



ESTABLISHMENT OF JOINT STRUCTURES AND OTHER MATTERS BEFORE JOINT RULES COMMITTEE

1. BACKGROUND

The Joint Rules Committee (JRC) is established in terms of Section 45 of the Constitution, 1996 and Joint Rule 53 (6th edition). It is charged with making determinations about joint structures after the establishment of a new Parliament.

2. INFORMATION AND PROPOSALS ON DRAFT JRC AGENDA MATTERS

2.1 Composition of Joint Structures

The following joint structures require the Joint Rules Committee to make a determination about their composition:

2.1.1 Constitutional Review Committee (CRC)

Joint Rule 98 provides that the composition of the Joint Committee consists of 14 Assembly members and 9 Council members.

Although there is no decision for the JRC to make in terms of determining the number of members to serve on the committee, the composition of the NA component is proposed as follows:

ANC	$14 \times 230 / 400 = 8.05$	(8)
DA	$14 \times 84 / 400 = 2.94$	(3)
EFF	$14 \times 44 / 400 = 1.54$	(2)
Other Parties	$14 \times 42 / 400 = 1.47$	(1)

Proposal:

It is proposed that for the duration of the Sixth Parliament the composition of the Committee be as follows: NA Component - ANC 8, DA 3, EFF 2 and Other Parties 1 and NCOP Component – 9.

2.1.2 Joint Committee on Ethics and Members' Interests

Joint Rule 122 provides that the Joint Committee consist of 14 Assembly members and 9 Council members.

Proposal:

It is proposed that for the duration of the Sixth Parliament the composition of the Committee be as follows: NA Component - ANC 8, DA 3, EFF 2 and Other Parties 1 and NCOP Component – 9.

2.1.3 Parliamentary Group on International Relations (PGIR)

Rule 129 provides that the Parliamentary Group on International Relations (PGIR) consist of the number of Assembly and Council members that the Joint Rules Committee may determine. In the Fifth Parliament, the JRC determined the membership of the PGIR to be as follows: 9 Assembly members and 4 Council members.

Proposal:

It is proposed that the same membership be maintained for the PGIR for the duration of the Sixth Parliament, namely: NA Component - ANC 5, DA 2, EFF 1, Other Parties 1 and NCOP Component – ANC 3, DA 1.

Rule 130 provides that the House Chairperson designated by the Speaker of the Assembly and a House Chairperson designated by the Chairperson of the Council are co-chairpersons of the group. It is further proposed that the membership proposed above include the designated House Chairpersons from the respective House components, as set out above.

2.1.4 Joint Standing Committee on Financial Management of Parliament

Joint Rule 96B requires that the composition of the Joint Standing Committee on Financial Management of Parliament be determined by the Joint Rules Committee. The JRC determined that the composition of the Committee would be 14 members: 9 from the National Assembly and 5 from the National Council of Provinces.

Proposal:

It is proposed that the composition of the Committee for the duration of the Sixth Parliament be as follows: NA Component - ANC 5, DA 2, EFF 1, Other Parties 1 and NCOP component - ANC 3, DA 1 and EFF 1.

2.1.5 Joint Standing Committee on Defence (JSCD)

The application of the formula provided in the Interim Constitution (Act No 200 of 1993) in respect of the composition of the JSCD resulted in its membership being too large, which presented problems in terms of its management in previous Parliaments.

Following a legal opinion on the matter, the Joint Rules Committee amended Joint Rule 120B in the Fifth Parliament in order to ensure that the JSCD was efficiently managed. The rule amendment allowed the Joint Rules Committee to determine the membership of the JSCD, taking into consideration the prescripts of the Interim Constitution read with item 24(1) of Schedule 6 to the Constitution, 1996. However, in the Fifth Parliament, the matter of proportional representation and the participation of minority parties in a manner consistent with democracy was raised as a concern, as the current Constitution required that proportional representation be taken into account in the composition of Committees. In light of this concern, two options are proposed for the JRC'S consideration:

Option 1: Use of formula prescribed in Interim Constitution

In determining the membership of the JSCD, section 228(3)(a) of the Interim Constitution provides that a Joint Standing Committee on Defence shall be established, consisting of members of all political parties holding more than 10 seats in the National Assembly and willing to participate in the Committee.

Section 228(3)(c) provides the formula for determining the membership of the JSCD. In the Fifth Parliament, the committee was composed of 13 members, 9 from the National Assembly and 4 from the National Council of Provinces.

The following parties have more than 10 seats in the National Assembly - ANC (230 seats), DA (84 seats), EFF (44 seats) and IFP (14 seats).

In the application of the formula as prescribed in Section 228(3)(c), the total number of seats currently occupied by parties with more than ten members is 372. The formula prescribes that the total number of seats occupied by parties with more than ten seats must be divided by the total number of members on the committee. Although the committee was composed of 13 members in the previous Parliament, if the same composition were to be used in the Sixth Parliament, the IFP would not have representation on the JSCD in terms of the formula. However, if the JSCD was constituted of 15 members, all parties with more than ten seats would have representation on the committee. Using the formula prescribed in the Interim Constitution, the quota of seats per member would be 24.8 (372/15). Therefore, in terms of the application of the formula, the party composition on the JSCD would be as follows:

ANC	230/24.8	=	9.27	(9)
DA	84/24.8	=	3.38	(3)
EFF	44/24.8	=	1.77	(2)
IFP	14/24.8	=	0.56	(1)

Thus, based on a membership of 15, the following composition would prevail on the JSCD: ANC 9, DA 3, EFF 2 and IFP 1.

Option 2: Proportional representation in terms of current Constitution

If the principle of proportional representation was strictly adhered to, with a proposed committee membership of 15, the following would prevail:

Quota of seats per member: $400/15 = 26.66$

ANC	230/26.66	=	8.62	(9)
DA	84/26.66	=	3.15	(3)
EFF	44/26.66	=	1.65	(2)
IFP	14/26.66	=	0.52	(1)
FF plus	10/26.66	=	0.37	(0)
ACDP	4/26.66	=	0.15	(0)
UDM	2/26.66	=	0.07	(0)
ATM	2/26.66	=	0.07	(0)
Good	2/26.66	=	0.07	(0)
NFP	2/26.66	=	0.07	(0)
AIC	2/26.66	=	0.07	(0)
Cope	2/26.66	=	0.07	(0)
PAC	1/26.66	=	0.03	(0)
Aljama'ah	1/26.66	=	0.03	(0)

With both options, only the ANC, DA, EFF and IFP qualify for seats on the Committee.

Proposal:

It is proposed that the JSCD be composed of 15 members for the duration of the Sixth Parliament as follows: NA component - ANC 6, DA 2, EFF 1 and IFP 1 and NCOP component - ANC 3, DA 1 and EFF 1.

2.3 Formula for international delegations representing Parliament

The PGIR must implement the international relations policy agreed by the JRC, by inter alia, providing policy and strategic direction on Parliament's international engagements. The formula for international

delegations representing Parliament is developed by the PGIR and approved by the JRC. The formula takes into account the proportional strength of parties in Parliament.

2.4 Consideration of Legacy Report

There were several items before the JRC when the Fifth Parliament dissolved. Annexure 1 contains information regarding business that was before the Fifth Parliament's Joint Rules Committee.
