



**PARLIAMENT**  
OF THE REPUBLIC OF SOUTH AFRICA



MAKING YOUR FUTURE  
**WORK BETTER**

**National Council of Provinces**  
**Induction of Permanent Delegates**  
**October 2019**



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# Law-making process



# Legislative process

## Types of bills

- Section 74 – bills amending the Constitution
- Section 76 – bills affecting the provinces
- Section 75 – bills not affecting provinces
- Section 77 – money bills



# NCOP's Mandate

- Represents the interests of the provinces in the national sphere of government
- Participates in the national legislative process
- Provides national forum for consideration of issues affecting provinces

Section 42(4)



# NCOP's Powers

The NCOP has legislative powers and may

- consider,
- pass,
- amend section 76 bills,
- propose amendments to sections 75 and 77 bills,
- reject any legislation, or
- initiate legislation falling within the functional area of concurrent competence ( Schedule 4).



# NCOP's Powers

The NCOP may NOT initiate money bills – only the Minister of Finance may initiate money bills

Section 68



# Legislative process

## Section 76

- normally introduced in the NA and referred to the NCOP
- may be introduced in the NCOP by a delegate or committee
- then referred to the relevant committee for consideration and report
- a copy submitted to the provincial legislatures for consideration and conferral of mandates



# Six-week legislative cycle

**Week 1:** briefing of the NCOP by the department

**Week 2:** briefing of the provincial legislatures by permanent delegates

**Week 3:** consideration by the provincial legislature

**Week 4:** negotiating mandates

**Week 5:** final mandates

**Week 6:** consideration by the House and voting (voting mandate)





# Example of Negotiating Mandate



## Office of the Chairperson

Portfolio Committee on Premier's Office; Finance; Economic  
Development and Tourism

Enquiries: Adv. Buyile Mdluli

Tel. No: 013 766 1038

### NEGOTIATING MANDATE

**To** : The Chairperson: Select Committee on Appropriations

**Name of the Bill** : Division of Revenue Bill

**Number of the Bill** : [B 5 – 2019]

**Date of Deliberation** : 19 March 2019

**Vote of the Legislature** :

The Portfolio Committee on Premier's Office; Finance; Economic Development and Tourism ("the Committee") supports the Division of Revenue Bill [B 5 – 2019], and confers on the permanent delegate representing the Province of Mpumalanga in the National Council of Provinces the mandate to vote in favour of the Division of Revenue Bill, without any proposed amendments.

HON FV MLOMBO (MPL)

CHAIRPERSON: PORTFOLIO COMMITTEE ON  
PREMIER'S OFFICE; FINANCE; ECONOMIC  
DEVELOPMENT AND TOURISM

19.03.2019.

DATE



# Example of Final Mandate



IPHALAMENDE LAKWAZULU-NATALI



KWAZULU-NATAL PROVINSIALE PARLEMENT

KWAZULU-NATAL PROVINCIAL PARLIAMENT

## FINAL MANDATE

**TO:** THE CHAIRPERSON OF THE NCOP

**NAME OF BILL:** DIVISION OF REVENUE BILL

**NUMBER OF BILL:** B5-2019

**DATE OF DELIBERATION:** FRIDAY, 22 MARCH 2019

**VOTE OF THE LEGISLATURE:**

The KwaZulu-Natal Legislature met today, Friday, the 22<sup>nd</sup> of March 2019, & agreed to mandate the KwaZulu-Natal delegation to the National Council of Provinces to **support** the **Division of Revenue Bill [B5 – 2019]**.

Hon L. Johnson  
Speaker


22.03.2019

Date



# Consideration by the NCOP

## Voting Mandate

  
**GAUTENG**  
LEGISLATURE  
Your View — Our Vision  
OFFICE OF THE SPEAKER

**FINAL VOTING MANDATE**

**TO:** The Chairperson of the National Council of Provinces.  
Hon T Modise

**NAME OF BILL:** Division of Revenue Amendment Bill


**NUMBER OF BILL:** [B15-2016]

**DATE OF DELIBERATION:** 29 November 2016

**VOTE OF THE LEGISLATURE:**

The Gauteng Provincial Legislature supports the principle and detail of the bill and therefore votes in favour of-

- Division of Revenue Amendment Bill

  
\_\_\_\_\_  
**HON NTOMBI MEKGWE**  
SPEAKER  
GAUTENG PROVINCIAL LEGISLATURE  
Date: 29/11/2016

Private Bag 353, Johannesburg 2000  
Tel: (27 11) 498-5555 • Fax: (27 11) 498-5999



# Decisions

## Section 76

- each province has one vote cast by the head of delegation
- at least five provinces must vote in favour



# Six-week legislative cycle

- If adopted – submitted to the President for signature and assent
- If rejected – mediation committee



# Legislative process

## Section 75

- introduced in the NA and referred to the NCOP for consideration and report
- then referred to the relevant committee for consideration and report
- a copy submitted to the provincial legislatures
- the NCOP may propose amendments
- NA may either accept or reject the amendments
- If rejected - no mediation



# Decisions

## Sections 75 and 77

- each delegate has one vote
- at least one third must be present – decided by the majority of the votes cast



# Decisions

## Section 74

- each province has one vote cast by the head of delegation
- at least six provinces must vote in favour





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**Discussion**