



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

FOLLOWING UP ON OUR COMMITMENTS
TO THE PEOPLE
MAKING YOUR FUTURE
WORK BETTER



**NCOP MEMBERS' CAPACITY BUILDING
COMMITTEE SECTION PRESENTATION – UPDATED
26 JANUARY 2022**

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1. Powers of the NCOP and its committees

(a) National legislative authority

(a) Section 44 – National legislative authority is vested in Parliament

44. (1) The national legislative authority as vested in **Parliament**—

(a) confers on the National Assembly the power—

(i) to amend the Constitution;

(ii) to pass legislation with regard to any matter, including a matter within a functional area listed in Schedule 4, but excluding, subject to subsection (2), a matter within a functional area listed in Schedule 5; and

(iii) to assign any of its legislative powers, except the power to amend the Constitution, to any legislative body in another sphere of government; and

(b) **confers on the National Council of Provinces the power**—

(i) to participate in amending the Constitution in accordance with section 74;

(ii) to pass, in accordance with section 76, legislation with regard to any matter within a functional area listed in Schedule 4 and any other matter required by the Constitution to be passed in accordance with section 76; and

(iii) to consider, in accordance with section 75, any other legislation passed by the National Assembly.

(writer's emphasis)

1. Powers of the NCOP and its committees

(a) National legislative authority



(a) Section 44 continued

44 (2) **Parliament may intervene**, by passing legislation in accordance with section **76(1)**, with regard to a matter falling within a functional area listed in **Schedule 5**, when it is necessary—

- (a) to maintain national security;
- (b) to maintain economic unity;
- (c) to maintain essential national standards;
- (d) to establish minimum standards required for the rendering of services; or
- (e) to prevent unreasonable action taken by a province which is prejudicial to the interests of another province or to the country as a whole.

(3) Legislation with regard to a matter that is reasonably necessary for, or incidental to, the effective exercise of a power concerning any matter listed in Schedule 4 is, for all purposes, legislation with regard to a matter listed in Schedule 4.

(4) When exercising its legislative authority, Parliament is bound only by the Constitution, and must act in accordance with, and within the limits of, the Constitution.

1. (b) Legislative power of the NCOP

(b) Section 68 of the Constitution – Powers of the National Council

“ In exercising its **legislative power**, the NCOP may-

- (a) consider, pass, amend, propose amendments to or reject any legislation before the Council, in accordance with this Chapter; and
- (b) Initiate or prepare legislation falling within a functional area listed in **Schedule 4** or other legislation referred to in **section 76(3)**, but may not initiate or prepare money Bills.

Schedule 4: Lists functional areas of concurrent national and provincial legislative competence

Part A e.g. Agriculture, Disaster management, Education at all levels, excluding tertiary education, Environment, Health Services, Housing, Public transport, Tourism, Trade, etc.

Part B (local government matters) e.g. Air pollution, Building regulations, Electricity and gas reticulation, Local tourism, etc.

Schedule 5 – Functional areas of exclusive provincial legislative competence

S76 deals with ordinary bills affecting provinces

S76 (3) - Schedule 4 legislation; s65(2), s163, s182, s195(3) and (4), s196, s197

The NCOP relies on its select committees to fulfil its **legislative functions**.

1(c) Oversight authority of the NCOP and its committees

(c) Oversight authority – evidence or information – Section 69 of the Constitution

S55 of the Constitution – **Powers of the National Assembly**

55. (1) In exercising its legislative power, the National Assembly may—

- (a) consider, pass, amend or reject any legislation before the Assembly; and
- (b) initiate or prepare legislation, except money Bills.

(2) The National Assembly must provide for mechanisms—

(a) to ensure that all executive organs of state in the national sphere of government are accountable to it; and

(b) to maintain oversight of—

(i) the exercise of national executive authority, including the implementation of legislation; and

(ii) any organ of state.

(writer's emphasis)

1(c) Oversight authority of the NCOP and its committees

Not a similar provision to s55(2) under the s68 which deals with the powers of the National Council

but s69 Evidence or information before National Council

S69 The National Council of Provinces or any of its committees may—

- (a) summon any person to appear before it to give evidence on oath or affirmation or to produce documents;
- (b) require any institution or person to report to it;
- (c) compel, in terms of national legislation or the rules and orders, any person or institution to comply with a summons or requirement in terms of paragraph (a) or (b); and
- (d) receive petitions, representations or submissions from any interested persons or institutions.

1(d) Conferring powers of committees

NCOP Rule 122

- (1) Two or more committees of the Council may meet jointly to consider a matter referred to them by the Council or the Chairperson of the Council.
- (2) When a matter is referred to two or more committees meeting jointly, the Council or the Chairperson must identify one of the committees as the committee in charge for administrative purposes. The chairperson of the committee in charge presides over joint meetings, but the committees involved must present a single report.
- (3) Each province has only one vote at a joint meeting of Council committees. When a matter falls under section 75 of the Constitution, the participation and voting rights of party members on committees sitting jointly are the same as the rights that they have on the separate committees.



1(e) Internal arrangements, proceedings and procedures in Parliament

Section 70 of the Constitution provides that the NCOP has the power to:

- 1(a) determine and control its internal arrangements, proceedings and procedures; and
 - (b) make rules and orders concerning its business, with due regard to representative and participatory democracy, accountability, transparency and public involvement.
- 2 The rules and orders of the NCOP must provide for:
- (a) establishment, composition, powers, functions, procedures and duration of its committees;
 - (b) the participation of all the provinces in its proceedings in a manner consistent with democracy; and
 - (c) the participation in the proceedings of the NCOP and its committees of minority parties represented in the NCOP, in a manner consistent with democracy , whenever a matter is to be decided in accordance with section 75 of the Constitution.

2. (a) Powers and Functions of the Committee Chairperson

NCOP 109(2) provides that:

- (1) The chairperson of a committee or subcommittee, subject to these Rules and other directions of the committee, or the principal committee in the case of a subcommittee —
 - (a) chairs** the meetings of the committee or subcommittee;
 - (b) may act** in any matter on behalf of and in the best interest of the committee or subcommittee when it is not practical to arrange a meeting of the committee or subcommittee to discuss that matter, if that matter concerns
 - (i) a request by a person to give evidence or make oral representations to the committee or subcommittee;
 - (ii) any other request to the committee or subcommittee; and
 - (iii) the initiation of any steps or decisions necessary for the committee or subcommittee to perform its functions or exercise its powers; and
 - (c) performs the functions,** tasks and duties and exercises the powers that these Rules, legislation, resolutions of the Council and the committee, or the principal committee in the case of a subcommittee, assigns to him or her (the chairperson).

2. (a) Powers and Functions of the Committee Chairperson cont.

- In addition the Chairperson
 - ❖ Tables the committee report in the House
 - ❖ Signs off the adopted committee report for ATC
 - ❖ Signs the invitations to stakeholders, political applications, committee strategic plans, committee program, adopted committee reports and minutes.
 - ❖ Issues out media reports and conducting interviews on behalf of the committee

2(b) Acting Committee Chairperson

NCOP Rule 110 provides that:

Acting chairperson

- (1) If the chairperson of a committee or subcommittee is absent or unable to perform the functions of chairperson, the committee or subcommittee may elect one of its members as acting chairperson unless these Rules provide otherwise.
- (2) An acting chairperson performs the functions and may exercise the powers of the chairperson.

3. Attendance of Members to committee meetings

NCOP Rule 125

Attendance by non-members

(1) A delegate who is not a member of a committee or subcommittee –

- (a) may attend a meeting of the committee or subcommittee; and
- (b) may speak on a matter before the committee or subcommittee subject to any reasonable restrictions the committee chairperson may impose, but **may not vote**.

3. Attendance of Members to committee meetings

NCOP Rule 126

Local government representatives

- (1) A representative of organized local government designated in terms of section 67 of the Constitution-
 - (a) may attend the meeting of the committee or subcommittee; and
 - (b) may speak in the meeting but **may not vote**.

3 (a) Alternates committee members

NCOP Rule 108

108. Alternates

- (1) Alternates may be appointed for one or more specific members of a committee or subcommittee.
- (2) An alternate acts as a member when the member for which the alternate was appointed
 - (a) is absent; or
 - (b) has vacated his or her seat, until the vacancy is filled.

4. Quorums and decisions in committee meetings

NCOP Rule 103(5), 114 and 153 read with section 75(2) of the Constitution

103 Virtual and hybrid meetings and sittings

103 (5) QUORUM

The quorum requirements for Committee meetings or Sittings of the House shall be those as determined by the Constitution and the Rules of the Council.

114 Quorums and decisions

- (1) A committee may proceed with business irrespective of the number of delegates present, but, when a question is to be decided, delegates representing at least five provinces must be present.
- (2) A question is decided by a supporting vote of at least five provinces

4. Quorums and decisions in committee meetings

NCOP Rule 103(5), 114 and 153 read with section 75(2) of the Constitution

153 Quorums and decisions

- (1) Except when a question is to be decided, business may proceed irrespective of the number of delegates present.
- (2) When a question is to be decided in terms of section 76 of the Constitution –
 - (a) committee members representing at least five provinces, or six provinces in the case of a constitutional amendment, must be present; and
 - (b) the question is decided by the supporting vote of at least five provinces, or six provinces in the case of a constitutional amendment.
- (3) When a question is to be decided in terms of section 75 of the Constitution –
 - (a) at least one third of the members of the committee must be present before a vote may be taken on a question;
 - (b) the question is decided by the majority of the votes cast; and
 - (c) if there is an equal number of votes on each side of a question, the chairperson must cast a deciding vote in addition to a vote as an ordinary member.

4(a) Conferral of negotiating and final mandates – virtual meetings

103 Virtual and hybrid meetings and sittings

103 (14 – 20) CONFERRAL OF NEGOTIATING AND FINAL MANDATE

NCOP Rule 103(14-20) read with section 7 of the Mandating Procedures of Provinces Act, Act 52 of 2008

- (14) Subject to the provisions of the Mandating Procedures of Provincial Legislatures Act, the relevant committee of each provincial legislature shall, in terms of the processes determined by that provincial legislature confer on its Delegates **the authority to either negotiate or vote on** the matter that serves before the relevant Select Committee of the Council.
- (15) The authority so conferred shall be communicated to the relevant Delegate and the Secretary to the Council by **electronic means** to which a Delegate and the Secretary to the Council have access.
- (16) The chairperson of the relevant Select Committee of the Council shall call upon a Delegate of each of the provinces to state the negotiating or final position of a province on a matter before the Select Committee.

4(a) Conferral of negotiating and final mandates – virtual meetings

- (17) Production of an **electronic or hard copy of such authority** shall be a prima facie proof of the conferral of such authority, unless the contrary is proved.
- (18) The venue of the meeting shall be deemed to be the National Council of Provinces.
- (19) For the purposes of voting in a Sitting of the House, the Secretary of the Council shall maintain a system that is capable of verifying the votes of delegates cast either electronically or by voice.
- (20) **For the purposes of voting in a Select Committee meeting, the officers responsible for supporting the Select Committee shall maintain a system that is capable of verifying the votes of delegates cast either electronically or by voice.**

NCOP Rules

NCOP Rules on virtual/ hybrid sittings and meetings

- (a) Pursuant to rule 2(1) of the Rules, the Chairperson of the Council has made the Rules which shall apply to virtual or hybrid meetings of Committees, the Sitting of the House and voting by Delegates.
- (b) For the purposes of these Rules, “virtual or hybrid meetings or sittings” mean meetings or sittings conducted by any form of technology or physical presence of Delegates at the Chamber or Committee Room.
- (c) In terms of rule 2(2) these Rules shall remain in force until the Rules Committee decides thereon.
- (d) These rules are supplementary to the Rules of the Council.
- (e) These Rules shall be referred to as Rules of Virtual or Hybrid Meetings and Sittings.

These rules are now captured under **rule 103** of the new rules

103. Virtual and hybrid meetings and sittings

APPLICATION OF THE RULES

103(1) These Rules apply to virtual or hybrid -

- (a) meetings of committees;
- (b) sittings of the House;
- (c) briefings of provincial legislatures by Permanent Delegates on bills or any matter affecting provinces;
- (d) the consideration of mandates or any matter affecting provinces; and
- (e) facilitation of public involvement.

5(b) Committee meetings: Virtual / hybrid – Guidelines for chairing virtual committee meetings

- (a) Guidelines for chairing virtual committee meetings – see attachment

5(c) Decorum in committee meetings

- In simple terms decorum means behavior in keeping with good taste and propriety. That is conformity to conventionally accepted standards of behavior or morals.
- The basic principles of parliamentary procedure is that proceedings in the House as well as in committee meetings are conducted in terms of a free and civil discourse.
- Members are to show respect for one another and for different viewpoints; and unparliamentarily conduct or offensive language is not acceptable.
- Unparliamentary conduct or behaviour is the conduct that is disrupting and unreasonably impairing the House or the committee from conducting its business.
- The Chairperson in committee meetings is charged with maintaining order by ensuring that the rules and practices are respected.

5(d) Points of order in Plenaries

NCOP Rule 69

- (1) A Member may raise a point of order at any time during the proceedings of the House by stating that he or she is rising on a point of order.
- (2) A point of order must be confined only to a matter of parliamentary procedure or practice, or a matter relating to unparliamentary conduct, as defined, and must be raised immediately when the alleged breach of order occurs.
 - (a) The Member raising the point of order must refer to the exact rule, or at least the principle or subject matter, on which the point of order is based.
 - (b) If the Member does not do so, the presiding officer may require him or her to do so, and if he or she fails or does not adequately do so, the presiding officer may summarily rule that it does not amount to a point of order or that the matter is out of order.

5(d) Points of order in Plenaries

- (3) The presiding officer may, at his or her discretion, allow delegates to address the presiding officer briefly on a point of order that has been raised.
- (4) The presiding officer must give a ruling, and may give his or her ruling or decision on the point of order immediately, or defer the decision to the earliest opportunity thereafter by way of a considered ruling.
- (5) No point of order may be raised in response to a ruling in terms of sub-rule 4.
- (6) No other delegate may raise another point of order before the presiding officer has ruled on the first point of order.
- (7) No delegate may raise a point of order again or a similar point of order, if the presiding officer has ruled that it is not a point of order or that the matter is out of order.
- (8) Delegates may not disrupt proceedings by raising points of order that do not comply with this rule.

5(d) Points of order in Plenaries

- (9) When a point of order is raised during a debate, the delegate called to order must resume his or her seat, and after the point of order has been stated to the presiding officer by the member raising it, the delegate raising the point of order must likewise immediately resume his or her seat when he or she has concluded his or her submission or if the presiding officer asks him or her to do so.
- (10) The presiding officer's ruling on a point of order is final and binding, and may not be challenged or questioned in the House.
- (a) A delegate who is aggrieved by a presiding officer's ruling on a point of order may subsequently in writing to the Chairperson of the Council request that the principle or subject matter of the ruling be referred to the Rules Committee.
- (b) The Rules Committee may deal with the referral in terms of Paragraph (a) as it deems fit, provided that it must confine itself to the principle underlying, or subject matter of, the ruling concerned, and may not in any manner consider the specific ruling which is final and binding.

5(e) Interruption, suspension or adjournment of the committee meeting

NCOP Rule 117

Interruption, suspension or adjournment

The chairperson of a committee may interrupt or suspend the proceedings or adjourn the meeting; and may change the date for the resumption of business, provided reasonable notice is given.

5(f) Information reflecting on integrity of members

NCOP Rule 116

Charges against delegates

If any information charging a Council member comes before a committee, the committee may not proceed upon that information, but must report it to the Chairperson of the Council without delay.

6. Public access to and involvement in National Council

Section 72(1) of the Constitution provides that the NCOP must:

- (a) facilitate public involvement in the legislative and other processes of the Council and its committees;
- (b) conduct its business in an open manner, and hold its sittings, and those of its committees, in public, but reasonable measures may be taken-
 - (i) to regulate public access, including access of the media, to the Council and its committees; and
 - (ii) to provide for the searching of any person and, where appropriate, the refusal of entry to, or the removal of any person.

In terms of section 72(2). the NCOP may not exclude the public, including the media, from a sitting of a committee unless it is reasonable and justifiable to do so in an open and democratic society.

6(a) Public participation in the Council and Council committees

NCOP Rule 5: Public participation and access

5. (1) Members of the public may participate in the proceedings of the Council by –
 - (a) attending sittings of the Council or meetings of Council committees;
 - (b) submitting petitions to the Council on any matter within the Council's competence;
 - (c) responding to public or specific invitations to comment in writing or make verbal representations on Bills or other matters before, or which are due to come before the Council.
- (2) Public participation in terms of subrule (1) is subject to, and must be exercised in accordance with, the applicable provisions of these Rules and the Constitution.
- (3) The public has access to all official notices to delegates and to all documents tabled or submitted to the Council, in a manner consistent with the Constitution, these Rules and any other relevant legislation.

6(a) Public participation in committee proceedings



NCOP RULE 103(25) FACILITATION OF PUBLIC INVOLVEMENT

Subject to section 72(1)(a) of the Constitution, a Select Committee must facilitate public involvement on matters before it **by electronic or physical** means determined by the Select Committee.

6(a) Admission of the public

NCOP Rule 127 Admission of the public

- (1) Meetings of committees and subcommittees are open to the public, including the media, and the chairperson may not exclude the public, including the media, from the meeting, except when –
 - (a) the Constitution, legislation, these Rules or resolutions of the Council provide for the committee or subcommittee to meet in closed session; or
 - (b) the committee or subcommittee is considering a matter which is –
 - (i) of a private nature that is prejudicial to a particular person;
 - (ii) protected under parliamentary privilege, or for any other reason privileged in terms of the law;
 - (iii) confidential in terms of legislation; or
 - (iv) of such a nature that its confidential treatment is for any other reason reasonable and justifiable in an open and democratic society.

6(b) Closing the committee meeting to the public

NCOP Rule 127 continued

(2) A decision in terms of Subrule (1) to exclude the public must be taken, after due consideration, by the committee or subcommittee concerned, provided that the committee or subcommittee may at any time —

- (a) before the start of the meeting decide that the meeting must take place in closed session, or
- (b) close the meeting for a decision by the committee or subcommittee whether the committee or subcommittee should consider any matter in closed session.
- (c) The committee or subcommittee may at any time during the meeting open the meeting to the public.

6(b) Closing the committee meeting to the public

NCOP Rule 127 continued

(3) The Chairperson of the Council must –

- (a) set aside places for the public for committee and subcommittee meetings; and
- (b) determine the entrances and routes through which the public can gain access to the places where committees and subcommittees meet.

(4) The Chairperson of the Council may take reasonable measures –

- (a) to regulate public access, including access of the media, to the meetings of committees and subcommittees; and
- (b) to provide for the searching of any person, or other property in that person's possession, and, where appropriate, the refusal of entry to, or the removal of, any person from a committee meeting.

6(c) Exclusion of members of public from committee meetings

NCOP Rule 128

The chairperson of a committee or subcommittee may –

(a) order a member of the public to leave the meeting –

- (i) when the public is excluded from a meeting in terms of rule 127 (1); or
- (ii) when necessary to give effect to the measures taken by the Chairperson of the Council under **rule 127 (4)**; or
- (iii) order a person referred to in rule 127 to leave the meeting if that person does not comply with a ruling of the presiding member.

6(d) Exclusion of other persons from the committee meeting

NCOP Rule 129

When the public is excluded from a meeting of a committee or subcommittee in terms of rule **127** (1), the member presiding may order a staff member, a member or official of the executive or a member of Parliament or a provincial legislature who is not a member of the committee or subcommittee, also to leave the meeting.

6(e) Removal of persons from the committee meeting

NCOP Rule 130

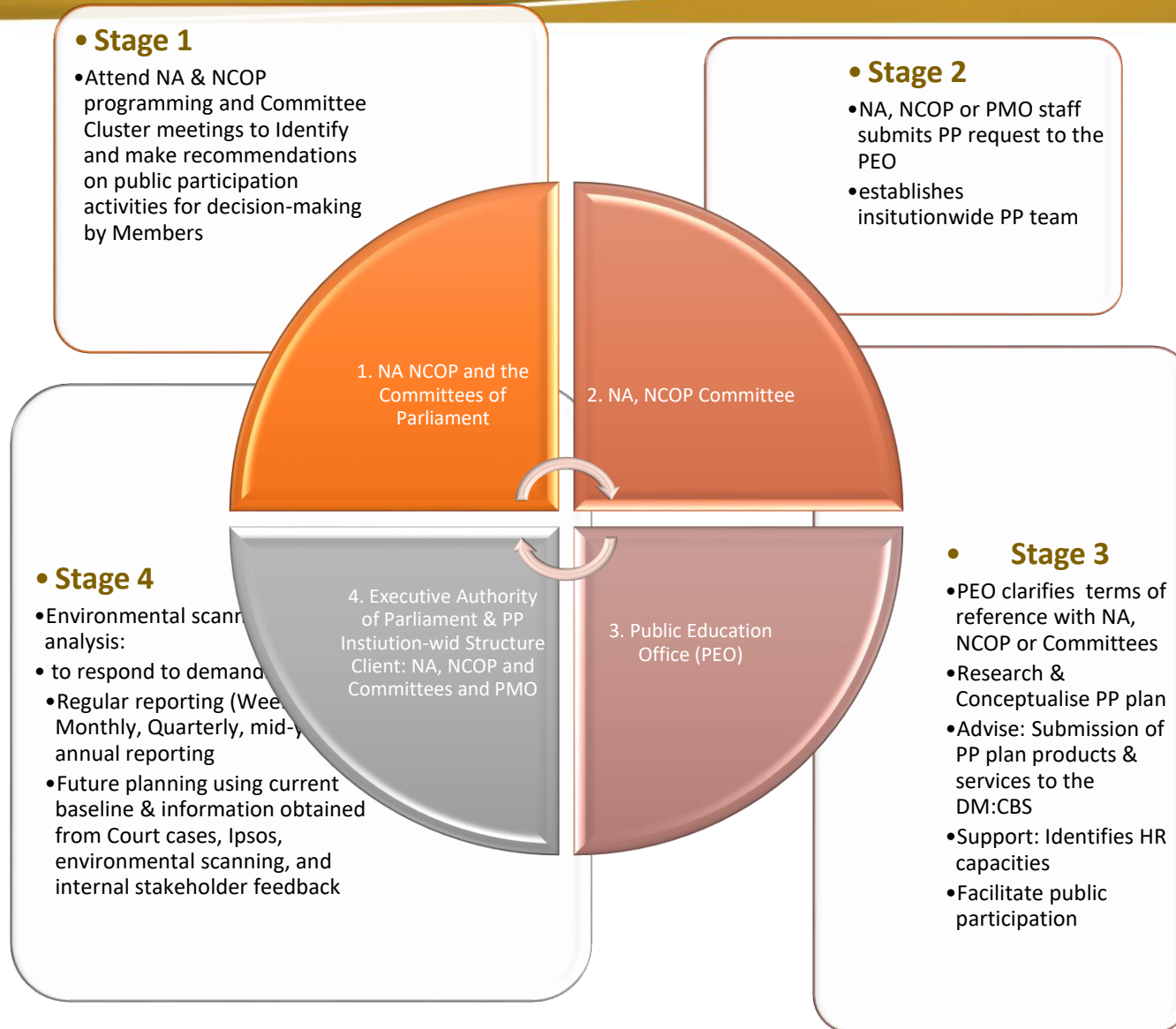
(1) When instructed by the chairperson, the Usher of the Black Rod must remove or arrange for the removal of any person who –

- (a) without permission, is present in that part of a committee room designated for members of the committee or subcommittee only;
- (b) disrupts the proceedings of a committee or subcommittee, causes a nuisance; or
- (c) does not leave when ordered to leave under rule **128** or **129**.

6(f) LAMOSA practice note

- See attached LAMOSA practice note
- Public involvement in the processes of the Houses and Committees critical to ensure Parliament executes its constitutional mandates as a representative body.
- Often referred to as Parliament's "Achilles heel".
- LAMOSA practice note developed to guide committees in the processing of legislation and ensuring that the constitutional standards for public participation are met.
- Practice note remains relevant for virtual public hearings and physical public hearings during Covid-19

6(g) Public involvement under Adjusted Covid 1 Regulations



6(g) Public involvement under Adjusted Covid 1 Regulations

Service/Product

The PEO and PDOs provides the following support services and products

1. Conceptualisation of public education approaches and methods
2. Facilitation of Public Involvement Education Programmes
3. Production of Educational content for Publications
4. On-site and Virtual Educational Tours of Parliament

It also provides advisory services to strengthen the public involvement activities of both Houses and its Committees

Product Range & Product Mix

1. Public Participation concept documents
2. Project, monthly, quarterly, mid-year and annual reports
3. Presentations for public education workshops in support of the two Houses and its Committees, Communities and Key stakeholders: tangible output & intangible service
4. Provision of content for generic Learning materials on the roles and functions of parliament
5. Provision of content for specific learning materials and information as per subject request

6(g) Public involvement under Adjusted Covid 1 Regulations

Public participation tool	Details
<ul style="list-style-type: none"> • Advertise for written submissions 	Traditional approach to source public inputs by advertising in mainstream media
<ul style="list-style-type: none"> • E-mail submissions 	Written submissions e-mail to e-mail address of Committee Secretary/ Bill
<ul style="list-style-type: none"> • SMS 	SMS to a cell phone allocated to a Committee staff member. The sms's are transferred to an e-mail account linked to the Bill
<ul style="list-style-type: none"> • WhatsApp 	Similar to SMS process
<ul style="list-style-type: none"> • Video recording of input 	In the same way SMS and WhatsApp is used, video clips can be considered as an alternative submission mode.
<ul style="list-style-type: none"> • Oral submissions via community radio stations 	PCS books a slot with Community Radio station. Chairperson of the Committee or committee member encourage citizens to phone in and submit their inputs.
<ul style="list-style-type: none"> • Use of virtual platforms to host public hearings 	Participants who indicate that they want to make an oral submission are invited to the virtual platform to make these inputs.
<ul style="list-style-type: none"> • Virtual “imbizo” public hearings 	Virtual engagement in which participants can engage through community radio stations, TV channels and social media
<ul style="list-style-type: none"> • Social media: Facebook, Twitter 	Inputs can be submitted via these social media

7. Reporting by committees

NCOP Rule 120

- (1) A committee must report to the Council on a matter referred to it -
 - (a) when the Council is to decide the matter in terms of the Constitution, these Rules, a resolution of the Council or legislation;
 - (b) if the committee has taken a decision on the matter, whether or not the Council is to decide the matter as contemplated in paragraph (a); and
 - (c) on all other decisions taken by it, except those decisions concerning its internal business.
- (2) A committee must report to the Council on its activities at least once per quarter.
- (3) A chairperson or another delegate designated by the committee –
 - (a) must present a committee report to the Council; and
 - (b) may request to explain the report in the Council.

Note: Committees are required also to produce a legacy report at the end of the Parliament term

7. Reporting by committees

- (4) A committee may not present a minority report but must reflect minority views in the committee in its reports.
- (5) If a committee reports on a matter other than matter mentioned in subrule (1)(a) and is of the view that its report, or a specific matter mentioned in the report, should be considered by the Council, it may make a request to that effect in the report. When such a request is granted the matter must be placed on the Order Paper.
- (6) The co-chairperson of a joint committee or another delegate designated by the co-chairperson must present the report to the Council and may request to explain the report.
- (7) A subcommittee must report to its principal committee.

7. Reporting by committees

Each committee is required to produce a program before the start of each term.

The following informs the content of the program:

- Strategic and operational plan of the committee.
- Oversight cycle of Parliament and focus areas as influenced by the Parliamentary Program Framework.
- Legislation and other matters referred to the committee.

NCOP Rule 131

1) All documents officially before, or emanating from, a committee or subcommittee are open to the public, including the media, but the following documents and recordings may not be published, and their contents may not be disclosed, except with the permission of the committee or subcommittee or by order of the Chairperson of the Council, or by resolution of the Council:

- (a) the proceedings of, or evidence taken by or placed before the committee or subcommittee while the public were excluded from a meeting in terms of Rule 127(1);
- (b) any report or summary of such proceedings or evidence;
- (c) any document placed before or presented to the committee or subcommittee as a confidential document and accepted by it as a confidential document;
- (d) any document submitted or to be submitted to members of the committee or subcommittee as a confidential document by order of the chairperson of the committee or subcommittee, or
- (e) any document after its submission to members declared by the chairperson as a confidential document.

8. Publication or disclosure of committee proceedings, evidence, reports, etc.

(2) The permission, order or resolution authorizing the publication, or the disclosure of the contents, of documents mentioned in subrule (1) may provide that specific parts of, or names mentioned in, the document or recording may not be published or disclosed.

(3) For the purposes of Sub rule (1) a document is officially before a committee or subcommittee when —

(a) the chairperson places the document, or causes or permits the document to be placed, before the committee or subcommittee; or

(b) a person appearing before the committee or subcommittee as a witness or to make representations presents the document to the committee or subcommittee.

(4) Sub rules (1)(c) and (d) apply only to documents that —

(a) contain private information that is prejudicial to a particular person;

(b) are protected under parliamentary privilege, or for any other reason are privileged in terms of the law;

(c) are subject to a media embargo, until the embargo expires, or

(d) are of such a nature that their (its) confidential treatment is for any other reason reasonable and justifiable in an open and democratic society.



NGIYATHOKOZA DANKIE **KE A LEBOGA**
NGIYABONGA
NDIYABULELA
INKOMU **NDI KHOU**
LIVHUHA

Thank you