



**FIRST REPORT OF THE SUBCOMMITTEE ON REVIEW OF THE ASSEMBLY RULES  
NOVEMBER 2010**

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**A. PROPOSED RULE ADJUSTMENTS FOR COMMITTEE ON PRIVATE MEMBERS' LEGISLATIVE PROPOSALS AND SPECIAL PETITIONS**

**(1) Background**

The first meeting of the Rules Committee of the 4<sup>th</sup> Parliament took place on 22 May 2009. At that meeting, during the discussion on the establishment of the Committee on Private Members' Legislative Proposals, Dr M G Oriani-Ambrosini tabled a document with the permission of the Rules Committee.

In his document, a letter to the Speaker dated 15 May 2009, Dr Oriani-Ambrosini contended, *inter alia*, that "the old Rules of the National Assembly deprive me and my other 398 colleagues of the right to introduce any bill unless a number of colleagues of ours with specific knowledge of the subject matter of the bill, but nonetheless specifically designated for such purpose, reinstate that right onto me after an impermissible screening process of what I intend to introduce, and give me the approval to go ahead and introduce my intended bill".

He concluded by saying that "the only approach consistent with the Constitution and internationally accepted principles of parliamentary democracy is that of allowing members to introduce a bill in their relevant subject matter portfolio or standing committee without hindrance, prior scrutiny or approval". [See "Annexure A" for full text of letter]

Mr J H Jeffery, at that point, stated that the principle of the involvement of the Committee on Private Members' Legislative Proposals and Special Petitions was correct, but suggested that the existing

procedures for the introduction and referral of private members' legislative proposals could be reviewed.

The Rules Committee eventually agreed, on the proposal of the Speaker, "that the issues in regard to the Committee on Private Members' Legislative Proposals and Special Petitions raised in the document tabled by Dr Oriani-Ambrosini would stand referred to the Subcommittee on Review of the Assembly Rules for processing and report".

**(2) Deliberations of subcommittee on existence and functioning of Committee on Private Members' Legislative Proposals and Special Petitions**

The subcommittee met on several occasions to discuss the issues pertaining to the Committee on Private Members' Legislative Proposals and Special Petitions.

In addition to the initial document, Dr Oriani-Ambrosini also presented to the subcommittee a legal opinion by Adv Anton Katz, SC on members' right to introduce legislation. An opinion was subsequently obtained from the parliamentary legal advisers, which differed from that offered by Adv Katz.

During the course of its deliberations, the subcommittee was informed that Dr Oriani-Ambrosini had lodged an application with the Cape High Court to challenge, on the basis that it was unconstitutional and infringing on his rights, the Speaker's decision not to allow him to introduce a certain bill and the current arrangements pertaining to private members' legislative proposals.

The subcommittee decided that notwithstanding Dr Oriani-Ambrosini's court application, it would proceed with its consideration of the matters referred to it by the Rules Committee.

At the invitation of the subcommittee, its meetings were also attended by the chairperson of the Committee on Private Members' Legislative Proposals and proposals agreed by that committee have been included in the adjusted rules being presented to the Rules Committee for consideration.

At its final meeting on this issue, and following considerable discussion, members of the subcommittee, with the exception of Dr Oriani-Ambrosini, agreed that there was indeed a need for a committee to screen private members' legislative proposals. Dr Oriani-Ambrosini asked for his

objection to the interpretation of section 73 of the Constitution and the approach taken by the subcommittee to be noted.

Members of the subcommittee further agreed that the Committee on Private Members' Legislative Proposals and Special Petitions would be assisted if the rules of the Assembly contained specific guidelines according to which members' legislative proposals could be vetted.

**(3) Decision required**

The subcommittee presents, in Annexure "B", a set of adjusted rules for the functioning of the Committee on Private Members' Legislative Proposals and Special Petitions for consideration by the Rules Committee.

**B. PROPOSED RULES FOR ESTABLISHMENT OF STANDING COMMITTEE ON FINANCE AND STANDING COMMITTEE ON APPROPRIATIONS**

At its meeting on 22 May 2009, the National Assembly Rules Committee agreed that the Money Bills Amendment Procedure and Related Matters Act, Act No 9 of 2009, would stand referred to the Subcommittee on Review of the Assembly Rules for drafting of the necessary rules for the implementation of the provisions of the Act.

The subcommittee decided to follow an incremental approach in drafting all the required rules and agreed to start with the institutional arrangements, particularly since the implementation of the Act was proving to be quite complex. Further rules and rule adjustments will follow.

**Decision required:** New rules for the establishment of the Standing Committee on Finance and the Standing Committee on Appropriations are presented in Annexure "C" for consideration by the Rules Committee.

**Report presented by Adv M T Masutha MP**

**Chairperson of the Subcommittee on Review of the Assembly Rules**

**11 November 2010**