Reflections upon Decisions of same Session**

99. No member shall reflect upon any Decision of the Legislature of the same Session, except for the purpose of moving that such Decision be amended or rescinded.

## Reflections upon Statutes

100. No Member shall reflect upon any Statute of the same Session, except for the purpose of moving for its amendment or repeal.

## Reflections upon Judges and others

101. No Member shall reflect upon the competence or honour of a Judge of a Constitutional Court or any Superior Court, or of the holder of an office other than a member of the Executive Council whose removal from such office is dependent upon a decision of the Legislature, except upon a substantive motion in the Legislature alleging facts which, if true, would, in the opinion of the Speaker, *prima facie* warrant such a Decision.

## Rule of Anticipation

102. a) No Member shall anticipate the discussion of a matter appearing on the Order Paper.

b) In determining whether a discussion is out of order on the ground of anticipation, the Presiding Officer shall have regard to the probability that the matter anticipated will be discussed in the Legislature within a reasonable time.

## Explanations

103. a) An explanation during a debate may be allowed by the Presiding Officer only when the material part of a Member's speech has been misquoted or misunderstood, but such Member shall not be permitted to introduce any new matter, and no debate shall be allowed upon such explanation.

b) Any 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 shall confine the explanation strictly to the vindication of his or her own conduct and may not speak for longer than three (3) minutes.

### **Member may not be interrupted**

104. (1) No Member shall interrupt any other Member who is speaking in a debate, except -

- a) on a valid point of order, which shall be entertained only when there is an infringement of the Rules;
- b) on a question of privilege, to seek permission to question a Member; or
- c) on the presence of non-Members.

(2) Any Member interrupted in terms of Rule 104(1)(b) may-

- a) refuse to take a question or a remark;
- b) allow the Member to put the question immediately; or
- c) request the question to be deferred to the end of his or her speech, for response .

(3) Notwithstanding the provisions of this Rule, the Presiding Officer may limit the number of requests to ask questions or to make remarks to a Member who is speaking.



## **Points of order**

105. When a point of order is raised, the Member called to order shall resume his or her seat, and after the point of order has been stated to the Presiding Officer by the Member raising it, the Presiding Officer shall give a ruling or decision thereon, either forthwith or subsequently.

## **Questions of privilege**

106. The question of privilege is granted to:-

- a) The Premier;
- b) Members of the Executive Council;
- c) The Chief Whip, or the Deputy Chief Whip, as the case may be ;
- d) The Whips of every Party in the Legislature; and
- e) In the absence of a Whip, the Member nominated by that Party as an alternative. Provided such alternative shall be nominated in writing, which nomination shall be submitted to the Presiding Officer prior to the Sitting.

## **Acting for absent Member**

107. Any Member may take charge of a motion or an order of the day in the absence of the Member in charge. Provided the Member has been authorized in writing by the absent Member, or by the Whip of his/her Party, to do so.

## **When Reply allowed**

108. The Member introducing a subject for discussion or the Member in charge of an order of the day may reply to the debate, except on the day of the Premier's State of the

Province Address.

## **Seconders**

109. No motion or amendment shall require a Secunder, except on such occasion as the Presiding Officer may decide.

## **Debate closed**

110. A reply to a debate, closes the debate.

## **Debate on Committee reports**

110 (A) a) Prior to the tabling of a Committee report in the House, the Chairperson of the Committee shall submit a copy of the report to the Working Committee. The Committee Chairperson shall indicate in a covering letter to the Working Committee whether or not the Committee is of the view that the report should be debated in the House, and the reasons why the Committee reached that view. The minutes of all Committee Meetings and Public Hearings that are related to the report, along with the attendance registers, shall be submitted by the Chairperson to the Working Committee along with the report. In particular, the minutes and attendance register for the meeting where the Committee considered and adopted the report shall be provided to the Working Committee.

b) The Working Committee shall refer the report to the Legal Services Division of the Legislature, for the identification of any legal issues which the Working Committee may wish to recommend should be discussed in the House.

c) After receiving the comments from the Legal Services Division, and after considering the report and all relevant accompanying documentation, the Working Committee shall submit a recommendation to the Speaker regarding whether or not the report should be debated in the House.

d) It shall be indicated on the Order Paper whether or not a Committee report is to be debated in the House, or whether the report shall just be tabled in the House.

## **NATIONAL COUNCIL OF PROVINCES (NCOP)**

### **DELEGATES**

#### **Nomination and Appointment of Permanent Delegates**

111. a) The Legislature shall, by way of a Resolution, appoint its Permanent Delegates in accordance with sections 61 and 62 of the Constitution
- b) The mandate of the Permanent Delegates ends immediately before the First Sitting of the Legislature held after its first election under the Constitution, or in terms of section 62(4) of the Constitution.
- c) Nomination by Parties shall be in writing, and signed by two (2) Members of the Legislature.
- d) A Member nominated as a Permanent Delegate shall indicate acceptance of the nomination by signing a written Form for such nomination.

## Appointment of Special Delegates

112. a) Where the Legislature is sitting, it, by way of a Resolution, and with the concurrence of the Premier and the Leaders of the Parties entitled to Special Delegates, shall designate three (3) Special Delegates, as required from time to time, from among the Members of the Legislature and such a Resolution shall be placed as a motion without Notice.
- b) Where the Legislature is not sitting -
- The Speaker, after consultation with the NCOP Business Committee, and with the concurrence of the Premier and the Leaders of the parties entitled to Special Delegates, shall designate three (3) Special Delegates and alternates, as required from time to time, from among the Members of the Legislature.
  - The names of the Special Delegates, the period and purpose of their designation shall be recorded in the Minutes of the Legislature at the first sitting day after the designation.
- c) The designation of Special Delegates shall indicate the period and purpose of the designation.
- d) The designation of a Special Delegate or alternate may be terminated at any time -
- where the Legislature is sitting, by a Resolution of the Legislature, coupled with the concurrence of the Premier and the Leaders of the Parties entitled to

special delegates, shall designate Alternates;

- where the Legislature is not sitting, the Speaker, with the consultation with the NCOP Business Committee, and with the concurrence of the Premier and the Leaders of the Parties entitled to Special Delegates and Alternates.

### **Proof of designation as Special Delegates**

113. The Speaker shall -

- a) Certify the appointment of Special Delegates and Alternates and the purpose of their designation;
- b) Certify the compliance with sections 61 and 62 of the Constitution; and
- c) provide a copy thereof to the Chairperson of the NCOP, the Secretary to Parliament and to each Special Delegate.

### **Proof of authority to cast votes**

114. The Speaker shall -

- a) certify the conferral of authority to cast votes by attaching his or her signature to a copy of the adopted Resolution ;
- b) certify the compliance with the Constitution;
- c) provide a copy, thereof, to the Chairperson of the

NCOP and to each delegate; and

115. a) when the Legislature is not sitting, the Speaker shall, with the concurrence of the Premier, the Chief Whip and the NCOP Business Committee confer the mandate to the NCOP.
- b) The conferral referred to in Rule 114(a) shall be announced at the First Sitting of the Legislature, which is held after such conferral.

### **Permanent Delegates' rights and duties in the Legislature**

116. a) The Province's Permanent Delegates to the NCOP may attend, and may, in accordance with arrangements made with the Speaker after consultation with the Parties, speak in the Legislature and its Committees, but shall not vote.
- b) The Legislature may invite a Permanent Delegate to attend and report to the Legislature or to its Committees.
- c) Unless the Speaker rules otherwise, the Rules shall apply to any Permanent delegate.
- d) Unless the Speaker rules otherwise, or the Permanent Delegate submits a written apology to the Speaker, or is absent on approved leave, a Permanent Delegate shall attend at least two (2) meetings of a relevant Committee or two (2) Sittings of the Legislature, or one (1) Committee meeting and one (1) Sitting of the Legislature each month.

## Recalling of Permanent Delegate

117. The Speaker shall submit a written Notice to the Chairperson of the NCOP that a Permanent Delegate has been recalled where -

- a) the Party to which that Delegate belongs, submits a written Notice signed by its Leader or Whip, to the effect that the Delegate concerned has ceased to be a Member of the Party and is, therefore, recalled; and
- b) the Legislature adopts a Resolution to the effect that it has lost confidence in the Member based on the recommendation or recommendations by the Disciplinary Committee which shall have considered -
  - a request from the Chairperson of the NCOP detailing the Member's breach of Privilege or of the Standing Rules; or
  - a request from at least four (4) of the Provincial Permanent Delegates detailing a breach of Privilege or the Standing Rules of the NCOP or that the Member has contravened section 62(4) of the Constitution of South Africa.

## PUBLIC PARTICIPATION

### GENERAL

#### Parliamentary Diary

118. The Speaker shall cause a Parliamentary Diary to be published

in a manner he or she deems fit to inform the public of matters before the Legislature.

### **Assistance to members of public**

119. Any Committee may recommend to the Legislature that financial or other assistance be provided to any person to petition the Legislature, and for that purpose, any person may appear before a Committee or obtain Counsel.

## **PETITIONS**

### **Right to petition**

120. Every person shall have the right to petition the Legislature.

### **Forms of petitions**

- 121.
- a) A petition shall be in the form prescribed by the Speaker.
  - b) A petition that is not in an official language of the Province shall be accompanied by a translation into one of the official languages, and it shall be certified to be a true and correct translation by the Member presenting it or by a sworn translator.
  - c) Unless the Speaker rules otherwise, every petition shall be signed by the petitioner.
  - d) Any person unable to read and/or write shall make their marks on the petition in the presence of two (2) witnesses, who shall sign the petition in their capacity as witnesses.



## Lodgment

122. a) A petition shall be lodged by a Member with the Secretary for an examination of its correctness and shall be signed at the beginning thereof by the Member.
- b) It shall not be competent for a Member to lodge a Petition on her or his own behalf, but such a petition may be lodged by another Member.

## Tabling

123. a) All petitions submitted to the Legislature must be handed to the petitions officer;
- b) Within 7(seven) days of receipt of a petition, the petition officer must refer it to the Speaker with recommendations on how to deal with the petition.
- c) The Speaker shall table a petition that is correct in the House.

## Referral to Committee

124. a) The Speaker shall refer a petition to the relevant Portfolio Committee, unless the Legislature, by a Resolution, refers the petition to another Committee or an *ad hoc* Committee appointed for that purpose.
- b) The Speaker shall refer a petition for a pension or other benefit in respect of service rendered to the Province, which pension or benefit is not authorized by law, to the Portfolio Committee on pensions or an *ad hoc* Committee appointed for that purpose.

## **Powers of Committee**

125. a) In addition the powers of Committees referred to in Rule 69, a Committee to which a petition has been referred may refer the subject matter of the petition to the Executive, a relevant Department or other administrative agency for further attention.
- b) A Committee shall report to the Legislature the referral of a petition as contemplated in sub-rule (a)
- c) A Committee considering a petition shall recommend to the Legislature any course of action it deems fit and proper.

## **Appearance before Committee**

126. Any person who submits a request in this regard to a Committee considering a petition and who, in the opinion of the Speaker, has a substantial interest in the matter shall be given the opportunity to appear before the Committee.

## **Petitioners and others to be informed**

127. The Secretary shall inform a petitioner and other members of the public concerned of the decision or other course of action with regard to a particular petition and of the reasons therefore.

## **WITNESSES**

### **Attendance of witness in prison**

128. Where a witness whose attendance before the Legislature or a

Committee is required is detained in prison, the person in charge of such prison may be requested to bring the witness in safe custody to appear as often as the attendance of that witness is deemed necessary.

### **Summoning of witnesses**

129. a) No Committee shall summon a witness without first having satisfied the Speaker that the evidence of such witness will be material to the inquiry.
- b) For the examination of every such witness the Committee shall sit day after day without interruption.

### **Examination of witnesses**

130. For the examination of every witness, a Committee shall sit on consecutive working days of the Legislature.

### **Witness expenses**

131. Subject to approval by the Speaker, the Secretary shall pay to each witness a reasonable sum for traveling, attendance, and for transport expenses actually incurred.

## **STATEMENTS**

### **Statements by Members**

- 131A (1) A Member, other than the Premier or a Member of the Executive Council, may be recognised by the Chair to make a statement on any matter for not more than three (3) minutes.

(2) Any other Member may respond to the statement, for a maximum of one (1) minute. The total time for responses to a statement by a Member shall not exceed five (5) minutes.

## **INTERPELLATIONS AND QUESTIONS**

### **Notice**

132. (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 Working Committee and of each question by placing it on the Order Paper and Question Paper, respectively; and

b) no interpellation or question for oral reply may be asked on the day on which notice thereof is given.

(2) A Member who desires to give Notice of an interpellation or a question must deliver to the Secretary for placement on the Order Paper or Question Paper, respectively, a signed copy of the Notice in the Language of Record.

### **Persons addressed**

133. No interpellation or question may be addressed to any person other than the Premier or another Member of the Executive Council.

### **Acting for absent Member**

134. Any Member may give notice of an interpellation or a

question or take charge of an interpellation or a question on behalf of an absent Member. Provided that the Member has been authorized, in writing, by the absent Member to do so.

### **Speaker may amend Notices**

135. The Speaker may amend or otherwise deal with any Notice of an interpellation or a question that conflicts with the Rules or offends against the practice of the Legislature.

## **INTERPELLATIONS**

### **Form and placing**

136.       a) An interpellation shall consist of a question containing not more than two (2) subdivisions.
- b) No interpellation or question for oral reply shall be asked on the day on which the Notice thereof is given.
- c) An interpellation shall be placed on the Order Paper for reply in the Sitting of the Legislature that precedes the Sitting on which it will appear on the Order Paper. Provided the Speaker shall, after consultation with the Working Committee, consent to an interpellation on a matter of urgent public importance being asked at shorter notice in substitution of an interpellation of which due Notice has been given.

### **Precedence**

137. Interpellations shall have precedence on Tuesdays.

## Number of interpellations

138. (1) The time for interpellation debates in a Sitting shall be limited to thirty (30) minutes.
- (2) The number of interpellation debates on one and the same day shall be limited to two fifteen (15) minute debates.

## Procedure on interpellations

139. After the presiding officer has formally put the interpellation from the Chair, in the case of an interpellation debate of fifteen (15) minutes-
- a) the responsible Member of the Executive Council shall reply to the interpellation in a speech not exceeding three (3) minutes;
  - b) the interpellant shall respond in a speech not exceeding three (3) Minutes; and
  - c) in the remainder of the allotted fifteen (15) minutes, other members may speak for up to two (2) minutes at a time: Provided that at the end of the debate, the interpellant shall be entitled to speak for one (1) minute, and then finally the MEC shall be allowed two (2) minutes to reply to the debate.

## QUESTIONS

### GENERAL

#### **Period in which Questions may be set down, and period within which questions must be responded to**

140. (1) Questions delivered to the Secretary, at least two (2) working days before a Sitting of the Legislature, will appear on the Question Paper of that Sitting in the new questions section of the question paper.
- (2) All questions for written response shall be responded to within fourteen (14) days.
- (3) In the case of a question for oral response, all questions shall be responded to within fourteen (14) days, unless the Legislature is then in recess, in which case it shall be responded to in the first Sitting thereafter.

#### **Form of questions**

##### **Oral reply**

141. (1) a) Any Member who desires an oral reply to a question shall indicate it with an asterisk.
- b) Where the Speaker is of the opinion that a question deals with matters of a statistical nature, the Speaker shall direct that such question be placed on the Question Paper for Written Reply.
- (2) Questions for oral reply shall be limited to two (2)

questions per Member per question day.

(3) A question for oral reply shall contain not more than five (5) subdivisions.

(4) Not more than four (4) questions for oral reply shall be put to a Member of the Executive Council in respect of any Department of the Executive Authority in any particular Sitting of the Legislature.

(5) The restrictions imposed by sub-rules(1 )(b), (2), (3) and (4), shall not apply to questions for written reply placed on the Question Paper for oral reply in terms of Rule 145.

### **Written reply**

142. a) Questions for written reply may be placed on the Question Paper for reply on any working day of the Legislature. Provided such questions shall be delivered to the Secretary before 12h00 on the day preceding the Sitting of the Legislature.

b) Questions for Written Reply shall be limited to three (3) per Member in respect of any Sitting of the Legislature.

c) The Secretary shall place all questions on the Question Paper in the order in which they are received.

### **Question not replied to**

143. (1) Where a question for written reply has not been responded to within fourteen (14) days of the sitting day on which the question first appeared on the Question



Paper, and if the Member does not respond to the question in the first sitting thereafter, then the question shall be placed on the Question Paper for oral reply. Should the Member fail to respond to the question in the next Sitting, the question would then be put on the question paper for the Premier to respond to in the following Sitting.

(2) Where a question for oral reply has not been responded to within 14 days of the sitting day on which the question first appeared on the Question Paper, and the Member does not respond to the question in the first sitting thereafter, then the question would be put on the Question Paper for the Premier to respond to in the following Sitting.

### **Times allotted**

144. a) Questions for oral reply shall be taken immediately after interpellations.
- b) Any unused portions of the times allocated for interpellations shall be used for replies to questions.
- c) The time allocated for questions shall be sixty (60) minutes.
- d) The discussion on any particular question shall not exceed fifteen (15) minutes.
- e) After the Member has formally put the question in a concise form-
- (i) the responsible Member of the Executive Council

shall reply to the question in a speech not exceeding six (6) minutes.

(ii) after the reply by the Member of the Executive Council, the member who asked the question shall be permitted to ask two supplementary questions, which must relate to his or her original question or to the reply. Following each supplementary question, the responsible Member of the Executive Council shall be entitled to make a reply not exceeding two (2) minutes; and

(iii) in the remainder of the allotted fifteen (15) minutes, other members shall be permitted to ask follow-up questions arising from the initial question, the supplementary questions, or the Member of the Executive Council's replies, and the responsible Member of the Executive Council shall be entitled to make a reply to each question not exceeding one (1) minute.

f) Replies to questions for oral reply which have not been reached on the expiration of the time allotted shall be handed to the Secretary for inclusion in the Official Report of the Debates of the Legislature.

## **Placing and arrangement**

145. (1) Subject to the provisions of this Rule, the Secretary shall place the questions on the Question Paper in the order in which they are received.

(2) Questions for Oral Reply shall be dealt with in the following order -

- a) Questions to the Premier standing over from previous Sittings of the Legislature, if any;
- b) New questions to the Premier;
- c) Questions to other Members of the Executive Council standing over from previous Sittings of the Legislature, if any; and
- d) New questions to other Members of the Executive Council.

## QUESTIONS TO PREMIER WITHOUT NOTICE

### Times allotted

146. a) Questions may be put to the Premier without prior notice on the Second Tuesday of the month, when there is a Sitting, except the Tuesday of the week of the Premier's State of the Province Address and Vote 1 of the Schedule of the Appropriation Bill.
- b) Fifteen (15) minutes shall 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.
- c) Any Member may put a question under this Rule in any Sitting of the Legislature only when his or her name appears on the Order Paper for that purpose.
- d) Any Member who desires to put a question to the Premier in a Sitting of the Legislature shall lodge a signed written submission, under his or her full name

and the name of his or her Party, to the Secretary by 12h00 of the day preceding the Sitting of the Legislature.

## Selection

147. a) Subject to sub-rule (b), the Secretary shall cause the names so submitted to be selected at random in a manner approved by the Secretary as being impartial, and shall place not more than ten (10) names so selected or such other number as the Speaker may determine from time to time, in the order selected, on the Order Paper on the last working day of the Legislature preceding its Sitting day.
- b) The first name on the list of ten (10) names shall be that of a Member belonging to any Party other than the Party to which the Premier belongs
- c) No more than two (2) names of Members belonging to the same Party shall appear on the list provided that,
- the second Member so appearing, shall ask a question only after all the Members belonging to other Parties, whose names appear first on the list, have posed their questions; and
  - the time allocated for questions has not lapsed.

## **GENERAL**

### **THE EXECUTIVE COUNCIL**

#### **Resolutions affecting Executive Council**

148. The Secretary shall communicate Resolutions affecting the Executive Council to the Premier or the responsible Member of the Council, as the case may be.

#### **Reply required**

149. The Legislature or any Committee thereof shall require from the Executive Council or a Member of the Executive Council, within a specified period, a written or oral reply to any matter which the Legislature brings to the attention of the Executive Council in terms of Rule 150 (b).

#### **Duties of the Executive Council**

150. a) At the time and in the form prescribed by the Speaker, every Member of the Executive Council shall cause an Annual Report by the Department or Departments under his or her control to be submitted to the relevant Portfolio Committee or Committees for consideration.
- b) Every Member of the Executive Council shall see to it that in regard to every matter brought to the attention of or question put to the Executive by the Legislature or a Committee, thereof, which relates to his or her portfolio, a written or oral reply or other communication deemed appropriate, is furnished to the Legislature or Committee, as the case may be.

## Advice, recommendation or approval of Committees to Executive Council

- 151.
- a) Whenever in terms of an Act of the Legislature the advice or recommendation of a Committee is needed, the Premier, a Member of the Executive Council or any other authority mentioned in the relevant Act shall submit a request in this regard to the Speaker.
  - b) The Speaker shall refer the request to the relevant *ad hoc* Committee for consideration and report.
  - c) The Secretary shall deliver to each Member of the Committee a copy of the request together with a notification of the referral of the matter to that Committee.
  - d) The Committee shall adopt a report, cause it to be printed and submit it to the Speaker.
  - e) The Speaker shall submit a copy of the report to the authority that made the request and shall lay the report upon the Table.

## CONTEMPT

### Member adjudged guilty of contempt

152. Any Member of the House adjudged guilty of contempt shall be committed to the custody of a Sergeant-at-Arms by order of the Speaker and dealt with as the Legislature may direct.

## **Fines**

153. The amount of a fine leviable by law for each of the offences provided for, and also for each offence referred to in the Rules or any Resolution of the Legislature, shall in each case be determined by an Order or Resolution of the Legislature; but such fine shall in no case exceed the sum of Two Hundred Rand (R200-00).

## **Recovery of fines**

154. All fines shall be recovered by the Secretary and paid into revenue.

## **Fines remitted and persons discharged**

155. A fine or portion thereof may be remitted or the commitment of any person may be discharged by Order of the Legislature.

## **RECORDS OF THE HOUSE**

### **Minutes of Proceedings**

156. The Minutes of Proceedings shall be noted by the Secretary and shall, after having been perused by the Speaker, be printed and supplied to Members.

### **Journals**

157. The Minutes of Proceedings, signed by the Secretary, shall constitute the Journals of the Legislature.

## **Order Paper**

158. The Secretary shall cause the Order Paper for each working day of the Legislature to be printed and delivered to each Member.

## **Custody of papers**

159. The Secretary shall have custody of all records and other papers of the Legislature, and shall neither remove nor permit to be removed any such records or other papers or copies thereof beyond the precincts of the Legislature without leave from the Speaker.

## **Access to tabled papers**

160. The Secretary shall, by leave of the Speaker, allow members of the public access to the records of the Legislature and to papers laid upon the table, and to take extracts from or make copies of such records and papers, unless the House by Resolution orders otherwise.

## **BUSINESS OF LEGISLATURE**

### **ARRANGEMENT OF BUSINESS**

161. The Working Committee, in consultation with the Leader of the House, shall arrange all business to be placed on the Order Paper.



## **AMENDMENTS**

### **Form of amendments**

162. a) Any amendment shall be submitted in writing in the language of record and shall be signed by the proposer.
- b) Any amendment shall be seconded by another Member, except in those cases that the Speaker may decide.

### **No amendment to draft Resolution**

163. No amendment to a draft Resolution shall be moved; except an amendment -
- a) to a draft resolution on a question of privilege;
  - b) to substitute the name of another Member for the name of a Member mentioned in the draft resolution; or
  - c) which is allowed by the Presiding Officer.

### **No amendment to earlier part**

164. No amendment shall be moved to the earlier part of a question after an amendment to a later part thereof has been decided.

### **Order in which amendments are put**

165. Subject to the provisions of the Rules, the Presiding Officer shall determine the order in which amendments to a question shall be put.

## DECISIONS

### Decisions postponed

166. a) When the debate on a question has been concluded, the Presiding Officer may postpone the decision of a question until a time determined for the decision of the question, as shall be deemed appropriate by him or her
- b) When the decision on a matter before the Legislature involves more than one (1) question, the Presiding Officer may postpone the decision on each question until debate on all questions has been concluded.
- c) At the time for its decision, a postponed question shall be put by the Presiding Officer without further debate.

### Question put again

167. The Presiding Officer shall put any question and if it is not heard or understood, the Presiding Officer shall put it again.

### Question fully put

168. a) A question shall be deemed to have been fully put when the voices of both the "Ayes" and the "Nays" have been given thereto.
- b) No Member, except a Member permitted to make a declaration of vote, shall speak to any question after it has been fully put by the Presiding Officer.

## Declaration of vote

169. a) The Presiding Officer may at any time after a question has been fully put, allow one (1) Member of each Political Party to state on behalf of that party, in a speech not exceeding three (3) minutes, the reasons why the Party is in favour of or against the question.
- b) A Member addressing the Chair in terms of sub-rule(a), may read out aloud a statement on the Party's viewpoint, and deliver a signed copy, thereof, at the Table for inclusion in the Minutes of Proceedings.

## Recording of opposition

170. a) Whenever a question is put by the Presiding Officer, any Member may, instead of demanding a division, inform the Presiding Officer that he or she or the Party to which the Member belongs wishes their opposition to be formally recorded in the Minutes of Proceedings.
- b) The Presiding Officer may order that a division take place in the event of four (4) or more Members wishing to record their individual opposition.

## Demand for division/roll-call

171. a) After a question has been put and the Presiding Officer has indicated whether in his or her opinion the "Ayes" or the "Nays" have it, any Member may demand a division, whereupon a division shall, subject to sub-rule (b), take place without debate.

- b) Whenever a division is demanded, the Presiding Officer shall, before ordering the division bells to be rung, ascertain whether at least four (4) Members support the demand for a division.
- c) If fewer than four (4) Members rise in support of a division, the Presiding Officer shall forthwith declare the decision on the question.

### **Division bells rung and doors locked**

- 172.
- a) If the required number of Members support the demand for a division, the division bells shall be rung and the doors shall be locked after the lapse of three (3) minutes as the Presiding Officer may direct.
  - b) If further divisions are required to dispose of the question and such division bells follow immediately upon the first division, the division bells shall again be rung and the doors shall be locked after the lapse of fifteen (15) seconds as the Presiding Officer may direct.
  - c) When the doors have been locked, no Member shall enter or leave the Chamber until the result of the division has been declared/announced.

### **Procedure after doors locked**

- 173.
- a) Subject to sub-rule (c), the Presiding Officer shall again put the question when the doors have been locked.
  - b) Thereupon the Secretary shall call Members to stand

and to voice “Aye” or “Nay” on the question as put before the Legislature, the results of which shall be recorded.

- c) After the lapse of the periods prescribed by Rule 166, the Presiding Officer may again put the question and may declare afresh whether in his or her opinion the “Ayes” or the “Nays” have it, in which case a division shall take place only if such fresh declaration is challenged.

### **Minority of fewer than five (5) Members**

174. When a division is taking place, and the Presiding Officer suspects that fewer than five (5) Members are voting with the minority, he or she may ask the voting minority to stand, and if fewer than five (5) Members stand, the Presiding Officer shall forthwith declare the decision on the question.

### **Members present shall vote**

- 175.
  - a) Every Member present in the Chamber when the question is put with the doors locked, shall vote.
  - b) A Member demanding a division shall vote with those who, in the opinion of the Presiding Officer, are in the minority.

### **Points of order during division**

176. 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**

177. After completion of the division, the tellers shall sign the division lists and hand them to the Presiding Officer, who shall declare the result of the division.

## **Error concerning division and correction of Minutes**

178. a) In the event of confusion or error concerning a division, another division shall take place, unless the numbers can be corrected otherwise.
- b) If the numbers have been inaccurately reported or error occurs in the names on the division lists, the Presiding Officer shall order the Minutes of Proceedings to be corrected.

## **Electronic voting system**

179. a) At a Sitting of the Legislature held in a Chamber where an electronic voting system is in operation, questions may, at the discretion of the Presiding Officer, be decided by the utilization of such a systems and in accordance with a procedure determined by the Speaker.
- b) Where no electronic voting system is in operation or where such a system is in operation but not utilized, questions shall be decided in accordance with the provisions of Rules 181 to 191.

## DISCUSSION OF SUBJECTS AND DRAFT RESOLUTIONS

### DISCUSSION OF MATTERS OF PUBLIC IMPORTANCE

#### Matter of public importance

180. a) A Private Member may, before the adjournment of the House on the previous Sitting, in writing, request the Speaker to place a matter of public importance on the Order Paper for discussion.
- b) Such a discussion shall not exceed the time allocated for it by the Speaker after consultation with the Leader of the House.
- c) If before the expiration of the allotted time for the discussion, a Member other than the responsible Member of the Executive Council is speaking, the Presiding Officer shall interrupt such Member and shall ascertain from the responsible Member of the Executive Council whether he or she wishes to reply.
- d) Questions of privilege shall not be discussed under this Rule and matters already discussed by the Legislature during the same session may not be discussed under this Rule.
- e) The Rule of anticipation shall not apply during the debate on and under this Rule.

#### Matter of urgent public importance

181. a) A Private Member may, at least two (2) hours prior to the time appointed for a Sitting, in writing request

the Speaker to allow a matter of urgent public importance to be discussed at that Sitting. Provided that no more than one (1) matter shall be debated on the same day under this Rule.

- b) Where the Speaker grants the request, the Presiding Officer shall announce it in the Legislature, and debates on the matter shall stand over until the time appointed by the Presiding Officer.
- c) Such a debate on a matter of urgent public importance shall not exceed the time allocated for it by the Speaker after consultation with the Leader of the House.
- d) Where before the expiration of the allocated time a Member other than the responsible Member of the Executive Council is speaking, the Presiding Officer shall interrupt such Member and shall ascertain from the Member of the Executive Council whether or not he or she wishes to reply.
- e) Questions of privilege shall not be discussed under this Rule and matters already discussed by the Legislature during the same Session may not be discussed under this Rule.
- f) The Rule of anticipation shall not apply during the debate on a matter of urgent public importance.



## MOTIONS IN THE HOUSE

### Nature of motions

182. A Member may propose -

- a) a subject for discussion;
- b) a draft Resolution;
- c) a substantive Motion for approval as a Resolution of the Legislature which -
  - may mandate a specific action;
  - may censure a person or body; or
  - is pursuant to the Constitution.

### Form of motions

183. a) Any motion shall be submitted in writing in the language of Record of the Legislature, and shall be signed by the proposer.
- b) Any Motion shall be seconded by another Member, except in those cases that the Speaker may decide.

### Same question Rule

184. a) No matter shall be proposed for discussion in the Legislature which is the same in substance as a matter that has been discussed in it during the same Session.
- b) No draft Resolution shall be moved in the Legislature which is the same in substance as a draft Resolution which has been approved or rejected by it during the same Session.

c) The Order, Resolution or Vote on such previous Draft Resolution may be amended or rescinded.

## Motions without notice

185. 1) Every Motion requires notice, except a motion:-

- i. By way of amendment to a draft Resolution permitted in terms of these Rules;
- ii. Raising a point of order or a question of privilege;
- iii. For the postponement of, discharge of, or giving precedence to, an order of the day;
- iv. Referring a Bill to a Committee;
- v. By the member in charge, proposing a draft Resolution on the report of the Committee immediately after the conclusion of the debate on the report;
- vi. Specially excepted by these Rules; or
- vii. In regard to which Notice is dispensed with by the unanimous consent of all members present.

2) A motion without Notice must not contain any debatable aspect and furthermore-

- i. Motions without Notice are limited to three (3) minutes per speaker.
- ii. No member shall be allowed to read the same motion during the same Sitting.
- iii. Members shall not be allowed to read the same and/or similar Motion during the same sitting.

3) Whenever possible, the Chief Whip should be advised of any Motions without Notice prior to its introduction in the Legislature. The Speaker may request the member proposing the Motion without Notice to explain why it was not possible for the member to have advised the Chief Whip of the Motion prior to its introduction in the Legislature.

### **Notice of Motion**

186. a) When giving Notice of a Motion, a Member shall 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.
- c) A written Notice of a Motion delivered to the Secretary before 12h00 on the day preceding the Sitting of the Legislature, may be placed on the Order Paper.
- d) Except with the unanimous concurrence of all the Members present, no motion shall be moved on the day on which notice thereof is given.

### **Acting for absent Member**

187. Member may give notice of a Motion on behalf of an absent Member. Provided the said Member has been duly authorized in writing by the absent Member to do so.

### **Lapsing of Motions**

188. a) If a Member does not move a Motion standing in his or

her name on the Order Paper, such a motion shall lapse unless moved by another Member. Provided he or she has been authorized to do so by such Member.

- b) Such a motion may again be moved, later, during the same Session.

### **Speaker may amend Notices**

- 189. Any Notice of Motion which offends against the Constitution, the practice or these Rules may be amended or otherwise dealt with as the Speaker may decide.

### **Questions of privilege**

- 190. An urgent Motion directly concerning the privileges of the Legislature shall take precedence of other Motions or of Orders of the day.

### **Withdrawal of Motion**

- 191. A Member who has moved a Motion may without Notice withdraw that Motion with the consent of the Legislature.

## **PUBLIC BILLS**

### **GENERAL**

#### **Terminology**

- 192. All Bills and memoranda to be introduced in the Legislature, shall be drafted in language which is clear, simple and non-technical as far as possible.

## **Same Bill may not be introduced twice**

193. When a Bill has been passed or rejected, no Bill of the same substance shall be introduced during the same Session.

## **Resumption of proceedings on and lapse of Bills**

194. a) The proceedings on any Bill standing over due to an adjournment of the Legislature shall continue after the resumption of business from the commencement of the stage it reached before the adjournment.
- b) The adoption or rejection of a Resolution of proceedings on a Bill does not prohibit the introduction of another Bill of the same substance during the same Session.
- c) Any Bill that has not been disposed of when the Legislature is dissolved for an election shall lapse.

## **Withdrawal of Bill**

195. The Member in charge of a bill may introduce a motion to withdraw the Bill at any stage before the Bill has been adopted.

## **Rejection of Bill**

196. If the House rejects the Third Reading of any Bill, it has rejected that Bill.

## Stages of Bills

197. Unless otherwise provided in these Rules, not more than one (1) stage of a Bill shall be taken on the same Sitting day if objection to a further stage is made by three (3) or more Members.

## Amendments to motion for consideration of Bill

198. No amendment shall be made to the Motion for the consideration of the principle and detail of a Bill, except an amendment to

- a) omit all the words after “...that...” and substitute words which state some special reason or reasons against the consideration of the Bill;
- b) to omit “...now...” and to add at the end “...this...” day three (3) months...” or “... this day six (6) months...” or some other date; or
- c) in the case of a Bill which is not a Money Bill, omit all the words after “...that...” and substitute “...the order for the consideration of the Bill be discharged and the subject of the Bill be referred to a Committee for inquiry and report.” Provided such an amendment may provide for the Committee to which the Bill shall be referred to and for its assignment, powers and instructions.

## Reading of Bill

199. On the orders for the First, Second and Third Reading of a Bill

the Secretary shall read only the Short Title thereof.

## **Adoption of Bill**

200. a) When the House adopts a Motion to that effect after the consideration of the principle and detail of the Bill, it adopts the Bill, i.e. after the Third Reading of the Bill.
- b) When a Bill has been adopted by the House, two (2) legible copies, thereof, shall be certified by the Secretary as being correct, and forwarded to the Premier for assent within fifteen (15) days of the passing of the Bill, in accordance with section 140(1) of the Constitution.

## **Discrepancies in the versions of a Bill**

201. a) If any error or defect is discovered after the Bill has been adopted but before it has been presented to the Premier for assent, the Speaker shall report such error or defect to the House and if it agrees to such an amendment or amendments, the Legislature shall be deemed to have agreed to the adoption of the Bill as amended.
- b) After a Bill has been referred to the House and amended in terms of sub-rule one (a), two (2) legible copies, thereof, shall be certified by the Speaker as being correct and passed by the Legislature, and forwarded to the Premier for assent as if it had been passed as Rule 200 would have.

## **Approval of Bills by Cabinet**

202. a) As soon as the Executive Council has approved the introduction of a Draft Bill, the Leader of the House shall inform the Speaker of the approval within five (5) working days and, in the case of a Draft Bill which is not a Money Bill, must supply the Speaker with a copy of the Draft Bill.
- b) The Speaker shall inform the Chairperson or Chairpersons of the appropriate Committee or Committees, as the case may be, and shall supply a copy of the Draft Bill to the Chairperson or Chairpersons, in order for the Committee or Committees to plan their consideration of the Bill after its introduction.

## **BILLS OTHER THAN MONEY BILLS**

### **EXECUTIVE MEASURES**

#### **Publication of Bills**

203. a) A Bill other than a Money Bill, together with a memorandum, may not be introduced in the Legislature unless the Bill has been published in the Provincial Gazette at least fourteen (14) days prior to its introduction.
- b) The Bill shall be published in the same format as it will be introduced in the Legislature, and shall be accompanied by a Notice inviting the public to submit comments and representations to the Secretary before the date mentioned in the notice, which may not be less than three (3) weeks after the date of the publication of the Bill.



## **Bill not published**

- 204 a) Where a Bill has not been published as prescribed, it shall not be introduced, unless the Premier has declared it an urgent measure and advised the Speaker accordingly.
- b) Where a Bill has not been published before its introduction, the Secretary shall immediately upon its introduction cause the Bill to be published in the Provincial Gazette together with the memorandum referred to in Rule 203.

## **Memorandum on the Bill**

205. Every Bill shall be introduced together with a memorandum, drafted in language which is clear, simple and non-technical as far as possible setting out the following:
- a) the reasons for and the possible effects of the Bill in a social impact statement, with due consideration of the Bill of Rights in Chapter 2 of the Constitution, where applicable;
  - b) an environmental impact statement where necessary;
  - c) the financial implications of the Bill;
  - d) an account of the comments solicited and received, if any, and an evaluation of those comments;

- e) a clause-by-clause explanation of the content of the Bill; and
- f) such other information deemed necessary by the Member in charge of the Bill, as well as an explanation of any amendments made after publication in terms of Rule 203.

## **Introduction and First Reading**

- 206.
- a) Every Bill which is not a Money Bill and of which a Member is in charge, shall be introduced by Motion.
  - b) Notice shall be given of every Motion that leave be granted to introduce a Bill and the general object of the Bill shall be stated in such Notice.
  - c) Where the Motion is agreed to, the Speaker shall direct the Bill to be read the First Time and refer it to the relevant Committee.

## **Reading of clauses in the House**

- 207.
- a) In the House, the Presiding Officer shall put the clauses and Schedules, if any, of the Bill in succession.
  - b) The Preamble, if any, and the Title shall be considered after the clauses and Schedules, if any, have been disposed of.
  - c) The Presiding Officer may, on good cause shown, postpone a clause or Schedule until a later stage during the consideration of the Bill.

## **Scope of debate and relevancy of amendments in the House**

208. a) On amending a Bill, debates shall be confined to the proposed amendments to the Principal Act and such other relevant amendments as may be subsequently moved.
- b) Amendments to a clause or the insertion of new clauses may be moved. Provided such amendments or clauses are relevant to the subject matter of the Bill, pursuant to any instruction.
- c) If any amendment is adopted which is within the Title of the Bill, the House shall amend the Title accordingly.

## **Procedure on amendments made by Portfolio Committee**

209. a) Any amendment made by a Portfolio Committee to the Bill under consideration shall not be moved, nor shall any question be put thereon, unless exception be taken on such amendments.
- b) Upon exception being taken by any Member to an amendment proposed by a Portfolio Committee, the Chairperson of Committees shall forthwith put the amendment for discussion.

## **Recommittal of Bill**

210. a) A Bill may, on Motion without Notice, be recommitted wholly or in part at any time after the conclusion of

the clause by clause consideration and before it is read a third time.

- b) The debate on such a motion shall be confined strictly to the matter of such recommittal.

## **PRIVATE MEMBERS'S PUBLIC BILLS**

### **Private Member's Bill**

- 211.
- a) A Bill introduced by a Private Member, together with a memorandum thereon referred to in Rule 203, shall be submitted to the Speaker.
  - b) The Speaker shall refer the memorandum and the Bill to an *ad hoc* Committee within a reasonable time.
  - c) The Committee may recommend that the Bill contemplated either not be proceeded with or that it be accepted.
  - d) If the Committee recommends that the Motion be accepted and the Member in charge thereof has complied with the Speaker's requirements, if any, regarding the form and style of Bills and memoranda thereon, the provisions of these Rules shall apply to it as if it were a Public Bill.

## **MONEY BILLS**

### **GENERAL**

#### **Recommendation by Premier**

- 212.
- a) The House shall not adopt any Bill appropriating any

money out of the Provincial Revenue Fund or authorizing the raising of any loan or raising revenue by way of taxation, unless introduced or recommended by the Premier.

b) For the purposes of these Rules, any Bill referred to in sub-rule(a) shall be called a Money Bill.

c) Any other Bill in which the raising of revenue by way of levies, tariffs, duties or surcharges is incidental to the main purpose of the Bill, shall not be regarded as a Money Bill and shall be dealt with in accordance with Rules 203, except that the provisions of the Bill raising revenue shall be recommended by the Premier.

d) The recommendation of the Premier under this Rule may be communicated by written message through the Speaker or verbally by the Premier or other Member of the Executive Council, and shall be entered in the Minutes of proceedings.

## **Introduction and First Reading of a Bill**

213. a) A Money Bill shall only be introduced when the House is in Session.

b) After the Member of the Executive Council in charge of a Money Bill has delivered the introductory speech, the said Member shall introduce the Bill and lay papers, if any, upon the Table.

c) The Speaker shall direct the Bill to be read for the First Time without Motion made or question put and refer it to the relevant Portfolio Committee on Finance.

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## **Bill on Order Paper for consideration of principle and detail**

214. a) The consideration of the principle and detail of a Money Bill shall not proceed before the report of the Committee to which the Bill was referred in terms of Rule 213 (c) has been received.
- b) The period for deliberation on a Bill and papers so referred shall commence on a day to be determined by the Speaker after consultation with the Leader of the House.
- c) No amendment to a Bill or any other paper which has, in terms of this Rule, been referred to the Committee shall be moved while the Committee is deliberating on the Bill and papers, but the Committee may make recommendations to the House.
- d) The Committee shall be competent to call for evidence and papers, summon persons and hold public hearings and report to the House.

## **Bill placed on Order Paper for Second Reading (i.e., Approval of principle)**

215. a) After the principal consideration of a Money Bill has been concluded, the principle of the Bill shall be decided upon.
- b) The Second Reading of the Money Bill may be considered only after the report of the Portfolio Committee on Finance as provided for in Rule 214(c)

has been presented to the House.

## Consideration of details and Supplementary Estimates

216. a) After the principle of an Appropriation Bill that has a Schedule has been approved, the Votes in the schedule shall be debated.
- b) After the debate on the Schedule to the main Appropriation Bill has been concluded, the Working Committee shall place those Votes in respect of which supplementary amounts are to be requested on the Order Paper for consideration.
- c) The House will consider the supplementary amounts before deciding on separate Votes in the Schedule in the main Appropriation Bill.

## Taxation proposals

217. a) Subject to sub-rule (b), all proposals to raise funds by way of taxation shall be initiated by a Member of the Executive Council.
- b) Where a taxation proposal is only incidentally involved in a Bill and it is made by a Member other than a Member of the Executive Council, the Premier's recommendation shall be obtained before the clause containing such proposal is considered by the House.
- c) A recommendation referred to in sub-Rule (b) shall be conveyed to the House by a Member of the Executive Council and shall be entered in the Minutes of Proceedings.

d) In the Sitting of the House on a Taxation Bill, no Member other than a Member of the Executive Council may move an amendment which extends the incidence of a tax or which will have the effect of increasing taxation.

## **HYBRID BILLS**

### **Definition**

218. A public Bill which adversely affects or may adversely affect the private interests of particular persons or bodies as distinct from the private interests of all persons or bodies in the particular category to which those persons or bodies belong, shall be treated as a Hybrid Bill.

### **Referral to ad hoc Committee**

219. A Hybrid Bill shall be introduced as provided in the Rules for Bills that are not Money Bills.

### **Referral to Committee**

220. The Bill shall be referred to an *ad hoc* Committee, which shall report back to the House.

### **Report of Committee**

221. Upon receiving the report of a Committee on a Hybrid Bill, the House may further deal with the Bill as provided in the Rules for Bills other than Money Bills.



## CONSOLIDATION BILLS

### Proceedings on Consolidation Bills

222. a) A Bill which purports to consolidate existing law shall not contain provisions amending the law.
- b) A Consolidation Bill shall be accompanied by a certificate signed by the Law Adviser who drafted the Bill, stating that the Bill consolidates existing law without amending it.

### Introduction

223. A Consolidation Bill shall be introduced by submitting it, together with the certificate referred to in Rule 222, above, to the Speaker, who shall lay it upon the Table.

### Referral to Select Committee

224. a) A Consolidation Bill shall be placed on the Order Paper for the consideration of its principle and detail.
- b) Notwithstanding the provisions of sub-rule(a) above, the Speaker may, on good cause shown, direct that a Consolidation Bill be referred before Second Reading to an *ad hoc* Committee appointed for that purpose.
- c) The Committee to which the Consolidation Bill was referred may submit an amended Bill, but shall only consider amendments which seek to express existing law more clearly or which seek to bring the Bill into

