



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

MANUAL ON PROMOTION OF ACCESS TO INFORMATION

2011

FOREWORD

The purpose of the manual is to inform members of the public about the functions of Parliament, information that can be obtained and services available from Parliament. This manual is one of the means that we use to realise one of our most important function which is to facilitate public involvement in the legislative and other processes of Parliament. We hope it will improve and promote interaction with us, for you to take part and be involved in our People's Parliament.

Parliament's strategic objective of *"Further build a people's Parliament that is responsive to the needs of all the people of South Africa"* includes and involves deepening public participation and involvement. The achievement of this strategic objective requires, among others, of Parliament to conduct programmes and projects furthering education and information about Parliament, providing access to Parliament and providing opportunities to deepen participatory democracy. It is in this regard that Parliament established Parliamentary Democracy Offices thus far in three provinces, namely, Limpopo, North West and Northern Cape to increase public participation of Parliament by proving a platform to provide information, education and obtain the views of the public.

The Information Officer of Parliament is the Secretary to Parliament. The person delegated, in terms of the Promotion of Access to Information Act 2000 (Act No 2 of 2000), for providing information and assisting the public in realising the objective of this Act is the Clerk of the Papers. The Clerk of the Papers is the Deputy Information Officer for Parliament. He/She is the person responsible for the administration of the records of Parliament. He/She is assisted by staff in the office to provide information and is responsible for the administration of the Act.

All requests for information should be addressed to the Deputy Information Officer. The contact for the Deputy Information Officer and its staff are:

Postal Address:	Parliament of the Republic of South Africa P O Box 15 Cape Town 8000
Physical address:	Parliament of the Republic of South Africa Parliament Street Cape Town 8001
Telephone:	(021) 403 2224 or 403 8182
Fax:	(021) 403 3033
E-mail address:	lclaassen@parliament.gov.za / ycurnow@parliament.gov.za
Website:	www.parliament.gov.za

CONTENTS

A. INTRODUCTION	5
B. MANDATE AND MISSION OF PARLIAMENT	6
C. VISION OF PARLIAMENT	8
D. FUNCTIONS AND STRUCTURE OF THE PARLIAMENTARY SERVICE	9
E. RECORDS OF PARLIAMENT	12
F. SERVICES AVAILABLE TO THE PUBLIC	15
G. SERVICES PROVIDED BY PUBLIC EDUCATION OFFICE	17

A. INTRODUCTION

The functions of Parliament are provided for in Chapter 4 of the Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996). Parliament of South Africa is situated in Cape Town. Parliament consists of two Houses, the National Assembly and the National Council of Provinces. The national legislative authority is vested in Parliament and Parliament is bound by the Constitution and acts within the requirements of the Constitution.

The National Assembly consists of 400 Members, elected for a five-year term on the basis of a common voters' roll. The Speaker, assisted by a Deputy Speaker, preside over the meetings of the National Assembly. The number of National Assembly seats awarded to each political party is in proportion to the outcome of the national election, which is held every five years.

The National Council of Provinces consists of 54 permanent Members. Each of South Africa's nine provinces sends 6 permanent representatives to the National Council of Provinces. The Chairperson, assisted by a Deputy Chairperson, presides over the meetings of the National Council of Provinces. In addition, local (municipal) government representatives may participate in the National Council of Provinces, but cannot vote. The National Council of Provinces has to ensure that provincial interests are considered in national legislation.

B. MANDATE AND MISSION OF PARLIAMENT

The mandate of Parliament determines its reason for existence. It is the origin of the institution, and is based on the provisions of the Constitution of the Republic of South Africa establishing Parliament and setting out the functions it performs. Parliament is elected to represent the people and to ensure government by the people under the Constitution, and to represent the provinces in the national sphere of government. Parliament fulfils its mandate by performing the following functions:

Function 1: Pass legislation (laws)

Function 2: Scrutinise and oversee executive action (keep oversight of the executive and organs of state)

Function 3: Facilitate public participation and involvement in the legislative and other processes

Function 4: Facilitate co-operative government

Function 5: Facilitate international participation (participate in regional, continental and international bodies)

The mission indicates the purpose of Parliament, its reason for existence as outlined in the mandate.

The mission is: *As the freely elected representatives of the people of South Africa, our mission is to represent, and act as a voice of the people, in fulfilling our Constitutional functions of passing laws and overseeing executive action.*

CORE OBJECTIVES

The Core Objectives of Parliament are to pass legislation (laws), to scrutinise and oversee executive action (keep oversight of the executive and organs of state), to facilitate public participation and involvement in the legislative and other processes, to facilitate co-operative government and to facilitate international participation (participate in regional, continental and international bodies). The outputs for the Core Objectives include Bills passed, questions put to the executive, annual reports tabled and scrutinised, public participation facilitated, participated in international forums and organisations, approved international agreements, appointed public office bearers, and discharged statutory functions.

The Core Objectives of Parliament indicate our main business. They are:

Core Objective 1: To pass laws (Legislation).

Bills are introduced in Parliament by the executive or initiated by Parliament itself. Bills are classified in terms of the Constitution as section 74 Bills (Constitutional amendments), section 75 Bills (ordinary Bills not affecting provinces), section 76 Bills (ordinary Bills affecting provinces), and section 77 Bills (money Bills).

Core Objective 2: To oversee and scrutinise executive action (Oversight).

As part of the oversight function of Parliament, members put questions to the executive for oral or written reply. Questions may be put to the President, Deputy President or Ministers. In addition to questions and replies, the oversight function includes the tabling of reports in Parliament by institutions accounting to it. Annual reports are tabled by national departments, state institutions supporting constitutional democracy, public entities, and sector education and training authorities.

Further oversight activities include site visits, reports and briefings to committees, and the budget process.

Core Objective 3: To facilitate public participation and involvement.

The participation of the public in the processes of Parliament, their access to the institution and its members, and information provided to the public remain a vital focus of Parliament. Public participation activities include public hearings, outreach programmes, radio programmes and broadcasts, television broadcasts, publications, newsletters, promotional material, the website, the people's assembly, and Parliament to the People campaign.

Core Objective 4: To facilitate co-operative government.

Parliament plays a major part in facilitating co-operative government by approving international agreements, the appointment of public office bearers, and the discharge of certain statutory functions as prescribed in legislation.

Core Objective 5: To facilitate international participation.

Parliament facilitates and participates in several international forums and organisations. These include the Pan-African Parliament, SADC Parliamentary Forum, Commonwealth Parliamentary Association, Inter-Parliamentary Union, and the African, Caribbean, Pacific-European Union forum. Several incoming visits and outgoing visits are facilitated annually.

C. VISION OF PARLIAMENT

To realise its mandate as enshrined in the Constitution, Parliament adopted a vision to provide a guiding framework for its functioning. The vision of Parliament is: *“To build an effective people’s Parliament that is responsive to the needs of the people and that is driven by the ideal of realising a better quality of life for all the people of South Africa”.*

This vision means:

- A people's Parliament to transform an entire society. Establishing a society based on democratic values, social justice and fundamental human rights.
- A people's Parliament of freely elected representatives building on the foundation of a democratic and open society based on the will of the people, their participation and access to Parliament.
- A people's Parliament providing a national forum for public consideration of issues, which includes educating, informing and involving the people of South Africa in its processes and acting as a voice of the people.
- A people's Parliament co-operating with other spheres of government as it deepens and entrenches our democratic values.
- A people's Parliament working with continental and international bodies to create a new democratic and participatory world order.
- A people's Parliament passing good laws, and scrutinising and overseeing executive action, as it moves to improve the quality of life of the people of South Africa, building a united and democratic South Africa.

D. FUNCTIONS AND STRUCTURE OF THE PARLIAMENTARY SERVICE

The demand for support services is derived from the need for services by Members of Parliament, as they perform their functions outlined in the Constitution. The outputs for the core objectives of Parliament are delivered through a range of services provided by the various divisions of the Parliamentary Service. The Parliamentary Service provides administrative and institutional support to Parliament. It facilitates the legislative and oversight functions of the legislature by providing human and material resources. The Parliamentary Service is headed by the Secretary to Parliament, Mr Z A Dingani, assisted by the Deputy Secretary, Mr M B Coetzee and the Chief Operations Officer, Mr T Lamani. The Secretary to Parliament is the Accounting Officer of the Parliamentary Service.

FUNCTIONS OF THE PARLIAMENTARY SERVICE

1. Office of the Secretary

The office of the Secretary to Parliament is responsible for the administration of the Parliamentary Service and has to ensure provision for sufficient resources and guidance to provide legislative and institutional support services to Parliament in accordance with the guidelines and directives determined by the policy-making authority.

The office consists of the following departments:

- Organisational Development Unit;
- Finance Management Office;
- Strategy and Business Planning;
- Internal Audit Office;
- International Relations Section;
- Legal Services Section;
- Policy Management Unit;
- Protection Services Section;
- Protocol Office;
- Parliamentary Communications Services;
- Office of the Registrar of Members' Interests; and
- Treasury Office

2. National Assembly Division

The National Assembly Division provides overall advice and guidance on, and support in respect of, National Assembly and Parliamentary proceedings and procedures and related administrative procedures. The purpose of the division is to ensure that the National Assembly and its Members can function optimally in carrying out their constitutional duties.

The division consists of the following departments:

- House Plenaries Unit;
- Table Administration Unit; and
- Research and Parliamentary Practice Unit.

3. National Council of Provinces Division

The National Council of Provinces Division provides procedural support service and related services to the National Council of Provinces' House and Members and also facilitates involvement of provincial and local government in proceedings of the National Council of Provinces. Its purpose is to ensure that the National Council of Provinces and its Members can function optimally in carrying out their constitutional duties.

The division consists of the following departments:

- Procedural Services Office and
- Provincial and Municipal Liaison Office.

4. Legislation and Oversight Division

The function of the division is to provide procedural, administrative, language and information support services to the legislative and oversight function of Parliament.

The division consists of the following departments:

- Legislation and Proceedings Section;
- Language Services Section;
- Information Services Section;
- Committees Section; and
- Support service to Office of the Leader of Government Business.

5. Corporate Services Division

The division is responsible for Information and Communication Technology, audio, vision and broadcasting management and technical support.

The division consists of Information Communication Technology Services Section

6. Institutional Support Division

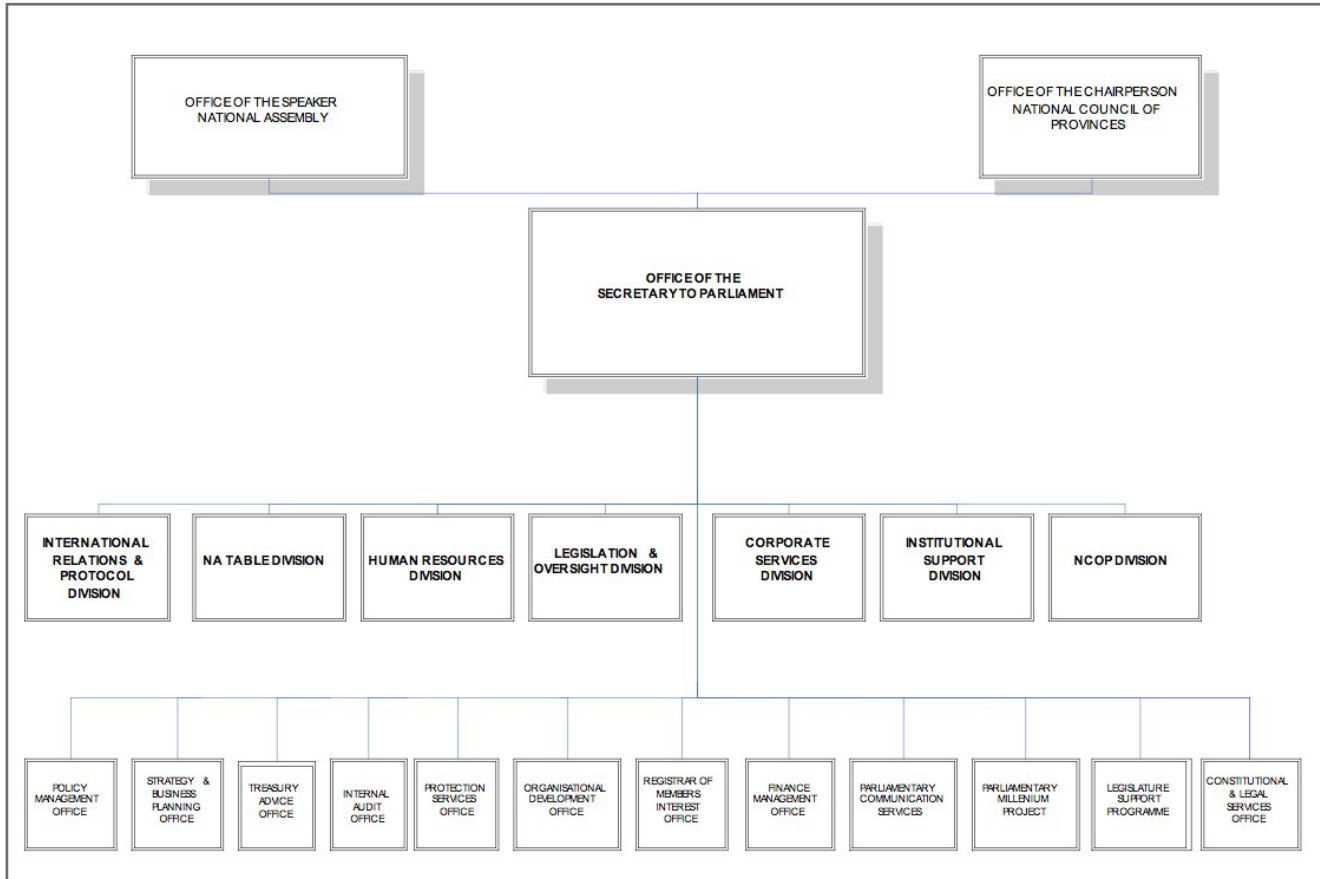
The division provides housekeeping, documentation management, telephone services administration and Parliament's art collection administration.

The division consists of the following departments:

- Household Services Section;
- Catering Services Section;
- Documentation Section; and
- Artworks Office.

PARLIAMENTARY SERVICE

As-Is Structure : August 2011



E. RECORDS OF PARLIAMENT

Categories of records available to the public

Requests for access to these records that are automatically available to the public can be made telephonically or by fax, e-mail or letter. There is no form to be filled as long as full particulars of the record to which access is requested are provided. For a person to access these records the request is not required to be made in terms of the Act. These records are also available on Parliament's website and the address is www.parliament.gov.za (A detailed list of these records is also attached to this manual)

1. Papers tabled in Parliament

Papers tabled in Parliament refer to annual reports and other reports that the government departments, constitutional bodies and public entities are submitting to Parliament as means of accounting to Parliament. Government departments, constitutional bodies and public entities are required by the Constitution and their enabling legislation to provide Parliament with regular reports on their activities and administration of their functions.

The kinds of records that fall under papers tabled in Parliament are:

- Annual Reports and Papers from government departments, constitutional bodies and public entities;
- Reports of the Auditor-General;
- Strategic Plans of government departments, constitutional bodies and public entities;
- Government proclamations and regulations; and
- International Agreements entered into between South Africa and other countries and international organisations.

2. Bills before Parliament

Bills before Parliament are legislation proposals that Parliament is still discussing and are not yet adopted by both National Assembly and National Council of Provinces.

The kinds of records that fall under Bills before Parliament are:

- Bills introduced by State departments; and
- Bills introduced by members of Parliament.
- Bills introduced by committees of Parliament.

3. Submissions from the public on Bills

When a Bill is introduced in Parliament it is immediately referred to a committee for consideration. The committee may, depending on the subject matter of the Bill, request the public to submit their opinions on the subject of the Bill. The committee will consider the submissions of the public in their deliberations and may invite some of the people who submitted their opinions to come and address them. These are termed submissions from the public on Bills before Parliament.

4. Papers on the proceedings of Parliament

When Parliament is in session there are papers produced for the business of the Houses and those that emanate from its meetings.

The kinds of records that fall under papers on the proceedings of the Houses of Parliament are:

- Order Papers (agenda document);
- Minutes of Proceedings of the Houses;
- Minutes of meetings of committees;
- Reports of committees on public hearings;
- Announcements, Tablings and Committee Reports;
- Question Paper (Questions to Ministers, Deputy President and President);
- Internal Question Paper (register of questions asked by Members);
- Speeches of Members of Parliament, Ministers, Deputy President and President

5. Publications of Parliament

A variety of publications are produced in Parliament that provide information on the workings of Parliament, events and news about Parliament.

- Hansard Debate Books
- Questions and Replies Book
- Newsletters
- Pamphlets
- Reports
- Register of Members' Interests
- Lists of members of Parliament

6. Categories of records that may be requested

These records are to be requested in terms of the Act and the requester is required to comply with all the procedural requirements of the Act. The requester must use the prescribed form that was printed in the Government Gazette No 23805 dated 30 August 2002.

Financial Management

- Budget
- Asset Register

Procurement Management

- Procurement Policies
- Decisions of Procurement Committee

Human Resources Administration

- Human Resources policies
- Employment contracts

Legal Services

- Court cases
- Investigations
- Legal opinions

Research and Library Services

Research papers and reports

- Papers on Bills
- Briefing papers on Committee study tours
- Conference reports

Library

- Books
- Periodicals

7. Form and manner of accessing records

The requester must use the prescribed form and comply with all procedural requirements of the Act.

If a requester is asking for the information on behalf of somebody else, the capacity in which the request is being made should be indicated.

If a requester is unable to read or write, or has a disability, he or she can make the request for the record orally. The deputy information officer will fill in the form on behalf of such a requester and give them a copy.

The requester must indicate if the request is for a copy of the record or if the requester wants to come in and look at the record. If the record is not a document it can then be viewed in the requested form, where possible.

If, in addition to a written reply to request for the record, the requester wants to be told about the decision in any other way, e.g. by telephone, this must be indicated in the form.

If a person asks for access in a particular form, the requester will get access in the manner that has been asked for unless doing so would damage the record or infringe a copyright not owned by Parliament.

8. Fees payable

In terms of section 22 of the Act there are two types of fees that are to be paid which are the request fee and the access fee. Parliament does not at this point ask for request fee but the requester may be asked to pay access fee when access is granted which may be for the reproduction of the record and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

9. Remedies available in respect of act or failure to act in terms of the Act

If the requester wishes to appeal the decision of the information officer, the requester must lodge an appeal and it will be considered internally by the directing authority of Parliament.

F. SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC

1. Attending debates of Parliament

The debates of Parliament are open to the public and members of the public can observe debates from the public gallery on any day when Parliament is sitting. To obtain a ticket to observe a debate contact Liaison Office, Parliament of the Republic of South Africa, P O Box 15, Cape Town, 8000 Tel: (021) 403-2197 Fax: (021) 403 8219, E-mail: mtsheole@parliament.gov.za

2. Attending meetings of committees

Meetings of Parliament's committees are also open to the public to observe when Parliament is in session. Members of Parliament are also available to meet and brief visitors on their functions in Parliament, provided prior arrangements have been made with the office of the Member of Parliament.

3. Invitation to comment or submit opinions on Bills before Parliament

To facilitate the participation of members of the public in the processes of Parliament such as passing legislation, Parliament does invite members of the public to submit opinions on legislation that is considered by a committee. The invitations are advertised in national newspapers, radio and on the website. The contact details of the person to whom submissions must be sent will be provided when comments are requested.

4. Participation in appointment of public office bearers

When appointment of persons who would become office bearers of public bodies such as the Public Protector, Commission for Gender Equality are to be made, Parliament advertises in national newspapers, radio and other media for the public to nominate such persons. The contact details of the person to whom nominations must be sent will be provided when nominations are called for.

5. Petitioning Parliament

A member of the public may petition Parliament. Petitions are used to draw Parliament's attention to an issue of public concern or to request Parliament to take a certain action within its authority. There are rules that a petition should comply with to be presented in Parliament.

A petition must be in one of the official languages and must be signed by the petitioners themselves. However, persons unable to write must make their marks on the petition in the presence of two witnesses who must sign the petition in that capacity. A petition must be lodged by a Member and must be signed at the beginning thereof by the Member.

6. Parliamentary Democracy Offices

The new Constitution has established a democratic system that is both representative and participatory. It puts an obligation on Parliament to facilitate public involvement in the legislative and other processes of Parliament. Parliament, in its effort to expand Parliament's access, opportunity and space to be directly in touch and continuously engage with the people who are ordinarily outside national debates in society has thus far established Parliamentary Democracy Offices in three provinces, namely, Limpopo, Northern Cape and North West.

The Parliamentary Democracy Offices are, among others, responsible for conducting public education and providing information about Parliament and its work, providing platform for people to access and participate in the parliamentary processes and facilitating public input and feedback on issues before Parliament.

The contact details of the Parliamentary Democracy Offices are:

Project Manager: Ms Sindiswa Tyhokolo-Mbetshe

Project Administrators: Mr Jerome Charles Mr Darin Arendse

Tel: 021 403 8215/6

Fax: 021 403 8301

Limpopo Province:

One Stop Shop Centre

Ga-Matlala

0756

P O Box 1516

Bakone

0746

Tel: 015 227 0056

Northern Cape:

Meul Singel No 9

Kakamas

P O Box 754

Kakamas

8870

Tel: 054 431 0508

Fax: 054 431 1951

North West

Old Mutual Building/Old Governors House

Phola Section

Ganyesa

P O Box 561

Ganyesa

8613

Tel: 053 998 4262

Fax: 053 998 4261

G. SERVICES PROVIDED BY PUBLIC EDUCATION OFFICE (PEO)

1. Educational Tours of Parliament

PEO offers free educational tours of Parliament. The tours cover key points of interest, including a history of the buildings as well as the significance of the two Houses of Parliament. Tours take place Monday to Friday on the hour.

Tours must be booked a week in advance as only a limited number of people can be accommodated per day.

For tour bookings please contact our Tours Administrator, Ms Nhlanhla Mrwerwe on Tel: 021 403 2266 or e-mail her on tours@parliament.gov.za

2. Outbound Public Education Programme

PEO offers education/training workshops to targeted groups on the roles and functions of Parliament. These workshops form part of a planned national Outbound Public Education Programme. These educational workshops are also offered on request to organized groups of 50 or more participants. The main objective of the Outbound Programme is to inform and educate participants about the work of Parliament with a view to enabling meaningful participation in the lawmaking and oversight processes of the institution.

For more information about the Outbound Public Education Programme, please contact Mr Thulani Madlala on Tel: 021 403 2214 or e-mail him on tmadlala@parliament.gov.za

3. Parliamentary Radio Programme

Parliament's Radio Programme broadcasts on all 18 South African Broadcasting Corporation (SABC) Radio Stations in all the official languages on a weekly and monthly basis, and on demand, based on Parliament's programme and activities. The radio programme is aimed at providing a platform for debate and inquiry between the public representatives and South African citizens.

PEO produces weekly educational inserts for the radio programme. The Radio Programme remains an important means of bringing Parliament closer to the people through the sharing of knowledge, information and the creation of dialogue.

4. Development and production of educational products

PEO produces a range of educational products covering various topics and packages in an accessible manner. Materials are generally available in all official languages. These products may be made available in reasonable quantities to Members for their constituency work and offices.

1.1 *Educational Pamphlets*

PEO develops and produces educational pamphlets on an ongoing basis. These include pamphlets on:

- National Assembly,
- National Council of Provinces,
- Parliament and Oversight,
- Committees of Parliament,
- Making Submissions to Parliament,
- Petitioning Parliament,
- State of the Nation Address,
- Parliament and the Budget,
- Women & Parliament,
- Youth & Parliament,
- Africa Day,
- Parliament's approach to Greening the Environment, etc.

The educational pamphlets are used to support Parliamentary activities.

1.2 *Educational feature articles and edutainment*

PEO has produced a very popular Public Education Activity booklet aimed at the younger reader. The booklet is produced in a manner that makes learning fun and interesting.

On a monthly basis, PEO produces educational articles and activities e.g. crossword puzzles and sudoku for Parliament's INSESSION magazine and website. These articles are aimed at informing and educating the public about the work and processes of Parliament while the edutainment activities are geared to make learning about Parliament fun.

1.3 *Virtual Tour*

A virtual tour of Parliament is available. The virtual tour is another way through which more South Africans can experience Parliament without necessarily having to physically visit Parliament. The virtual tour can be viewed on Parliament's website and copies of virtual tour are also available to the public.

A revised virtual tour is slated for production during the 2011/2012 programme year. It will include all official languages and a host of educational resources.

All the educational products produced by PEO are also available on Parliament's website.

10. Assistance to requesters

The Deputy Information Officer of Parliament is charged with assisting requesters to comply with the Act when requesting access to records of Parliament. When a requester does not know which institution has possession or control of the record that he/she requests, the Deputy Information Officer will assist in identifying and transferring the request to the institution that has the record or request it from that institution on behalf of the requester.

