



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

[DRAFT]
MEMORANDUM
(For consideration)

To: The Speaker
cc *The Secretary to Parliament*
From: Adv M T Masutha (Subcommittee on Review of the Assembly Rules)
Re: Services of procedural specialist required for comprehensive review of the National Assembly and Joint Rules of Parliament
Date: 6 October 2009

APPROVAL REQUIRED

Your approval is sought for a request from the Subcommittee on Review of the Assembly Rules that the services of Mr K Hahndiek, former Secretary to the National Assembly, be obtained to assist in a comprehensive review of the National Assembly Rules and Joint Rules of Parliament.

BACKGROUND

- (1) The JRC agreed in 2007 that a comprehensive review of the Joint Rules and Rules of the Houses was required. The matter was not finalised in the Third Parliament and was handed over to the JRC of the Fourth Parliament for processing. The matter is currently before the rules review subcommittees of the respective Houses and the Joint Subcommittee on Review of the Joint Rules.

- (2) A deadline for the completion of the task has not been determined by the Joint Rules Committee.

DURATION OF PROJECT

- (1) It is proposed that Mr Hahndiek's services be obtained for the last term of the First Session and the first two terms of the Second Session of the Fourth Parliament, i.e. until approximately the end of June 2010, his contract to end upon approval by the National Assembly of the final draft of the revised National Assembly Rules and Joint Rules of Parliament.
- (2) The parties to the agreement may vary or adjust the duration of the project, provided it is reduced to writing and signed by or on behalf of the parties.

TERMS OF REFERENCE

- (1) The review process will commence with a briefing and/or presentation by Mr Hahndiek on the origin and development of the current Assembly and Joint Rules, followed by a discussion in the Subcommittee on the scope and extent of the review.
- (2) Informed by the above discussion and in constant consultation with the Subcommittee, Mr Hahndiek will outline a process for conducting the review of the rules and determine timeframes within which it can be completed.
- (3) The process identified should include a procedural scan to determine what obtains in respect of the current rules, viz. proposed changes and/or adjustments already noted in the current rules; proposals in the decorum document compiled by the Chief Whips' Forum of the Third Parliament; and, rule changes already proposed by political parties and individual MPs.
- (4) The main part of the review process will consist of a detailed and meticulous discussion of the various proposed rule changes and/or adjustments. A small technical task team could perhaps be identified for this purpose.

- (5) Mr Hahndiek will be assisted by designated staff of the NA Table and other parliamentary staff, as and when required. It should be noted that the drafting of rules will be done by the Subcommittee's supporting staff, supervised by Mr Hahndiek. Should any comparative research be required, that will also be done by the staff supporting the committee.

MOTIVATION

- (1) The nature of the work to be undertaken, i.e. the review process, is such that it would not really serve any purpose to call on other persons to tender for the work. The work is of a specialist, procedural nature that requires specific skills.
- (2) The Subcommittee is of the view that Mr Hahndiek's many years of procedural and parliamentary experience will serve as a good sounding board for the review envisaged by the Rules Committee.
- (3) The Rules are the cornerstone of the manner in which business is conducted in Parliament and determine how the Houses function. It is therefore of the utmost importance that the end result of the review process, i.e. a new set of rules for both Houses and for the joint business of Parliament, should be of the highest quality and be able to withstand the severest scrutiny or test. Mr Hahndiek's considerable hands-on experience, his practical approach to matters and his remarkable ability to focus matters on the essence of what is required are qualities which are essential in the review process.

APPROVED / NOT APPROVED

M V Sisulu, MP
Speaker of the National Assembly