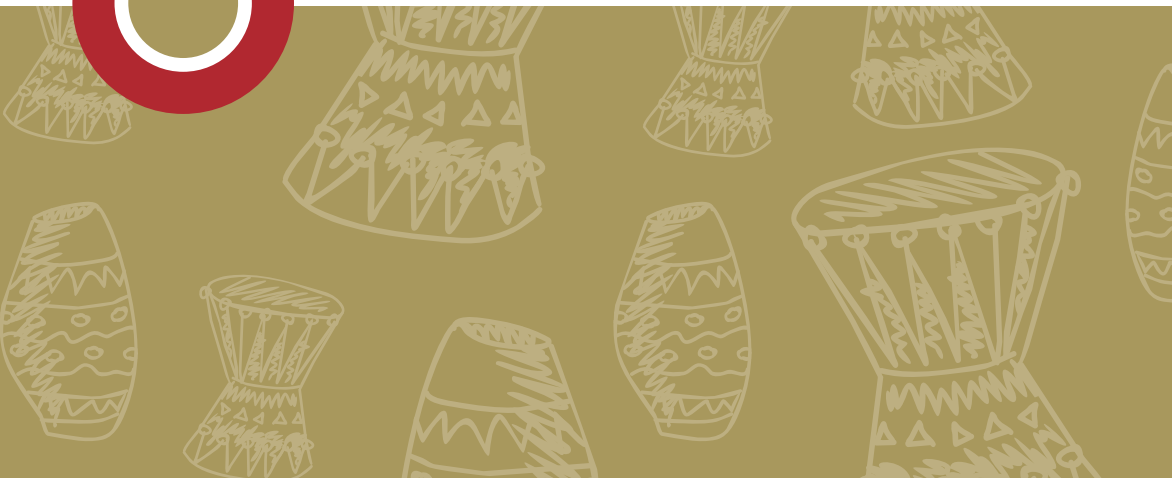




LEGISLATIVE PROCESS

*Induction Handbook for
Members of Parliament and Provincial Legislatures*

A publication of the South African Legislative Sector



LEGISLATIVE PROCESS

Comprehensive Induction Programme Handbook for Members

A publication of South African Legislative Sector

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

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.

Hon M.A. Tsopo

Chairperson: Speakers' Forum Reference Group on Capacity Building

June 2009 – May 2014

ACKNOWLEDGEMENTS

The Legislative Sector Support would like to acknowledge and thank all Secretaries and officials of the South African Legislative Sector that made the development of the Induction Handbooks possible.

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Legislative Sector Support facilitated the development and delivery of the handbooks. Appreciation and gratitude is extended to all members of the team that pulled together to ensure the success of this project. Special thanks goes to the Project Manager, Mr Msimelelo Nyikana and Project Coordinator, Ms Motshidisi Mekhoe.

Ms Sandisiwe Schalk
Executive Director and Project Leader

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1 INTRODUCTION

Law-making is one of the core functions of Parliament and Provincial Legislatures and forms a large bulk of the legislative sector work. It is a function, performed only by the legislatures, that requires a different set of skills and approach. Because of the nature of the Legislative Sector work, Members and Office Bearers are therefore required to go through the process of refining their knowledge in order for them to be able to deliver on their mandate. The aim of this module is to support and assist the legislative institutions with knowledge and information that will help Members and Office Bearers to better do their work.

The module is designed to provide Office Bearers and Members of Parliament (MPs) and Provincial Legislatures (MPLs) with information to allow them to immediately settle and function fully, as Members of the Legislative Sector. The programme forms part of the Comprehensive Induction Programme (CIP) that orientates Members to the environment and the path that the Legislative Sector follows when dealing with the legislative process. Participants will be taken through the various steps that Members and Office Bearers follow in conducting their lawmaking function.

In this module Members and Office Bearers will be introduced to the Legislative Process and the functions of legislatures in lawmaking.



2 OBJECTIVES OF THE COURSE MODULE

The module is developed to equip and support Members of Parliament (MPs) and Provincial legislatures (MPLs), and Office Bearers with information, knowledge, values and skills that are required in order to perform their duties as Members of the South African Legislative Sector (SALS). The main objectives of the module are to:

- Prepare new and returning MPs and MPLs (Members) and Office Bearers of Legislatures with the technical information required on the operations and functions of the legislative process of the South African Legislative Sector (SALS).
- Provide Members (both the incoming and returning Members) and the Office Bearers of the Legislative Sector with basic and practical information, tools and processes that would enable them to work immediately and independently as Members and Office Bearers of the South African Legislatures.
- Create a platform where Members and Office Bearers engage actively with the content of the module, and interrogate the procedures and processes of the legislative process with the goal of addressing the emerging concerns that are related to the environment and the processes followed when making laws.

- Assist Members and Office Bearers with the requisite skills on how to conduct oversight work in respect to the implementation of laws and observance of statutes.
- Familiarise especially the incoming Members and Office Bearers of the South African Legislative Sector with the dynamic and politically charged culture or environment that prevails when the lawmaking process is conducted.

3 STRUCTURE OF THE MODULE

The Legislative Process Module is a training document designed for use by Members and Office Bearers of the South African Legislative Sector. The module contains an in-depth unit that forms part the Comprehensive Induction Programme that is designed and spread over a six-month period.

The unit is further subdivided into nine electives, which include information on: Types of Bills, Structure of a Bill, Legal and Linguistic Requirements of a Bill, Procedure to be followed when passing a Bill, Who initiates and introduces Bills?, Referral of Bills to President or Premier for assent, Post-legislative Process, Interaction with the Executive, and Public Participation in Lawmaking.



4 LEGISLATIVE PROCESS

4.1 CONSTITUTIONAL OR LEGISLATIVE AUTHORITY

The power to make laws is the responsibility of the South African legislatures which is enshrined in the Constitution and the Rules and Orders of the provincial legislatures. It is the responsibility of Parliament and Provincial Legislatures to make laws.

National Assembly (NA)

The powers of the National Assembly stated in section 44 (1) (a) of the Constitution give the National Assembly the power to amend the Constitution and to pass legislation on any matter relating to the functional areas of concurrent national and provincial competence (Schedule 5 of the Constitution). This excludes areas of exclusive provincial competence which are listed in Schedule 4 of the Constitution. The Constitution also permits the NA to assign legislative powers to any legislative body in other spheres of government, except the power to amend the Constitution.

National Council of Provinces (NCOP)

The NCOP has the power to initiate or pass legislation with regard to any matter within a functional area listed in Schedule 4 of the Constitution, as well as any other matter required by the Constitution to be passed in accordance with section 76(3). The NCOP can also consider, pass, amend, propose amendments to, or reject legislation before the Council.

Provincial Legislatures

Provincial Legislatures are charged with the responsibility to be the vanguard of the provincial citizens on issues of public governance and responsibilities that are to be carried by the provincial government departments and related institutions. The responsibility in respect of the performance with regard to the legislative process differs from province to province, as determined in terms of the Constitution, the national legislation, and Rules and Orders of the provincial legislatures. This responsibility is realised through lawmaking, oversight and involvement of the citizens in the legislative responsibilities of the province.

4.2 TYPES OF BILLS

National Bills

The Constitution¹ provides for the following types of Bills in the national sphere:

- Bills amending the Constitution (section 74);
- Ordinary Bills affecting provinces (section 76);
- Ordinary Bills not affecting provinces (section 75); and
- Money Bills (section 77).

Bills amending the Constitution (section 74)

There are two types of such Bills:

- All constitutional amendments other than those listed in subparagraph 2 of section 74 need only be passed by the Assembly. However, in terms of parliamentary practice, constitutional amendments not listed in subparagraph 2 are nonetheless submitted to the National Council of Provinces for a public debate in the Council.
- Constitutional amendments that need to be passed by both Houses. These relate to –
 - Amendments to sections 1 and 74(1) of the Constitution;
 - Amendments to Chapter 2 (Bill of Rights) of the Constitution; and
 - Any amendment of any other provision of the Constitution that

¹ See section 44 of the Constitution

relates to a matter that affects the Council or that alters provincial boundaries, powers, functions or institutions or that amends a provision that deals specifically with a provincial matter. If constitutional amendments impact a specific province or provinces, that province or those provinces must approve those amendments for the Bill to be passed by the Council². In other words the affected province(s) has/have a veto power.

Ordinary Bills not affecting provinces (section 75)

Ordinary Bills not affecting provinces are those types of Bills that are not classified as section 74 or section 76 Bills. The test to determine whether a Bill must be dealt with in accordance with the procedure provided for in section 75 or section 76 has been decided in *Tongoane and Others v Minister of Agriculture and Land Affairs* and is discussed in detail under ordinary Bills affecting provinces.

Only the Assembly can amend section 75 Bills, whereas the Council may propose amendments. These proposed amendments can either be accepted or rejected by the Assembly.

Ordinary Bills affecting provinces (section 76)

Ordinary Bills affecting provinces are those Bills that fall within a functional area listed in Schedule 4 or envisaged in sections 65(2), 163, 182, 195(3) and (4), 196 and 197 of the Constitution. Section 65(2) deals with the uniform procedure on how provincial legislatures confer authority to vote on their NCOP delegations; section 163 deals with national legislation to recognise national and provincial organisations representing municipalities; section 182 regulates the functions of the Public Protector; section 195(3) and (4) details the values and principles governing public administration; section 196 deals with the Public Service Commission; and section 197 is on the Public Service.

The test was confirmed by Ngcobo CJ, as he then was, in *Tongoane and Others v Minister of Agriculture and Land Affairs*³ as follows:

6 2 See section 74(8) of the Constitution
 3 Insert reference

"... any Bill whose provisions substantially affect the interests of the provinces must be enacted in accordance with the procedure stipulated in section 76. This naturally includes proposed legislation over which provinces themselves have concurrent legislative powers, but it goes further. It includes Bills providing for legislation envisaged in the further provisions set out in section 76(3) (a)-(f), over which the provinces have no legislative competence, as well as Bills the main substance of which falls within the exclusive national competence, but the provisions of which nevertheless substantially affect the provinces. What must be stressed, however, is that the procedure envisaged in section 75 remains relevant to all Bills that do not, in substantial measure, affect the provinces. Whether a Bill is a section 76 Bill is determined in two ways. First, by the explicit list of legislative matters in section 76(3) (a)-(f), and second by whether the provisions of a Bill in substantial measure fall within a concurrent provincial legislative competence." [Emphasis]

Money Bills (section 77)

A Money Bill is a Bill that appropriates money; imposes national taxes, levies, duties or surcharges; abolishes or reduces, or grants exemptions from any national taxes, levies, duties or surcharges; or authorises direct charges against the National Revenue Fund.

A Money Bill follows a section 75 procedure through Parliament.

Provincial Bills

The Constitution provides for the following types of provincial Bills⁴:

- Provincial Bills falling within a functional area listed in Schedule 4 (matters of concurrent national and provincial legislative competence);
- Provincial Bills falling within a functional area listed in Schedule 5 (matters of exclusive provincial competence);
- Provincial Bills on any matter falling outside of Schedule 4 or 5 that has been expressly assigned to a province by national legislation; and
- Provincial Bills on any matter for which the Constitution (expressly) envisages the enactment of provincial legislation (for example, money Bills).

⁴ See section 104, of the Constitution

A provincial Money Bill is defined⁵ as a Bill that appropriates money (i.e. the provincial budget or the adjustments budget(s)); imposes provincial taxes, levies or surcharges; abolishes or reduces, or grants exemptions from any provincial taxes, levies, duties or surcharges; or authorises direct charges against a Provincial Revenue Fund.

A provincial legislature cannot amend a provincial money Bill, unless a provincial Act that provides for the procedure has been enacted⁶.

4.3 STRUCTURE OF A BILL

Cover page

The cover page of a Bill contains the title of the Bill, the number of the Bill, details of the Government Gazette in which the Bill was published, the proposed classification of the Bill and the relevant Minister responsible for the Bill⁷.

The cover page of a provincial Bill is likely to look somewhat different depending on the requirements of the Standing Rules of the particular Provincial Legislature. Prior publication in the provincial Gazette may not be a prerequisite and this function may be performed by the legislature once the Bill is tabled, depending on the Rules. Also, prior classification of a provincial Bill is not applicable. The cover page of a provincial Bill is therefore likely to only reflect the title of the Bill, the year in which it was tabled and the MEC responsible for the Bill (or the responsible private Member or Committee).

Long title

The long title is a summary of the objectives of a Bill and usually mentions the most important provisions of the Bill in broad terms. The different objectives or purposes are separated by semi-colons and a phrase such as "and to provide for matters connected therewith" may be used at the end to include miscellaneous related matters. If the Bill is an amendment Bill

8 ⁵ See section 120

⁶ See section 120(3)

⁷ National Assembly Guide to Procedure, 2004 ⁴ See section 104 of the Constitution

that amends other Acts, then the long title will mention which Acts are being amended.

Preamble

The preamble is a formal statement containing information regarding the background to the law, the reasons for its adoption and the objectives to be achieved. Most Bills do not contain a preamble as it is used mainly in laws that give effect to constitutional or international obligations.

Enacting provision

After the long title and the preamble but before the beginning of the substantive provisions of the Bill, Parliament or the provincial legislature declares that it is enacting the law. This is called the enacting provision.

Table of Contents

A table of contents may be inserted to facilitate ease of reference, particularly in lengthy Bills. Dividing the legislation into chapters and subdivisions of chapters (called parts) and numbered clauses (called sections once the legislation is enacted) is a useful tool to enhance accessibility and understanding of the Bill. The table of contents appears immediately after the enacting provision.

Definitions

Clause 1 of a Bill is usually reserved for definitions of words. The purpose of definitions is to clarify the meaning of terms used in the Bill, to avoid ambiguity or repetition and to simplify composition. They are meant to assist the reader in interpreting the terms. They should not contain substantive provisions. Definitions are arranged alphabetically.

Clauses

A Bill consists of numbered parts called clauses and sub-clauses. Each clause has its own heading. By contrast, an Act has sections.

The clauses contain the main provisions of the Bill and either confer rights or powers, or impose duties, on bodies and persons. These rights or duties and the conditions attached thereto are usually set out in detail in the clauses of the Bill. Sometimes the main provisions of the Bill are preceded by a purpose-clause, which sets out the purpose of the law, or an application-clause, and how and when the legislation will apply.

In addition to being numbered, the clauses should follow a logical sequence.

Short title

The short title indicates the name of the Act that will be signed into law by the President (in the case of national legislation) or the Premier (in the case of provincial legislation), as well as the date of commencement of the Act.

Schedule

Some Bills contain a schedule after the short title of a Bill. A schedule, for example, contains information about laws that are being repealed or amended by the Bill.

Explanatory Memorandum

The explanatory memorandum of a Bill provides a background to the Bill and explains the objects of each clause or group of clauses in detail. The memorandum also includes information on parliamentary procedure relating to an opinion by the State Law Adviser and the relevant government department on the classification of the Bill. In the case of provincial Bills, the classification of Bills is not required.

Under this portion, the State Law Adviser also indicates whether it is necessary to refer the Bill to the National House of Traditional Leaders, which happens when a Bill contains provisions pertaining to customary law or customs of traditional communities. In the case of provincial Bills, a referral to a provincial House of Traditional Leaders may be required if provincial legislation to that effect has been enacted.

INTRODUCTION OF BILLS

WHO MAY INTRODUCE A BILL?

National Assembly

Only a Cabinet member (i.e. a Minister) or a Deputy Minister or a member or a committee of the National Assembly may introduce a Bill in the Assembly. However, only the Minister of Finance may introduce a Money Bill (section 73(2)) in the Assembly.

National Council of Provinces

A Council member or committee of the Council may introduce a section 76(2) Bill in the Council.

Provincial Legislature

A member of the Executive Council of a province (MEC) or a committee or a member of a Provincial Legislature may introduce a Bill in the legislature, but only the MEC for Finance may introduce a money Bill⁸.

4.4 PROCEDURE TO BE FOLLOWED

Introduction of Draft Bill

In terms of Joint Rules a Cabinet member or Deputy Minister who intends introducing a Bill in the Assembly or who initiates the introduction of a Bill in the Council must submit a draft of the proposed Bill as approved by Cabinet to the Speaker and the Chairperson. The Speaker and the Chairperson must refer the draft Bill to the relevant Portfolio Committee and Select Committee and provincial legislatures in order to assist committees and legislatures in planning their work and to enable them to acquaint themselves with and develop their programmes on the proposed legislation.

⁸ See section 119 of the Constitution.

Whether or not a draft provincial Bill is required to be introduced in a Provincial Legislature will depend on the requirements in terms of the Standing Rules of that legislature.

Introduction of Bill: Parliament

Bills falling under sections 74, 75, and 77 of the Constitution may only be introduced in the Assembly. Bills falling under section 76 may be introduced either in the Assembly under section 76(1) or in the Council under section 76(2). All types of Bills introduced in the National Assembly follow the same procedure up until Second Reading. In the Council a section 76(1), 76(2) or section 74(1), 74(2) and 74(3) Bill follow a process different to that of a section 75 Bill.

In terms of Joint Rule 220 a Bill introduced in either the Assembly or the Council must be in one of the official languages. The Bill in the language in which it is introduced will be the official text for purposes of parliamentary proceedings. The official text of the Bill must be translated into at least one of the other official languages before the official text is sent to the President for assent.

The cover page of a Bill must specify which language version is (a) the official text; and (b) an official translation. In parliamentary proceedings only the official text of a Bill is considered, but the Secretary must ensure that all amendments to the official text are reflected in the official translation or translations.

If an Act is amended, the official text of the amendment Bill amending that Act may be in any of the official languages. If the official text of the Bill is not in the same language as the signed text of the Act that is amended, then one of the official translations of the Bill must be in the language of the signed text.

Introduction of Bill: Provincial Legislatures

Provincial Bills must be introduced in the legislature concerned in accordance with the Standing Rules of that legislature. This may differ from legislature to legislature.

The language requirements for provincial Bills will be determined by the provisions of the Standing Rules of the relevant Provincial Legislature.

However, these requirements must be consistent with the Constitution of the RSA, 1996 and any provincial legislation enacted in terms of section 6(4) thereof to determine the official languages of that province. Section 6(3)(a) of the Constitution specifically provides that (provincial) governments *may* use any of the official languages, taking into account factors such as usage, needs and preferences, but must use at least two official languages.

Referral to Joint Tagging Mechanism (JTM) for classification

When a Bill is introduced in Parliament, it must without delay be referred to the JTM for classification of the Bill as either a section 74, 75, 76 or 77 Bill. The JTM consists of the Speaker and Deputy Speaker of the Assembly and the Chairperson and permanent Deputy Chairperson of the Council and is advised by Parliament's Constitutional and Legal Services Office. The findings of the JTM are published in the Announcements, Tablings and Committee Reports (ATC) document. A committee to which a Bill has been referred may report to the Assembly or the Council only after the JTM has classified the Bill. This process is not required for provincial Bills.

Referral to Committee: National Assembly

The referral of a Bill to a committee happens simultaneously with its referral to the JTM. This is followed by a briefing by the relevant government department. The purpose of the briefing is to provide the background, policy position and objectives of the piece of legislation under consideration. The

briefing provides members with an opportunity to acquaint themselves with the contents of the Bill and to ask clarity-seeking questions on the content of the Bill. This process is not required for provincial legislatures.

PUBLIC INVOLVEMENT (PUBLIC PARTICIPATION)

Parliament

The Assembly and the Council are obliged in terms of the Constitution to facilitate public involvement in their legislative and other processes (section 59 and section 72). Public involvement may take different forms, including but not limited to public hearings, a call for written submissions, and the issuing of press releases. Public hearings may be held at Parliament or in provinces. In the case of the Council considering section 76 Bills, public involvement may either be facilitated by the Council or by the Provincial Legislatures. However, the onus still rests with the Council to ensure that Provincial Legislatures facilitate public involvement (see Doctors for Life International).

PUBLIC INVOLVEMENT (PUBLIC PARTICIPATION)

Provincial Legislatures

A Provincial Legislature is similarly required, in terms of section 118 of the Constitution, to facilitate public involvement in its legislative processes. This usually takes the form of public hearings. Further particularity may be prescribed in the Standing Rules of the particular legislature.

Committee Deliberations

Members of the Committee discuss the public inputs received and/or made during the public hearings. Party views are expressed on the Bill. The department responds to questions and expresses a view on whether amendments put forward could be implemented. The Committee considers each clause of the Bill through comments, questions or proposal of amendments.

After deliberating on the Bill, the Committee votes on the Bill. In some instances, the Chairperson will put the motion of desirability to signal the start of the Committee's voting on the Bill. The motion consists mainly of the long title of the Bill. The putting of the motion signals the beginning of voting on the content/clauses of the Bill.

The Committee votes clause-by-clause on the Bill. Amendments to clauses are also put for decision, whereafter the clause, as amended, is put for adoption. After the Bill has been agreed to, the Committee reports to the House on the Bill.

Where a Bill has been amended, the State Law Adviser and the Parliamentary Legal Adviser are responsible for drawing up the list of amendments. The Committee Secretary ensures that the amended Bill is produced and that the list of amendments and the amended Bill are printed by Creda (printers). These products are referred to as the proof copies of the Bills.

These processes, read with the changes required by the context, may equally apply to provincial Bills, depending on the Standing Rules and practices of the particular legislature.

Committee Report

After voting on the Bill, the Committee adopts a report. In its report the Committee must indicate whether it recommends approval of the Bill, with or without amendments, or the rejection of the Bill. The Rules of the Assembly and the Council provide that in its report, a Committee must, if it is not a unanimous report, specify in which respects there was no consensus and, in addition to the majority report, express the views of any minority concerned.

In the case of a Portfolio Committee of the Assembly, a question may be decided only if a majority of members is present and there is agreement among the majority of the members present. In the case of a Select Committee of the Council dealing with a question on a section 75 Bill, the question is decided only if a majority of the permanent delegates of the Committee is present and on the basis of the majority of votes cast.

In the event of an equality of votes, the Chairpersons of the Portfolio Committee and the Select Committee can exercise a casting vote in addition to the deliberative votes as ordinary members of the committees.

These processes, read with the changes required by the context, may equally apply to provincial Bills, depending on the Standing Rules and practices of the particular legislature. The issue concerning a quorum and the decision on a provincial Bill in committee may differ from legislature to legislature.

In terms of the Constitution (section 112), a majority of the members of a Provincial Legislature must be present before the House may vote on a Bill or an amendment to a Bill, and all questions in the House are decided by a majority of the votes cast. A province's permanent delegates to the NCOP may attend and speak in a Provincial Legislature, but may not vote (section 113). The House has the final say on a provincial Bill and may consider, pass, amend or reject any provincial Bill before it (section 114(1)).

Where amendments are of such an extensive nature, the Committee may choose to submit a redrafted version of the Bill referred to it.

After a Committee has agreed to the Bill with or without amendments, the Committee's report is published in the ATC document. Thereafter the amended Bill is placed on the Order Paper for consideration by the House.

Procedure for consideration of section 74 and section 76 Bills

Council's six-week cycle

The Council follows a six-week cycle to process s76 Bills. The cycle may be shortened or extended subject to approval by the Chairperson of the Council. The cycle includes the following steps:

1. Briefing to the Council's select committee by the department (week 1);
2. Briefing by Council delegates to provincial committees (week 2);
3. Provincial public hearings (weeks 3 and 4);
4. Consideration of negotiating mandates by the Council's select committee (week 5);
5. Consideration of final mandates by the Council's select committee (week 6); and
6. Consideration of voting mandates by the Council.

Below is a graphical representation of the NCOP Six-Week Cycle, which is discussed in the following section:

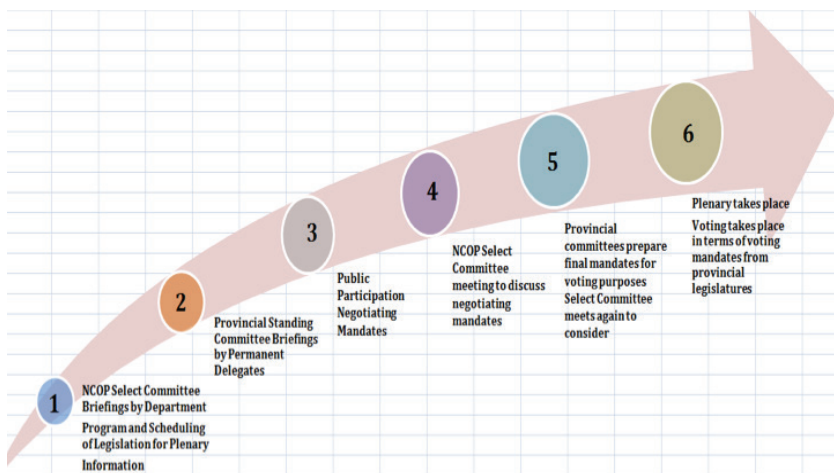


Figure 1: NCOP Six-Week Cycle

This briefing is considered as *week 1* of the Council's cycle. The relevant government department briefs the Select Committee of the Council on the contents of the Bill and answers questions by members.

Briefing by Council delegates to provincial committees

Provincial delegates to the NCOP, assisted by departmental officials, brief provincial committees on the legislation. This constitutes *week 2* of the Council's cycle.

Public hearings in provinces

Provincial Legislatures usually require two weeks to hold public hearings. These hearings constitute *weeks 3 and 4* of the Council's cycle.

Consideration of negotiating mandates by the Council's Select Committee

After the public hearings in provinces, a committee designated by a Provincial Legislature must confer a negotiating mandate on its provincial delegate to the NCOP, in accordance with the procedures prescribed in the Mandating Procedure of Provinces Act, 2008 and the Standing Rules of the relevant legislature.

These negotiating mandates, which may include proposed amendments to a Bill, are sent to the Council's Select Committee for consideration. Amendments proposed to the Bill in the negotiating mandates are put per province for consideration.

Where the Select Committee agrees to an amendment, it is incorporated into a list of amendments and the amended Bill. The minutes of the Select Committee, as well as the list of amendments and the amended Bill are sent to the Provincial Legislatures to enable the legislatures to confer a final mandate on the amended version of the Bill if the Bill has been amended. The meeting to consider the negotiating mandates is considered as *week 5* of the Council's cycle.

Consideration of final mandates by the Council's Select Committee⁹

The next step in the process is the conferral of a final mandate by a Provincial Legislature on its provincial delegation to the NCOP to vote when the NCOP Select Committee meets to consider a Bill prior to the NCOP plenary. A final mandate must be conferred by a Provincial Legislature in accordance with the procedures prescribed in the Mandating Procedures of Provinces Act, 2008 and the Standing Rules of the relevant legislature.

The last meeting of the Select Committee is meant to consider the final mandates on the Bill conferred by Provincial Legislatures. This constitutes *week 6* of the Council's cycle. During this meeting the Committee's report on the Bill is adopted with or without amendments.

When a matter needs to be decided by the Committee, committee members representing at least five provinces, or six in the case of a constitutional amendment, must be present. A question is decided by the supporting vote of at least five provinces, or six provinces in the case of a constitutional amendment.

Conferral of voting mandates by a Provincial Legislature

In addition to a final mandate, a Provincial Legislature must also confer a voting mandate in respect of a Bill on its provincial delegation to the NCOP, in accordance with the procedures prescribed in the Mandating Procedures of Provinces Act, 2008 and the Standing Rules of the relevant legislature. A provincial delegation must table its voting mandate at the NCOP plenary.

Process in the Council

In the case of section 76 Bills (ordinary Bills affecting provinces), each province has one vote at the NCOP plenary, which is cast by the head of its delegation, and at least five provinces must vote in support of a Bill for it to be passed by the NCOP. In the case of section 74 Bills (Bills amending the Constitution), at least six provinces must vote in support of a Bill for it to be passed by the NCOP.

In respect of section 76(1) Bills, the Council may pass the Bill, pass an amended Bill or reject the Bill. If the Council passes the Bill without amendment, the Bill is submitted to the President for assent and signature. If the Council passes an amended Bill, the Bill must be referred to the Assembly. If the Assembly passes the amended Bill, the Bill must be submitted to the President for assent and signature.

If the Council rejects the Bill passed by the Assembly or if the Assembly refuses to pass the Bill as amended by the Council, the Bill must be referred to the Mediation Committee.

Mediation Committee

The Mediation Committee consists of nine members of the Assembly and nine members of the Council. The Mediation Committee has 30 days within which to agree on a version of the Bill, either as passed by the Assembly, or as passed by the Council, or a new version of the Bill.

If the Mediation Committee agrees on the version passed by the Assembly, the Bill is referred back to the Council. If the Council passes the Bill, the Bill is sent to the President for assent and signature. If the Council does not pass the Bill, the Bill lapses unless the Assembly passes a version of the Bill as initially adopted by it with a two-thirds majority.

If the Mediation Committee agrees on the version passed by the Council, the Bill is referred back to the Assembly. If the Assembly passes the Bill, the Bill is sent to the President for assent and signature. If the Assembly does not pass the Bill, the Bill lapses unless the Assembly passes a version of the Bill as initially adopted by it with a two-thirds majority.

If the Mediation Committee agrees on a new version of the Bill, the Bill is referred to the Assembly and the Council. If the Bill is passed by the Assembly and the Council, the Bill must be referred to the President for assent and signature.

Section 76(2) Procedure

The section 76(2) procedure is a converse of the procedure envisaged in section 76(1) in that instead of a Bill being introduced in the National Assembly, it is introduced in the Council. The same six-week cycle is followed. Once the Council passes the Bill, it is transmitted to the Assembly for consideration.

The Assembly may pass the Bill, pass the Bill with amendments or reject the Bill. If the Assembly passes the Bill without amendment, the Bill is submitted to the President for assent and signature. If the Assembly passes the Bill with amendments, the amended Bill must be referred back to the Council. If the Council passes the Bill as amended by the Assembly, the Bill is sent to the President for assent and signature. If the Assembly rejects the Bill or if the Council refuses to pass an amended Bill from the Assembly, the Bill or the amended Bill must be referred to the Mediation Committee. The Mediation Committee may agree on the Bill as passed by the Council, the amended Bill as passed by the Assembly or another version of the Bill.

If the Mediation Committee is unable to agree within 30 days of the Bill's referral to it, the Bill lapses. If the Mediation Committee agrees on the Bill as passed by the Council, the Bill must be referred to the Assembly. If the Assembly passes the Bill, the Bill must be submitted to the President for assent.

If the Mediation Committee agrees on the amended Bill as passed by the Assembly, the Bill must be referred to the Council. If the Council passes the Bill, the Bill must be submitted to the President for assent and signature.

If the Mediation Committee agrees on another version of the Bill, that version of the Bill must be referred to both the Council and the Assembly. If it is passed by the Council and the Assembly, it is submitted to the President for assent and signature.

If a Bill is referred to the Assembly because the Mediation Committee has agreed on a version of the Bill as passed by the Council, or if the Mediation Committee has agreed on another version of the Bill and that version of the Bill was referred to both the Council and the Assembly, and that Bill is not passed by the Assembly, the Bill lapses.

4.5 REFERRAL OF BILLS TO PRESIDENT OR PREMIER FOR ASSENT

In terms of the Joint Rules of Parliament when the official text of a national Bill is sent to the President for assent, it must be accompanied by the official translation or translations.

Once a provincial Bill is passed by a legislature, the Bill is referred to the Premier of that province for assent. A Bill assented to by the Premier becomes a provincial Act, must be gazetted promptly and takes effect when published or on a date determined in terms of the Act. The Standing Rules of a Provincial Legislature may contain requirements regarding certification of the official text of a Bill prior to referral of the Bill to the Premier as well as the translations that must accompany the official text.

NB: The diagram representing the complete cycle of the Legislative Process is attached in Appendix 3.



5 POST LEGISLATIVE PROCESS

There are three ways to have the constitutional validity of legislation passed by Parliament considered by the Constitutional Court. *In Ex Parte the President of the Republic of South Africa In Re: Constitutionality of the Liquor Bill 2000* (1) SA 732 (CC) Cameron AJ, as he then was, said the following:

... The Constitution, which subjects all legislation to review for its constitutionality, and makes any law inconsistent with it invalid, embodies three routes to judicial consideration of the constitutionality of legislation passed by Parliament. One is a challenge by an interested party in a competent Court under one or more provisions of the Constitution. Another is an application by at least one third of the members of the National Assembly to the Constitutional Court for an order declaring all or part of an Act of Parliament unconstitutional. The third is that invoked in the present case, namely referral by the President before a Bill becomes a statute.

Below are the three routes required for a judicial consideration of the constitutionality of legislation:

Referral of a Bill to the Constitutional Court

Empowering provisions: Section 84(2)(c) of the Constitution provides that the President is responsible for “referring a Bill to the Constitutional Court for a decision on the Bill’s constitutionality”. Section 167(4) of the

Constitution provides that only the Constitutional Court may decide on the constitutionality of any parliamentary or provincial Bill, but that it may do so only in the circumstances anticipated in section 79 or 121 of the Constitution. In *President of the Republic of South Africa and Others v United Democratic Movement (African Christian Democratic Party and Others Intervening; Institute for Democracy in South Africa and Another as Amici Curiae)* 2003 (1) SA 472 (CC) the Court held that the Constitution “contains clear and express provisions which preclude any court from considering the constitutionality of a Bill save in the limited circumstances referred to in sections 79 and 121 of the Constitution, respectively.”

Stage of referral: The provisions of sections 84(2)(c) and 167(4)(b) permit judicial consideration of the constitutional validity of a Bill at a stage where a Bill has been passed by Parliament or a Provincial Legislature, but prior to it being assented to and signed by the President or the Premier of a province. In *Doctors for Life International and Others v Speaker of the National Assembly and Others* Ngcobo J said the following:

[54] ... the constitutional scheme contemplates that challenges to the constitutional validity of a bill passed by Parliament must await the completion of the legislative process. During this process, the rights of the public are safeguarded by the President who has the authority to challenge the constitutionality of a bill consistent with his or her duty to uphold, defend and respect the Constitution. Once the process is complete, the public and interested groups may challenge the resulting statute. This scheme seeks to ensure that judicial intervention in the law-making process is kept to the minimum; hence it is limited to challenges by the President....

[56] I conclude therefore that after Parliament has passed a bill and before the President has assented to and signed the bill, it is not competent for this Court to grant any relief in relation to the bill, save at the instance of the President and in limited circumstances contemplated in section 79.

Participants: President, Premier, Constitutional Court, legislatures and political parties represented in legislatures:

It is imperative to note that only the President or the Premier of a province can refer a Bill passed by Parliament or a Provincial Legislature to the Constitutional Court for a decision on its constitutionality at this stage. In other words, the remedy of referring a Bill passed by Parliament or a Provincial Legislature is only available to the President or a Premier of a province in circumstances outlined in sections 79 and 121 of the Constitution. However, once the Constitutional Court receives the referral from either the President or Premier it does, in terms of its Rules and as of right, invite political parties represented in the National Assembly and the legislatures to make written submissions on the Bill referred to it.

Rationale: The rationale for the remedy was explained in *Doctors for Life International and Others v Speaker of the National Assembly and others* when Ngcobo J said:

[53] The decision to provide the President with the power to decline to assent to a bill and to challenge its constitutionality was based on the conviction that the power to make laws must be carefully circumscribed. It is a power to be shared by the National Assembly, the NCOP, the President and the provinces. The President's role in the law-making process reflects a careful effort to ensure that the law-making process is kept under check consistent with the principle of checks and balances. The scheme is founded on the trust that our system has for the role of the President, namely, the responsibility it vests in the President to "uphold, defend and respect the Constitution as the supreme law", and thus to ensure that laws that he or she assents to and signs, conform to the Constitution.

Procedure for referral: The procedure to refer a Bill to the Constitutional Court is outlined in sections 79 and 121 of the Constitution. Section 79 of the Constitution prescribes a procedure for such a referral and provides as follows:

- The President must either assent to and sign a Bill passed in terms of this Chapter or, if the President has reservations about the constitutionality of the Bill, refer it back to the National Assembly for reconsideration.
- The joint rules and orders must provide for the procedure for the reconsideration of a Bill by the National Assembly and the participation of the National Council of Provinces in the process.
- The National Council of Provinces must participate in the reconsideration of a Bill that the President has referred back to the National Assembly accordingly if –
 - o the President’s reservations about the constitutionality of the Bill relate to a procedural matter that involves the Council; or
 - o section 74(1), (2), or (3)(b) was applicable in the passing of the Bill.
- If, after reconsideration, a Bill fully accommodates the President’s reservations, the President must assent to and sign the Bill; if not, the President must either –
 - o assent to and sign the Bill; or
 - o refer it to the Constitutional Court for a decision on its constitutionality.
- If the Constitutional Court decides that the Bill is constitutional, the President must assent to and sign it.

Section 74 of the Constitution deals with Bills amending the Constitution and provides:

- Section 1 and this subsection may be amended by a Bill passed by-
 - o the National Assembly, with a supporting vote of at least 75 per cent of its members; and
 - o the National Council of Provinces, with a supporting vote of at least six provinces.

- Chapter 2 may be amended by a Bill passed by –
 - o the National Assembly, with a supporting vote of at least two thirds of its members; and
 - o the National Council of Provinces, with a supporting vote of at least six provinces.
- Any other provision of the Constitution may be amended by a Bill passed-
 - o by the National Assembly, with a supporting vote of at least two thirds of its members; and
 - o also by the National Council of Provinces, with a supporting vote of at least six provinces, if the amendment –
- relates to a matter that affects the Council;
- alters provincial boundaries, powers, functions or institutions; or
- amends a provision that deals specifically with a provincial matter.

Section 121 of the Constitution provides for a procedure similar to the one prescribed in section 79 of the Constitution for the Premier of a province to refer a provincial Bill to the Constitutional Court.

In Ex parte President of the Republic of South Africa In re: Constitutionality of the Liquor Bill the procedure for referring a Bill to the Constitutional Court was explained as follows:

The provision envisages a series of steps, initiated by the President, in which Parliament is itself an active participant. The President can refer a Bill to this Court only after Parliament has unavailingly reconsidered it in light of his reservations. The attitude of the National Assembly (or, where appropriate, Parliament) to the Bill's constitutionality is therefore a material factor in this Court's determination and it is for this reason that this Court's Rules permit all political parties represented in Parliament as of right to make written submissions relevant to the determination of the Bill's constitutionality. It follows that in deciding on the Bill's constitutionality the Court must consider the reservations of the President as well as any submissions relevant to them by any party represented in Parliament.

In Re: *The Constitutionality of the Mpumalanga Petitions Bill, 2000* Langa DP, as he then was, said of this procedure:

What is envisaged is consideration by this Court of a Bill that has gone through a number of steps, which include communication by the Premier of his or her reservations to the legislature and its reconsideration of the Bill in the light of those reservations. The Court's function to adjudicate upon the Bill commences only after this political process has been exhausted and it is limited to a consideration of the Premier's reservations together with the responses of the parties represented in the legislature. The role of the legislature would be undermined if the Premier's reservations could be entertained by this Court without having been referred to the legislature for its consideration.

Extent of the Court's Jurisdiction: The President, or the Premier in respect of a provincial Bill, may refer a Bill to the Constitutional Court on both procedural and/or substantive grounds. In *Doctors for Life International and Others v Speaker of the National Assembly and others* at paragraph 45 Ngcobo J, as he then was, said:

The provisions of section 167(4)(b) must be read with section 79 in order to determine the scope of the jurisdiction of this Court to decide the constitutionality of a bill. It is plain from the provisions of section 79(3) that the President has the authority to raise the constitutionality of a bill on both procedural and substantive grounds. It provides that the NCOP must participate in the reconsideration of the bill "if the President's reservations about the constitutionality of the Bill relate to a procedural matter that involves the [NCOP]". Nothing could be clearer. The president may raise as the source of his or her reservation a procedural matter.

In the *Liquor Bill* case the Court explicitly left open the question "whether it may ever be appropriate for the Court, upon a Presidential referral, to consider other provisions which are manifestly unconstitutional, but which are not included in the President's reservations...."

Langa DP said the following in answering this question in the *Mpumalanga Petitions Bill* case:

... No room exists, in referral proceedings under sections 79 and 121 of the Constitution, for a consideration by the Court of issues that have not been raised in compliance with the Constitution by the President or the Premier. The question left open in the Liquor Bill case must therefore be considered closed.

In determining the constitutional validity of a Bill, the Constitutional Court confines itself to the referral letter by the President. In *Ex parte President of the Republic of South Africa In re: Constitutionality of the Liquor Bill* the Court asked itself whether it “was required to consider only the reservations the President has expressed or can and should it direct its attention more widely?”. It was decided that the constitutionality of the Bill must be considered in the light of the reservations expressed by the President, and further that the referral provision then under consideration:

“... must thus be read as ... empowering the Court to make a decision regarding the Bill’s constitutionality only in relation to the President’s reservations.”

Pre-requirement for consideration of Bill by the Court: The Constitutional Court would only consider the Presidential or Premier’s referral if the President or Premier’s reservations had first been raised with the National Assembly (or in certain instances with Parliament) or the relevant Provincial Legislature and the latter responded to the reservation(s) raised. Langa DP in the *Mpumalanga Petitions Bill* case said the following:

“I accordingly conclude that this Court does not have jurisdiction to consider the constitutionality of any provision in a Bill raised by a Premier, unless the Premier’s reservation concerning such provision has been referred to the legislature as envisaged by subsections (1) and (2) of section 121 of the Constitution. Limiting the Court’s jurisdiction in this manner can cause prejudice to no-one”.

Application by members of the National Assembly to the Constitutional Court

Sections 80 and 122 of the Constitution permit members of the legislature, after an Act of Parliament or of a provincial legislature, as the case may be, has been signed, to apply to the Constitutional Court for an order declaring that all or part of the legislative instrument in question is unconstitutional. Section 80 provides:

- Members of the National Assembly may apply to the Constitutional Court for an order declaring that all or part of an Act of Parliament is unconstitutional.
- An application –
 - o must be supported by at least one third of the members of the National Assembly; and
 - o must be made within 30 days of the date on which the President assented to and signed the Act.
- The Constitutional Court may order that all or any part of an Act that is the subject of an application in terms of subsection (1) has no force until the Court has decided the application if –
 - a. the interests of justice require this; and
 - b. the application has a reasonable prospect of success.
- If an application is unsuccessful, and did not have a reasonable prospect of success, the Constitutional Court may order the applicants to pay costs.

This remedy is available to members of the National Assembly (“the Assembly”) within thirty (30) days after the President has assented to and signed the Bill. In other words it is an Act of Parliament that would be challenged and not a Bill. Such an application must be supported by at least one third of the members.

Speedy and effective interim relief is also provided in sections 80(3) and 122(3) of the Constitution, as the Constitutional Court may, if the interests of justice so require and the application has reasonable prospects of success, order that all or part of an Act of Parliament has no force until it has decided the application.

It is to be noted that members of the public could also challenge the constitutional validity of an Act of Parliament prior to it coming into force. In *Khosa and Others v Minister of Social Development and Others* 2004 (6) SA 505 (CC) the Court was concerned with, amongst other things, whether it could consider a provision which had not yet been put into operation. The Court held that it has jurisdiction to consider provisions in a statute that have not yet been brought into operation. For its holding, the Court relied upon the provisions of section 172(2)(a) of the Constitution, which empowers the Court to declare Acts of Parliament invalid, and does not distinguish between Acts of Parliament that have been brought into force and those which have not. It added that in the case of a provision that has not yet been brought into force, the legislative process is complete and there is a duly enacted Act of Parliament. In the *Doctors for Life* case Ngcobo J at paragraph 62 held that the above-mentioned reasoning equally applies to a statute which has not yet been brought into force.

Constitutional Court challenges in terms of section 172(2)(a)

Any individual whose rights are infringed or threatened may approach a High Court for an order declaring offending provision(s) of an Act of Parliament or a Provincial Legislature to be unconstitutionally invalid under section 172(2)(a). Although such order would have no force until confirmed by the Constitutional Court, such a person would be entitled to appropriate temporary relief, as provided for under section 172(2)(b).



6 INTERACTION WITH THE EXECUTIVE

The interaction between legislatures and the Executive on matters related to lawmaking is an important phase of the legislative process. This responsibility resides within the powers of the committees of the legislatures. Details in terms of the processes and procedures to be followed are discussed in Modules 1 and 3.

7 PUBLIC PARTICIPATION IN THE LEGISLATIVE PROCESS

One of the significant legs of the mandate of Parliament/Legislatures is to ensure that when processing business that affects the interests of communities, a platform is afforded to such communities to get involved or participate in the business in question¹⁰. Further, it is a standing arrangement in the institutional make-up of Parliament/Legislatures that there is a dedicated unit that is charged with executing public participation responsibility through proactive advocacy and awareness programmes about the business of Parliament/Legislatures. There is also a reactive responsibility charged upon such a unit on matters pertaining to processing of Bills, whereby it conducts educational programmes on the Bill(s) concerned before the relevant Portfolio Committee conducts public hearings.

The significance of this element of the parliamentary/legislature mandate has been passionately sharpened in a number of decided cases dealing with constitutional law¹¹. The cases that immediately spring to mind in this regard, are the Matatiele¹² and Merafong¹³ cases supra, the common thread that runs through these cases being that the Constitutional Court emphasised the importance of participatory democracy in matters that affect the communities; taking such pronouncement further by asserting that, notwithstanding the final decisions by the public representatives in the internal processes of the lawmaking bodies, it is critical, though, that communities should be afforded a fair amount of opportunity to air their voices on matters that affect their daily lives.

Parliament's/Legislatures' reputational index is hugely dependent on the efficient and effective discharge of public participation responsibility by their administrative machinery. This area of responsibility transcends the other two legs of their mandate, in that, as an established constitutional principle, Parliament/Legislatures must involve communities in their oversight exercises, and also in the arena of processing of legislation. Thus, the public participation element constitutes a sine qua non¹⁴ of both the lawmaking mandate and the oversight mandate.

11 Refer to Module 3

12 CCT 73/05

13 CCT 41/07

14 An essential element or condition.



8 CONCLUSION

The module presented a comprehensive framework within which Members of Parliament and Provincial Legislatures, and Office Bearers can function effectively to enhance and support the Legislative Process of the South African Legislative Sector. It will allow Members and Office Bearers to approach with confidence the work presented to them by their various legislatures, and enable them to provide a vibrant legislative forum for public consideration of issues, passing of legislation and overseeing executive action. The module will remain a process that will have to enrich itself by adapting to the constantly changing environment of the legislative sector. For the module to achieve or realise its outcomes (training and development of human capital), it is important for all role-players to support the programme.

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9 APPENDIX 1: GLOSSARY

Chairperson means a chairperson of a Committee who is appointed by the Committee in terms of the Rules.

Chairperson of the National Council of Provinces (NCOP) means the Principal Office Bearer and Presiding Officer in the National Council of Provinces, as selected in terms of Section 64 of the Constitution.

Chapter 9 Institutions means state institutions established to strengthen constitutional democracy as set out in the Constitution.

Chief Whip of the Majority Party in the National Assembly (NA) refers to a Member who is designated by his/her party to assist in the smooth running of the party and functioning of the House. He or she organises party business and maintains party discipline.

Chief Whip of the NCOP refers to a member elected in terms of Rule 13 who, in terms of Rule 22, arranges the business of the Council.

Constitution means the Constitution of the Republic of South Africa.

Elective means parts of studies that form a unit.

Executive Action means anything done by a Member of the Cabinet in terms of the powers given or delegated to that Member.

Executive Authority (a) in relation to a National Department, means the Cabinet Member who is accountable to Parliament for that Department, and **(b)** in relation to a National State Owned Entity, means the Cabinet Member who is accountable to Parliament for that Public Entity or in whose Portfolio it falls.

Financial Management of Parliament Act, No 10 of 2009 in the context of the separation of powers, aims to give the Houses control over their own finances, in addition to the control that they have over their own internal arrangements, proceedings and procedures; however, compliant with the constitutional value of transparency, accountability and effective financial management along uniform expenditure classifications and treasury norms and standards.

Government of the Republic means the Executive arm of the State in the National, Provincial and Local spheres, which are distinctive, interdependent and interrelated (Section 40 (1)).

House Chairperson means the Chairperson appointed by the House as provided for in the Rules for the duration of the House (NA Rule 14 and NCOP Rule 9).

Joint Rules means the rules referred to in Section 45 (1) of the Constitution.

Module means a standard period or course of training.

National Assembly (NA) means the House of Parliament that is elected to represent the people and ensure government by the people under the Constitution. It does this by electing the President, by providing a

national forum for public consideration of issues, by passing legislation and scrutinising and overseeing Executive action (Section 42 (4) of the Constitution).

National Council of Provinces (NCOP) means the House of Parliament that represents the provinces to ensure that provincial interests are taken into account in the national sphere of Government by participating mainly in the national legislative process and providing a national forum for public consideration of issues affecting the provinces (Section 42 (4) of the Constitution).

National Government means the national Executive established by Chapter 5 of the Constitution, and includes all national organs of the State.

Organ of the State means organ of the state as defined in Section 239 of the Constitution.

Oversight means formal, watchful, strategic and structured scrutiny exercised by Parliament in respect of the implementation of laws and policies, the use of the budget, the strict observance of statutes and the Constitution, thoroughness of the supervision of finances and the effective management of the area of responsibility of each Member of the Executive when using the Executive Authority assigned to that Member in order to discharge the given responsibility.

Parliament means both the National Assembly and the National Council of Provinces.

Rules means rules according to which the National Assembly and the National Council of Provinces operate, and adopted by the respective House.

Section 74 Bill means a Bill that deals with amendments to the Constitution and to which the procedure prescribed in Section 74 of the Constitution applies.

Section 75 Bill means an ordinary Bill that deals with the functional areas of exclusive national legislature competence to which the procedure prescribed in Section 75 of the Constitution applies.

Section 76 Bill means an ordinary Bill that deals with the functional areas of concurrent national and provincial competencies to which the procedure prescribed in Section 76 of the Constitution applies.

Speaker means the Principal Office Bearer in the National Assembly or Provincial Legislature, as elected in terms of the Constitution and Provincial Standing Rules and Orders.

Unit means a standard of training measurement.



10 APPENDIX 2: LIST OF ACRONYMS

AR	Assembly Rules
ATC	Announcements, Tablings and Committee Reports
CIP	Comprehensive Induction Programme
HC	House Chairperson
FMPA	Financial Management of Parliament Act
IGRA	Inter-Governmental Relations Act
ISDs	Institutions Supporting Democracy
JRC	Joint Rules Committee
JTM	Joint Tagging Mechanism
LOGB	Leader of Government Business
MEC	Member of the Executive Council
MOP	Minutes of Proceedings
MP	Member of Parliament
MPL	Member of the Provincial Legislature
NA	National Assembly
NCOP	National Council of Provinces
OP	Order Paper
P	Paragraph
PC	Portfolio Committee

PFMA	Public Finance Management Act
PMB	Private Members' Bill
PO	Presiding Officers
PPIPPLA	Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act, No 4 of 2004
SALS	South African Legislative Sector
SC	Select Committee
SEC	Section of the Constitution or Act
SOP	Standard Operating Procedures
SWP	Standing Working Procedures



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