

# HOW OUR DEMOCRACY WORKS

# 1

Our democracy in South Africa is very new. People struggled for a very long time for democracy in our country. But democracy must be protected so that no person, political party or group can seize all the power for themselves and take away your freedom and your rights. The rules which protect our democracy are in our Constitution.

## The Constitution is our protection ...

In 1996, after two years of public consultation and debate, South Africa adopted its Constitution. This means that we are a Constitutional Democracy and that everyone in this country must act according to the Constitution. The Constitution gives every citizen rights and obligations. These are written in the Bill of Rights which is part of the Constitution. It is very important that you understand these rights and obligations because the Constitution is there to protect you. It is your Constitution. The Constitution is the highest law of the land. Not even the President can act against the Constitution. Not even Parliament can pass a law which goes against the Constitution. It is also important for you to know what your responsibilities are as a citizen of South Africa because the Constitution will remain a piece of paper unless we all work together and make Constitutional Democracy a reality.

## The first rule of democracy is elections ...

The Constitution says there must be an election at least every five years. In an election, everybody over 18 years of age may vote for the political party they support. The party that wins the most votes must form the government because the voters have given it a mandate to rule the country. Elections mean that, if voters are unhappy with the Government, they can change the Government by voting for another party in the next election.

## Why there are three arms of state ...

The state is made up of three separate parts or arms, we call the three arms of state: the Executive (Cabinet), the Legislature (Parliament) and the Judiciary (the Courts). Each of these parts of the State has its own function. The three arms also help to make sure that power is divided so that no arm of state has all the power. This is protected in the Constitution and is called the separation of powers.

### The Cabinet

After the election, Parliament elects a new President. The President appoints the Deputy President and a Minister to head each government Department. The President and Ministers form the Cabinet. It is their responsibility to run the country. But the Cabinet cannot make laws. If they want to pass a law, they must ask Parliament to do it. Parliament can also call on Ministers to explain their actions at any time. This limits the power of Cabinet.

### Parliament

The second arm of the State is Parliament. The responsibility of Parliament is to discuss the Bills that Ministers submit to Parliament, to make changes and to pass them if they agree that they are in the



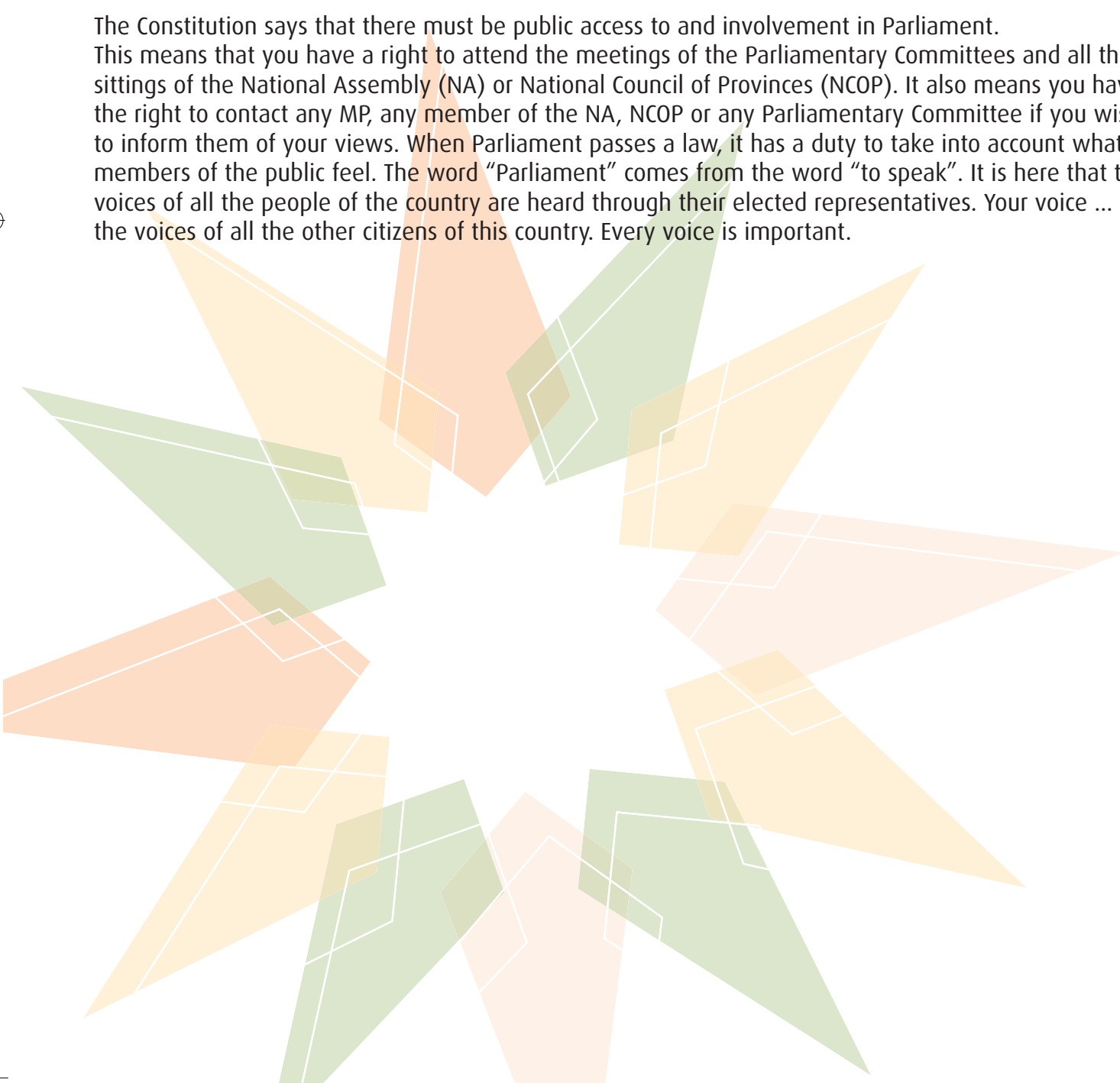
interests of the public and the provinces. Members may also submit Bills of their own. These are called Private Members Bills. Parliamentary Committees may also submit Bills in Parliament. People must hold Members of Parliament accountable because Parliament is the direct representative of the people. Although Parliament makes the laws, it is the courts that must punish those who break them. This limits the power of Parliament.

## The Courts

The Judiciary is different from the other two arms of the state because it is not elected, but independent. No Government and no person can be allowed to interfere in the work of the Courts. It is the responsibility of the courts to try people who are accused of breaking the law and, if they are guilty, to sentence them to punishment. The Constitutional Court has the power to decide whether the government is acting against the Constitution, or if Parliament has made a law that is unconstitutional.

## Parliament and You ...

The Constitution says that there must be public access to and involvement in Parliament. This means that you have a right to attend the meetings of the Parliamentary Committees and all the sittings of the National Assembly (NA) or National Council of Provinces (NCOP). It also means you have the right to contact any MP, any member of the NA, NCOP or any Parliamentary Committee if you wish to inform them of your views. When Parliament passes a law, it has a duty to take into account what members of the public feel. The word "Parliament" comes from the word "to speak". It is here that the voices of all the people of the country are heard through their elected representatives. Your voice ... and the voices of all the other citizens of this country. Every voice is important.



# THE NATIONAL COUNCIL OF PROVINCES

# 2

Parliament consists of two Houses: the National Assembly (NA) and the National Council of Provinces (NCOP). There are three spheres of government in South Africa - national, provincial and local government. These were created to bring government closer to the people. The NCOP was created to ensure that provinces and local government have a direct voice in Parliament when national laws are made. This is important because most of these laws have to be implemented, or carried out, in provinces and local government.

## What is the NCOP ...

The NCOP consists of nine provincial delegations and a delegation of the South African Local Government Association (SALGA). Each province has the same number of delegates, no matter how big or small the province is. This means that even a small province has as much say as a big province. There is, therefore, a balance of interests between each of the nine South African provinces. Each province has 10 delegates. There are 4 special and 6 permanent delegates. The delegation is headed by the Premier of each province who is one of the special delegates. If necessary, the Premier can appoint someone to take her/his place. The provinces' delegates come from the Provincial Legislatures. The delegation must reflect the strength of the different parties in the province. For example, in Gauteng, there will be a majority of ANC delegates. SALGA's delegation is chosen by the Executive Committee from a group of representatives of the nine provincial local government associations.

## Who's who in the NCOP...

The Chairperson of the NCOP is Mr Mninwa Mahlangu. Ms Peggy Hollander is his permanent Deputy. Each province has a turn to have one of its members elected by the NCOP as second Deputy Chairperson for a year at a time. Each province elects its own provincial whip in the NCOP to organise the work of its delegation. Each party in the NCOP also elects a whip to organise its business. Ms Nosipho Ntwanambi is the Chief Whip of the NCOP.

## How the NCOP works ....

There are three kinds of Bills the NCOP must deal with and the Constitution tells the NCOP how to work with each kind of bill:

### 1. Bills which do not affect provinces

Bills which do not affect provinces are those which relate to national functions (such as Defence, Foreign Affairs and Justice).. When such a Bill has been passed by the National Assembly, it goes to the National Council of Provinces. Each delegate has one vote and can decide whether to vote for or against the Bill. Usually delegates vote along party lines. If the Bill is passed, it goes to the President for signing. Once a Bill is signed by the President, it becomes an Act of Parliament or law. If the NCOP wants to make changes to a Bill, it goes back to the National Assembly who can accept or reject the changes. It then goes to the President for signing.

## 2. Bills that affect provinces

When a Bill affects provinces, the process is a bit more complicated. Examples of Bills that affect provinces include, for example, Bills on Education, Transport, Welfare, and Health.. The Constitution allows most of these bills to be introduced in either House but there are some bills which have to start in the NA. The voting in the NCOP is different for Bills that affect provinces. In these cases, each province (and not each individual member) has one vote. This means there must be consensus in each province on the Bill. If there is disagreement between the National Assembly and the National Council of Provinces about a Bill affecting provinces, the Bill must be sent to a mediation committee. This committee consists of 9 members of the NCOP and 9 members of the NA. The mediation committee must try to find agreement. If it does not, and if the bill was introduced in the National Assembly, the bill is sent back to the NA which may vote on it again. In such a case, a two thirds majority is needed to pass a bill. In other words, the NA can override the NCOP by a two thirds majority. But, if the bill started in the NCOP and the Mediation Committee cannot reach agreement then the bill lapses or dies. This means the Minister has to start the process over again and send a new bill to Parliament.

## 3. Bills that amend the Constitution

When a Bill to amend or change the Constitution directly affects the provinces, at least six of the nine provinces in the NCOP must agree. If the Bill to amend the Constitution does not directly affect provinces then the Constitution requires the NCOP to debate the bill, without voting, before it goes to the NA for voting.

### The Powers of the NCOP

As you can see, the National Council of Provinces has a different role to the National Assembly. All bills have to be passed by both Houses but the NCOP's special role is to represent the interests of provinces and local government when bills are passed. This is why the NCOP consists of provincial delegation who all have one vote per province on bills which directly affect provinces. The NCOP also has an important role to play in promoting national unity and good working relations between national, provincial and local government. There is a good reason for this. The National Assembly consists of direct representatives of the political party you have supported in the election. Delegates on the NCOP represent the legislature in each province and were elected to the province and not to the NCOP. This means they represent their provinces and do not represent individual voters directly.

### The NCOP and you ...

Because members of the NCOP are provincial delegates, the way to influence the NCOP is through your provincial legislature. But on issues affecting local government, you can also contact any Councillor in your municipality. The party that wins the most support in the provincial election will head the provincial delegation to the NCOP. Like every other meeting in Parliament, you have a right to attend the meetings of the Select Committees of the NCOP and attend all its sittings. When the NCOP is debating a Bill, it also has a duty to take into account what members of the public feel. This means that you have a right to inform any member of the NCOP or its Committees of your views. The word "Parliament" comes from the word "to speak". It is here that the voices of all the people of the country are heard through their elected representatives. Your voice ... and the voices of all the other citizens of this country. Every voice is important.

# THE NATIONAL ASSEMBLY

# 3

Parliament has two Houses, the National Assembly and the National Council of Provinces. The Constitution says that the National Assembly must have no more than 400 and no fewer than 350 Members of Parliament. Members are elected to the National Assembly through a system called proportional representation. This means that, before an election, each party draws up a list of candidates in order of preference. The candidates are elected in proportion to the number of votes the party wins in the election. For example, if a party wins half the votes, it will hold half the seats in the National Assembly. Members of the National Assembly have a duty to protect the rights and interests of the public.

## What is the NA ...

The National Assembly (together with the National Council of Provinces) makes the laws that govern our lives. It debates all the Bills (draft laws) that Ministers bring to Parliament and can approve, reject or change them. It must also consult the public. The President and his Ministers are accountable to Parliament. The National Assembly is the place where Ministers must report on the work they do and answer questions about this work.

## Who's who in the NA ...

The National Assembly elects a Speaker to run its affairs. The Speaker is Ms Baleka Mbete. She is assisted by the Deputy Speaker, Ms Gwen Mahlangu-Nkabinde. Each political party in the National Assembly elects a Chief Whip to run its affairs. The Chief Whip of the majority party, Mr Nkosinathi Mthethwa of the African National Congress, is the most influential. Cabinet appoints a Leader of Government Business who works with the Presiding Officers and the Whips of both Houses. This person is responsible for looking after the interests of the Cabinet and Government business in Parliament. The Presiding Officers of both Houses, the Leader of Government Business and the Chief Whips work together to decide on the programme for Parliament.

## How the NA works ...

### The Portfolio Committees

The National Assembly has a Portfolio Committee for each Government department. For example, the Portfolio Committee on Social Development deals with all matters relating to the Ministry and Department of Social Development and must check on their work. The Portfolio Committees do most of the work on Bills. They discuss Bills and make changes. The Portfolio Committee must consult the public about Bills. If it is an important Bill, it will hold public hearings or ask for submissions. Even if it does not, you have a right to inform the Chairperson of the Portfolio Committee or any of its members about matters that concern you. This is your right. You also have the right to attend meetings of the Portfolio Committees.



## The National Assembly

Once the Portfolio Committee has agreed to a Bill, it will be debated at a full sitting of the National Assembly. It is here that all political parties say whether they support or oppose the Bill. Afterwards they must vote for or against it. If the Bill is passed, it then goes to the National Council of Provinces (NCOP) which has the power to make changes if it is a bill that affects the interests of provinces. The Bill will then be signed by the President. It now becomes law.

### Question time

Once a week, MPs can ask Ministers questions about their work. This is important because it is the way that elected representatives of the people check that the Ministers and their government departments are doing their work properly.

### The Budget

Every year Parliament must approve the Budget which sets out what the President and his Ministers want to spend during the next year. Each Minister must present the budget for his/her department. They must explain how they spent their budget in the previous year and what they plan to do in the next year.

### Snap Debates, Motions and Resolutions

Parliament also has what are called snap debates. These are normally debates on big political issues, for example, the debate on the Truth Commission in June 1997. If a party wants a snap debate, it must make a request to the Speaker.

Any member of Parliament or political party can introduce a motion (or subject) for debate in the National Assembly. The Assembly can be asked to take a decision on such a motion. This is called a Resolution of the Assembly.

### Private Members Bills and Committee Bills

Almost all Bills are introduced into Parliament by Ministers. However, individual members or Committees may also introduce Bills in the National Assembly.

### Parliament and You ...

The Constitution says that there must be public access and involvement in Parliament. This means that you have a right to attend Committee meetings and the sittings of Parliament. It also means you have the right to contact any MP to inform them of your views. When Parliament passes a law, it has a duty to take into account what the public feel.

## COMMITTEES IN PARLIAMENT

# 4

Members of the National Assembly and National Council of Provinces serve on committees. In the NA there are a Committee, called Portfolio committees, for each government department. In the NCOP, which is much smaller, there are nine Committees, called Select Committees, which each deal with a number of Government Departments or issues. The Constitution is clear that Parliament must have real power to discuss, change or even reject Bills (draft laws) that come from Cabinet. This means that Committees in Parliament have a very important role to play. Although there were Committees in Parliament before 1994, they did not play a very active role, nor were their meetings open to the public. Committees now play a vital role as part of the process of building democracy and public involvement in Parliament.

### What has changed since 1994 ...

#### **Committee meetings are open to the public**

The most important change is that everyone has the right to attend all meetings of the Committees. The press can attend and report on what happens there to keep the public informed.

#### **The public has a say**

The Committees must take into account the views of the public. Often they hold hearings or ask for submissions. Even where they do not, the public can inform the Chairperson or members of the Committee about issues that concern them. Because of this, the public can affect decisions that are taken.

#### **Committees are more active**


Much of the important work of Parliament is now done in Committees. They have made it clear that they are not just there to be "rubber stamps". They make changes to Bills that come from Cabinet and question Ministers and Departments about the work they do.

#### **Committees are more inclusive**

All minority parties have a right to representation on Committees. Quite often their proposals are accepted. Sometimes the Chairpersons of the Committees are from opposition parties.

### What are the Committees ...

In the National Assembly, these Committees are called Portfolio Committees. In the National Council of Provinces, they are called Select Committees. In the NA, there is a Committee for each Minister and Government Department. For example, the Portfolio Committee on Justice and Constitutional Development will deal with Bills that come from the Department of Justice and Constitutional Development. In the NCOP, each Committee will deal with several Government Departments. There are also some joint National Assembly and National Council of Provinces Committees, like the Joint Standing Committee on



Defence and the Joint Committee on the Improvement of the Quality of Life and Status of Women. Sometimes committees are appointed to deal with special matters, and are called ad hoc committees. There are also committees which deal with special issues such as Parliamentary housing and other matters.

### **Who's who on a Committee ...**

Each Committee has a Chairperson and a Committee Secretary. If you want to make contact with a Committee, these are the people you should speak to.

## **What the Committees do ...**

### **Discussing Bills (draft laws)**

Most of the work on Bills is done in the Committees. It is here that the Bill is discussed and changes can be made here.

### **Consulting the public**

The Portfolio Committee in the NA must consult the public about the Bill. If it is an important Bill, it will hold public hearings or ask for submissions. Even if it does not, you have a right to inform the Chairperson of the Portfolio Committee or any of its members about matters that may concern you. This is your right. In the NCOP, hearings are held in the provincial legislatures and you can contact any member of your Provincial Legislature or the Chairperson of the Committee in the province to make your feelings known. You could even contact your Councillor if it affects local government. This brings government even closer to the people.

### **Holding government to account**

Every year, the Committees hold hearings on the Budget and how the money in each department is spent. Committees can also call on Ministers and officials from state departments to report on their work at any time. If it thinks there is a problem, a Committee may call an emergency hearing. For example, the Justice Committee held public hearings about the work of the attorneys-general in 1995 when it was worried about aspects of their work. Although policy making is the function of Ministers, Committees may hold hearings on Government policy documents.

## **Parliament and You ...**

The Constitution says that there must be public access and involvement in Parliament. This means that you have a right to attend the meetings of the Parliamentary Committees. It also means you have the right to contact any MP, any member of the NCOP, Provincial Legislature or Local Government councillor or any Parliamentary Committee if you wish to inform them of your views. When Parliament passes a law, it has a duty to take into account what members of the public feel. The word "Parliament" comes from the word "to speak". It is here that the voices of all the people of the country are heard through their elected representatives. Your voice... and the voices of all the other citizens of this country. Every voice is important.



The South African Constitution says there must be public access to and involvement in Parliament and its proceedings. This is because you, the voter, elected the political party you felt would best represent your views and concerns in Parliament. Your representatives have a duty to promote the policies you voted for. They must also act in a way that is transparent and accountable. There are a number of ways in which you can ensure that your representatives are doing the work you elected them to do in Parliament.

### Ways you can be involved in Parliament ...

#### **Elections**

The first and most important way you can be involved in Parliament is during elections. How people vote in the elections determines both the National Assembly and the National Council of Provinces. A national election gives all people over the age of 18 the right to vote for the party of their choice. Before an election, every party must put forward a list of candidates, in order of preference. The candidates are elected in proportion to the number of votes the party wins in the election. For example, if a party wins half the votes, it will hold half the seats in the National Assembly. This system is called proportional representation. Provincial elections are held at the same time as national elections and are conducted in the same way. Once each Provincial Legislature has been elected, it must appoint 10 people to the NCOP which represents the provinces in Parliament. Your vote is a precious thing. It is both your right and your duty to use it because it is one of the ways you can participate in democracy.

#### **Attending the Meetings of Parliament**

You have the right to attend all meetings of the NA, the NCOP and their committees.

You may wish to attend a meeting or hear a particular debate. If so, please contact our Public Relations Office at (021) 403 2460/1 or 403 2197/8. You can also contact a member of the NA or the NCOP who will make arrangements for you.

#### **Making your views heard by Committees**

Committees in the National Assembly and National Council of Provinces discuss Bills. If the issue is of great public interest, a Committee in the National Assembly may decide to hold public hearings or call for submissions. If you would like to inform a Portfolio Committee or Select Committee of your views on an issue it is debating, you should contact the Committee secretary through the Parliamentary switchboard on (021) 403 2911.

#### **Visiting Parliament**

You may wish to visit Parliament or arrange a tour for an organisation, school or other groups of people. If so, please contact our Tours Office at (021) 403 2537 / 2201 / 8618/2266



## Getting help from your representatives

Members of Parliament can be approached for help if you have a problem you cannot solve any other way. They may be able to give you advice on how to solve it or they may be able to help you to solve it themselves. You can phone your representative or write to her or him at: Parliament, Box 15, Cape Town 8000 or telephone (021) 403 2911 and ask to be put through to your MP.

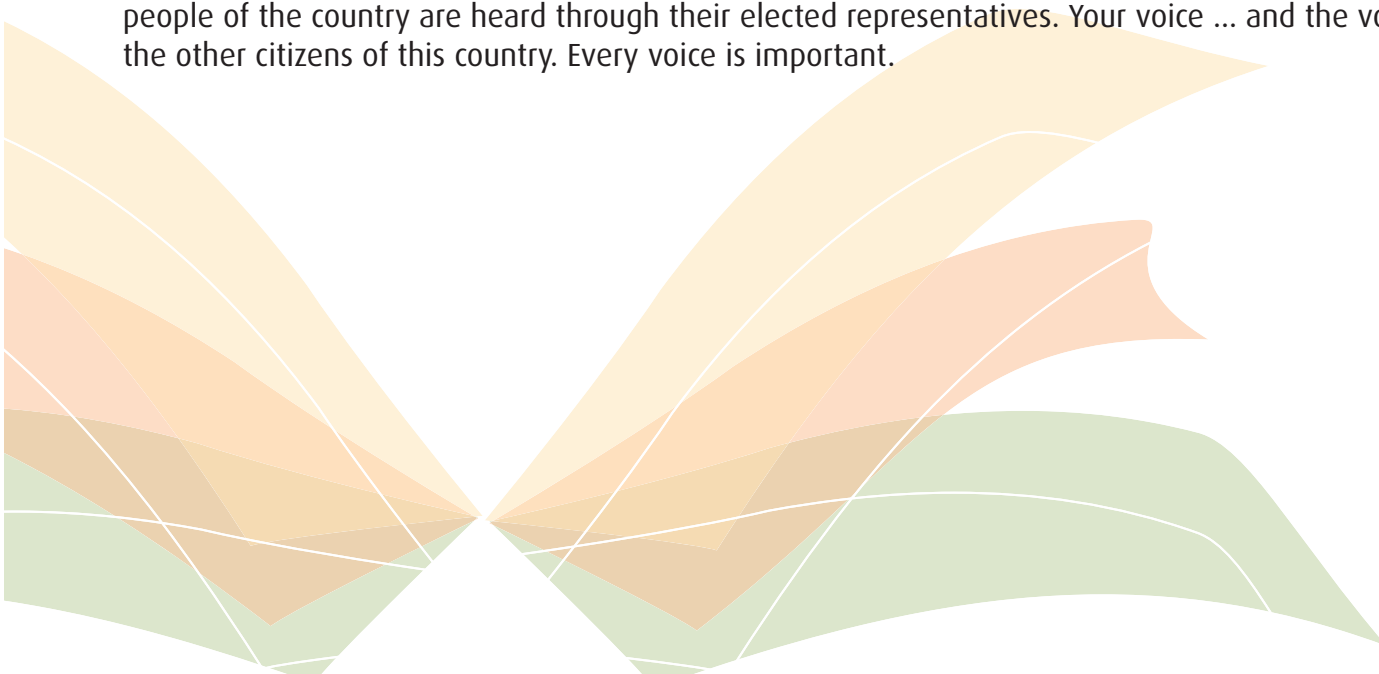
It is often easier to reach your representative at the party constituency office in your area. You can get the addresses and telephone numbers of constituency offices by phoning Parliament or from one of the political parties. Staff in constituency offices are trained to help the public with problems.

## How to stay informed about what is happening in Parliament

There are several ways to stay informed about what is happening. The newspapers, radio and television report *what is going on in Parliament* from day to day. There are also weekly programmes about Parliament and live broadcasts on television and radio. The National Council of Provinces produces a regular newsletter called *NCOP News* which is available from Parliament or from your MP's constituency office. Often, both Portfolio and Select Committee hearings are advertised in the press. Hearings in the provinces will also be advertised in newspapers. Another way to stay informed is through public meetings organised by your political party. There are many ways you can take an interest in and become involved in Parliament in an open and democratic society. Citizens can play an important role in making sure that Parliament does the work it is elected to do. The word "Parliament" comes from the word "to speak". It is here that the voices of all the people of the country are heard through their elected representatives. Your voice ... and the voices of all the other citizens of this country. Every voice is important.

## Parliament and You ...

The Constitution says there must be public access to and involvement in Parliament. This means you have the right to attend meetings of Parliamentary Committees and all sittings of the National Assembly and the National Council of Provinces. When Parliament passes a law, it has a duty to take into account what members of the public feel. You have a right to contact any MP in the National Assembly or the National Council of Provinces or any Committee if you wish to inform them of your views. The word "Parliament" comes from the word "to speak". It is here that the voices of all the people of the country are heard through their elected representatives. Your voice ... and the voices of all the other citizens of this country. Every voice is important.



## HOW A LAW IS MADE

Parliament is the legislative arm of the state. The word comes from a Latin word “legis” meaning law, because the first and most important job of Parliament is to make laws. Once these laws are made, they become the laws of the land.

### Where it all begins ...

The law-making process begins when a Minister of the Cabinet (who is in charge of a Government Department) decides that a new draft law (called a “Bill”) is necessary. The Minister submits the proposed Bill to Cabinet. If Cabinet agrees to the Bill, the Minister formally introduces it to Parliament. It is then referred to a Committee in the National Assembly or National Council of Provinces for consideration. For example, if the Bill concerns health matters, it will be referred to the health Committee. Bills that affect provinces are now usually introduced in the NCOP and then sent to the NA. The process described below tells you what happens with a bill that starts in the NA.

### What happens to the Bill in the National Assembly?

A Portfolio Committee consists of members of all the political parties in the National Assembly. The Committee meets to study and discuss the Bill in detail. It can make changes to the Bill if the majority of the Committee agrees. Meetings of the Portfolio Committees are open to the public and media. If there is a lot of public interest in the Bill, the Portfolio Committee will hold public hearings or ask the public to make submissions. Even if the Portfolio Committee does not do this, you have a right to write to the Chairperson of the Portfolio Committee or any of its members about the Bill. After the Portfolio Committee has finished its work, the Bill is referred to the National Assembly to be debated by all political parties. All members then vote on the Bill and, if it is passed, it is sent to the National Council of Provinces.

### What happens to the Bill in the National Council of Provinces?

The same process is followed in the NCOP, where it is studied and discussed by the relevant Select Committee. If the Bill directly affects the provinces, it will also be referred to the Provincial Legislatures which will mandate their members in the National Council of Provinces to support or oppose the Bill in Parliament. The Provincial Legislatures may also hold public hearings. The National Council of Provinces is made up of representatives of the provinces. Its main role is to represent the interests of the provinces. If the NA and the NCOP agree on the Bill, it is passed and is referred to the President for assent / signature. If the NCOP disagrees with the NA about a Bill which affects provincial powers (for example, a Bill on Welfare, Education or Health), a Mediation Committee must try to solve the disagreement. If the Mediation Committee fails, the National Assembly can send the Bill to the President for assent / signature, provided that two-thirds of all its Members vote in favour of the Bill. Otherwise the Bill falls away. If the NCOP disagrees with the National Assembly about a Bill which does not affect provincial powers (for example, a Bill on Defence, Foreign Affairs or Justice), the National Assembly can again discuss the Bill and agree to send it to the President for assent / signature.



## When a Bill becomes a law ...

A Bill becomes a law when it is signed by the President and promulgated (declared official) in the Government Gazette. It is now called an Act of Parliament. It is given a date and number. For example, the Promotion of National Unity and Reconciliation Act is Act 34 of 1995. This means it was the 34th Act to be passed by Parliament in 1995.

## Changes to the Constitution ...


The Constitution is the highest law in the land. It is the foundation for a democratic and open society, and protects the rights of all our citizens. Not even the President can act against the Constitution. Not even Parliament can pass a law which contradicts the Constitution. This is why it is so difficult to amend the Constitution. The Constitution can only be changed if two-thirds of all the members of the National Assembly agree. If the change affects the Provinces directly, or amends the Bill of Rights, two-thirds of the provinces in the National Council of Provinces must also vote in favour of it. The public must also be properly informed about the proposed change and be given time to comment.

## Private Members' Bills and Committee Bills

Almost all Bills are introduced to Parliament by a Minister. However, individual Members or Committees may also introduce Bills in the National Assembly. If an individual Member wants to introduce a Bill, the proposal is considered by a special Parliamentary Committee which must agree before such a Bill is introduced in Parliament.

## Parliament and You ...

There are several ways in which you can play a part in what happens in Parliament and make sure your representatives do the work you have elected them to do.



# YOUR REPRESENTATIVES IN PARLIAMENT

# 7

Parliament has two Houses: the National Assembly (NA) and the National Council of Provinces (NCOP).

## Who are your representatives...?

### Members of Parliament (known as MP's) in The National Assembly

Members of Parliament are elected to the National Assembly through a system called proportional representation. This means that, before an election, each party draws up a list of candidates in order of preference. People on the list become members of the National Assembly in proportion to the number of votes the party wins in the election. For example, if the party wins half the votes, it will hold half the seats in the National Assembly.

MPs are directly accountable to you because you voted for them.

### The National Council of Provinces (NCOP)

The NCOP consists of representatives from the nine provinces. Each province has 10 delegates in the NCOP. These delegates are elected by the Provincial Legislature according to the strength of the parties in the legislature. Members of the provincial delegation in NCOP are directly accountable to the Provincial Legislature. However, they also have an obligation to take account of the national interest. The South African Local Government Association (SALGA) is also represented in the NCOP but does not have the same kind of power as provinces.


## What are the responsibilities of your representatives?

### Passing laws

The chief responsibility of members of the NA and members of the NCOP is to pass laws. Together they form Parliament which is the legislature or law-making body. When your representatives pass Bills (draft laws), they must make sure that the views of the voters - your views - are taken into account. In the NCOP, they must ensure that the views of provinces are taken into account. This means they must help to carry out the policies of the party to which they belong - the policies of the party you voted for in the election. It also means that they must give citizens the opportunity to say what they feel about any Bill (draft law) they are discussing in Parliament.

### Working on Committees

Each member must sit on one or more committees in the NA or NCOP. It is in these committees that most of the detailed work of Parliament is done. It is here that Bills are studied and discussed and changes are made. Committees are also responsible for checking that State Departments are doing their work properly. For this reason, Committees have the right to call on Ministers and officials to explain what they are doing and how.



Committees must also study the annual budgets of State Departments. These budgets are presented to Parliament once a year in March. Because Parliament must vote to pass these budgets, members are responsible for making sure that money is spent wisely and that there is no wastage or corruption.

### **Looking after their constituents**

Political parties open constituency offices in as many areas as possible, and members regularly visit these offices where they meet members of the public. Each Member of Parliament has a constituency office with an administrator whose job it is to help the public and give them advice on their problems. If you need the telephone number of a constituency office in your area, you can telephone Parliament on (021) 403 2911 or contact the political party you support. Members of Parliament also have a responsibility to report back to their constituencies. This means that they must be ready to answer questions about what is happening in Parliament and hold public meetings.

### **Parliament and You...**

There are several ways in which you can play a part in what happens in Parliament and make sure your representatives do the work you have elected them to do.

#### **Voting in elections**

Before an election, each party prepares a manifesto which tells you what it plans to do if it wins the election. This helps voters decide which party to support. Your vote is a precious thing. By voting you show your responsibility as a citizen and use your right to choose the next government.

#### **Staying informed**

You can stay informed about what is happening in Parliament by reading newspapers, watching television, listening to the radio and attending public meetings. This means that, if you have something to say about an important Bill that is being discussed in Parliament, you can contact your representative and tell him or her your views. By staying informed and listening to the voices, policies and opinions of all political parties in Parliament, you can decide who you, the voter, will support in the next election.

#### **Visit your constituency office**

The third way you can stay in touch is by visiting a constituency office in your area. You may need help or information. Or you may yourself want to offer to help in the next election. Working in an election is an excellent way of learning how democracy works and making sure that your voice is heard. Remember, the word "Parliament" comes from the word "to speak". It is here that the voices of all the people of the country are heard through their elected representatives. Your voice ... and the voices of all the other citizens of this country. Every voice is important.

## WHAT IS A BUDGET VOTE?

# 8

One of the most important days in Parliament is Budget Day in March every year. This is the day that the Minister of Finance presents the Budget to Parliament.

### What is the Budget?

In the Budget the Minister of Finance states how much money the Government will spend during the next year. For example, in the 1997/98 year the Government planned to spend R176 billion.

The budget is divided into different budget votes or parts. There is a Budget Vote for each State Department. The Budget also states where the Government will find the money to spend - how much it will collect in taxes and how much it will have to borrow.

### Why is the Budget so important?

Control over the Budget has always been very important in the history of democracy. One of the first ways in which people challenged the power of the old kings in Europe was to refuse to pay tax unless they had a say in how their money was spent. This is why people say: "no taxation without representation".

It is, therefore, a democratic principle in our Constitution that the Government can only spend money if it has first been approved by Parliament. This gives Parliament a lot of power to check that the President and the Cabinet are doing their work properly.

### Budget Votes go to Committees ...

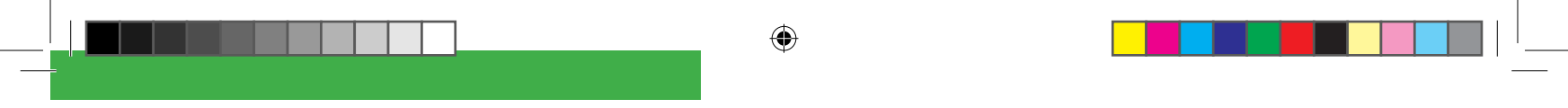
After the Minister of Finance presents the Budget, each parliamentary committee has hearings on the Budget Vote for its State Department. The committee asks the Department what it plans to achieve with its budget. The committee can also check whether the Department kept the promises it made for the previous year and whether it spent the taxpayers' money properly.

### Approving the Budget

After all the Budget Votes have been debated, each House must vote on the whole budget. If the budget is approved, the Ministers can go ahead and spend the money as budgeted. The Budget is so important that, if Parliament rejects the budget, the Government will usually resign and an election will be held to elect a new Government.

### What you get from the budget ...

The Budget comes from public money which is collected from you, the taxpayer. It must be spent in ways that will most benefit the public. Houses must be built. Health services and education must be



provided. The police and the courts must protect society from crime. Transport, water and electricity must be planned for. The environment must be protected. These and many more services must be provided by Government.

## The Budget is about choices ...

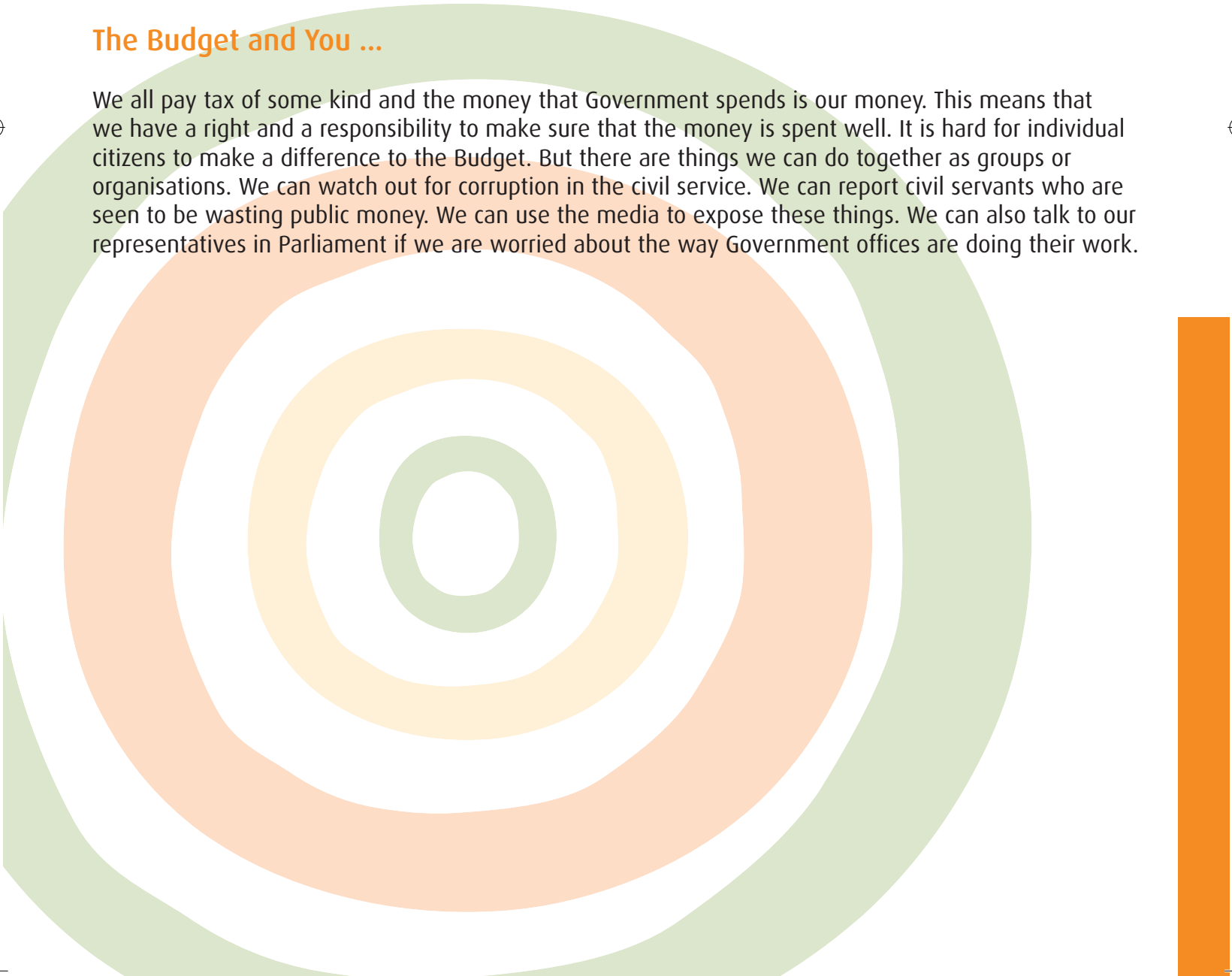
There are many things that must be taken into consideration. Like a Budget in any household, there are decisions that must be made about priorities. Some things have to be cut. Some things require more money. But there is only a certain amount of money that the Government can spend and, if things are to go well, it must spend that money wisely.

## Where the money comes from ...

The Government gets its money for the Budget each year by collecting taxes. People who earn money pay income tax, while companies pay tax on their profits. All South Africans pay VAT or Value-Added Tax when they buy something. There are also many special taxes which contribute to the Budget - for example, taxes on imported goods, or on cigarettes and alcohol.

## The Budget and You ...

We all pay tax of some kind and the money that Government spends is our money. This means that we have a right and a responsibility to make sure that the money is spent well. It is hard for individual citizens to make a difference to the Budget. But there are things we can do together as groups or organisations. We can watch out for corruption in the civil service. We can report civil servants who are seen to be wasting public money. We can use the media to expose these things. We can also talk to our representatives in Parliament if we are worried about the way Government offices are doing their work.





## THE WORK OF PARLIAMENT

# 9

Parliament plays a direct and active role in national affairs. It is the place where the Members of Parliament we elected must look after our interests. Members of Parliament have many responsibilities. They must make laws that will improve our lives. They must discuss and debate government policy and other political issues. They must consult the public and their supporters, represent their views in Parliament and report back to them. They must help people in their areas (constituencies). They must approve the budget presented to Parliament by the Government Departments. They must act as watchdogs on the work of the government, and check that public money is spent wisely.

### Where to find information about Parliament

Meetings of Parliament are open to the public, and the media report on what happens in Parliament. You may, however, want more information about a particular issue or debate. Everything that is said during the debates, including Minister's replies to questions, is recorded and printed in a publication called Hansard. You can get information about the programme of Parliament from the Order Paper (the daily agenda) which contains information about what Parliament will discuss on each day, what laws are before Parliament, and which Committees are meeting. You can find most of these documents in the public libraries or buy them from the Government Printer. The Order Paper is available at Parliament.

You can also approach the Public Education Office / Parliamentary Communication Services at (021) 403 3341/1 or 403 2197/8 for information.

### Some activities in Parliament

#### Debating Political Issues

In addition to debating laws, Parliament debates important political issues. Parliament also holds debates on important political issues in the country. In addition, Members of Parliament or political parties can introduce motions (or subjects) for debate in Parliament.

#### Questions

Every week in the National Assembly (NA) and the National Council of Provinces (NCOP), Ministers are obliged to answer questions from Members. This is how Members obtain information and check that Ministers and Departments are doing their work properly.

#### Hearings

Committees must consult the public about Bills and other matters. If a Bill is of great public interest, the Committee will ask for written submissions from the public. The Committee may also invite members of the public to explain their views.



## Discussing Government Policy

Ministers are responsible for the development of policy. The first document produced is called a Green Paper. This is the broad policy framework or discussion document which is circulated for public comment.

Once comment has been received on the Green Paper, the Minister produces a White Paper - a detailed policy plan. Legislation is very often based on the policy in the White Paper. After a Green or White Paper is approved by Cabinet, it is usually presented to Parliament. Although Ministers and Departments do their own consultation on Green and White Papers, sometimes a Parliamentary Committee will also conduct public hearings or consultations.

## Making Laws

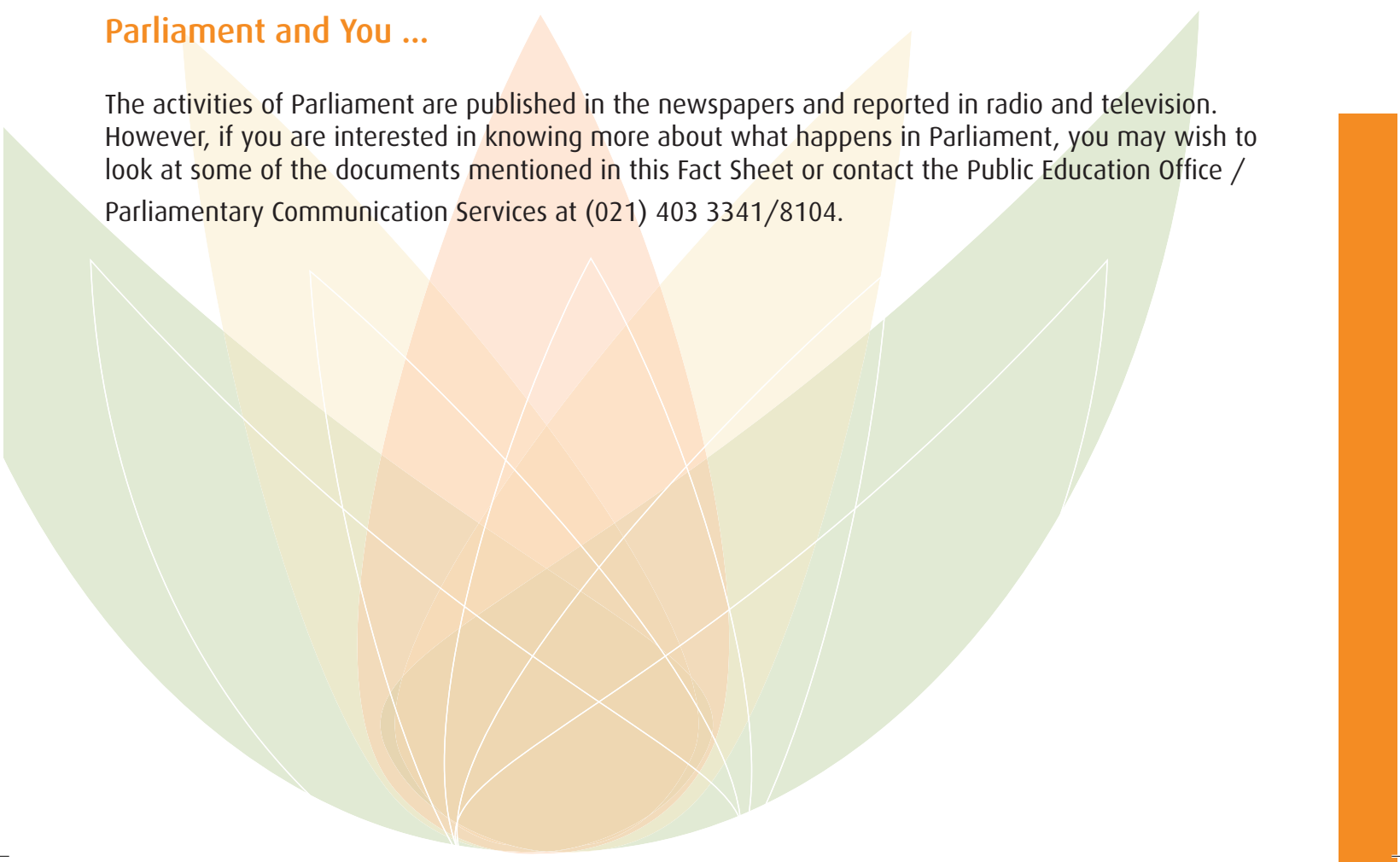
The main task of Parliament is to discuss and pass the new laws that the President and the Ministers introduce to Parliament.

A Minister usually introduces a Bill (draft law) in the National Assembly. A Bill goes through the following stages or steps:

First the Bill is tabled on the Order Paper. There is no discussion at this stage. It is then sent to the Committee that must work on it. The Committee discusses the Bill in detail, and can change it. The Committee then reports on the Bill to the National Assembly (NA) where it is debated and political parties say why they agree or disagree with the Bill. After the debate, there is a vote. If the Bill is passed, it is sent to the National Council of Provinces (NCOP). In the NCOP, the Bill goes through a similar process. Bills affecting the provinces can also be introduced in the NCOP before going to the National Assembly. Such Bills may also be studied and discussed in the Provincial Legislatures. A Bill becomes an Act or Law when it is signed by the President.

## Parliament and You ...

The activities of Parliament are published in the newspapers and reported in radio and television. However, if you are interested in knowing more about what happens in Parliament, you may wish to look at some of the documents mentioned in this Fact Sheet or contact the Public Education Office / Parliamentary Communication Services at (021) 403 3341/8104.





## WHY THE CONSTITUTION IS SO IMPORTANT

In 1996, after two years of public consultation and debate, we adopted our new Constitution. The Constitution states that we are a constitutional democracy. This means that the Constitution is the supreme or highest law of the land and that everyone in this country must act according to the Constitution. The rules which protect our democracy are in our Constitution. Under the old system, Parliament was supreme and could make any law it wanted to make, even if the law took away people's basic human rights, such as the right to a fair trial. This can no longer happen because now the Constitution is supreme and it will not allow the government to make laws that are unjust. Not even the President can act against the Constitution. Not even Parliament can pass a law which contradicts the Constitution.

### What is a Constitution?

A Constitution is the document that sets out the rules about how the country must be run. Our Constitution has three main functions. It sets out the system of government and says how the country must be run. It protects the rights of citizens. And it protects democratic principles.

#### Making the rules for government

The Constitution says how government should be run. For example, it sets out the powers of Parliament, the President and the Ministers, the Courts, and so on.

#### Protecting the Rights of Citizens

Chapter Two of the Constitution contains the Bill of Rights which protects the rights of all our citizens.

#### There are different kinds of rights in the Bill of Rights

The first are called political rights. These include the rights to freedom, equality and dignity, the right to free speech, the right to organise, the right to vote in elections and so on. These are the normal rights that occur in all democratic Constitutions all over the world. They are the rights that ensure democracy and freedom. The second group of rights are called socio-economic rights. In South Africa, where a large part of the struggle for freedom was the struggle to improve the lives of people, these rights are important because they place a duty on the government to try to solve the many problems that people have about education, health, water and housing. The third group of rights includes such rights as the right to a protected environment, the right to information and the right to fair administrative action. By putting these rights in our Constitution, South Africa leads the world. The Constitution also sets up several independent bodies to help citizens enforce their rights - for example the Human Rights Commission, the Public Protector and the Gender Equality Commission.





## Protecting the Democratic Principles

The Constitution sets out and protects certain important democratic principles.

### **South Africa is a democracy**

This means that there must be regular elections in which all citizens can vote for the government of their choice.

### **The Constitution itself is protected**

This is why it is much, much more difficult to change the Constitution than it is to pass an ordinary law.

### **Independent courts protect and enforce the Constitution**

The courts are very powerful because they can tell even the President or Parliament that they are not abiding by the Constitution.

### **There must be a separation of powers**

The power of the state is divided up into three arms. The first arm, the Executive, consists of the President and the Ministers in the Cabinet. The Cabinet is in charge of the government and has the power to run the country. But the Ministers cannot do as they want. They have to govern the country according to the laws made by Parliament. The second arm is the Legislature, or Parliament, which consists of the elected representatives of the people. The main task of Parliament is to make laws. Parliament must also ensure that the Ministers do their work properly. The third arm is the Judiciary or the courts. Only the Courts can decide that someone has broken the law, and how they must be punished. To ensure that people are treated fairly, the Constitution says that the courts must be independent from Parliament which makes the law, and the Ministers who apply the law. Although each arm of government is separate and may not interfere in either of the other arms, the Constitution says that they must co-operate in mutual trust and good faith.

### **Parliament and You ...**

The Constitution belongs to the people of South Africa. It is there to protect you. This is why it is so important to know your rights and to understand what work Parliament is doing and how. The word "Parliament" comes from the word "to speak". It is here that the voices of all the people of the country are heard through their elected representatives. Your voice ... and the voices of all the other citizens of this country. Every voice is important.