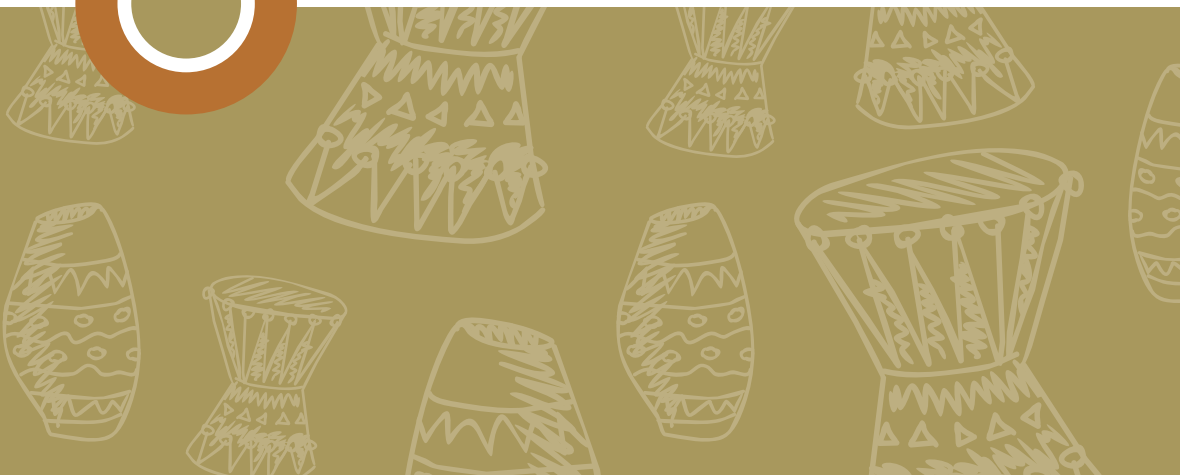




# COMMITTEE PROCEDURES, PRACTICE AND SYSTEMS

*Induction Handbook for  
Members of Parliament and Provincial Legislatures*

A publication of the South African Legislative Sector



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## FOREWORD

In the fourth parliamentary term (2009-2014), the South African Legislative Sector under the leadership of the Speakers' Forum pioneered professional development programmes for members of Parliament and provincial legislatures. These programmes were designed to ensure systematic development of members to enable them fulfil their constitutional responsibilities as representatives of the people of South Africa.

Over time, the Sector has successfully developed and implemented accredited programmes, tailor-made to meet the development needs of members. This has been achieved through partnerships with various institutions of higher learning.

To enhance the learning experience of members, we present a series of seven (7) Induction Handbooks which have been crafted by the South African Legislative Sector committed to building stronger Legislatures through collaboration.

On behalf of the Speakers' Forum of the South African Legislative Sector, we trust that all new and returning Members will find the information contained in the Members' Induction Handbooks a useful guide over the next five years.

Capacitated Parliaments are stronger Parliaments and this is good for our democracy. When you know more, you do more.

**M.V. Sisulu, MP**

**Chairperson: Speakers' Forum of South Africa**

**June 2009 – May 2014**

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## PREFACE

The Induction Programme is the first step in a series of the broader South African Legislative Sector Capacity Building Programmes. It lays a solid foundation for other subsequent programmes and is based on the work that members are expected to carry out as part of their overall responsibility to the South African people. The Capacity Building Programmes enable members from different education and development backgrounds to enter at various levels and have an opportunity to exit at Post Graduate Level.

This is one of the seven (7) Induction Handbooks focusing on core business areas of the South African Legislative Sector:

Module 1: Rules, Practice and Procedure in the House

Module 2: Legislative Process

Module 3: Committee Procedures, Practice and Systems

Module 4 Oversight and Accountability

Module 5: Financial Oversight

Module 6: Public Participation

Module 7: International Relations and Protocol

A sincere word of gratitude is extended to the members of the Speakers' Forum for their vision, unwavering support and political guidance, my colleagues in the Reference Group of the Speakers' Forum on Capacity Building (Mr M Mthimkhulu, Mr K Phala and Ms B Tunyiswa) for their dedication and insight in the development and implementation of the broader Capacity Building Programme.

This would not have been possible without the involvement in content development by Secretaries of Parliament, National Assembly, National Council of Provinces and Provincial Legislatures organised through Secretaries Association of Legislatures of South Africa (SALSA). We thank the Legislative Sector Support for ensuring that this vision is realised in the design and development of the handbooks and implementation of the broader Capacity Building Programme.

We hope this handbook will add value to your role as you navigate the Legislative Sector environment.

**M.A. Tsopo, MPL**

**Chairperson: Speakers' Forum Reference Group on Capacity Building**

**June 2009 – May 2014**

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## ACKNOWLEDGEMENTS

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**Ms Sandisiwe Schalk**  
**Executive Director and Project Leader**

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## 1 INTRODUCTION

This document serves as a guideline for induction training of Members at committee level.

The legal rationale for the existence of committees originates from sections 55 (2) and 114 (2) of the Constitution, which provides, respectively, that the National Assembly (NA) and Provincial Legislatures must provide mechanisms to ensure that the executive is accountable to it and to maintain oversight over the executive authority and organs of state. In addition, sections 57(2) and 116(2), applying to the National Assembly (NA) and Provincial Legislatures, obligate that the Rules and Orders of the National Parliament and Provincial Legislatures provide for the establishment, composition, powers, functions, procedures and duration of committees. The committee is but one of a number of mechanisms created for exercising oversight over the executive. It forms part of the internal arrangements of legislatures.

While this Module intends to address the operational environment of committees, and while, as part of carrying out the constitutional mandate of oversight, the committee function extends to areas of oversight in general,



financial oversight, accountability and the budget cycle. These areas will be dealt with specifically under the relevant Modules. To the extent that there may be overlaps, this Modules is based on addressing issues of procedure in relation to committees.

Committees are the best forum to gather information, eg through public hearings. By inviting the public to take part in their deliberations, committees play an important role to ensure that 'participatory democracy', as required by the Constitution, is adhered to.

In respect of their proceedings, committees are microcosms of the House and are limited in power by the extent of the authority delegated to them in terms of the rules of the institution or any other law. They are governed for the most part in their proceedings by procedures and practices which reflect those prevailing in the House.

The composition of committees broadly reflects the numerical strengths of parties represented in the legislature. Broadly speaking, committees must develop expertise, gather information and do detailed work that must underpin properly informed decisions. This necessitates an element of developing capacity through benchmarking, studying opportunities of various systems with the caveat that benchmarking must be co-ordinated, value for money, effective and relevant to their operations.

Although there are many different types of committees in the legislature, their powers and procedures emanate from common sources, namely –

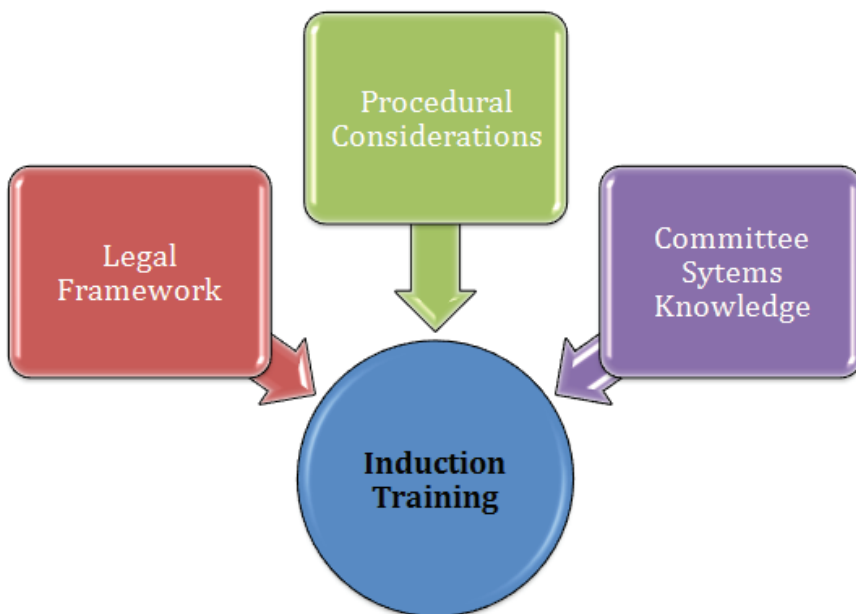
- The Constitution
- Acts
- The Standing Rules
- Resolutions of the House
- Resolutions of the committee itself
- Practice and convention

The scope of enquiry of a committee is confined to its terms of reference, i.e. the matters or papers specifically referred to it. The House may, however, issue further directions to the committee once it has begun a particular enquiry. Such directions are called “instructions”. An instruction may be mandatory or permissive. A mandatory instruction is one which directs a committee to deal with a particular issue or to conduct its study in a certain way. A permissive instruction confers on the committee the authority to do something, which, without the instruction, it would not have the power to do.

Members’ training will broadly comprise the following:

- Legal framework;
- Procedural considerations; and
- Committee systems knowledge.

**Figure 1: Components of Members’ Training Programme**





## 2 LEGAL FRAMEWORK<sup>1</sup>

### 2.1 CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA

The Constitution establishes legislatures and to a large extent determines their powers and functions. As these institutions perform their functions chiefly through the engine room of committees by implication, many of these powers and functions apply to committees.

Some of the more relevant powers and functions which derive from the Constitution and which committees must give effect to are –

- a committee considering a Bill must consider whether the province has the necessary legislative authority;<sup>2</sup>
- the power of a legislature to consider, pass, amend or reject any Bill before it, to hold organs of state accountable to it, and to maintain oversight of executive authority, implementation of legislation and organs of state;<sup>3</sup>

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4 1 Where the term "legislature/s" is mentioned this refers to Parliament as well.  
2 See sections 43, 44, 68 and 104.  
3 See sections 55, 68 and 114.

- a committee may summon any person to appear before it or to produce documents, or request any person to report to it;<sup>4</sup>
- the establishment, composition, powers, functions, procedures and duration of committees must be provided for in the rules and orders of the legislature;<sup>5</sup>
- the participation in committees, of minorities parties represented in the Legislature must be provided for in a manner consistent with democracy;<sup>6</sup>
- Members have freedom of speech in a committee;<sup>7</sup>
- Members are not liable to civil or criminal proceedings, arrest, imprisonment or damages for anything they have said, produced before or submitted to a committee;<sup>8</sup>
- an institution must facilitate public involvement in the processes of its committees and conduct its business in an open manner, but reasonable measures may be taken to regulate public access and to provide for the searching, refusal of access and removal of any person;<sup>9</sup>
- a legislature may not exclude the public from a committee meeting unless it is reasonable and justifiable to do so in an open and democratic society;<sup>10</sup> and
- a legislature must support and strengthen the capacity of municipalities to manage their own affairs, to exercise either powers and to perform their functions.<sup>11</sup>

4 See sections 56, 69 and 115.

5 See sections 57(2)(a), 70(2)(a) and 116(2)(a).

6 See sections 57(2)(b), 70(2)(b) and 116(2)(b).

7 See sections 58(1)(a), 71(1)(a) and 117(1)(a).

8 See sections 58(1)(b), 71(1)(b) and 117(1)(b).

9 See sections 59(1), 72(1) and 118(1).

10 See sections 59(2), 72(2) and 118(2).

11 See section 154.

## **2.2 SELECTED NATIONAL AND PROVINCIAL LEGISLATION**

### **2.2.1 The Financial Management of Parliament and Provincial Legislatures Amendment Bill<sup>12</sup>**

The Financial Management of Parliament and Provincial Legislatures Bill (FMPPLA) in general provides for the financial management of Parliament and provincial legislatures. Specifically with regard to committees, the Act provides for the establishment of an oversight mechanism within the institution to maintain oversight over the institution by, amongst other means:

- considering instructions with financial implications issued by the executive authority;
- considering the annual report of the institution;
- considering instructions on the implementation of the Act; and
- performing any other functions specified in the Act, by the Rules of the institution or consistent with the objects of the Act.

The oversight mechanism may take the form of a committee (or any other suitable structure), which will be entrusted to perform the functions mentioned above. Examples of such oversight mechanisms that have been established at legislatures include the Standing Committee on Oversight in KwaZulu-Natal and the Committee of Oversight of the Legislature and the Premiers Office in Gauteng.

The Bill further requires the executive authority (the Speaker of the National Assembly and the Chairperson of the National Council of Provinces acting jointly in Parliament, and the Speaker in legislatures) to table for referral to the oversight mechanism –

- the draft strategic plan of the institution;
- the draft annual performance plan of the institution;
- the draft adjustments budget; and
- any draft revisions to the approved allocations of the institution.

## **2.2.2 Power, Privileges and Immunities of Parliament and Provincial Legislatures Act (Act 4 of 2004) (PIPPLA)**

PIPPLA has numerous provisions in relation to committees. Although “Parliament” is referred to in the Act, section 28 provides that certain relevant sections are applicable to provincial legislatures. Where a provision is only applicable to Parliament this will be indicated. The following is a summary of these sections:

Section 7 prohibits any person from:

- improperly interfering with or impeding the exercise or performance by Parliament or a House or committee of its authority or functions;
- threatening or obstructing a member proceeding to or going from a meeting of Parliament or a House or committee;
- assaulting or threatening a member, or deprive a member of any benefit, on account of the member’s conduct in Parliament or a House or committee;
- while in Parliament or when a House or committee is meeting, create or take part in any disturbance within the precincts; or
- fail or refuse to comply with an instruction by a duly authorised staff member regarding-
  - o the presence of persons at a particular meeting in the precincts;
  - or
  - o the possession of any article, including a firearm, in the precincts or any part thereof.
- Section 8 prohibits any person from improperly influencing a Member by any improper means. This includes inducing a Members to be absent from a committee meeting, and inducing a member to vote in favour of or against an item in committee or not voting at all. The member may also not receive anything to vote in favour of or against anything or not voting in committee.
- Section 9 provides that if a member is required to attend court proceedings, a certificate by the Speaker that the Member is required for parliamentary business is sufficient to absolve the member from attending court. This includes committee business.

- Section 10 provides that a person may not give evidence on any document before a committee without obtaining the leave of the House.
- Section 11 provides that persons creating a disturbance in committee may be arrested and removed from the precincts on the order of the Speaker.
- Section 12 requires Parliament to appoint a committee to deal with disciplinary matters relating to contempt. The committee must enquire into the matter and report on its findings to the House. A Member who is under a sanction of suspension may not participate in a committee meeting unless the permission of the Speaker is obtained.
- Section 14 permits a joint committee to summon any person to appear before it to give evidence under oath or affirmation, or to produce documents; or require any person or institution to report to it. This section is not applicable to legislatures, however individual legislatures may have their own provincial statutes which allow for the summoning of witnesses, eg the KwaZulu-Natal Legislature Witnesses Act.
- Section 15 permits the chairperson of a committee to examine any witness called before the committee. This section is also only applicable to Parliament.
- Section 19 states that no person may publish a document purporting that it has been published under the authority of a committee, while it has not been published under such authority.
- Section 21 states that no person may broadcast by any means the proceedings of a committee, except by order of the House.
- Section 23 states that the State Liability Act applies to civil proceedings against a committee. With regard to proceedings against a committee, a reference to the Minister in the Act is construed as a reference to the chairperson of the committee. This provision is only applicable to Parliament.
- Section 25 provides for protection of the public where, if a person is aggrieved by a remark made before a committee, that person may request the Secretary to publish a written response, subject to the Standing Rules, in the appropriate parliamentary paper.

- Section 26 states that a person may not hinder a staff member while proceeding to or from a committee in connection with his/her duties.

### **2.2.3 Mandating Procedures of Provinces Act (Act 52 of 2008)**

The Mandating Procedures of Provinces Act provides for a uniform procedure in terms of which provinces confer authority on their delegation to cast votes on their behalf, as required by the Constitution. Provinces are required to submit mandates for Section 74 and Section 76 Bills.

Section 5 of the Act provides that a committee designated by a legislature must confer authority on its provincial delegation to the NCOP, of parameters for negotiation when the relevant NCOP select committee considers a Bill after tabling and before consideration of final mandates, and may include proposed amendments to the Bill.

### **2.2.4 Promotion of Access to Information Act (Act 2 of 2000)**

Section 32(1) (a) of the Constitution provides that everyone has the right of access to –

- any information held by the state; and
- any information held by another person that is required for the exercise or protection of any rights.

Section 32(2) further provides that national legislation must be enacted to give effect to this right. The Promotion of Access to Information Act (PAIA) is the national legislation that is intended to do this.

The Act provides that if a request for information is made in the proper manner, then the information must be provided, unless one of the grounds for refusal of access applies.

The implication for committees is that if a request is made to the information officer for access to information that is with a committee, then unless there



are legitimate grounds for the refusal of access then, the information must be provided.

Importantly, in the Act, a public body is included in the definition of requester. In relation to committees this means that an official of the legislature can, on behalf of a committee, request information from a private body through the mechanism of the PAIA. This is less relevant in view of the power to summon persons to appear and to produce documents provided for in the Constitution, but it does assist in allowing for another avenue of accessing information and also provides sanctions for failure to do so, as it is an offence to fail to comply with PAIA.

The Act does not apply to a record of –

- Cabinet or any of its committees; or
- an individual Member of Parliament or a legislature, in that capacity.

#### **2.2.5 Promotion of Administrative Justice Act (Act 3 of 2000)**

Section 33 of the Constitution provides that everyone has the right to administrative action that is lawful, reasonable and procedurally fair, and further provides that national legislation must be enacted to give effect to these rights. The Promotion of the Administrative Justice Act is the national legislation that has been enacted for this purpose.

While the legislative processes of Parliament and legislatures do not fall within the definition of administrative action in the Act, any other administrative action taken by an organ of state exercising a power which adversely affects the rights of any person and which has a direct external legal effect, must be done in a procedurally fair manner and must be based on justifiable reasons.

With reference to committees, this means that if a committee takes any “administrative action” as defined in the Act, the action must be taken in a

procedurally fair manner and with justifiable reasons. If not, the action can be taken on review in terms of the Act.

### **2.2.6 Different Petitions Legislation**

Petitions are a means through which citizens can communicate with a legislature for the redress of their grievances and constitutes the most direct means of doing so. A petition is usually in the form of a document drawn up in a prescribed manner and dealing with public grievances.

This right is recognised in the Constitution,<sup>13</sup> and may also be provided for in the Standing Rules of a legislature. Some legislatures have different pieces of provincial legislation which set out the processes and details of how petitions are processed in the legislature. This may involve the establishment of a Petitions Committee. This may also involve consultation and input by relevant portfolio committees on issues which are relevant to their area of work.

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<sup>13</sup> See section 115(d).



### 3 STANDING RULES

Section 116 of the Constitution provides that a legislature may determine and control its own internal arrangements, proceedings and procedures and make rules concerning the conducting of its business. These include rules of procedure, as well as how it performs its constitutional functions of debate, the consideration of legislation and oversight of the executive council.

Legislatures have committees which are responsible for, *inter alia*, developing the proceedings, procedures, rules, orders and practices concerning the business of the legislature. The committee, often referred to as the Rules Committee in legislatures or the Joint Rules Committee in Parliament, is often empowered to make recommendations on amendments to the Standing Rules as part of its mandate or as the result of a specific order by the House. The House thereafter approves the amendments.

The permanent rules under which Parliament and legislatures regulate their proceedings are known as the Standing Rules. The “standing” nature of the rules means that they do not lapse at the end of a session but remain in operation until the end of the term of the legislature or until the legislature decides to suspend, change or repeal them.

With specific regard to committees of legislatures, some of the critical issues that may be covered in the Standing Rules are the establishment and composition of committees, appointment procedures, role of chairpersons, alternates and substitutes, quorum, decisions, powers and functions of committees, the role of subcommittees, etc. The precise detail differs from legislature to legislature.



## 4 SELECTED CASE LAW AFFECTING COMMITTEE SYSTEM

Relevant case law, which has an impact on the procedures that committees follow, will be discussed briefly, with specific focus on the influence on committee procedure.

### 4.1 DOCTORS FOR LIFE INTERNATIONAL VS. THE SPEAKER OF THE NATIONAL ASSEMBLY AND OTHERS (CASE CCT12/05)

In this matter the Constitutional Court held that Parliament and the provincial legislatures have a broad discretion to determine how best to fulfil their constitutional obligation set out in section 118 to facilitate public involvement in a given case, as long as it is reasonable to do so. This duty will often require Parliament and the provincial legislatures to provide citizens with a meaningful opportunity to be heard in the making of laws that will govern them. In assessing what “meaningful opportunity” entails, Parliament and legislatures must regard a number of factors, including the nature of the legislation.

With respect to committees this judgement is crucial because it will be up to the committee considering a Bill to assess and decide what “meaningful

participation” entails, i.e. whether this entails written submissions or public hearings, and if public hearings are decided upon, the number and location of these are important. Although it must be ensured that section 118 is complied with, the issue of financial prudence and the cost of public involvement being kept at a reasonable level, must also be considered and taken into account when deciding on the level of public involvement.

It is thus imperative that the committee support staff, especially its legal advisors, assist the committee to look at the nature of the Bill among other factors and advise on how section 118 can be complied with and what meaningful participation entails with respect to a particular Bill.

#### **4.2 MATATIELE MUNICIPALITY AND OTHERS VS. PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA AND OTHERS (CASE CCT73/05)**

In this matter the issue of public involvement was further discussed. The Constitutional Court held that in facilitating public involvement, a provincial legislature must act reasonably. In determining whether a provincial legislature has acted reasonably, the Court will have regard to factors such as the intensity of the impact of the legislation on the public. The more discreet and identifiable the potentially affected section of the population, and the more intense the possible effect on their interests, the more reasonable it would be to ensure that the potentially affected section of the population is given a proper opportunity to have a say.

This judgement is also critical in that it provides further guidance on which factors a committee should consider in determining what constitutes “reasonable public involvement”. This assists committee support staff to advise the committee on looking at those factors and how section 118 can be complied with.

### **4.3 MOUTSE DEMARCATION FORUM AND 15 OTHERS V THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA AND 17 OTHERS (CASE NO CCT40/08)**

In this matter the applicants contended that the provincial legislature was required, and had failed, to consult reasonably with the people most pertinently affected by the changes. This was so because they were given too little notice of the hearing, the hearing itself was too brief and because the report of the Portfolio Committee to Parliament did not reflect the objections of the community sufficiently.

The Court held, however, that reasonable consultation may take whatever form chosen by a legislature. In this case, the provincial legislature opted for public hearings. Public hearings were held in the affected areas where the community voiced its objection. The portfolio committee recorded this but recommended to the provincial legislature that the laws be supported. The provincial legislature endorsed the recommendation. The Court held that the legislature, in doing this, had acted reasonably.

The judgement was important in that it took the issue of what constitutes reasonable public involvement and further confirmed that the legislature may decide on the form of the public consultation which it must consider, but may differ with the views that it receives.



## 5 RESOLUTIONS OF THE COMMITTEE

A committee may also choose to make a decision on matters relating to its internal processes, including a matter of procedure but, subject to the provisions of the Standing Rules. This will therefore be binding on the committee until the resolution is rescinded or amended by the committee.

NB: With regard to both House and committee resolutions, it is critical that the implementation of these resolutions is monitored and followed up by the relevant committee. If required by the Standing Rules, or if the committee deems it necessary, a report on the implementation of resolutions is made to the House.





## **6 GOVERNANCE AND MANAGEMENT OF COMMITTEES**

In respect of their proceedings, committees are microcosms of the House itself and are limited in power by the extent of authority delegated to them. They are governed for the most part in their proceedings by procedures and practices which reflect those prevailing in the House.

### **6.1 COMMITTEE OF CHAIRPERSONS (COC)**

This committee is a committee comprising chairpersons of all committees. It is chaired by the House Chairperson of Committees<sup>14</sup>. Its purpose is to ensure that the chairperson's committees are performing their functions and that the committees are doing their work. Part of the duties of the committee is to ensure that systems allowing for proper oversight mechanisms are put in place.

### **6.2 HOUSE CHAIRPERSON OF COMMITTEES**

The Office of the House Chairperson plays a critical role in overall co-ordination and management of committees. The work of the House Chairperson of Committees entails the administrative management of committees through the implementation of the Oversight and Accountability Model and other institutional prescripts.

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**18** 14 House Chairperson is also referred to as Chairperson of Committees in other legislatures.

One of the designated responsibilities is presiding over the Committee of Chairpersons. The CoC may make recommendations to the Rules Committee or the Programme Committee regarding any matter affecting the scheduling or functioning of any committee, subcommittee or other forum.

The House Chairperson is also responsible for developing guidelines and procedures for the overall and effective functioning of committees. Committee activities are informed by responsibilities and mandates of the respective portfolio of departments as informed by the relevant departmental Annual Performance Plans. Activities and priorities of committees are informed by the following guidelines and parliamentary framework as agreed by the Programming Committee. Each committee has an operational budget and the Chairperson is responsible for monitoring the budget.



## 7 TYPES OF COMMITTEES, ROLES AND FUNCTIONS

### 7.1 TYPES OF COMMITTEES

A legislature may establish the following types of committees:

- Portfolio/Select and Standing Committees assigned oversight over a portfolio of government affairs or committees with a specific brief stipulated in the Standing Rules and Statutes.
- Ad hoc committees established by resolution of the House for the performance of a specific task within a specified time-frame.
- Joint committees: The NA and NCOP can establish joint committees to deal with matters affecting both Houses.
- Committees dealing with the internal business of the legislature (*inter alia*, Rules, Programming, etc).



## 8 POWERS AND FUNCTIONS OF THE COMMITTEE

A committee has the power to report and make recommendations to the House. It makes recommendations to the legislature on matters it has considered, but cannot take binding decisions. Exceptions to this are when a committee is given a specific (special) power by statute.

- In performing their oversight function committees must maintain oversight of –
  - o the exercise of executive authority falling within its portfolio, including the implementation of legislation;
  - o any executive organ of state falling within its portfolio; and
  - o any other body or institution in respect of which oversight was assigned to it;
- may monitor, investigate, enquire into and make recommendations concerning any such executive organ of state or other body or institution, including the legislative programme, budget, rationalisation, restructuring, functioning, organisation, structure, staff and policies of such executive organ of state, institution or other body;
- may consult and liaise with any executive organ of state, institution or other body within the national, provincial or local sphere of government.

Although some of these powers and functions are contained in the Constitution, the Standing Rules may authorise committees to:

- summon any person to appear before it to give evidence, or to produce documents;
- initiate and introduce legislation; other than money bills;
- consider Bills referred to it;
- recommend whether a bill must be approved or rejected ;
- receive petitions, representations or submissions from interested persons or institutions;
- conduct public hearings;
- permit oral evidence on petitions, representations, submissions and any other matter before the committee;
- investigate and report on matters referred to it or on its own initiative;
- determine its own procedure subject to the approval of the Presiding Officer and meet at a venue determined by it, which may be a venue away from the seat of the legislature;
- establish sub-committees, if so authorised by the Rules; and
- exercise any other powers assigned to it by the Constitution, legislation, the Standing Rules or resolutions of the House.

## **8.1 REPORTING**

Committees conduct their business on behalf of the legislature and therefore have to report to the legislature on matters referred to it for, decisions the committee has taken, and/or matters on which it has been unable to reach a decision on activities.

A committee must report to the House on a matter referred to it. It must report to the House on all other decisions taken by it, as well as on its activities at least once a year, except those decisions concerning its internal business. A committee may not submit a minority report, but if a report is not unanimous, it must specify any views minority expressed.

Where a party wishes that a minority view should be reflected in the report, such party should clearly indicate this at the stage when the report is adopted.

It is a responsibility of members to discuss possible conclusions and recommendations at deliberative meetings and report to the house on matters referred to the committee.

In the case where decisions of the committee have not been taken unanimously, the report must reflect the dissenting views or votes. A committee must report on any matter that has been referred to it by the House. In exercising its obligations a committee must develop an annual performance plan and report quarterly to the Committee of Chairpersons against that plan.

Oversight reports must include an assessment of the degree to which the strategic objectives of the relevant department are being met and any recommendations the committee may wish to make.

## **8.2 AD HOC COMMITTEES**

*Ad hoc* committees are established by resolution of the House to perform a specific task. The resolution establishing the committee may normally –

- Specify the task assigned to the committee;
- Set out the composition of the committee;
- Set timeframes for –
  - o the completion of any steps in performing the task; and
  - o the completion of the task; and
- Specify which general powers are vested in the committee.

An ad hoc committee ceases to exist when it has completed its task and reported to the House or, if it has not completed its task by the end of the

period for which it was established. The House may extend a committee's deadline by means of a resolution if requested to do so.

### **8.3 SUBCOMMITTEES**

These are general rules, to which exceptions may be stipulated in the Standing Rules in particular cases:

- A subcommittee may be appointed by its committee to assist it in its task. Subcommittees may only be appointed from amongst the members/alternate members of the committee. It is accountable to the committee and must carry out its task within any framework or guidelines set for it. It may only make recommendations to the parent committee.
- A committee may delegate any of its powers to its subcommittee and may instruct it to perform any of its functions. It may also determine timeframes within which the subcommittee must complete its task, and determine the nature and timing of its reports. A subcommittee may not report directly to the House, but only to its parent committee.
- In practice, reports by subcommittees are prepared and considered in the same manner as committee reports. The Chairperson of the subcommittee presents the report and minutes of the subcommittee to the committee. If the report is for presentation in the House, the committee then considers the report, makes any amendments it requires and resolves that the report be approved as the report of the committee.
- Subcommittee meetings are chaired by a Chairperson designated by the committee. The Chairperson performs tasks similar to that of a chairperson of a committee. It may proceed with its business when no quorum is present and decisions are taken by a majority of the members of the subcommittee.

- A member of the legislature who is not a member or alternate member of a committee, or a member of a subcommittee, may attend and participate in a meeting of the committee or subcommittee, but may not vote.
- A subcommittee ceases to exist when it has completed its task or if dissolved by the committee.





## **9 COMMITTEE PRACTICES AND PROCEDURES**

### **9.1 SCOPE OF WORK**

In its work, a committee is confined to its terms of reference as stipulated or by resolution of the House. A committee may accordingly not consider or enquire into or report on any matter which does not fall directly within the subject for which it was appointed, as stated or implied in its terms of reference, or which is not based on a paper which has been referred to.

### **9.2 NUMBER OF MEMBERS**

Members of a committee are determined by legislation or Standing Rules and takes cognisance of party proportional representation.

### **9.3 APPOINTMENT OF MEMBERS**

Parties entitled to representation on committees appoint the members to committees and the names are published in the ATC. Parties may also appoint alternates to act as members when members of a committee cannot attend meetings of that committee. Parties are allowed alternate members (as determined in the Standing Rules). The Standing Rules may provide for co-option or substitution to members to committee.

## **9.4 MEETINGS OF COMMITTEES**

The first meeting of a committee is convened by the secretary, with the exception of those instances where the chairperson is appointed by resolution of the House or designated in accordance with the Standing Rules.

## **9.5 CALLING AND SCHEDULING OF COMMITTEE MEETINGS**

The scheduling of committee meetings must be done within the framework of the programme. A meeting may only be called by the chairperson or, in the absence of the chairperson, by an acting chairperson. A meeting may only be called after approval has been granted by the House Chairperson of Committees, or the House Chairperson and the Chief Whip, where necessary. The chairperson of a committee is responsible for determining the agenda of a meeting.

Notice of a meeting and the relevant documentation should be distributed to members at least 48 hours before the meeting. Apologies for non-attendance of committee meetings should be submitted in writing before the meeting.

The following meetings normally require approval of the Presiding Officer and/or Chief Whip as may be required by the Standing Rules

- Meetings during time allocated for sitting of the House;
- Meetings away from Parliament;
- Meetings during time allocated for a constituency period;
- Meetings during time allocated for study groups;
- Meetings during time allocated for party caucuses/training of MPs; and
- Meetings over weekends and on public holidays.

## **9.6 CONFERRAL BETWEEN COMMITTEES**

Conferral occurs when two or more committees meet jointly to deal with matters of interest. These meetings may occur by instruction of the Presiding Officer, or when required by statute or by arrangement between committees.

## **9.7 MINUTES**

Minutes constitute the official record of proceedings of a committee meeting. The minutes must contain the date and time of the meeting, the names of members and other persons in attendance and the names of members who submitted an apology for being unable to attend. The minutes should reflect full details of the committee deliberations, resolutions taken and the time of adjournment. The name of the person who moved a motion and the person who seconded the motion should be included.

In the case where a decision has to be taken by way of a vote, the minutes should reflect the members who voted for and against and also those who abstained. The minutes of each committee meeting must be adopted at the next committee meeting.

## **9.8 ROLE AND DUTIES OF THE CHAIRPERSON**

The chairperson, as the leader of a committee, has the responsibility to implement the mandate of a committee by organising and planning its work, taking into account the following:

- Consideration of legislation;
- Oversight of executive action; and
- Facilitating public participation.

The chairperson should, amongst other things:

- Conduct meetings according to the Standing Rules;
- Draft the committee programme in consultation with committee members;

- Lead committee delegations on national and international trips;
- Call meetings of a committee in accordance with the parliamentary programme and the directives of the programme committees;
- Preside over meetings of a committee and direct its proceedings – this includes guiding the committee on matters before it and ensuring that all members have an equal opportunity to be heard;
- Ensure that the meeting proceeds in an orderly fashion and that the mandate of the committee is carried out in a democratic manner;
- Enforce the observance of order and decorum among members;
- Act on behalf of, and take decisions for a committee when it is not practically possible for a committee to meet and take decisions – in doing so, the chairperson must act in the best interests of the committee and must report to the committee on all decisions taken on its behalf;
- Perform functions assigned to him or her by the committee, resolutions of the House and legislation;
- Ensure that the committee reports to the House on its activities in terms of House directives;
- Exercise a casting vote in addition to his or her vote as a member in cases where votes are tied;
- Interrupt, suspend or adjourn meetings of a committee if necessary;
- Call persons, including the Executive, to give evidence or to present themselves before the committee to answer questions or to make representations, and is responsible for informing persons appearing before the committee of their rights and obligations;
- Communicate with stakeholders on behalf of a committee;
- Co-chair meetings of committees when committees confer;
- Ensure that decisions of the committee are carried out and matters referred to it for report are dealt with in line with the decisions set forth by the House or Programme Committee;
- Act as a spokesperson for the committee and represent the committee in all forums where required;
- Authenticate, by his or her signature, minutes and reports adopted by the committee;

- Review all the resolutions made, the deadlines set and the persons responsible for the implementation of decisions, before closing the meeting; and
- Submit, introduce or explain reports of the committee in the House.

## **9.9 QUORUM AND DECISION-MAKING**

A committee may proceed with its business irrespective of the number of members present. A committee requires a quorum to be present in order to take decisions. A quorum consists of the majority of the members of a committee, depending on the type of committee. When a committee has to decide on a matter and there is no quorum, the chairperson may suspend the meeting until a quorum is present or may adjourn the meeting.



## 10 COMMITTEE MEMBERSHIP AND ROLE OF COMMITTEE MEMBERS

Committees are comprised of members coming from political parties represented, as determined by the Standing Rules. The membership of committees is based on proportional representation of political parties. The Standing Rules determine the appointment procedures for the appointment of members. There are two categories of members, namely full members and alternate members. Each committee may have one or two alternate members who act as a member when a full member is absent or vacate office until the vacancy has been filled. He or she has a right to vote in a committee meeting when the full member is absent. An alternate member may attend a committee meeting even if the full member is in attendance but cannot vote.

All the committee members, including alternates, should receive notices and relevant documentation for meetings. This is important to ensure that the alternates are informed of committee activities. Committee members have a significant role to play in the co-ordination of committee activities and the smooth running of committees. The following are some of the roles which committee members should play:

- Represent their political parties in a committee; and
- Participate in all other activities of a committee.

As a public representative a member is not only confined to his or her committee. A member is also responsible for taking up issues of concern arising from their constituencies and, where possible, refer these to the relevant committee.

### **10.1 PARTICIPATION OF NON-COMMITTEE MEMBERS**

Any member may attend any committee meeting and participate in the discussions, but may not vote as she or he is not a member of the committee.

### **10.2 SIGNING OF ATTENDANCE REGISTER**

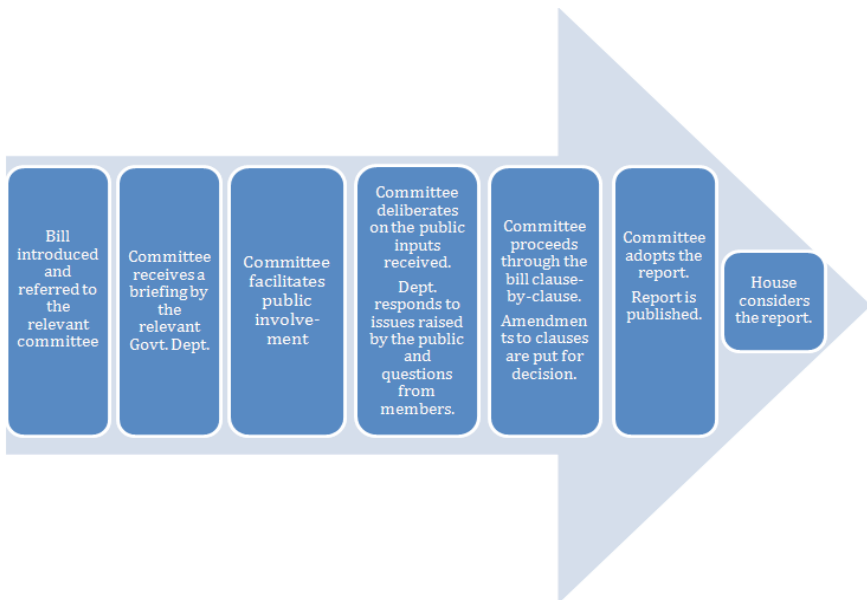
Members are expected to sign an attendance register when attending a committee meeting. The attendance register is submitted to the office of the Chairperson of Committees for consolidation and consideration by leaders of the political parties and the office of the Chief Whip, as well as the offices of the Presiding Officers.



## 11 PROCESSING LEGISLATION

Process diagram 1 (below) on processing of legislation by committees (*more in-depth elaboration found in Module 2 on Legislative Process*) illustrates processing of section 75 legislation.

**Figure 2: Generic Processing of Legislation**

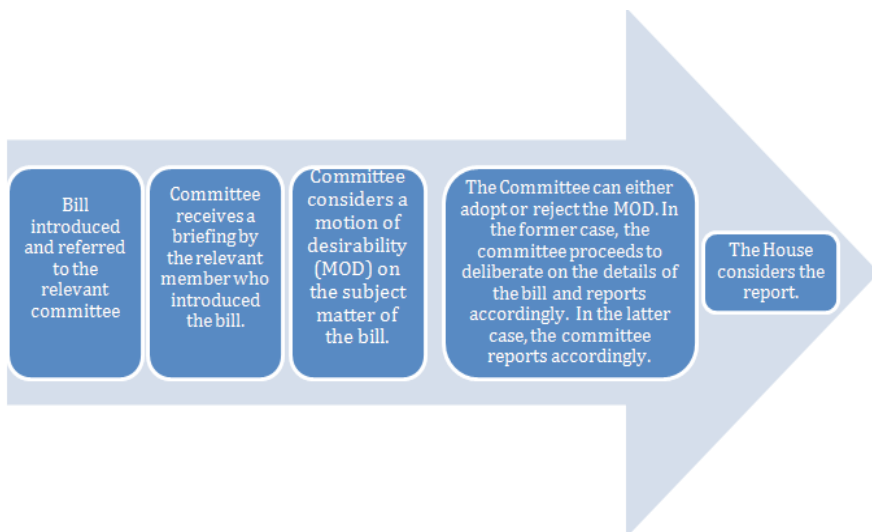




**Figure 3: The 6-week Cycle Process**



**Figure 4: Private Members' Bills**

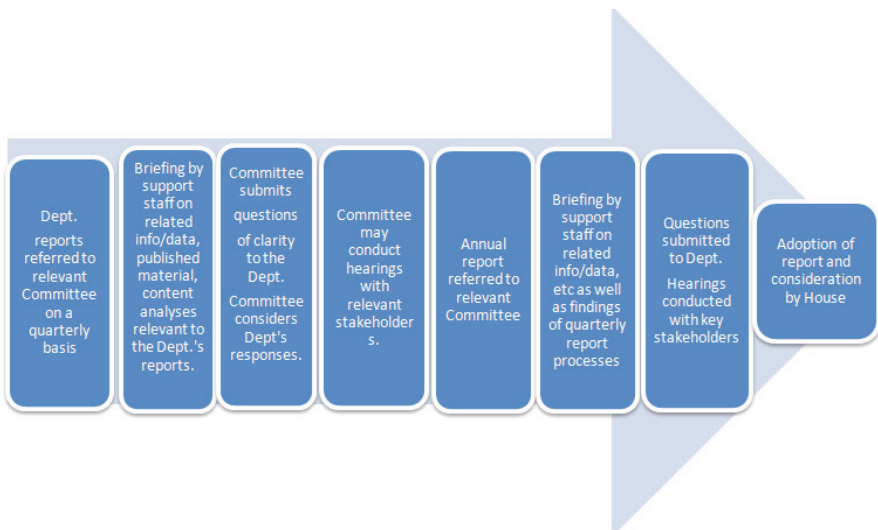




## 12 PROCESSING OF QUARTELY AND ANNUAL REPORTS<sup>15</sup>

To enable proper and comprehensive oversight, both quarterly and annual reports should contain both financial and non-financial information. The former is important as the committees may want to determine whether spending is on track. The latter will provide insight into progress toward service delivery outputs as measured against targets and performance indicators set out.

**Figure 5: Consideration of Quarterly and Annual Reports**



<sup>15</sup> For more details see Modules 4 & 5: Accountability and Oversight ; and Financial Oversight.



## 13 COMMITTEE SUPPORT SERVICES

Committee Support Services is an integral service that Committees require in order to function well and ultimately give effect to their mandate as the engine rooms of the House. This service is different from that of party political support, which is paid for by specific parties.

It is a requirement that these services be rendered to all members of the legislature, irrespective of party affiliation. The service must be rendered in a professional and efficient way. This service does not entail support for private or party-political work.

Support to committees varies across legislatures. However, in the main, the following Committee Support Services are available to committees of legislatures.

### 13.1 MANAGEMENT OF COMMITTEE SUPPORT SERVICES

The management of Committee Support Services is responsible for the overall management of support services amongst others it should:

- Ensure that committees have staff to provide relevant and effective support in order for committees to function optimally;
- Ensure that staff are developed, mentored and trained so that they are able to support committees efficiently in their allocated job areas;

- Draft and updating standard operating procedures in order to standardise the way staff effectively carry out their duties;
- Provide tools of trade to support staff;
- Develop and reviewing internal systems and workflows that are used for the effective support to committees;
- Interface with committees and chairpersons from time to time to ensure that effective services are rendered; and
- Ensure quality of committee documents and information.

### 13.2 SECRETARIAL AND PROCEDURAL SUPPORT

A parliamentary committee is provided with secretarial and procedural support staff, in the form of a **Committee Secretary/Co-ordinator** who, amongst other things, provides the following services:

- Facilitate and develop, monitoring and implementation of committee programmes;
- Liaise with and assist all relevant stakeholders to ensure and promote participation, co-operation and inclusiveness in committee activities, which includes providing feedback to stakeholders;
- Provide procedural advice by ensuring that committee proceedings continue within the purview of the Constitution, Standing Rules, and relevant legislation;
- Facilitate the process of amendments to legislation;
- Capture and draft minutes of committee meeting proceedings;
- Facilitate implement committee decisions;
- Draft reports of all committee oversight activities;
- Draft evidence-based performance reports of committees on behalf of the committee; and
- Co-ordinate support services for the committee.

### 13.3 SPECIALIST, CONTENT AND RESEARCH SUPPORT

It is generally understood that members of legislatures may not all be specialists in the subject matter of the committees that they serve on, and due to other commitments may not have sufficient time to read all documents, presentations, research material, etc. relevant to that portfolio. However, they require an understanding of the portfolio in order to conduct effective monitoring and oversight over the Executive.

In response to this issue the concept of the *Content Adviser* was introduced. This role is played by a person who has both theoretical and practical expertise in the area that the committee is overseeing and would fulfil the role of advising and assisting the committee with some of the following areas:

- Strategic and operational planning: assisting the committee to draft the strategic operational plan and business plan through identifying sectoral strategic priorities;
- Craft strategies as outlined in the business plan;
- Synthesis information presented to and before the committee;
- Keep in touch with current local and international developments that relate to the committee's focus area and;
- Advise the committee on a strategic way forward, having considered all the comparative information and analyses.

The following research support is also offered by a *Researcher*:

- Summaries and analyses of Bills;
- Analysis and review of policy documents;
- Background information for speeches and;
- Research support for any subject before a committee.

### **13.4 ADMINISTRATIVE AND LOGISTICAL SUPPORT**

The administrative and logistical support is provided by a *Committee Assistant/Administrator*, who is responsible for the provisioning of administrative and logistical services (such as booking venues, sending out notices, ordering catering, distributing documents, etc) for all committee-related activities.

### **13.5 CONSTITUTIONAL AND LEGAL SUPPORT**

This service is responsible for, *inter alia*:

- Legal analysis and interpretation of legislation;
- Drafting of and amendments to legislation;
- Provisioning of legal advice in general and opinion; and
- Assisting the committee in drafting legal documents.

### **13.6 LANGUAGE SERVICES**

This service is provided to committees by *Language Practitioners*, as follows:

- Translation of Bills and advertisements in preparation for request for public input;
- Interpreting services during committee-related activities; and
- Translation of committee-related documents as and when required.

### **13.7 COMMUNICATIONS AND PUBLIC PARTICIPATION SUPPORT**

The following services are provided:

- *Communication Officer/Public Participation Officer* who may attend meetings and accompany committees on oversight visits, and produce updates on proceedings and outcomes of committee proceedings through social media; and
- Support with mobilising the public to attend committee activities, such as public hearings.



## 14 CO-OPERATIVE GOVERNMENT AND INTERGOVERNMENTAL RELATIONS

The core foundation of co-operative government and intergovernmental relations is enshrined in Chapter 3 of the Constitution of the Republic of South Africa (Act 108 of 1996). The principles of co-operative government and intergovernmental relations identify three spheres of government, namely national, provincial and local, which are “distinctive, interdependent and interrelated”. Sections 44, 104 and 156 of the Constitution further elaborate on the powers of the three spheres.

Although they are autonomous in their own right, these spheres have an obligation to respect each other’s functions and powers, co-ordinate their actions and co-operate with each other in mutual trust and good faith in order to provide effective services to the people. They have to co-ordinate their budgets, policies and activities, especially relating to functions that have cross-cutting responsibilities across spheres. Chapter 3 of the Constitution is applicable to legislatures, departments in the national and provincial spheres, and local government.

The Intergovernmental Relations Framework Act of 2005 gives effect to section 41(2) of the Constitution, which requires that an Act of Parliament be drafted to promote and facilitate intergovernmental relations and to provide for procedures to settle disputes. The Act also sets up a line of communication from local to provincial government and the Presidency.



## 15 NATIONAL EXECUTIVE INTERGOVERNMENTAL, AND CO-OPERATIVE GOVERNMENT STRUCTURES

The President's Co-ordinating Council (PCC) is the main co-ordinating body at national level. It consists of the President, the Deputy President, specific Ministers, Premiers and the Chairperson of the SA Local Government Association (Salga). The role of the PCC is to ensure communication and co-ordination and alignment of government programmes between the national and provincial spheres of government.

National Ministers, MECs (responsible for a specific portfolio) and Salga also form part of intergovernmental forums (MinMecs) where further co-ordination and collaboration of government programmes are discussed. These structures should be able to detect areas of poor performance and attempt to redress them.

The Budget Council is a MinMec structure which consists of the Minister of Finance as well as MECs responsible for finance. The Budget Council considers the financial implications of government programmes or any other matter that requires finances. The Finance and Fiscal Commission is also an advisory body that seeks to promote intergovernmental relations.



## **15.1 CO-OPERATIVE GOVERNMENT AND INTERGOVERNMENTAL RELATIONS ACROSS LEGISLATURES**

In exercising their responsibility, committees must act within the ambit and prescripts of legislation. An important piece of legislation in this regard is the Intergovernmental Relations Framework Act, Act 13 of 2005, which establishes a framework for national, provincial and local government to promote and facilitate intergovernmental relations, and provide for mechanisms and procedures to facilitate the settlement of intergovernmental disputes. The emphasis on co-operative relations between spheres and levels of government must be adhered to; however, it must be done within the context of robust oversight.

The principles of co-operative government and intergovernmental relations are also applicable in the legislative environment. All legislative assemblies across the spheres of government should plan, co-ordinate and align their work and ensure that collaborative oversight over the executive is achieved.

The NCOP functions as a bridge between the three spheres of government, by representing the provinces and local government, to ensure that provincial interests are taken into account at national level. In terms of legislation, provinces play a more active role in the development of section 74 and 76 legislation, as the implementation of these has implications for provinces. When section 74 and 76 legislation is referred to the NCOP, it is obliged to refer the legislation to provinces, which conduct public hearings at provincial level and confer mandates depending on whether they agree, disagree or propose amendments to the legislation or abstain.

The NCOP also plays a role in the allocation of provincial budgets. The allocation of which is the responsibility of the national government. It does this by way of the passing of the Division of Revenue Bill, which is always section 76 legislation.

When the National Assembly and the NCOP do not agree on amendments to section 76 legislation, the legislation is referred to a mediation committee in terms of section 78 of the 1996 Constitution. This further confirms that disagreements between the spheres are dealt with via mediation.

Each province is represented by ten delegates to the NCOP. This delegation is comprised of six permanent and four special delegates (one of whom is the Premier, or his or her nominee, as the head of the delegation). Local government is represented by 10 members who do not have voting rights but may address the NCOP and its committees on matters of importance to local government. The NCOP therefore truly reflects co-operative government and the intergovernmental relationship between the three spheres, where provincial delegations and local government form part of one delegation per province, responsible for giving a collective input at national level on matters relating to provinces.

Co-operative government and intergovernmental relations, as facilitated by the NCOP, are furthermore accommodated in section 65 of the Constitution, which states that, except where the Constitution provides otherwise (in the case of section 74 and 75 legislation for example), all questions before the NCOP are agreed to when at least five provinces vote in favour of the question.

The NCOP is also responsible for monitoring and overseeing disputes between the three spheres. Section 100 of the Constitution makes provision for the national executive to intervene in a provincial administration where the provincial executive is not fulfilling its executive obligations. Similarly, section 139 of the Constitution allows a provincial executive to intervene in a municipality if it is not performing. The NCOP plays the role of reviewing such interventions and can either approve or disapprove the intervention.



## 16 CO-OPERATIVE RELATIONS WITH INSTITUTIONS SUPPORTING DEMOCRACY (ISDS)<sup>16</sup>

In order to enhance the capacity of legislatures to perform their function of oversight and accountability, there must be co-operative relations between the committees and ISDs, viz the following Chapter 9 and other associated institutions:

- The Public Protector (PP);
- The Auditor General of South Africa (AGSA);
- The Electoral Commission (IEC);
- The SA Human Rights Commission (SAHRC);
- The Commission for Gender Equality (CGE);
- The Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (CRL Commission);
- The Public Service Commission (PSC);
- The Financial and Fiscal Commission (FFC);
- The Pan South African Language Board (PanSALB);
- The Independent Communications Authority of South Africa (Icasa);  
and
- The National Youth Development Agency (NYDA).



## **17 JOINT PLANNING, PROGRAMMING AND INTERFACE WITH OTHER COMMITTEES**

Joint planning, programming and interface with other committees should take place within the principles of co-operative government and intergovernmental relations. It may be done in the following suggested manner.

### **17.1 LEGISLATURE SECTOR-ALIGNED PLANNING**

A Joint Programming Committee (JPC) is convened in November each year in Parliament, when the first and second term programmes for the next year is discussed. Prior to this meeting, the Chief Whip of the NCOP meets with whips from the provincial legislatures. It is at this meeting that provincial inputs are discussed.

The JPC consists of members of the National Assembly and NCOP Programming Committees. The Leader of Government Business also forms part of this committee. The JPC is essentially responsible for preparing, and from time to time adjusting the annual programme of Parliament.

Once the parliamentary programme is agreed upon, it is published on the parliamentary website and circulated to relevant stakeholders. The JPC sits at the end of the first or second term to consider and adopt the third and

fourth term programmes. It is expected that the National Assembly, the NCOP and provincial legislatures will develop their respective programmes based on the joint one, as agreed to by the JPC.

Despite the joint programming approach, aligning joint planning and programming across all legislatures has proven to be somewhat of a challenge. It is highly recommended that the National Assembly, the National Council of Provinces and provincial legislatures should plan and programme their work jointly. Failure to do so could result in some challenges.

## **17.2 DUPLICATION OF OVERSIGHT ACTIVITIES**

Duplication occurs when similar committees at national and provincial level conduct oversight over the same provincial areas. This also leads to (financial and other resource) overburdening of provincial executive departments and entities that have to host and accompany different committees for the same purpose. It could also be an imposition on stakeholders and the public to meet with different committees and repeat the same concerns. In the end, stakeholders and the public would want to see a consolidated approach as regards the legislative sector recommendations, responses by the Executive and solutions to the issues raised.

Furthermore, it also creates a disjointed approach to legislative oversight work, where committee recommendations would be sent to the various executive levels of government. The concept of “more heads are better than one” should be adopted as a principle as the legislative spheres together would be able to conduct a collaborative and stronger oversight function over executive action.

Duplication could also occur where committees in the National Assembly and NCOP request the same department or entity to brief it on a similar matter. The same challenges as encapsulated above would arise where the department or entity would incur additional costs to travel to Cape Town.

### **17.3 DUPLICATION OF INTERNATIONAL STUDY TOUR VISITS**

Duplication occurs when similar committees at national and provincial level visit countries in an endeavour to learn more about international best practices. This places a burden on South African missions abroad, who have to host committees dealing with the same terms of reference, visiting at different times, results in duplication of arrangements and also could place an imposition on the international parliament and stakeholders.

Should legislatures plan and co-ordinate collaborative international visits, the reports emanating from those would reflect strong inputs and recommendations from a national and provincial perspective, which could assist towards the development of a more structured approach to consideration of international best practices and how those could be used at all levels.

### **17.4 IMPROVING JOINT PLANNING AND PROGRAMMING ACROSS THE LEGISLATIVE SECTOR**

The following could be considered to eliminate challenges with duplication and improve planning and ultimately ensure the effective impact of legislatures:

- Development of a joint planning mechanism/committee consisting of chairpersons of portfolio, select and provincial standing committees who could meet quarterly to plan, review and co-ordinate work so that duplication is eliminated. With consolidated and strong expertise across all legislature levels, stronger co-ordinated oversight could be achieved.
- Regular management meetings between National Assembly and NCOP committees dealing with the same portfolios, to review and plan work.

## 17.5 AN EXAMPLE OF CO-ORDINATION AND JOINT PLANNING

In terms of section 75 legislation, the two committees of the two Houses could meet jointly even at the point when the legislation has been introduced in the National Assembly. By sitting in on these meetings (or hearings for that matter) the select committee members could become au fait with the background and rationale for the legislation and begin to ask questions and receive answers at that stage. This would cut out a lot of time the select committee would need to spend on deliberations and repeating the same questions, once the legislation is referred to it.

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In terms of section 74 and 76 legislation, the National Assembly, NCOP and provincial committees, sharing oversight of like portfolios, could meet jointly to workshop the legislation at the point of introduction in the first House. The workshop could follow with the deliberative and final stage by the portfolio committee. Ultimately, when the Bill reaches the NCOP and provincial committee, both are knowledgeable about the issues, as they were raised at the beginning and through the various processes between the Houses. This will cut out a lot of time and limit the need for mediation.

Requesting the Executive, through the Leader of Government Business, to introduce legislation within allocated timeframes would also assist joint

planning. Where legislation is introduced outside of those timeframes due to unforeseen circumstances (introduction of a priority Bill, for example) the joint planning mechanism at legislature level (chairpersons of the relevant National Assembly, NCOP and provincial committees) would meet to re-align their programmes.

## **17.6 ROLE OF COMMITTEE SUPPORT STAFF AND PROVINCIAL LIAISON OFFICERS**

In order for effective joint planning and programming to take place, the role of committee support staff, especially that of committee secretaries/co-ordinators and provincial liaison officers is essential. Committee secretaries/co-ordinators and provincial liaison officers must be proactive and keep abreast of deliberations at the various stages of legislation. For example, a committee secretary/co-ordinator (in the case of all legislation) and a provincial liaison officer (in the case of section 74 or 76 legislation) should follow the proceedings on a Bill, and the committee secretary/co-ordinator should already draft a proposed programme and the provincial liaison officer should update the province.

The need to appreciate the fine balance between administrative (including research/content) support and the deliberations of elected representatives who are members of respective committees is a challenge often faced by recently established structures. Administration is there to facilitate processes timeously, provide knowledge and procedural advice, and provide quality formatting of documentation and the distribution thereof. Any report, for example, must be a reflection of the committee's position, albeit informed by researcher appraisals, legal advice, and procedure.





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