

# PARLIAMENT OF THE PROVINCE OF THE WESTERN CAPE

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## ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

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FRIDAY, 17 APRIL 2020

### ANNOUNCEMENT

The Speaker:

### DIRECTIVES FOR SITTINGS OF THE HOUSE AND MEETINGS OF COMMITTEES BY ELECTRONIC MEANS

#### 1. GENERAL

- (a) These directives are issued by the Speaker, in consultation with the Secretary, in accordance with Rule 1A(b).
- (b) The purpose of these directives is to enable the House and the committees to hold sittings and meetings by electronic means in accordance with rule 1A of the Standing Rules, as determined by the Speaker under authority of rule 1 of the Standing Rules, published in the ATC 21 of 2020 on 8 April 2020.
- (c) Rule 1A has been determined under the authority of the Speaker due to the gap in the initial Standing Rules of March 2019, which did not make provision for the House and the committees to convene in any manner other than face-to-face and in-person.
- (d) For the purposes of these directives:
  - “Electronic means” means where Members are not physically present in the same venue, and the sitting and/or meeting are conducted by video conferencing;
  - “Member(s)” means Members of the Provincial Parliament;
  - “NCOP” means the National Council of Provinces as provided for in section 42 of the Constitution of the Republic of South Africa, 1996;
  - “Permanent delegate” means a permanent delegate of the Province to the NCOP as contemplated in section 61(2) of the Constitution;
  - “Presiding officer” or “Chairperson” means the Member presiding at a sitting of the House and/or a committee, as the case may be;
  - “Procedural officer” means an official of the Provincial Parliament responsible for administrative and procedural support to a committee or committees;
  - “Provincial Parliament” means the Western Cape Provincial Parliament as provided for in section 9 of the Constitution of the Western Cape, 1997;

“Secretary” means the Secretary to the Provincial Parliament;

“Standing Rules” mean the Western Cape Provincial Parliament’s Standing Rules, March 2019; and

“Table staff” means the employees of the Provincial Parliament doing duty at the Table during sittings of the House.

- (e) These directives must be referred to as the *Directives for sittings of the House and meetings of committees by electronic means*.

## **2. APPLICATION OF THESE DIRECTIVES**

These directives apply to:

- (a) sittings of the House; and
- (b) meetings of the committees, including, but not limited to, briefings of the Provincial Parliament on any matter in respect of which a legislative mandate is required as provided for in the Mandating Procedures of Provinces Act, 2008 (Act 52 of 2008), or any other matter in respect of which the National Council of Provinces requests input by provincial legislatures, in circumstances where the Members participating in that House sitting or committee meeting are not physically present in the same space or venue, but are interacting by electronic means.

## **3. TECHNICAL SUPPORT**

- (a) The Secretary must be responsible to ensure the provision of technical support for sittings of the House and meetings of the committees by means of videoconferencing.
- (b) The Secretary must coordinate sittings of the House by means of videoconferencing, and the relevant procedural officers (in consultation with the relevant chairpersons) must coordinate the meetings of the committees by means of videoconferencing.
- (c) The Director: Institutional Enablement must be given at least three (3) working days’ notice of an intended sitting of the House by means of videoconferencing and/or intended meeting of a committee by means of videoconferencing.
- (d) The administration’s relevant technical support staff must perform pre-conference testing at least one (1) working day prior to an intended sitting of the House by means of videoconferencing and/or an intended meeting of a committee by means of videoconferencing.
- (e) The administration must ensure the real-time availability of dedicated technical support at all times during a sitting of the House or during a meeting of a committee by means of videoconferencing.
- (f) During all sittings of the House and/or meetings of committees by means of videoconferencing, the videoconferencing systems must be regarded as “live”, irrespective of whether images appear on the screen or not.

## **4. NOTICE**

- (a) In respect of any sitting of the House by means of videoconferencing, the Secretary must be responsible for the issuing and/or publishing of all notices and/or documentation and/or correspondences relevant to such a sitting to all Members.
- (b) In respect of any sitting of a committee by means of videoconferencing, the procedural officer or procedural officers who are responsible for that committee must be responsible for the issuing and/or publishing of all notices and/or documentation and/or correspondences relevant to such a meeting to all relevant committee members.
- (c) The particulars of any notice in respect of any sitting of the House to be conducted by means of videoconferencing or of any meeting of a committee to be conducted by means of videoconferencing must include the date, time and videoconferencing system to be utilised.

## **5. QUORUM**

- (a) The quorum requirements for sittings of the House and/or meetings of the committees by means of videoconferencing must be as provided for in the Constitution of the Republic of South Africa, 1996, and the Standing Rules.

## **6. VOTING**

- (a) Where sittings of the House and/or meetings of the committees are conducted by means of videoconferencing, the Members present at such sittings and/or meetings must be entitled to cast their votes by clearly identifying themselves to the presiding officer and subsequently by clearly and verbally expressing their votes.
- (b) The presiding officer must ensure that all Members present and voting are clearly identified and that all votes are clearly and verbally expressed.
- (c) The Secretary must ensure that a system is in place and maintained for the verification of votes cast by Members.
- (d) Sittings of the House and meetings of the committees by means of videoconferencing must be digitally recorded and the recordings must be stored.

## **7. POWERS, PRIVILEGES AND IMMUNITIES**

- (a) It is recorded that Members who are present at sittings of the House by electronic means and/or at meetings of the committees by electronic means have all the privileges and immunities imparted by section 117 of the Constitution of the Republic of South Africa, 1996, as well as those powers, privileges, immunities, independences and protections afforded by the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act, 2004 (Act 4 of 2004).

## **8. MAINTENANCE OF ORDER**

- (a) When a Member is considered to be out of order by the presiding officer, the presiding officer may mute the microphone of such a Member and call such a Member to order.

## **9. FORMALITIES FOR SITTINGS OF THE HOUSE**

- (a) There must be no procession of the Serjeant-at-Arms, presiding officer, Secretary and table staff for sittings of the House by means of videoconferencing.
- (b) The bells must be rung and the Serjeant-at-Arms must announce the presiding officer's arrival prior to the commencement of a sitting of the House by means of videoconferencing.
- (c) The Secretary must ensure that the mace is present during a sitting of the House.
- (d) The Serjeant-at-Arms must ensure that the attendance of Members at sittings of the House by means of videoconferencing is recorded.
- (e) When the presiding officer announces that the House is adjourned or suspended, the business of the House must be considered concluded or temporarily adjourned, and Members may then exit the sitting of the House on the relevant videoconferencing system.
- (f) While the Speaker and/or Deputy Speaker must continue to wear their ceremonial gowns during sittings of the House by electronic means, the table staff must not wear their gowns during such sittings of the House.

## **10. APPLICATION OF STANDING RULES GENERALLY**

- (a) In instances where these directives are not clear or do not cover a particular eventuality in respect of sittings of the House or meetings of the committees by means of videoconferencing, the Standing Rules must apply as far as this is reasonably and practically possible and, in instances where they cannot be applied, the ruling by the presiding officer must be final.