



REPORT OF THE SELECT COMMITTEE ON RULES AND ORDERS ON THE AMENDMENT OF THE RULES AND ORDERS, 2013 EDITION: MPUMALANGA PROVINCIAL LEGISLATURE

1. INTRODUCTION

In terms of section 116(1)(b) of the Constitution, a provincial legislature may make rules and orders concerning its business, with due regard to representative and participatory democracy, accountability, transparency and public involvement. In compliance with the Constitution, the Mpumalanga Provincial Legislature (“the Legislature”) had made its Rules and Orders (“the Rules”), which were last amended in 2013.

During the Fifth term of the Legislature, the Legislature took a decision to review the Rules, due to developments that have taken place since the beginning of this new term. This was done in order to make the Rules practical and relevant, and to align them with the provisions of the Constitution; Powers and Privileges and Immunities of Parliament and Provincial Legislatures Act, 2004; legislature practice and case law.

2. METHOD OF WORK

In embarking on the task of reviewing the Rules, the Select Committee on Rules and Orders (“the Committee”) convened a meeting on 01 September 2015 at which all political parties represented in the Legislature were invited. The Committee is made up of the Honourable Speaker who is the Chairperson, Deputy Speaker, Chief Whip of the majority party, Chairperson of Committees, Deputy Chairperson of Committees, members from the three opposition parties represented in the Legislature, Democratic Alliance (“DA”), Economic Freedom Fighters (EFF), Bushbuckridge Residents Association (BRA). Personnel from the Parliamentary Operations Division provide support to the Committee.

The proposed amendments to the 2013 Edition of the Rules were presented to the Committee for consideration and adoption. The Committee engaged fruitfully with the presentation and proposed amendments where necessary.

After due consideration and deliberations, the Committee directed the Legal Services to conduct further research and also to ensure that the amendments are in line with the Constitution, relevant legislation as well as benchmark with Parliament and other provincial legislatures on how they handle matters that prompted these amendments before the Rules could be presented in the House at the next sitting, for consideration.

[The Rules as amended by the Rules Committee on 1 September 2015 are attached as an Annexure to this report.]

3. COMMITTEE OBSERVATIONS

The Committee noted the following regarding the amendments to the Rules:-

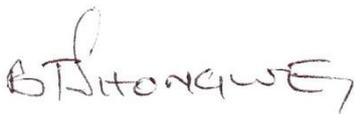
- a) The Rules will be helpful in preserving the decorum of the House.
- b) The amendments are in line with developments in South Africa with regard to the Constitution, legislature convention and practice, case law, and legislation.
- c) The improved version of the Rules would ensure that democratically elected representatives conduct their work and fulfil their constitutional mandate of law-making, oversight and public participation in a more effective and efficient manner;
- d) Where applicable, benchmarking on the Rules of other provincial legislatures and Parliament was done in order to ensure that these Rules are relevant, up to date and enforceable; and
- e) Plain language drafting style was adopted in order to ensure easy comprehension of the Rules by any reader.

4. RECOMMENDATION

The Committee therefore **recommends** that the House approves the amendments and further adopts the Mpumalanga Provincial Legislature Rules and Orders.

5. CONCLUSION

The Chairperson would like to thank all members of the Committee who played a meaningful and critical role in the amendment of these Rules. Gratitude is also extended to the Legal Services and all the support staff for their role in the process of amendment of these Rules.



HON. BT SHONGWE (MPL)
CHAIRPERSON: SELECT COMMITTEE
ON RULES AND ORDERS

04 September 2015

DATE