



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA



MAKING YOUR FUTURE
WORK BETTER

EFFECTIVE USE & INTERPRETATION OF THE RULES



AUTHORITY OF RULES

- The House has the
 - power to determine and control internal arrangements, proceedings and procedures
 - power to make rules and order concerning own business
- The Rules must regulate
 - establishment, duration, powers, functions and procedures of committee
 - participation of *all* provinces in the proceeding
 - *participation of minority parties whenever a matter is to be determined in terms of section 75*

Section 70 of the Constitution



TYPES OF RULES

- House Rules, Practices, Processes, Procedures and Conventions
 - applicable only to the House and its Committees
- Joint Rules, Practices, Processes, Procedures and Conventions
 - applicable to Joint Sittings and Joint Committees
- Some House Rules, Practices, Processes, Procedures and Conventions are similar to/same as Joint Rules, Practices, Processes, Procedures and Conventions
 - Rules of Debate
 - Rules of Conduct



THE IMPORTANCE OF THE RULES

Should there be Rules – to avoid/limit/control chaos in the House and its Committees?





IMPORTANCE OF RULES

Rules determine among others

- how Delegates may participate in the proceedings
 - matters affecting provinces
 - matters not affecting provinces
- committee processes and proceedings
- rights and obligations of Delegates
 - freedom of speech and limitations
 - requests for debates on matters of urgent public importance
- timeframes for processes
 - Consideration of bills
 - Question
 - Debates
 - motions



WHY THE DISTINCTION

- Each House has own processes, procedures, practices and conventions
 - Mandating
 - Voting – bills affecting provinces/not affecting provinces
 - Declarations – the substance of a matter before the House
 - Divisions – matters not affecting provinces
- To apply Rules relevant to the business of the House and its Committees
- To properly interpret the Rules in accordance with
 - Processes
 - Procedures
 - Practices
 - Conventions



PRIVILEGE & IMMUNITY

Privilege of freedom of speech in the House and its committees

- Immunity from civil or criminal liability
 - to ensure that Delegates represent the electorate freely, fairly and without interference from the outside world
 - Debates are conducted in a manner consistent with the decorum of the House
- Privilege of freedom of speech is limited by the Rules
 - use of offensive language
 - prohibition of repetitive and irrelevant argument
 - Interruption of another Delegate

Section 71 of the Constitution



INTERPRETATION OF RULES

- Rules must be
 - consistent with the Constitution
 - interpreted within the context of the Constitution
- Purposive/literal/primary/secondary interpretation
 - what the rule seeks to achieve/literal meaning
- Flexibility of the Rules to give effect to the business of the House and Committees
 - Suspension of Rules



EFFECTIVE USE OF RULES

- Oversight and accountability
 - questions/follow-up questions to the Executive
 - debates
 - motions
 - inquiries
 - power to summon/subpoena
- Law-making
 - propose legislation
 - amend legislation affecting provinces
 - propose amendment to legislation not affecting provinces



EFFECTIVE USE OF RULES

- Facilitation of public involvement
 - public hearings
 - feedback to communities/constituencies
 - petitions on behalf of communities/constituencies



THANK YOU