

WESTERN CAPE PROVINCIAL PARLIAMENT



PARLIAMENTARY PROCEDURE MADE SIMPLE

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Parliamentary Procedure Made Simple

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INTRODUCTION

The Western Cape Provincial Parliament, among other things, performs the vital tasks of overseeing the government of the province, of holding it accountable, facilitating public involvement, and of considering and passing laws. These functions are performed by the Members during plenary sittings of the House, committee meetings, public hearings, etc, and normally take the form of debates in the House, the consideration of legislation, the asking of questions to Provincial Ministers, the adoption of resolutions, etc.

To enable the House and its Members to perform these functions and participate in the various activities, a number of officials – normally more than a person may think and usually far away from the limelight – perform a variety of tasks. These include heads of departments who are called on to provide highly technical information to parliamentary committees, as well as junior officials sitting in an open plan somewhere in a tower block having to gather information for answers to parliamentary questions without knowing the rationale behind the question or what will happen with the information they are providing.

The aim of this publication is to assist officials – in the provincial administration and at Parliament – by looking at the “bigger picture” and by helping them (us!) to understand better the terminology that is used frequently. The general aim is also to make a little more sense of what we, as officials, have to do to enable the Provincial Parliament to do what it has to do. Nothing, however, stops us from trying to make the job easier and to create (legitimate) shortcuts.

As the Standing Rules and parliamentary procedures change, so the contents of this publication will be amended to reflect those changes. In this, the third edition, we have included the latest changes and will produce further editions to keep you abreast of possible changes in the future.

SECRETARY

1. STRUCTURE OF THE STATE

Before we look at Parliament and its processes, perhaps we should briefly refresh our memories as to where Parliament fits into what is termed the “state”.

One often hears terms like the “state”, “government”, “Parliament”, etc, used loosely and almost interchangeably – as if they are one and the same thing!

Our national Constitution, adopted in 1996, is the supreme authority in South Africa and provides for three powers of the state, namely the legislative (Parliament and provincial legislatures), the executive (the national and provincial governments and local authorities) and the judiciary (the courts).

Although there are distinct differences between the legislature and the executive in terms of their functions, there are also certain linkages. The executive is elected from among the Members of the legislature. The executive sits in Parliament and is accountable to it.

Broadly speaking, the tasks of the three powers of the state can be summarised as follows:

Legislative power:	to represent the people, to act as a forum for discussion of national issues, to consider and pass laws, and to oversee the executive and hold it accountable.
Executive power:	to govern, to ensure safety of the citizens and to ensure that basic services are provided.
Judiciary:	to administer justice through the courts.

1.1 The three spheres of government at national level

Some government matters are best handled at national level. Examples of these are the defence of the country and relations with foreign countries. However, matters directly affecting regions are appropriately dealt with by provinces while local affairs are best handled at the local or municipal level of government, which is closest to the people. Accordingly, our Constitution makes provision for three different “spheres” of government – national, provincial and local. Each sphere has exclusive powers in some areas, but shares power in other.

- The **national sphere** deals with national issues, but when it passes laws affecting provincial or local authorities directly, it has to consult these spheres. The National Council of Provinces, which forms part of national Parliament, plays a central role in this consultation.
- The **provincial sphere** deals with matters which are too area-specific to be covered adequately by national policy, but too large to be managed by local government.

The national Constitution lists areas of government exclusive to the province and also lists areas of “concurrent” national and provincial interest, which by and large are controlled by the central government, but managed and coordinated by the province.

- **Local authorities** deal with the more immediate and local concerns of citizens, such as the management of the affairs of their communities, the provision of municipal services and the promotion of a safe and healthy environment. Municipal councils have local, executive and legislative powers to deal with these local matters.

1.2 The two spheres of government at provincial level

The province has only two branches (spheres) of government, namely the executive and the legislature (Parliament). Their functions are similar to those of the national spheres except that the governance of the provincial government is applicable only to the province concerned.

1.2.1 The provincial executive

The provincial executive consists of the Premier and the Cabinet Ministers. The Provincial Ministers are responsible for government departments.

At its first sitting day after a general election, the Provincial Parliament elects one of its Members as the Premier, who in turn appoints the Ministers to form the Cabinet of the provincial executive.

The responsibility of the provincial executive is to run the province and to make policy in the best interests of the citizens of the province and in terms of the Constitution. They are also empowered to implement legislation, to develop and implement policy, to direct and coordinate the work of the provincial government departments, to prepare and initiate legislation for the province and to perform other functions as called for by the Constitution or legislation.

The executive cannot pass laws but can only initiate new laws or propose amendments to existing laws. It is also the responsibility of the provincial executive to implement the laws passed by the legislature.

1.2.2 The provincial legislature

All political representatives elected to Parliament form the legislature. The main functions of the legislature are to:

- Pass or amend laws;
- Provide a forum for public debate;
- Oversee the activities of the executive; and
- Ensure public participation and involvement in its activities.

To ensure it performs its oversight responsibility, the legislature or Provincial Parliament:

- Passes the annual budget, which allocates funds to the provincial government departments;
- Questions Members of the executive and those questions are answered in public in the Chamber during sittings of the House; and
- Uses standing and ad-hoc committees to investigate any aspect concerning the working of the departments and to call, if necessary, heads of departments to appear before the committees to supply information.

The provincial legislatures have a say in national law-making through representation and participation in the National Council of Provinces (NCOP). Each provincial legislature appoints six permanent delegates to the NCOP, while four of its Members are designated from time to time as special delegates to the NCOP.

Parliament consists of Members who are elected every five years by the adult citizens of South Africa in an election in which political parties compete for the votes of the citizens. Citizen vote in a secret ballot for the party they prefer. The result of an election is that each party gets seats in Parliament in proportion to the number of citizens who voted for it.

It is the task of the representatives elected in this way – the Members of Parliament – to convey the ideas, views and concerns of their voters and to contrast these views with others expressed in Parliament. This means that Parliament is first and foremost a political body and not an administrative or executive one.

Do not, therefore, be surprised to discover that a parliament is not always a quiet and orderly place! Robust debate takes place here among people who hold very different views, and the presiding officers are sometimes hard-pressed to maintain order amid the clash of opposing political beliefs. But this free expression of political differences in open debate enables decisions on the major issues of the day to be taken fairly and openly by majority decision, after all the views have been heard. This is the essence of democracy.

2. ROLE AND FUNCTIONS OF MPPs

The most important component of Parliament – without that component it cannot exist – is the elected representatives of the people of the province known as the **Members** of the Provincial Parliament.

As explained earlier, Members are elected in a general election by the adult population of the province for a period of five years. In our system – called proportional representation – all Members are elected on a political-party ticket and are thus also accountable to the political party they represent. There are 42 Members in the Provincial Parliament. This number is determined by the provincial Constitution.

Members' roles and functions can be described as multi-functional and can be grouped in three broad categories:

2.1 Representing constituents

This role involves addressing the concerns, questions and issues of the people they represent, as well as assisting and advising those in difficulty. It could also involve lobbying for local interest groups and communicating general concerns to the government. In practice that would mean contacting provincial departments to raise specific issues concerning the citizens, as well as directing people to the appropriate departments to deal with their problems.

2.2 Role in the House and committees

- debating and making laws
- passing the budget
- overseeing government actions as members of parliamentary committees
- taking part in general debates
- proposing motions and initiating subjects for discussion
- putting questions to Ministers

2.3 Role as member of a political party

Members are required to attend party meetings (called caucus meetings) to plan strategy, develop policy, scrutinize proposed legislation, etc.

In their constituencies, Members attend branch meetings of the parties they belong to, keep fellow party members informed (e.g. on policy decisions) and generally represent their party where possible.

2.4 Seating in the Chamber

The Speaker, who is the principal office-bearer in the Provincial Parliament, sits at the front of the Chamber. Government members sit to the Speaker's right and members of the Opposition to the Speaker's left. The Premier and the Leader of the Opposition sit on opposite sides of the Table with Ministers on the "front benches" and other members on the "back benches". The public can view proceedings from the public galleries and the press reports on proceedings from the press gallery.

See Appendix D for a diagram of what the Chamber looks like.

3. KEY OFFICE-BEARERS

3.1 The Speaker

The office of the Speaker dates back to the 13th century in England and is an essential feature of the parliamentary system derived from Westminster. In early times, Speakers acted as spokespersons on behalf of the House in communicating its resolutions to the Sovereign.

3.2 Duties of the Speaker

The Speaker presides over the sittings of the House and enforces the rules prescribed in the Standing Rules of Parliament for the orderly conduct of parliamentary business. Elected at the commencement of a new Parliament by the Members of the Provincial Parliament, the Speaker must possess the qualifications to stand for election as a Member of Parliament as provided for in the national and provincial Constitutions.

In carrying out the duties of the office in the House, the Speaker must remain impartial and fair to all Members of the Provincial Parliament. The Speaker regulates and enforces the rules of debate. The Speaker decides who has the right to speak and puts the question to the House for debating and voting. The Speaker does not normally take part in the debates of the House, but may be required to exercise a casting vote in the event of a deadlock.

As guardian of parliamentary privileges, the Members of the Provincial Parliament look to the Speaker for guidance on procedure and for rulings on any point of order, if necessary.

The Speaker also acts as the representative of the Provincial Parliament in its relations with other parliaments and outside bodies. The Speaker also welcomes visiting dignitaries and represents Parliament at national events and during official visits abroad.

The Speaker is overall in charge of the administration of Parliament and its secretariat. The Speaker is normally the chairperson of the Rules Committee.

Outside Parliament, the Speaker must also continue to fulfil ordinary duties as a Member of the Provincial Parliament.

The Speaker is assisted by the Deputy Speaker in performing all official duties. Temporary chairpersons are appointed by the House at the beginning of the season to assist with presiding duties.

3.3 The Whips

Both the efficient and smooth running of the parliamentary machine and the efficient and smooth functioning of party activities depend largely on the input of party whips. Each political party in the legislature is represented by a Whip or Whips and the Chief Whip represents the majority party.

(i) Programming

The Whips are responsible for the day-to-day programme of business on the Order Paper.

(ii) Party activities

Whips are also responsible for the smooth running of political-party activities in relation to Members' discipline. This ensures that Members take part in debates during the sitting of the House and that they attend and participate in meetings of parliamentary committees.

The term "Whip" comes from the British activity of fox hunting where the "whipper-in" was responsible for ensuring that the hounds did not stray and had to be "whipped in" the line by the "whipper-in". Luckily nowadays the Whips do not use whips to keep Members in check, but rely on the cooperation of Members.

4. PARLIAMENTARY RULES

4.1 A framework to fulfil its functions

The Provincial Parliament derives its powers and functions from the Constitution. In order to exercise those powers and fulfil its functions the Constitution further allows the Provincial Parliament to organise its own arrangements and make its own rules as to how to deal with its constitutional obligations. Like all rules, circumstances may require changes to the Standing Rules. The House or Parliament may change its Standing Rules as long as the changes happen within the parameters of the Constitution.

The Standing Rules are normally drawn up by a senior committee of Parliament, called the Rules Committee, at the beginning of a new Parliament (that is after a general election) and are ratified by the House (all Members of Parliament convening in a plenary session).

There are numerous rules that comprise the so-called Standing Rules and Members (including Ministers) must adhere to them. There are also rules as to how transgressions of the Standing Rules must be handled! We are not going to deal with all the Standing Rules individually. Since the focus of this publication is on the two core functions (still remember them?) and the impact that they have on us as officials, we shall only deal with those Standing Rules relevant to them.

The Standing Rules are interpreted and enforced by the Speaker. The Speaker's decisions (called rulings) are also a source of procedure and practice and often fill the gaps in the Standing Rules.

4.2 First sitting day of new parliament

The Constitution requires that three tasks be performed at the first sitting day of a new parliament – that is the first sitting day after a general election.

- All newly elected Members must be sworn in
- The Premier must be elected
- The Speaker and Deputy Speaker must be elected

Just as a matter of interest, the only occasion on which the House makes use of a secret ballot in its decision-taking procedure, is when the Premier, the Speaker and the Deputy Speaker are elected. All other decisions are made in public.

Fine, now we have a Premier and Ministers (Cabinet) who can introduce legislation and implement policy or election promises, and the Members have an executive to oversee them and to hold them to account.

A judge nominated by the Chief Justice nominates a judge to preside over the first sitting of the legislature.

4.3 Sequence of proceedings on typical sitting day

Let's say we are in the Third Session of the Second Parliament. The term "Parliament" in this context refers to the five-year period between elections. The term "Session" refers to the calendar year within the five-year period.

Mondays to Fridays are parliamentary working days and the sitting hours are Monday to Thursday from 14:15 to adjournment and on Fridays from 10:00 to adjournment.

Committee meetings normally take place in the mornings, but nothing stops committees from meeting at other times – even when the House sits. Thursday mornings are normally reserved for political parties to hold their weekly caucus meetings where matters of a party-political nature and strategies are discussed.

Every sitting is preceded by the Speaker reading the parliamentary prayer – please don't enter the officials' bay while prayers are being read.

Presiding Officer gives an opportunity for **Members' statements**. Members of the different parties represented in the House are then allowed to make statements on topics of their choice not linked to any business Parliament needs to deal with. This is normally a good time for members from the different political parties to have a go at each other or to congratulate prominent citizens of the province on their achievements. One or more of the Executive may be given an opportunity to respond to any statements for not longer than 5 minutes.

Members of the executive (Provincial Ministers) may request the Speaker for an opportunity to make an **Executive Statement** on government policy or executive action. The duration of such an executive statement is determined after consultation with the Programming Authority, which is essentially the body responsible for programming Parliament's work. It consists of the Chief Whips of the largest parties and the Whips of the other parties.

After statements, the Presiding Officer will afford an opportunity to Members to table motions. The Presiding Officer will call the first Member to rise, and then the Member will say "Mr or Madam Speaker, I move with notice that...."

Let me explain:

The Standing Rules require that all motions that Members wish to move must be given prior notice of so that other Members are alerted in advance of such a motion in order to prepare for the debate and to decide whether they want to support the motion or not.

Members may want to move motions without giving notice, but if other Members object to the motion, those motions are treated as normal notices of motion.

As soon as a motion is adopted by the House, there could be three outcomes:

The House must:

- do something;
- order that something be done; or
- express an opinion on the matter.

By the way, motions can be classified as either **substantive** (independent) or **subsidiary** (dependent).

Substantive motions are self-contained and express an opinion or decision of the House (for example a motion of condolence or a motion of no-confidence).

Subsidiary motions are mainly procedural in nature and are dependent on something else (for example a motion to give precedence to an order of the day or a proposed amendment to a motion).

All resolutions or motions adopted appear in the **Minutes of Proceedings** (see Appendix E) of the House the next day. Parliamentary staff will also send a copy of the resolution to the Office of the Premier, as well as to the responsible Minister, to inform them of House decisions.

As for the notices of motion appearing under “Further Business” on the **Order Paper** (see Appendix I), they first have to be programmed, debated and adopted before any action on them needs to be taken.

4.4 Speaking of the Order Paper, it is a blue document containing:

- Business of the current day, for example legislation, motions, subjects for discussion, questions, interpellations, orders of the day and matters of public importance.
- Further business is matters ready to be discussed and resolved, but scheduled for a future date. Those matters are separated from the business of current day by a **bold** line.
- Notices of motion to be moved in future.
- Current status of Bills in the legislative process as well as amendments to Bills.
- List of committee meetings.

Visit our website www.wcpp.gov.za for more information.

4.5 Divisions

If a matter needs to be resolved in Parliament, the presiding officer puts the question to determine whether the majority of the voices are for the “Ayes” or the “Nays”. If a Member challenges the decision, a division is called.

When a division is called for, the bells are rung for three minutes throughout the parliamentary building complex to summon all Members (including Ministers) to the Chamber. After three minutes, the doors are closed and no Member may enter or leave the House.

Inside the House, Members divide into separate groups to indicate their support for or against the matter; those in support normally to the Chair’s right and those against to the Chair’s left.

Members on both sides are then counted by the Whips and their names recorded in the **Minutes of Proceedings**.

In the case of a tie, the Speaker has a casting vote.

4.6 The House – a place where Members can (almost) say what they like

In Parliament, being a forum for public debate, Members expect to have a free and comprehensive discussion of matters before they are expected to take a decision. In fact, the Constitution guarantees freedom of speech as one of the most significant privileges of Parliament.

However, to ensure some sort of order, Parliament itself curtails that freedom to protect the honour and dignity of the House. The bottom line is that Members must be able to say what they want to say and criticise what they need to criticise without the fear that they may be charged in a court of law for saying something.

“Rules of debate” determined by Parliament include the following:

- Speeches must be relevant to the subject matter being debated;
- Members may not use offensive words against other Members (remember, they are all “honourable” Members);
- Members may not make imputations (or allegations) of improper motives or personal reflections;
- Members may not read their speeches; and
- Members must address the Chair.

If a member is unhappy about something that is said or wishes to bring a breach of the Standing Rules to the attention of the Speaker, a point of order is taken and the “referee” (Speaker) will adjudicate (make a ruling) on the matter.

The primary responsibility of the Speaker and the Deputy Speaker when presiding in the House is to interpret the Standing Rules and practices of the House. The Chair is **not** expected to interpret the Constitution or other Acts, to decide on technical questions, to interpret any Bills or to judge the correctness or not of statements made by Members. The Speaker (or Deputy Speaker) generally regulates debates and enforces observance of the Standing Rules and practices. The Speaker, however, always remains the “servant” of the House and the Speaker’s decisions are always subject to the will of the House.

4.7 Where do you find a record of papers tabled and committee reports?

The **Announcements, Tablings and Committee Reports (ATC)** document is a documentary record of official announcements made in Parliament, documents tabled in Parliament and reports by parliamentary committees (see Appendix B).

- **ATCs** may be published in recess – check them out on the website under the heading “Papers of the House”.
- Certain documents are tabled in terms of legislation. In such cases the relevant Acts are quoted in the **ATC**.
- **ATCs** have independent serial numbers.

4.8 Information to be found in an ATC include:

- Membership of committees.
- Referral of tabled documents to committees.
- Vacancies in the House and the filling of such vacancies.
- Submission of draft Bills.
- Introduction of Bills.
- Final versions of Bills passed and submitted to the Premier for assent.
- Assent to Bills by the Premier.
- Submission of ordinary Members’ legislative proposals.
- Bills sent back to Parliament because of reservations about their constitutionality.
- Withdrawal of Bills.
- Standing committee reports.

4.9 Speaking about the tabling of documents:

Papers or documents are generally tabled or provided to Parliament for the following reasons:

- to give effect to statutory requirements that such a paper be tabled;
- to provide information to Parliament to assist it in its processes (for example annual reports tabled by provincial departments to assess how effectively funds voted in the previous year were spent); and
- to enable Parliament to fulfil its oversight role (for example the tabling of the Auditor-General's reports for consideration by SCOPA).

Once a paper or document has been received for tabling, a suitable entry for publication in the ATC is prepared.

It is advisable that papers not required to be tabled be made available to Members as an acknowledgement of their fundamental right of access to information concerning government policy or activity.

All Papers of the House is available on the website of the Western Cape Provincial Parliament, at www.wcpp.gov.za

4.10 Hansard

Everything said in the House is recorded and transcribed. The verbatim report of what has been said is commonly known as "Hansard".

The development of the official reports of debates in Parliament can be traced back to 1803 when seats in the public gallery of the House of Commons in Britain were first allocated to newspapers and the first Hansard-style reports appeared in the Political Register.

In 1811 the paper was sold to Thomas Curson Hansard, son of Luke Hansard, the then printer of the House of Commons. Since then, the official reports of the House have been known as Hansard, and the name has been adopted by legislatures around the world.

The Hansard provides a clear and independent record of all the debates in the Chamber. In essence, it is a full report in the first person of all the speakers, although it does not always report every word said by a Member.

Members (including Ministers!) are not allowed to make alterations of substance to their transcribed speeches or to add anything to the record.

A Member may make a speech in any of the three official languages of the Province, and simultaneous interpretation is provided in the Chamber in the other two languages.

All the debates in the Chamber are recorded, after which they are transcribed. A draft copy is then sent to the relevant Members for perusal and a copy is also made available in the parliamentary library on the sixth floor for public consumption.

To assist with the transcription of debates, Ministers and members are often requested by Hansard to supply copies of their speeches after they have made them. In certain circumstances, for example in the case of prepared speeches by the Premier and Ministers, they may request copies of the speeches beforehand.

After the debates have been recorded, they are edited and translated and a final copy is published.

The final copy of Hansard contains the following:

- The transcription of speeches made by Members.

- An index under the name of each Member.
- An index under the list of proceedings.
- A transcription of interpellations.
- Questions and replies to the Premier and Ministers (oral and written).
- An index to the interpellations and questions.
- A list containing the names of the Premier, Cabinet Ministers, the Speaker, Members, permanent members of the National Council of Provinces and senior officials.

Copies of Hansard can be obtained from the Clerk of the Papers and is available for download on the website of the Western Cape Provincial Parliament, www.wcpp.gov.za

4.11 The mace

The mace that you see displayed in front of the Speaker when the House is sitting is an important symbol in Parliament. It is mainly used as a ceremonial staff of office and as a symbol of the authority of the Speaker and the right of the Members of Parliament to exercise freedom of speech. At the beginning of each sitting of the House, the mace is placed on a table in front of the Speaker and only removed when the House adjourns at the end of the sitting.

The design of the mace of the Western Cape Provincial Parliament symbolises some of the most important elements of the province's history, industry and natural resources. At the top of the staff is a coronet of proteas and rings. The crown sits on a Khoikhoi pot, decorated with anchors and bunches of grapes. Just above and below the pot is traditional San beadwork. At the bottom of the shaft is a protea. The top and bottom of the mace consist of 9 carat white and yellow gold. The staff itself is made of stinkwood, a wood indigenous to the Western Cape.

The mace was manufactured by the South African Mint in Pretoria and taken into use on 19 February 1999.

5. LEGISLATIVE PROCESS

Before we discuss the legislative process, let us first look at terms and abbreviations commonly used during the process, as well as terminology relating to Bills.

(A comprehensive glossary of terms generally used in a parliamentary environment appears in Part 7).

5.1 Terms and abbreviations

ATC:	Announcements, Tablings and Committee Reports (published by provincial Parliament)
Constitution:	The Constitution of the Republic of SA, 1996
Provincial Constitution:	The Constitution of the Western Cape, 1998
OP:	Order Paper of the Provincial Parliament
Minutes:	Minutes (official record) of the Provincial Parliament
MPPs:	Members of the Provincial Parliament
NA:	National Assembly (House of national Parliament)
NCOP:	National Council of Provinces (House of national Parliament)
Speaker:	Speaker of the Provincial Parliament
Bill:	Draft act or proposed act.

Act:	Bill passed by the Provincial Parliament and assented to by the Premier.
Green Paper:	A consultative document designed to stimulate response from the public and interested parties and to pose questions that need to be answered before policy is formulated.
White Paper:	Government policy requiring Cabinet approval.
Draft Bill:	Sometimes published by a department in the Provincial Gazette for comment (even before Cabinet approval).
Amendment Bill:	A Bill amending existing legislation. In the case of an Amendment Bill, a committee dealing with the Bill is confined to dealing with those sections of the provincial Act that are addressed in the Bill and that are relevant to the subject of the Bill.
Principal Act:	In the case of amending legislation, these words are used instead of repeating the full name of the Act that is being amended.
Legislative proposal or Bill:	Ordinary Members' draft Bill introduced by an ordinary Member of the Provincial Parliament (not a Minister).
Stages of Bill:	[B 2–2001] as introduced [B 2A–2001] amendments agreed to by committee [B 2B–2001] Bill as amended by committee [B 2C–2001] further amendments made by committee [B 2D–2001] Bill as further amended
Front page:	Title on the front page should be the same as the short title at the end of Bill.
Long title of Bill:	A short statement prefixed to a Bill setting out its purpose or object. It usually appears on page 2 of a Bill and is printed in bold. A long title may be amended by a committee.
Short title of Bill:	Official name of Bill. Usually the last clause of a Bill (before schedules). It may be amended by a committee.
Money Bill:	A Bill that appropriates money or imposes taxes, levies or duties.
Coming into operation of an Act:	Date of commencement or if no date is specified, the Act comes into operation on the date of publication in the Provincial Gazette. “.... this act comes into operation on a date to be fixed by the Premier by proclamation in the Provincial Gazette” Remember that “different dates may be so fixed for different sections of the Act.” “This act comes into operation on 11 November 1999.” “This act is deemed to have come into operation on 29 April 1994.”
Memorandum on objects of Bill:	A memorandum explaining its objects has to accompany the Bill. It normally also contains a list of persons or bodies consulted.

Preamble:	The preamble to the provincial Constitution is an example of a preamble saying what the intention of the legislation is.
Definitions:	<p>Usually contained in clause 1. A specific section, chapter, schedule, etc, may have definitions relevant to that section, chapter or schedule.</p> <p>If a word or expression is defined, it must be used in the Bill itself in exactly the form it is defined.</p> <p>If a word or expression is defined, it must not be written out in full in the Bill itself (for example if the definition “Province” is used for “Province of the Western Cape”, the latter must not be written out in full in the Bill itself).</p>
Parts of a Bill of Act:	<p>Clause setting out a purpose or intent in a Bill.</p> <p>Section 1, 2, 3, 3A, 4 ... used when referring to an Act.</p> <p>Clause 1, 2, 3, 3A, 4 ... used for “section” when referring to a Bill. However, cross references within the Bill will already use the term “section” and “subsection” because that is the wording that will eventually form part of the Act.</p> <p>Subsection (1), (2), (2A), (3)</p> <p>Paragraph (a), (b), (c), (d), (dA) ...</p> <p>Subparagraph (i), (ii), (iii), (iv), (ivA) ...</p> <p>Item (aa), (bb), (cc), (dd), (ddA) ...</p> <p>Subitem (A), (B), (C) ...</p> <p>Numbering of Bills: Bill numbers are allocated by the Provincial Parliament in sequence only upon the introduction of Bills.</p>

5.2 Starting at the beginning

Now that we are familiar with the terminology, we can move a little closer to the actual law-making process. The Provincial Parliament also has to pass a budget for the Province. Although part of the legislative process, the procedure followed is different and will therefore be dealt with separately.

5.3 Power and authority to legislate

The legislative authority of the Province is vested in the Provincial Parliament (see section 104 of the national Constitution). The national Constitution is the supreme law of the country and any provision of an Act inconsistent with the national Constitution is therefore of no force and effect. Because of the supremacy of the national Constitution, the Constitutional Court (part of the “judicial leg” of the state) can therefore now “overrule” Parliament (the “legislative leg” of the State) if legislation passed by the Provincial Parliament is found to be unconstitutional.

5.4 How does legislation come about?

The original ideas for government legislation come from various sources. They may arise from party policy of the government of the day (perhaps announced during election campaigns), from submissions by and pressure from interested citizens, parties and groups in the community or from suggestions by MPPs. Many measures, especially administrative and routine amendments to complicated technical amendments, originate in the provincial

departments themselves. The drafting of the Bill is done by departmental officials although it does happen that experts from outside the departments are contracted to assist or to be responsible for the drafting of specific Bills.

5.5 What is a Bill?

The word “Bill” originally meant the same as “petition” and was in effect a request from the Parliament, the British Parliament, to take certain action or to state that the law was as the Parliament thought it should be. A draft Bill is sometimes published in the Provincial Gazette by the provincial department concerned for comment before it is tabled in the Provincial Parliament. A Bill is a more formal document and can be referred to as a draft Act. It does, however, only remain a proposal for a new law or a proposal to change or amend an existing law. A Bill becomes an Act only after it has been passed by the Provincial Parliament and has been assented to by the Premier.

5.6 Who may introduce Bills?

In terms of the provincial Constitution only a Provincial Minister or a Member or committee of the Provincial Parliament may introduce a Bill, but only the Provincial Minister responsible for financial matters may introduce a money Bill.

5.7 Private Members’ legislative proposals

All Members of the Provincial Parliament are entitled to propose legislation (for ordinary members’ “legislative proposals”, see the Standing Rules). Instead of submitting a ordinary Member’s legislative proposal, a Member may put a motion on the Order Paper to the effect that, for example, “the House requests the government to introduce legislation prohibiting smoking in public places”. If that motion is passed by the House, the request has to be conveyed to the relevant department. Members may further air views on any issue during general debates, for example when the principle of the Appropriation Bill (budget debate) is considered or when a specific Vote is being discussed after the Second Reading of that Bill in the House.

5.8 When does an Act come into operation?

The Premier of the Province is obliged to assent to legislation duly passed by the Provincial Parliament and does therefore not have any veto like the President of the United States of America. The only exception may be when there is a procedural shortcoming in the legislative process or when the Premier has reservations about the constitutionality of the Bill, in which case the Premier has to refer the Bill in question back to the House for further consideration. An Act may not be published in the Provincial Gazette before the Premier has assented to it.

5.9 The journey from “idea” to “Act”

As stated previously, one of the most important functions of the Provincial Parliament is to make laws for the province. The budgetary process, which also forms part of the law-making process, differs from the process followed for ordinary Bills and will be dealt with separately.

The journey of an (hopefully good!) idea, with all the compulsory stops (created by Provincial Parliament itself) to its final destination (the Act form), could be a long and arduous one. Depending on the complexity of the matter under consideration, and whether there is consensus among all the parties represented in the House, the journey can also be trouble-free and over in a flash.

The provincial Constitution expressly makes provision for a Minister, a Member of the House or a committee of the House to introduce legislation. Because the vast majority of all legislation considered by the Provincial Parliament is introduced by the executive through the responsible Minister, we will focus on this scenario.

5.10 Preparation before introduction

- Initial drafting of Bill
 - The provincial department under whose jurisdiction the matter falls is responsible for the initial drafting of the Bill.
- Submission of draft Cabinet memorandum and draft Bill
 - Officials of the relevant department liaise with their Minister and submit a draft Cabinet memorandum together with a draft Bill to the Minister for approval.
- Publication of draft Bill
 - A draft Bill is sometimes published in the Provincial Gazette by the provincial department concerned for comment before being submitted to the Cabinet for its approval.
- Green and White Papers
 - Legislation may also result from Green and White Papers, which are also published by provincial departments.
 - A Green Paper is a consultative document and is designed to stimulate response from the public and interested parties and to pose questions that need to be answered in order for the government to formulate government policy.
 - A White Paper on the other hand is a more final document that requires Cabinet approval and states government policy.
- Cabinet gets the draft Bill
 - A Minister submits a Cabinet memorandum together with the draft Bill to the Cabinet. The draft Bill and the Cabinet memorandum are referred to the relevant Cabinet committee, if any, which considers the Bill and memorandum. The recommendations of the Cabinet committee are submitted to the full Cabinet for consideration.
- Referral to provincial law advisers
 - Once the Cabinet has given the go-ahead (all the Bills to be introduced by a Minister need Cabinet approval), the Bill is referred to provincial law advisers who finalise the drafting thereof and check that it does not conflict with existing laws, including the Constitution. They look at the Bill from a legal point of view whereas the provincial department is more concerned about the principle and content of the Bill. In practice, provincial law advisers could get involved in the drafting process of a Bill before it is sent to the Cabinet.

5.11 Parliamentary officials get to work

- Introduction: In accordance with the standing rules, a Member in charge of the draft Bill introduces it by a) laying it on the table during the sitting of the House; or b) by submitting it to the Speaker when the House is adjourned. The introduction of the draft Bill is announced in the ATC, indicating that the draft Bill has been received from the Minister and so introduced.
- The draft is immediately sent to the outside printing concern, which has the contract to print Bills, that prints the proofs of the draft Bill.

- Copies of the proofs are then sent to the provincial law advisers and the provincial department.
- The proofs are edited and proofread by parliamentary staff, by the provincial law advisers and also by provincial departments. Parliamentary staff do not have the same background knowledge about the Bill that the provincial departments and the provincial law advisers have, but they edit and proofread the Bill with a view to proposing changes with regard to language usage, grammar, spelling and typing errors, and style and layout, and they compare the “official text” and “official translation” of the Bill.
- The provincial department and the provincial law advisers consult before the provincial law advisers discuss the Bill with a parliamentary official. If it is a very short Bill and the provincial department and provincial law advisers are ready, the provincial law advisers may contact the parliamentary staff on the same day to discuss possible corrections, alteration, etc. In the case of a longer Bill, this discussion usually takes place one or two days (or even a week or two) later.
- Once the provincial law advisers and the provincial department give the green light to the parliamentary staff, the corrected proofs are sent back to the printing company and they reprint the Bill.
- An announcement is prepared for the ATC (indicating that the Bill has been introduced by the Minister) and a Bill number is allocated to the Bill.
- The next morning, or later, in the case of a longer Bill, the Bill is distributed.

5.12 Introduction of Bill

5.12.1 Ordinary provincial Bills

The final version of the Bill is introduced and announced by an entry in the ATC and deemed to have been read for the first time. Immediately after its introduction in the House, the Bill is published in the Provincial Gazette for a period of 21 days for public comment. The period could be longer or, provided the Premier declares it an urgent matter, shorter. If the Premier declare a Bill an urgent matter, the Bill is published in the Government Gazette for a period so specified by the Premier. This only happens in exceptional cases.

After the expiry of the 21-day period the Bill is now ready to be considered by the relevant portfolio committee or standing committee. (See Appendix H for a flow chart on the passing of ordinary Bills.)

5.12.2 Consideration by relevant standing committee

The following procedure is usually followed by the committee:

- An informal discussion takes place during which the subject or principle of the Bill is discussed.
- Officials of the provincial departments usually have the opportunity to brief the committee and to elaborate on the memorandum of the Bill, and thereafter Members have the opportunity to put questions to the officials.
- A committee also has the power to hold public hearings on a Bill. Interested parties may submit representations on the subject of the Bill and the committee may decide on the basis of those representations to hear oral evidence.
- An informal clause-by-clause debate follows.

- Amendments proposed are drafted in proper legal form by an official of the provincial department and certified by the provincial law adviser. It is advisable to allow sufficient time for this process.
- After the completion of the informal consideration, a motion is adopted that the legislation is desirable and then the committee proceeds to the formal consideration of the Bill. Amendments to the clauses are formally put and, if necessary, voted upon. Once the Bill has been formally agreed to, the committee adopts a report, often simply stating that it “begs to report the Bill with/without amendments”. This report is published under the relevant heading in the ATC.
- The Bill (as amended) is presented to the House. The amendments of the committee are published as for example [B 12A–2013], and the Bill, as amended, is called [B 12B–2013]. It normally takes two to three days before an amended Bill can be published.
- In the case of an Amendment Bill the committee’s scope of enquiry is much more restricted than in the case of an ordinary Bill (a Bill in respect of which there is no principal Act). In the case of the former, the committee has to confine itself to those sections of the principal Act that are addressed in the Bill and that are relevant to the subject of the Bill.

Please refer to Chapter VI or our website at www.wcpp.gov.za for further information on parliamentary committees in general.

5.12.3 Second reading debate in the House

Once a committee has reported on a Bill, the consideration and finalisation stage of the Bill takes place in the House. Before a decision on the consideration and finalisation of the Bill is taken, amendments may be placed on the Order Paper for further consideration by the relevant committee. However, amendments previously rejected by a committee may not be so placed on the OP.

The relevant committee must then consider such amendments and report to the House on its findings. Once the report has been considered, the Provincial Parliament is now ready to take a decision on the consideration and finalisation stage. This can take the form of voicing their support or otherwise (“Aye” and “No”) or more formal dividing (if you are in support you must sit on the one side; against you must sit on the other side).

5.12.4 The last formal procedure

The Bill is now ready to be signed by the Premier. In case of a procedural shortcoming or if the Premier has reservations about the constitutionality of a Bill, it may be referred back to the House for further consideration.

In short:

- The Premier signs or assents to the Act.
- The Act is enrolled in the Constitutional Court.
- The Act is published in the Provincial Gazette.
- If the Act has to be amended in future, it has to go through the whole procedure again.

5.13 Money bills and the annual budget

The Constitution defines a money Bill as a Bill that appropriates money or imposes taxes, levies or duties. It may not deal with other matters except a subordinate matter incidental to such appropriation.

A certified copy of a money Bill, in at least two of the official languages of the province and with an indication by the provincial legal adviser that it is a money Bill, must be submitted to Parliament, after which it will be formatted in parliamentary style, edited and prepared for introduction.

Contrary to an ordinary Bill, a money Bill is not published for comment before introduction. (See Appendix F, a flow chart on the passing of a money Bill.)

5.13.1 Introduction and referral to committee

Only the Provincial Minister responsible for the financial matters of the Province may introduce a money Bill, and amendments to a money Bill may only be moved by such Minister or on recommendation by the Premier.

The Minister in charge of a money Bill will deliver an introductory speech in the House and the Bill is read for the first time without further debate.

On the day on which a money Bill is introduced and read the first time, the Speaker refers the Bill and all relevant documentation to the appropriate committee (or committees) for deliberation. The period for deliberation commences on a day determined by the Speaker, but is limited to a period of five consecutive working days.

Thereafter the committee will present its report to the House. It must again be borne in mind that a committee cannot make amendments to a money Bill, but can only make recommendations to the Minister responsible for finance for consideration.

5.13.2 Stages in House

A money Bill can only be placed on the Order Paper for consideration and finalisation after the report has been received from the committee or committees to which the Bill had been referred.

After the debate, the schedule (if any), see Appendix J, is considered by the House.

Thereafter the debate on the finalisation of the Bill will take place and the House passes the Bill by agreeing to its finalisation.

5.13.3 Bill becomes Act

Once the Premier has signed and assented to the Bill, it becomes an Act and is published in the Provincial Gazette. The Act comes into operation on the date provided in the Act (normally in the short title) or on a date as specified by the Premier by proclamation in the Provincial Gazette.

5.13.4 Annual budget or Appropriation Bill

The most important money Bill is the annual Appropriation Bill, which encompasses a condensed budget for the Province for the next financial year in the form of “Votes” for the different provincial departments.

The term “budget” is commonly used for the process of how revenue raised by the provincial government will be allocated for the needs of the Province. In effect, this “fiscal

accountability” is the responsibility of the government to account to Parliament for the way in which funds are collected, managed and spent.

It should be noted that Parliament, normally through its standing committees, has the opportunity to comment on and discuss the Medium-term Expenditure Framework (MTEF) of each provincial department during October of the preceding year. This is important as the MTEF is an integral part of the budget process and the eventual Appropriation Bill (in effect the budget), which is tabled in Parliament.

The Appropriation Bill follows the same path as a “normal” money Bill, but after its introduction and first reading, a briefing session is held by the Department of Finance for Members on the macro aspects of the budget.

The Votes in the Bill are then normally referred to a number of standing committees, which will report separately on the Votes referred to them. All documentation relating to the Appropriation Bill, the different Votes and the Minister’s introductory speech, are also referred to the relevant standing committees. There is currently no procedure to amend money Bills.

The consideration of the principles of the Bill and the finalisation stages of the Appropriation Bill are normally used by Members for a general political debate, while each Vote will be discussed separately during a later stage.

A period of approximately three weeks is usually set aside for the debates on the different stages in the House, normally during March.

5.14 National Bills that need provincial input (so-called section 76 Bills referred to the province by the NCOP)

A section 76 Bill is a Bill introduced at national Parliament, which affects the interests of provinces, and therefore is referred to all the nine provinces for consideration. Provinces may propose amendments where necessary to accommodate the needs and requirements of these provinces. Section 76 Bills deal with matters that fall within a functional area listed in Schedule 4 to the Constitution. They are called section 76 Bills because they follow the legislative procedures prescribed in section 76 of the national Constitution.

Provinces are given time to consider these Bills through a six-week cycle, which operates as follows (see Appendix K):

5.14.1 Week one: NCOP – Briefing

The relevant NCOP select committee (consisting of permanent delegates from all nine provincial legislatures) gets briefed by the national department on the legislation. The state law adviser usually attends the briefing.

5.14.2 Week two: Provinces – Committees

The NCOP then refers the Bill to the provincial legislatures for their (the provinces’) input and to obtain the provincial mandates on whether to assent to such legislation or not, or to make recommendations or express concerns so as to amend such legislation to the satisfaction of the provinces.

The permanent delegate then briefs the relevant provincial standing committee on the Bill. The relevant national department also briefs the committee on the Bill. The provincial department is in attendance.

5.14.3 Week three: Province – Committees

The relevant provincial standing committees hold public hearings on the Bill.

5.14.4 Week four: Province – Committees

Provincial committees establish their negotiating mandate on the Bill.

This mandate is then submitted to the relevant NCOP select committee for consideration (by the province's permanent delegates).

The NCOP select committee considers the negotiating mandate of all provinces. The Bill may be amended by taking into account the proposals made by provinces. State law advisers usually attend the meeting.

5.15.5 Week five: NCOP – Province – Committees

Early in week five the permanent delegate returns to the province and briefs the relevant provincial standing committee on the feedback (of negotiating mandates) received from the NCOP select committee, which then discusses the feedback and establishes the province's view or final mandate on the legislation.

The relevant provincial committees establish their final mandates. These mandates are then submitted to the NCOP (by the province's permanent delegate) to the relevant NCOP select committee.

By the end of week five the relevant NCOP select committee considers the final mandates of each of the provinces. The national department attends. The Bill may be amended.

5.15.6 Week six: NCOP – Plenary

Provincial committees establish their voting mandates on the Bill. These mandates are sent to the NCOP procedural officers.

The NCOP (Council) then debates the Bill in a plenary debate and votes on the Bill. Provincial special delegates may participate in the NCOP plenary on behalf of the province.

General

Provinces may request for an extension of the six-week cycle, especially when they want to hold extensive public hearings on a Bill or to accommodate unforeseen circumstances that may require additional time. The six-week cycle may not apply when a Bill is fast-tracked or declared as an urgent matter.

5.16 Interpretation of Acts

In the interpretation of laws, the courts look at various things, for example punctuation and paragraphs, and as a general rule attach to words of statutes their ordinary meaning. In cases of ambiguity presumptions may be called in aid.

5.16.1 The following are not traditionally used in interpretation under South African law:

- Hansard debates
- Statements by Minister responsible for legislation
- Committee reports
- Memorandum on the objects of a Bill
- White Paper

5.16.2 What are the components of this “Bill”?

A Bill consists of a number of components and contains various references and instructions which you have to understand.

A Bill consists of a number of clauses (for example clause 1, clause 2), the number of which appear in bold in a Bill. Each new topic represents a clause. A number of clauses dealing with the same topic, usually in a long Bill, can fall under a chapter.

A clause can consist of a number of subcomponents:

- Subclause, which is a numeral in brackets, for example (1), (2), (3). Clause 1(1) can either be read as clause 1(1) or as subclause (1) of clause 1. A clause can have any number of subclauses, which all relate to the main topic of the clause.
- Paragraph, which is a letter in italics in brackets, for example (a), (b), (c). It forms part of a subclause. Clause 1(2)(a) can be read as clause 1(2)(a) or as paragraph (a) of subclause (2) of clause 1. A paragraph cannot stand on its own and is always linked to another paragraph. For example:
(1) A provincial treasury must ensure that the province–
 - (a) submits to the ...; (semicolon)
 - (b) indicates ...; and (this word links this paragraph to the last paragraph)
 - (c) appoints ...
- Subparagraph, which is a lower case Roman numeral in brackets, for example (i), (ii), (iii). The same applies as in the case of a paragraph.
- Item, which is a subcomponent of a subparagraph and is denoted by a doubled letter in italics in brackets, for example (aa), (bb), (cc). The same applies as above.
- Subitem, which is a subcomponent of an item and is denoted by a capital letter in brackets, for example (A), (B), (C).

If you should have to refer to a particular subitem, you can either say subitem (C) of item (bb) of subparagraph (ii) of paragraph (a) of subclause (1) of clause 12, or you can say clause 12(1)(a)(ii)(bb)(C).

5.16.3 What happens when a Bill becomes an Act?

When a Bill becomes an Act after it has been passed by Parliament and signed by the Premier, the clauses become sections. The rest of the subcomponents remain the same.

5.16.4 “Bills” and “Amendment Bills”

You must distinguish between a Bill and an Amendment Bill. A Bill introduces a new principle which will later become a principal Act, whereas an Amendment Bill seeks to amend an existing Act. When an Amendment Bill is passed by Parliament, it becomes an Amendment Act, but this Act will not be used as an Act on its own, because its amendments will become part of the principal Act. For example, an Amendment Bill (for example the Water Amendment Bill), which amends a section or sections in the Water Act, will become the Water Amendment Act. However, once the amendments it contains are reflected in the Water Act, the latter, as amended, will be the one that is used. People will then say the Water Act, 1997, as amended by the Water Amendment Act of 2000.

When a Bill is amended in a committee or by the House, clauses can be omitted, inserted or added at the end and the numbering of the clauses can be changed, but with an Act it is different. If you repeal a section of the Act, the number of the section will stand in the Act. The numbering cannot change. If you insert or add for example a new section between section 12

and section 13, you will call the new section section 12A. If there is already a section 12A, you will call it section 12B and so on.

- **Short title**

This is the official name of the Bill. It is usually contained in the last clause of the Bill (before the schedules, if any).

It may be amended by a committee (for example the “Open Democracy Bill” was changed to the “Promotion of Access to Information Bill”).

An Amendment Bill may amend the short title of the principal Act.

- **Long title**

The long title is a short statement prefixed to a Bill, setting out its purpose or object. It is printed in bold, usually on page 2, under the word “BILL”.

A long title may be amended by a committee.

The long title is nowadays often used by departments for their explanatory memorandum, which is published in the Provincial Gazette.

- **Section**

Section 1, 2, 3, 3A, 4, ... Used when referring to an Act.

- **Subsection**

Subsection (10), (2), (2A), (2B), (3), ... “(2A) = “(2bis) and “(2B)” = “(2ter)” (Latin used in older legislation). Used when referring to an Act.

- **Clause**

Clause 1, 2, 3, ... used for “section” when referring to a Bill. However, cross references within the Bill will already use the term “section” and “subsection” because that is the wording that will eventually form part of the Act.

- **Subclause**

Subclause (1), (2), (3), (4) ... used when referring to a Bill.

- **Paragraph**

Paragraph (a), (b), (c), (cA), (cB), (cC), (d) ...

- **Subparagraph**

Subparagraph (i), (ii), (iii), (iv), (iv A), (ivB), (v) ...

- **Item**

Item (aa), (bb), (cc), (dd), (ee), (eeA), (ff) ...

- **Subitem**

Subitem (A), (B), (C) ...

- **General explanatory note**

On page 2 of the Bill (with square brackets and underlining). Only to be used when necessary. Sometimes used only at beginning of a schedule to indicate omissions from or additions to the text.

- **Date of commencement**

This can be indicated in various ways.

If no date is mentioned – date of publication in the Provincial Gazette (see Interpretation Act, section 13).

“... this Act comes into operation on a date to be fixed by the Premier by proclamation in the Provincial Gazette”.

Remember that “different dates may be so fixed for different sections of the Act”.

“This Act comes into operation on 11 November 1999.” “This Act is deemed to have come into operation on 27 April 1994.”

- **Principal Act**

This term is used in the case of amending legislation instead of repeating the full name of the Act that is being amended.

(See Appendix A and Appendix C illustrating the cover pages of an Act and a Bill respectively.)

6. PARLIAMENTARY COMMITTEES

6.1 Committees

Committees play a very important role in the legislative process and are often referred as the “engine rooms” of Parliament. All Bills must be debated and passed by a vote in the House before they can become Acts. Committees are required to study the legislation in detail so that comprehensive preliminary debate takes place before the legislation goes to the House for further debate and decision. The Standing Rules of the Provincial Parliament make provision for the establishment of two types of select committees, namely standing committees and ad-hoc committees.

6.2 Standing committees

Besides providing an avenue for debate, standing committees also investigate matters of public importance, hold public hearings and receive submissions from the public. In this manner, the views of the people are taken into account before a Bill is passed in Parliament. Committee meetings are open to the public and the public is encouraged to attend.

A standing select committee consists of no fewer than five and no more than 20 members representing, as far as possible, all parties. The Rules Committee decides the ratio in which Members will be appointed to a committee. In practice, the number of Members per party appointed to a committee is generally proportionate to the number of Members that party has in the House. Minority parties that do not have enough Members to serve on all committees can indicate their preference as to which committee they would like to be a part of.

The presence of at least one third of the committee members is required to constitute a quorum. A question may only be decided if a majority of the members represented on the committee are present. Unless the Rules Committee has appointed a chairperson, the Members of each standing committee may elect a chairperson and a deputy chairperson from among themselves.

6.3 Ad-hoc committees

Ad-hoc committees are formed through the same process as standing committees. The difference between ad-hoc committees and standing committees is that ad-hoc committees are appointed by resolution of the House to investigate specific issues or to carry out particular

assignments. Unlike their more permanent counterparts, ad-hoc committees dissolve as soon as their investigation or assignment has been completed.

6.4 Internal or House committees

Both the national and the provincial Constitutions provide that the Provincial Parliament must establish a Rules Committee to make rules and orders concerning the business of Parliament and to determine procedures to facilitate the legislative process.

6.5 Committee procedure

Members who do not serve on a committee may attend committee meetings and take part in the proceedings, but they may not vote. Since the meeting of the committee is open, members of the media and the public may attend, unless the committee decides otherwise. If sensitive issues are being raised, the committee must decide on the presence of non-members, such as the press and the public.

6.5.1 Informal stage

The first stage of the process of studying a Bill is the informal stage. At the first meeting of a committee on a particular Bill, the relevant provincial government department must be given an opportunity to explain the necessity for the Bill and its objectives. Some committees may choose to have the responsible Minister present to assist in explaining the Bill. Members are given the opportunity to ask general questions about the aim and substance of the Bill, to which provincial departmental representatives must respond. The committee also decides during the informal stage whether or not to call for evidence by oral or written submissions from interested persons and organisations, usually in the form of public hearings.

6.5.2 Motion of desirability

Before the committee can move from the informal to the formal stage, it must pass a motion of desirability. The motion of desirability is a statement that indicates the committee's willingness to accept the fundamental principles of the Bill, allowing it to move forward. Up to this stage, the committee will have gathered information, exchanged ideas and voiced objections to or reservations about the Bill. The adoption of the motion of desirability indicates that the informal stage has passed and that the committee is ready to proceed to the formal stage. The details discussed during the informal stage are then formalised. The adoption of the motion of desirability does not preclude the committee from amending the Bill substantially during the formal stage. It merely indicates a general acceptance of the Bill's principles. If the committee does not pass the motion of desirability, the Bill may not progress any further.

6.5.3 Formal stage

Once the informal stage has been completed and the motion of desirability passed, the committee proceeds to a detailed clause by clause discussion of the Bill. If the Bill being studied is not a money Bill, committee members may at this stage suggest amendments. The relevant legal adviser must be consulted to ensure that the amendments suggested are in order and not in conflict with other statutory provisions. If the legal adviser cannot be present, the committee may either agree to the amendments, subject to approval later by the legal adviser, or meet at a later date after the legal adviser has had the opportunity to study the amendments.

6.5.4 Report stage

Once the Bill has passed the formal stage and all the suggested amendments have either been adopted or rejected, the chairperson prepares a report on the committee's deliberations and reads it back to the committee. The relevant provincial government department may be called on for assistance in drafting the more technical sections of the report.

The committee receives the report from the chairperson and reviews it paragraph by paragraph. Amendments to paragraphs may be put and the committee may decide to adopt or reject them. Any committee member may propose new paragraphs to the report or even submit an entirely new draft. If more than one draft has been submitted, the committee has to decide which draft should be considered the final report. The report that the committee decides not to accept must be minuted in full.

Once the committee report has been agreed to and passed, the committee chairperson signs it, thereby formally bringing the committee's deliberation on the Bill to a close.

6.5.5 Minutes

An appointed procedural officer keeps the minutes of committee meetings. Committee meeting minutes are not read out at the start of each meeting for certification by the chairperson as a correct record of what took place at the previous meeting. The minutes are brief and to the point: They record not what has been said, but what has been done. The minutes reflect attendance, the substance of deliberations, motions and amendments and the names of Members taking part in divisions and how they voted.

Members of a committee are entitled to peruse the minutes of committee meetings at any time. The minutes are signed by the chairperson or, in the chairperson's absence, by the acting chairperson. Minor alterations to the minutes may be made by the procedural officer to ensure consistency and to rectify irregularities. The chairperson must sanction all substantive alterations to the minutes.

6.5.6 Notice of committee meetings

A list containing the details of committee meetings is distributed to all members weekly. This list is commonly referred to as the "Z list". When the House is in session, the list appears on the Order Paper. It is important to note that the list should not be considered as the final notification of committee meetings. A final notice and agenda for meetings will be sent to committee members.

6.6 Meetings beyond the seat of Parliament

If the Speaker is satisfied that it is necessary for a committee to sit beyond the seat of Parliament, the Speaker may authorise the committee to do so.

6.7 Committee rooms

There are two committee rooms on the fourth floor of the Provincial Legislature Building. The auditorium and Chamber are also used for committee meetings from time to time. The notice of a committee meeting will clearly state where the meeting is to take place.

7. QUESTIONS TO MINISTERS

The right of Members to question the executive is an important method to oversee their actions and to hold them to account. (See Appendix G for an example of a Question Paper for Oral Reply.)

7.1 Questions can take any one of the following forms:

- Questions to the Premier without notice
- Interpellations
- Questions for oral reply
- Questions for written reply

7.1.1 Questions to the Premier without notice

The purpose of a question without notice to the Premier is specifically to obtain information relating to the affairs over which the Premier and the Provincial Cabinet have executive power.

Questions may be put without prior notice to the Premier on the first Thursday of a session and on every second Thursday thereafter, except on the Thursday of a week during which the Premier's vote in the schedule to an Appropriation Bill or the State of the Province Address is discussed. Twenty minutes are allowed for questions and replies.

7.1.2 Interpellations

An interpellation is an effective measure in that it provides an opportunity for Provincial Ministers to be called to account directly and to be requested to respond to additional points raised in a brief, concentrated debate. The major difference between questions and interpellations is that the latter are debated, whereas questions may not be debated at all.

An interpellation is a brief question on a matter of topical interest, followed by a short debate of 20 minutes. First the Provincial Minister replies to the main question in a speech not exceeding four minutes. In the remainder of the 20 minutes the Provincial Minister and Members may speak for up to three minutes at a time. The last four minutes are usually allotted to the Provincial Minister for his or her reply. The question must be quite brief, may not consist of more than two subdivisions and must be addressed to a Member of the Provincial Cabinet. Interpellations are subject to the same rules and conventions as are applicable to questions to Provincial Ministers.

The Standing Rules make provision for a maximum of three 20-minute debates. A Member may give notice of an interpellation or a Minister may take charge of an interpellation on behalf of an absent Minister, provided the Minister has been authorised to do so by that Minister.

7.1.3 Questions for oral reply

The purpose of a question to a Member of the Provincial Cabinet is specifically to obtain information relating to the public affairs to which the Minister is officially connected to or any matter of administration for which the Minister is responsible. In other words, it can be used to supervise the general policy and the administrative acts of an office or a Ministry.

7.1.4 Questions for written reply

Questions which require lengthy and statistical replies, may be put on the Question Paper for Written Reply. A member is restricted to three questions for written reply per parliamentary working week. Such questions may not exceed fifteen subdivisions. A question for written reply that is received before 12:00 on a Tuesday will appear on the Question Paper on Friday.

7.2 Admissibility of questions

There are quite a few well-established conventions to which questions must conform, but it would take up too much space to enumerate them here. A list of dos and don'ts is available from Plenary Support.

7.3 Question day in the House

Question day in the Provincial Parliament is always on Thursdays. On this day interpellations and questions for oral reply have precedence over all other business of the House. Up to three 20-minute interpellations may be dealt with and thereafter 60 minutes are allowed for questions for oral reply. After 60 minutes have expired, all replies to questions not replied to in the House are handed in for publication in Hansard. Provincial Ministers are allowed to ask that questions stand over.

The presiding officer will read out the number of the question, whereupon the responsible Provincial Minister will read out the reply. Four Supplementary questions relating to the question and reply are allowed. Supplementary questions are intended to obtain additional information and must relate to the replies given.

7.4 The order in which interpellations and questions for oral reply are dealt with is as follows:

- Interpellations;
- Questions to the Premier standing over from previous question days;
- New questions to the Premier;
- Questions to Ministers standing over from previous question days; and
- New questions to Ministers,

7.5 What if replies are too long?

If a reply to an oral question is very lengthy, the Provincial Minister may say:

“Madam/Mr Speaker or Deputy Speaker, the reply contains a long list of names (figures), and with leave of the House I shall lay it on the Table.”

Such replies are distributed in the normal way and are printed in full in Hansard.

7.6 What if the responsible Minister is absent?

When a Provincial Minister is absent when a question for oral reply comes up for reply, another Cabinet member may reply to that question on the Minister's behalf if duly authorised, or the Cabinet member may ask that the question stand over.

7.7 Can questions and interpellations stand over?

A Provincial Minister may request that a question for oral reply stands over until another question day but an interpellation, if not dealt with, needs to be resubmitted by the Member.

7.8 Compilation of question papers

Members must hand in their questions by 12:00 on a Thursday, eight working days before the actual sitting day on which questions are going to be dealt with.

As the questions are received, they are each given a number and are date-stamped. The number correlates with the number in the Questions Register. This number also appears on the Question Paper to ensure that no questions “get lost along the way”.

Before the draft Question Paper is sent to the relevant provincial departments, the questions need to be edited for accuracy. The object of a question is to obtain information and to press for action, but it is often necessary to confer with the relevant Member to ascertain the precise intention with the relevant question.

The draft Oral Question Paper is sent out on the following Tuesday, at the latest, to give the departments enough time to prepare their answers to the questions and to correct any mistakes (for example a question may be addressed to the wrong Minister!).

The final Question Paper is distributed to all the Members on the Tuesday preceding the next question day.

The deadline for the questions without notice to the Premier is 12:00 on the Friday preceding the next question day. Members do not have to hand in the actual questions and the names that are drawn appear on the Order Paper for that Thursday and not on the Question Paper. This is more a request to ask the Premier a question, and the Members only hand in a signed form with the date and the name of their political party on it. To ensure fairness, the names are then selected at random. Only seven names may be selected and the first name selected may not be that of a Member belonging to the same political party as the Premier. If this happens, the name must be interchanged with the first name of a Member who does not belong to that political party.

On the actual question day, all departments must supply replies by email to the Questions Office.

The answers to the questions for written reply are to be handed in within 10 working days from the day on which the department receives the draft Question Paper.

8. CONSIDERATION OF ANNUAL REPORTS

8.1 Introduction

Emphasis is increasingly being placed on the obligation of the executive government to account to legislatures for their performance in managing the responsibilities and resources entrusted to them, and for legislatures, acting on behalf of the citizens they represent, to assess that performance. The government should therefore ensure that the legislature and the public receive an account directly from the Minister responsible for each organisation or department – particularly about the results (the outcomes) of government programmes, that is the difference that the government's programmes and services have made in the lives of citizens.

In South Africa's case, one of the basic values and principles of the public administration enshrined in the Constitution is that the public administration must be accountable (section 195).

8.2 Role of members of the executive

The Constitution also stresses that Ministers (section 92(2) and (3)) and members of the executive councils (section 133(2) and (3)) are collectively and individually accountable to the legislature for the exercise of their powers and the performance of their functions. They must provide the legislature with full and regular reports concerning matters under their control. The Constitution further emphasises the importance of accountability by requiring the National Assembly (section 55(2)(a)) and a provincial legislature (section 114(2)(a)) to provide

for mechanisms to ensure that all executive organs of state in the national and provincial spheres of government are accountable to it.

8.3 The role of the head of department

In terms of section 7(3)(b) of the Public Service Act, 1994 (Act 103 of 1994), a head of department is responsible for the efficient management and administration of that department, including the effective utilisation and training of staff, the maintenance of discipline, the promotion of sound labour relations and the proper use and care of state property, and the head of department must perform such functions as may be prescribed.

In terms of section 38(1)(b) of the Public Finance Management Act, 1999 (Act 1 of 1999), the accounting officer (who is normally the head of department) is responsible for the effective, efficient, economical and transparent use of the resources of that department.

8.4 Why the need for accountability?

When the citizens put the government into office, they entrust the government with the responsibility of governing and managing public resources. This, in actual fact, constitutes a contract of accountability between citizens and the government. Citizens, therefore, have the right to know what the government intends to achieve and what it has actually accomplished.

Good performance information from the government will assist citizens, managers in the government's service and legislatures to assess the government performance in the following ways:

- Citizens can assess the impact that the government has had on their lives, what has been achieved with their tax money, whether their money and limited resources have been spent wisely, and whether their money has been used in a way that gives them the best value. Information on the government performance can also assist citizens in holding the government accountable for the way in which it has carried out its mandate.
- Managers in the government will be able to determine how they are doing – where they are succeeding, and where they are not succeeding; what is working, and what is not; and how increasingly limited resources can be used in the most relevant, economic and effective manner.
- Good budget information empowers the legislature to make an informed choice and to assess priorities and trade-offs between options within the framework of the level of expenditure that can be afforded. The annual report, on the other hand, is the mechanism by which a legislature can assess the government's performance by comparing what it intends to achieve with what it actually achieved, and can influence the way programmes are managed through improved public awareness.

8.5 What should the government be accountable for?

The table below summarises how levels of accountability and the elements of operational, financial and compliance performance can be combined to guide the government's accountability to legislatures and the citizens.

	KEY PERFORMANCE ELEMENTS		
ACCOUNTABILITY LEVEL	OPERATIONAL	FINANCIAL	COMPLIANCE
GOVERNMENT-WIDE	Is government achieving what it set out to achieve? Is government developing and maintaining the capacity to deliver results in the future?	Is government achieving its financial objectives?	Are government's affairs conducted in a manner that complies with legislation and expected standards of conduct?
MINISTRIES (GOVERNMENT DEPARTMENTS) AND FUNDED AGENCIES	Is the department achieving its overall goals? Are its programmes achieving what they are meant to achieve in a cost-effective way? Is the department developing and maintaining the capacity to deliver results in the future?	Is the department achieving its financial objectives?	Are the department's affairs conducted in a manner that complies with legislation and expected standards of conduct?

8.6 Pre-annual-report period

During the pre-annual-report period the following activities take place, which are mechanisms to ensure that departments have enough time to ensure that the predetermined objectives have been achieved and that they reflect positively in the annual reports of the departments when the annual reports are scrutinised by the Members of Parliament. These activities include:

- **Standing-committees hearings:**
Departments are invited to attend meetings by the various standing committees of Parliament to give account of the mechanisms introduced by them that ensure that they move closer to meeting the targets of their predetermined objectives. This can be done monthly or quarterly.
- **Management meetings:**
The Auditor-General has monthly meetings with accounting officers, members of the executive, the Premier and audit committees on the progress and challenges raised relating to the status of departments' predetermined objectives. Through these meetings, the Auditor-General assists stakeholders in meeting their pre-determined objectives.
- **Research:**
The legislature commissions research to be executed on the content of the annual reports of the various departments. This activity ensures that the Members of the legislature are well supported in their oversight by the legislature.
- **Provincial Treasury meeting:**
The Provincial Treasury, in conjunction with the Auditor-General, conducts a pre-annual-report meeting with all the Members of the legislature on the status of the departments for the specific year under review. This meeting enables the Members

to engage vigorously with the departments and stakeholders on the various reasons for the position of departments at the beginning of the annual-report process.

- **Annual-report schedule:**
The Chief Whip of the legislature consults the Ministers of the executive on possible dates during which their departments can appear before the standing committees. Through this process, the Chief Whip can guide the parliamentary secretariat on the guiding of the annual-report schedule.

8.7 Annual-report period

During the annual-report period, each department appears twice (on a day) before the standing committees to give account of the contents of their annual reports. During the first session departments appear before the standing committees and during the second session the Auditor-General and Audit Committee brief the Public Accounts Committee. Of importance during this period is the fact that the standing committees develop resolutions from the deliberations with the departments. This period commences in October and lasts until November of the same year.

8.8 Post-annual-report period

After the conclusion of the annual-report period the standing committees meet to discuss the resolutions that were made during the annual-report period. Once finalised, the standing committees agree on the resolutions and forward these as part of the committee's report to the Clerk of the Papers for placement in the Announcements, Tablings and Committee Reports (ATC). From this the procedural officer, through the guiding of the chairperson and members of the standing committee, compile the standing-committee programme for the new calendar year.

8.9 Contents and format

In terms of the above-mentioned guidelines, annual reports consist of the following five parts:

- Part A: General information
- Part B: Performance information
- Part C: Governance
- Part D: Human resource management
- Part E: Financial information

In addition to parts C and E, the Annual Report should consist of the following information relevant to the Vote of each department:

- The Auditor-General's report on the financial statements under the headings of:
 - Report on the financial statements of the department;
 - Opinion relating to the financial statements;
 - Emphasis of matter;
 - Report on the legal and the regulatory requirements; and
 - Other reports.
- The Audit Committee's report on:
 - The effectiveness of internal controls;
 - Its evaluation of the annual financial statements for reasonability and accuracy; and
 - Internal Audit work completed during the specific financial year.

- The audited financial statements must consist of the following:
 - A balance sheet;
 - An income statement;
 - A cash flow statement; and
 - Notes to the financial statements.

9. ALPHABETIC LIST OF KEY TERMS

A

absolute majority	More than half the total number of votes of all those eligible to vote in a House; one more than half the number of votes of the total number of members of the House, whether they are present or not; as opposed to a <i>simple majority</i> .
abstention	Refusal to vote either for or against a question. Members wishing to abstain from voting should leave the Chamber in order not to get counted.
accountable	Able to be called on to explain one's actions. Ministers are accountable to the Provincial Parliament for the actions they take while in office.
Act of Parliament	A legislative proposal (bill) becomes an act of Parliament when it has been approved by the legislature and assented to by the President or Premier. Unless a provision in the act specifies otherwise, the act comes into operation on the date of assent. (See Appendix A.)
ad-hoc committee	An ad-hoc committee is a temporary committee established by a resolution of the House to perform a specific task. It must report to the House on its findings and it is discharged of its duties once the task is completed.
alternate Member	An alternate Member is a Member that represents his or her party in a committee when a core Member of his or her party is absent. The alternate Member can participate in the proceedings and vote.
amendment bill	An amendment bill is a bill that amends existing legislation. When policymakers are of the view that an existing act needs to be adapted, an amendment bill can be introduced to effect the necessary changes.
amendments	<p>An amendment is a proposed change to legislation or a motion before the House or a committee.</p> <p>An amendment to a motion must comply with certain conditions before it is admissible. First, it has to be relevant and be within the scope of the original question. Second, an amendment should seek to:</p> <ul style="list-style-type: none"> • leave out certain words; • leave out certain words in order to insert other words; or • insert or add other words to the main motion. <p>An amendment must also be framed in such a way that, if agreed to, it will leave the main question, as amended, intelligible and consistent with itself.</p>
Announcements, Tablings and Committee Reports (ATC)	The ATC is a documentary record of official announcements made in Parliament, documents tabled in the Provincial Parliament (hereinafter referred to as Parliament) and reports by parliamentary committees. (See Appendix B.)
anticipation	The rule of anticipation prevents a Member from discussing a matter that appears on the Order Paper, whether it is a bill or a motion. Such a discussion is "blocked" by the matter appearing on the Order Paper. This rule prevents a Member from attempting to pre-empt a decision on a matter already on the Order Paper by introducing a second identical matter or one similar enough to be considered the same.
Appointment of Members	Parties are represented in committees in broadly the same proportion as the

to serve on committees	proportion in which they are represented in the House. The Rules Committee determines the ratio of party representation. Parties themselves decide on their Members in accordance with this ratio.
appropriation	Appropriation is a sum of money allocated by the Provincial Parliament for a specific purpose outlined in the government's spending estimates. This money is secured annually by legislation and is utilised to fund government departments and programmes.
appropriation bill	An appropriation bill is a bill introduced by the Minister responsible for financial matters to authorise the provincial government's expenditure. It normally contains a schedule setting out the amounts allocated to each government department.

B

backbench; backbencher	Those Members of Parliament who are not Ministers or presiding officers.
bell	A bell used to call Members of the Provincial Parliament into the Chamber for a sitting or to announce a vote or the lack of a quorum in the House. When the bell is used to announce a vote, it is called a division bell.
bill	A bill is a legislative proposal to enact a new law and can be introduced by a Minister, a standing committee or a Member of the Provincial Parliament. (See Appendix C.)
business of the House	<p>The business of the House on an ordinary sitting day consists of:</p> <ul style="list-style-type: none"> • statements by Members; • notices of motion; and • orders of the day. <p>On certain days, interpellations and questions for oral reply are also dealt with. The Speaker may also allow requests for matters of urgent public importance or public importance to be placed on the Order Paper for discussion. Ministers may also request the Speaker to make statements in connection with their portfolios.</p>
by-election	A special election held to fill the seat of a councillor who has died or resigned.

C

cabinet	The cabinet consists of all the Ministers (MECs) who are appointed by the Premier. The cabinet determines the government's priorities and policies; prepares the legislation that will be presented to the Provincial Parliament; and raises and spends revenues.
casting vote	<p>A casting vote is a deciding vote by the Presiding Officer when there is an equal number of votes on a specific question.</p> <p>Section 21(2) of the Constitution of the Western Cape provides that the Member presiding at a meeting of the Provincial Parliament has no deliberative vote but must (i) cast a deciding vote when there is an equal number of votes on each side of a question and (ii) may cast a deliberative vote when a question must be decided with a supporting vote of at least two thirds of the Members of the Provincial Parliament.</p>
caucus	A group composed of Members of the Provincial Parliament from the same political party. Private caucus meetings are normally held on Thursdays.
chair	The Presiding Officer at a meeting of the House or a committee.
Chamber	The Chamber is the place where the House meets for its plenary sittings. (See Appendix D.)
chief whip	See: whip

citizens' right of reply	A person, other than a member, who is aggrieved by a remark made by a member of a witness before the House or a committee about that person, may submit a written request to the Secretary to have his or her response to that statement or remark recorded. The disciplinary committee may consider the request and publish the response in the appropriate parliamentary paper.
clause	A clause is a division of a bill consisting of an individual sentence or statement. Once a bill is enacted (becomes an act), its clauses are referred to as sections.
Code of Conduct	<p>The Code of Conduct was adopted by the House to guide its Members on ethical issues and on questions relating to the declarations of their interests in the Register of Members' Interests.</p> <p>A Conduct Committee, established in terms of the Standing Rules of the Provincial Parliament, is responsible for:</p> <ul style="list-style-type: none"> • implementing the Code of Conduct; • developing standards of conduct; • reviewing the Code and making recommendations on amendments thereto; and • reporting to the House annually on its operations and the effectiveness of the Code.
committee	<p>A committee is a group of Members assigned to consider issues relating to a particular subject area. Committees consider and report on bills and issues which the House refers to them. They also play an oversight role over the Executive and government departments.</p> <p>There are generally three types of committees, namely ad-hoc, standing and internal committees.</p>
Commonwealth Parliamentary Association	An association of parliaments of countries that form part of the Commonwealth of Nations, such as Australia, South Africa, the United Kingdom and India.
constituency	The specific geographic area in the Western Cape that is represented by a Member of the Provincial Parliament.
contempt of Parliament	An offence against the authority or dignity of Parliament, including disobedience of its orders or libel against it or its Members.
D	
debate	A discussion in which the arguments for and against a subject are presented according to specific rules.
decisions	<p>All questions before the House are decided by a majority of the votes cast. The Presiding Officer has a casting vote whenever there is an equal number of votes on each side of the question. A quorum of at least one third of the Members is necessary for the House to meet and subject to certain specific provisions of the Constitution, a majority of the Members is necessary before a decision may be taken with regard to a bill.</p>
delegated or subordinate legislation	Delegated or subordinate legislation comes about when Parliament delegates the power to legislate on detail to the Executive. This is mainly in the form of Proclamations and Regulations issued by the Government.
dissolution	The bringing to an end of Parliament, either at the conclusion of its five-year term or by proclamation of the President. It is followed by a general election.
division	A vote where Members are divided into two groups (ayes and nays) so that their votes can be counted to reach a decision.
draft bill	A bill drafted for the Executive and submitted to Cabinet for review before it is introduced in the Provincial Parliament.

E

executive statements

Factual statements are made in the House by Ministers on behalf of the government regarding their domestic policy, any executive action or other similar matter of which the House should be informed. Prior notice to the Speaker is necessary but no leave of the House is required.

After the Minister has made a statement, which could last up to 10 minutes, Members of parties represented in the House are allowed to comment on the executive statement for not more than three minutes each.

explanatory memorandum

This refers to a brief explanation of the contents of a bill or an amendment bill that is attached to the bill in the form of a memorandum. This is a prerequisite before a bill can be introduced in the House. An explanatory memorandum differs from a schedule to a bill in that it does not form part of a bill and is not enacted into law as a schedule is.

F

filibuster

An obstructive tactic consisting of numerous or excessive long speeches to delay the business of the House or a committee.

first reading

The first reading of the bill is the formal first stage of a bill's progress, which occurs without debate or vote after it has been introduced in the House. After introduction, copies of the bill are distributed to all Members.

floor of the House

That part of the Chamber reserved for Members and parliamentary officials.

front benches

Those first few rows of seats in the House which, on the government side, are occupied by the Premier and the cabinet, and on the opposition side, by the leaders of the recognised opposition parties.

front bench

Seats where the Ministers sit.

H

Hansard

The Hansard is the official report of proceedings in the House. The official reports were named "Hansard" after TC Hansard who was the first printer and publisher of the official series of parliamentary debates in the United Kingdom in 1803.

The Hansard contains full reports of all speeches, questions and answers, statements, etc.

Although the Hansard is regarded as a verbatim report, repetitions and redundancies are omitted and obvious mistakes are corrected. Members, however, cannot change the substance of what they have said but they may correct the record of their speeches before publication.

hearing (public)

A meeting of a parliamentary committee for the purpose of taking oral evidence.

I

interpellation

An interpellation is a mini debate of 15 minutes on a question on a matter of topical interest. It is a question containing not more than two subdivisions. Unlike questions for oral reply, the subject of and reply to an interpellation may be debated.

Precedence is given to interpellations on Thursdays in the House.

At the start of an interpellation, the Presiding Officer formally puts the interpellant and other Members are given the opportunity to make brief speeches not exceeding the time limit laid down by the Rules.

introduction of a bill	The introduction of an ordinary bill refers to the first presentation of the bill together with a memorandum to the House for its consideration. This process is a mere formality compared to the introduction of a money bill.
M	
mace	A symbol of authority of the House. It is placed at the table when the House is in session.
maiden speech	When a new Member makes a speech for the first time in the House, it is commonly referred to as a maiden speech. It is the convention that Members should not interrupt another Member who makes his or her maiden speech. On the other hand, a Member making a maiden speech should not raise controversial issues.
matter of public importance	<p>A Member may request the Speaker to allow a debate as a matter of public importance. Once approved by the Speaker, the normal programme is adjusted for the debate to take place. The following criteria are used when deciding whether or not to allow such a debate to take place:</p> <ul style="list-style-type: none"> • The request must deal with a matter for which the provincial government can be held responsible; • The request will not be granted if the matter can be dealt with by some other means in the near future; • The subject of the request must relate to a specific matter of recent occurrence and not to a general state of affairs or to a matter of policy; • The matter must be raised at the earliest opportunity; and • The request for such a debate should be well motivated.
matter of urgent public importance	The Speaker can also be requested to allow a debate on a matter of <u>urgent</u> public importance. A matter of urgent public importance usually, if allowed, takes place on the same day the request is made. By agreeing to such a request the Speaker overrides the parliamentary programme. The criteria used to allow or not allow a request for such a debate are the same as applied to matters of public importance.
Members' statements	Statements made by Members who are not Ministers on any matters they consider to be important.
ministerial statement	A statement made by the Minister to the House, often used to announce the government's policies and decisions.
minority report	A committee report by at least two committee members to state officially their position on an issue when those members are in the minority on that issue.
minutes of proceedings	<p>The minutes of proceedings are a record of the proceedings in the House. Unlike Hansard, only decisions taken in the House are recorded. The minutes are noted by the Secretary and are printed in the three official languages of the province.</p> <p>Printed copies of the minutes of proceedings are distributed during the morning following each sitting day and are also available on the Provincial Parliament's website (www.wcpp.gov.za). Once signed by the Secretary, they become the official record of the Provincial Parliament. (See Appendix E.)</p>
money bill	A money bill is a bill that appropriates money or imposes taxes, levies or duties. In the latter case, the introduction forms the first stage of the legislative process, whereby the Minister responsible for financial matters formally introduces the bill in an introductory speech. Papers relating to the bill are also tabled at this stage. (See Appendix F.)

motions

A proposal by a Member that the House do something, order that something should be done or that the opinion of the House is expressed on a certain matter.

After a motion has been placed on the Order Paper for consideration on a given day, it is up to the Member in whose name the motion appears to move the motion at the appropriate time.

A motion may not contain unbecoming expressions, infringe the Standing Rules, be tendered in a spirit of mockery or be designed merely to give annoyance. The Rules provide that motions, which offend against the practice or the Rules, may be amended or otherwise dealt with as the Speaker may decide.

When a motion on the Order Paper is reached on a given sitting day, the Member in whose name it appears gets up and formally moves the motion. He or she may introduce and motivate it if time has been made available for a debate. Members may move amendments to the motion. At the end of the debate, the Member who introduced the motion is given an opportunity to reply to the debate before it is put from the Chair for decision.

N

name a Member new Parliament

A disciplinary procedure used by the Speaker to maintain order in the House. The first sitting of the Provincial Parliament after a general election convenes under rules laid down by the Chief Justice. The Constitution requires that three tasks are performed at this first sitting. They are:

- the swearing in of Members;
- the election of the Premier;
- the election of the Speaker; and
- the election of the Deputy Speaker.

notices of motions

With a few exceptions, which are listed in the Rules, notice must be given of every motion. The House generally must be informed in advance of any motion so that Members will have sufficient time to prepare for the debate and take a position in their parties on the matter.

Notice may only be dispensed with if each and every Member present in the House agrees. If a Member wishes to move a motion without notice, consultation with other parties are important to obtain their consent. If that is not done, Members are unlikely to agree to a motion being proceeded with if no notice has been given.

O

oath or affirmation of allegiance official opposition

A declaration of loyalty to the national and provincial constitutions taken by each Member of the Provincial Parliament before taking a seat in Parliament.

The second largest political party after the governing party, which works to oppose what it believes to be wrong in government policies or actions, and which stands ready to form a government should voters so decide at the next or a subsequent election.

opening address

Also known as State of the Province Address. The address is delivered by the Premier at the beginning of each parliamentary session. It normally contains the government's plans and programmes for the year as well as its legislative programme. The opening address forms the basis of the first debate in the House.

Order Paper

The Order Paper is the official agenda of the Parliament. It contains a summary of the proceedings planned for the day it is issued. The Order Paper consists of the following parts:

- business of the current day, for example motions and orders which have to be considered on the day in question;
- further business, including orders of the day which are ready to be considered and planned for a future date and draft resolutions to be moved in future;
- the current status of bills in the legislative process and, when relevant, amendments to Bills; and
- a list of dates and venues of committee meetings.

(See Appendix I.)

ordinary bills

Ordinary bills include all bills, but exclude money bills. Money bills may not deal with any other matter, except a subordinate matter incidental to the appropriation of money or the imposition of taxes, levies or duties.

In terms of the Standing Rules, ordinary bills can be introduced by:

- the relevant Minister of a department;
- a standing committee; or
- a Member.

Ordinary bills are passed by agreeing to its second reading and in the case of a money bill, the third reading.

(See Appendix H.)

P

parliamentary precinct

The House and its offices. Members enjoy certain rights and privileges within the precincts of Parliament.

parliamentary privilege

Legal immunities conferred upon Members of a legislature with regard to acts they may perform in the legislature or on its behalf.

parliamentary procedure

The rules for and methods of carrying out the business of the House.

personal explanation

A short statement made in the House by a Member, concerning a matter with which he or she is personally connected, or by a Member who feels he or she has been misrepresented and who wishes to state the correct facts or situation.

petition

A written presentation to the Provincial Parliament by a person or group of people asking for action on a matter.

points of order

Points of order are raised to call the attention of the Presiding Officer to alleged breaches of the Standing Rules or establish conventions during debate.

preamble (of a bill)

The part of some bill preceding the main text which states the reasons for its introduction and the ends which it seeks to attain.

presiding officer

A Member of Provincial Parliament elected to preside over, or be in charge of, the business, proceedings and administration of the Provincial Parliament, normally being the Speaker.

principle (of a bill)

The object or related objects which a bill seeks to achieve. The principle of a bill is adopted at second reading.

ordinary Members' public bills

An ordinary Member may introduce a public bill on any matter except on financial issues.

programming of the House

The programming of business of the House is the responsibility of the Programming Authority. The Programming Authority comprises all the whips of all parties represented in the House.

public participation

The Constitution requires that the Provincial Parliament facilitates public involvement in its activities. The following are examples of how the public can be involved:

- Publication of a Bill in the Provincial Gazette for public comment;
- Conducting public hearings – A committee may invite stakeholders from the public to submit written submissions or to give oral evidence on a Bill referred to it;
- Holding regional debates on a particular topic to get views of the public in the particular region on the topic;
- Public may attend committee meetings and House sittings as observers. Alternatively, such House sittings and committee meetings could be held virtually via MS Teams and livestreamed via YouTube;
- Specific outreach programmes.

Q

Question Paper

The Question Paper contains notices of interpellations and questions being put to Members of the Executive for oral or written reply. (See Appendix G.)

questions to the Premier without notice

Questions are put without prior notice to the Premier on certain days and only twenty minutes is allowed for questions and replies. The Member called may put one question in a concise form and, immediately after a reply thereto, two supplementary questions, which must relate to his or her original question or to the reply, can be asked.

Parties wishing to participate in this process should submit the names of their Members for selection to the Table Office. Not more than seven Members are selected to participate.

questions

As part of their oversight functions, Members of the Provincial Parliament may ask the Executive questions concerning their portfolios. There are two types of questions to the Executive, namely questions for oral reply and questions for written reply.

Questions for oral reply are dealt with in the House, usually on Thursdays. These questions are placed on the Question Paper in the order in which they are submitted and are limited to two questions per Member per question day. A question may not contain more than five subdivisions.

Questions for written reply (usually requiring statistical information) may not contain more than fifteen subdivisions and are limited to three per Member in respect of any working week when the House is sitting and one in every working week when the House is not sitting.

All replies to interpellations and questions are printed in the Hansard.

quorum in committees

The number of voting members who must be present in order that business of the committee can be legally transacted.

quorum in the House

A quorum refers to the number of Members, including the Speaker, necessary to constitute a meeting of the House for the exercise of its powers.

At least one-third of the total number of Members of the House must be present to constitute a meeting of the House.

In terms of the Rules, the presence of a majority of the Members is necessary before a vote may be taken on a bill.

Should a quorum appear not to be present at the time of the House meets, a count of the Members in the House will be taken. If less than one-third of Members are present when the count takes place, bells will be rung for three minutes. If thereafter there is still no quorum, the Presiding Officer may suspend the proceedings or adjourn the House or postpone the decision of the question.

Any Member may draw the Presiding Officer's attention to the lack of a quorum. Whenever the House is adjourned owing to the absence of a quorum, the time of such adjournment as well as the names of the Members present must be recorded in the minutes of proceedings.

R

recess

The period between the ending of one session (prorogation) and the beginning of the next.

Register of Members' Interests

The Register, which is published annually, records Members' outside financial interests and the receipt of gifts, sponsorships, etc.

New and returning Members must complete the registration forms of their registrable interests within 30 days of taking their seats. The Registrar of Members' Interests must be informed in writing of any changes to the registrable interests disclosed.

relevancy

One of the most important rules of debate is that a Member must direct his or her speech to the question under discussion. In general, a Member's remarks are irrelevant if their connection to the main question is not immediately apparent and the Presiding Officer will remind a Member who wanders from the subject. If a Member persists in irrelevance or tedious repetition, the Standing Rules empower the Presiding Officer to direct the Member to discontinue his or her speech.

The rule of relevancy is not strictly enforced during the second reading debate on the main appropriation bill as well as during the debate on the Premier's opening address. These are regarded as wide ranging political debates where almost anything goes.

report (of a committee)

A written statement by a committee to the House, giving the results of an inquiry, asking for additional powers or returning a bill after consideration, with or without amendments.

rescind (revoke) a resolution

To cancel the effect of a resolution previously adopted by the House.

A motion which has been agreed to by the House and expresses the will or opinion of the House.

rules of debate

The following are some of the rules that Members in the House have to follow when engaged in debates:

- Speeches must be relevant to the subject matter being debated;
- Members may not use offensive words against other Members;
- Members may not make imputations or allegations of improper motives or personal reflections; and
- Members must address the Chair.

ruling

A formal decision made by the Speaker, usually on a matter of procedure in the House.

S

schedule to a bill

A schedule to a bill is an appendix to a bill which contains matter of detail not suitable for inclusion in a clause, or the text of an agreement which the bill brings into effect. Schedules form part of a bill and are subject to amendment, except in the case of a money bill. (See Appendix J.)

second reading

The final stage at which the principles and objects of a bill, other than a money bill, are either accepted or rejected. The bill is presented to the House with the report on any amendment effected by the relevant standing committee.

	<p>In the case of a money bill, detailed consideration is not given to the clauses of the bill at that stage.</p>
Secretary to Provincial Parliament	<p>The Secretary to the Provincial Parliament is the chief adviser to the Speaker and to Members of the House on all administrative and procedural matters. The Secretary is responsible for a wide range of duties relating to the proceedings and official records of the House and its committees and to the general administration of the House. He or she is also the accounting officer of the administration of Parliament.</p>
separation of powers	<p>The notion that, in a free society, the legislature, the executive and the judiciary are separate and act independently without interference from each other.</p>
Serjeant-at-Arms	<p>A senior official who is responsible for order and security within the precincts of the Provincial Parliament. The Serjeant-at-Arms attends to the Speaker when he or she enters or leaves the Chamber and is responsible for the mace.</p>
session	<p>One of the fundamental time periods into which a Parliament is divided, usually consisting of a number of separate sittings.</p>
sitting	<p>The period when the House meets between the time when the Speaker takes the Chair and the House is adjourned.</p>
Speaker	<p>At the beginning of each Parliament or as the need arises, Members of the Provincial Parliament must elect one of its Members as Speaker.</p> <p>The Speaker presides over the sittings of the House and enforces the rules prescribed in the Standing Rules of Parliament for the orderly conduct of parliamentary business.</p> <p>In carrying out his or her duties in the House, the Speaker must remain impartial and fair to all Members of the Provincial Parliament. The Speaker does not regularly take part in the debates of the House, but must vote for or against a question if he or she has to exercise a casting vote.</p> <p>The Speaker also acts as the representative of the Provincial Parliament in its relations with other parliaments and outside bodies.</p> <p>The Speaker is overall politically in charge of the administration of Parliament. He or she is the chairperson of the Rules Committee which is the directing authority of the parliamentary administration.</p> <p>Outside Parliament, the Speaker must also continue to carry out his or her ordinary duties as a Member of the Provincial Parliament.</p> <p>It is the established practice that the Speaker's discretion, conduct and decisions can only be criticised upon a substantive motion and not incidentally during the course of debate. Furthermore, the House may only remove the Speaker by a resolution adopted with a supporting vote of a majority of all its Members.</p>
Speaker's debates	<p>Speaker's debates provide Members with the opportunity to cast aside their party-political differences and debate a subject, initiated by the Speaker, which is non-political and of interest to the Province.</p> <p>No decisions are taken at the conclusion of the debate and the time allocated to such debates is decided by the Speaker in consultation with the Programming Authority. The normal rules of debate apply during Speaker's debates.</p>
standing committees	<p>A standing committee is a permanent committee constituted for the full term of a parliament. Each standing committee is a combination of a number of related portfolios. The main responsibilities of a committee are to process</p>

Standing Rules	<p>legislation from a particular department, scrutinise legislation referred to the Provincial Parliament by the National Council of Provinces (NCOP) and to oversee the functioning of the provincial Executive and organs of state. Parliamentary rules are necessary to provide opportunity for debate, to prevent decisions from being taken without their full consideration and to expedite the orderly progress of business in the House. These rules are drawn from different sources, namely from practice, from standing orders, from rulings from the Chair and from statutes. The parliamentary rules are contained in the document entitled <i>Standing Rules – Western Cape Provincial Parliament</i> which is always updated when new rules are adopted by the House.</p>
stranger	Anyone who is not a Member of the House or an official of the House.
sub-judice rule	<p>The Standing Rules provide that “no member may refer to any matter on which a judicial decision is pending”. It is a voluntary restraint that Parliament itself imposes on its Members for the sake of the judicial process and in the interest of justice not to make reference, either in debate or through motions and questions, to matters before the courts. By doing so, an accused in any court action is protected against any public discussion of a matter.</p> <p>The sub-judice rule does not apply to matters before commissions or parliamentary committees but Members should refrain from commenting on proceedings, evidence or findings before a final report has been made.</p>
short title	The name of a bill by which is commonly known and indexed, as distinct from its long title which describes its scope and purpose.
simple majority	In a House, more than half the votes of those Members present and voting, as opposed to an absolute majority.
swearing in of Members	<p>Members of the Provincial Parliament must swear or affirm faithfulness to the Republic and obedience to the Constitution before they begin to perform their functions as Members.</p> <p>At the opening of a new Parliament, Members must make an oath or affirmation prescribed in the Constitution before the Judge-President, whereas a Member filling a vacancy may swear or affirm before the Presiding Officer.</p>
T	
table (noun)	A table situated in front of the Speaker’s chair in the Chamber at which table officers sit in order to record the daily business of the House.
table (verb)	To place a document before the House or a committee for consideration or consultation. (Synonym: lay on the table.)
table officers	As situations arise in the Chamber and in anticipation of events in the House, the table officers are responsible for providing procedural advice to the Speaker and other Chair occupants, as well as to Members generally, and for preparing the Minutes of Proceedings and the Order Paper. They also keep track of speeches and interventions and advise the Chair on the application of time limits for various debates.
third reading	This is the last stage of the consideration of a money bill in the House at the conclusion of which the bill as a whole is either finally approved or rejected.
U	
unparliamentary language	Words or phrases that are deemed to be inappropriate for use in the House while it is in session. This includes, but is not limited to, the suggestion of

dishonesty or profanity. The most prohibited case is any suggestion that another Member is dishonourable. Exactly what constitutes unparliamentary language is generally left to the discretion of the Speaker.

W

whips

Both the efficient running of the parliamentary machine and smooth functioning of party activities depend largely on the input of party whips. Each political party in the House is represented by a whip or whips and the chief whip or chief whips represent the majority party.

The chief whips and one whip of each political party represented in the House form the Programming Authority. The primary function of the Programming Authority is to prepare and adjust, if necessary, the annual programme of Parliament. The Programming Authority also arranges all business on the Order Paper in accordance with the Rules or in any other order it deems fit.

Whips are also responsible for the smooth running of political-party activities in relation to Members' discipline. This ensures that Members take part in debates during the sitting of the House and that they attend and participate in committee meetings.

white paper

A white paper is an authoritative report or guide that often addresses issues and how to solve them. White papers are used to educate readers and help people make decisions. They are often used in politics, business and technical fields.

Appendix A

PROVINCE OF WESTERN CAPE

WESTERN CAPE ADJUSTMENTS APPROPRIATION ACT, 2021

PROVINSIE WES-KAAP

WES-KAAPSE AANSUIWERINGS- BEGROTINGSWET, 2021

IPHONDO LENTSHONA KOLONI

UMTHETHO WOHLENGHLENGISO LOLWABIWOMALI WENTSHONA KOLONI, 2021

No 7, 2021

Appendix B

Thursday, 13 October 2022]

465

No 117 - 2022] FOURTH SESSION, SIXTH PARLIAMENT

PARLIAMENT OF THE PROVINCE OF THE WESTERN CAPE

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

THURSDAY, 13 OCTOBER 2022

TABLINGS

The Speaker:

1. Minister of Finance and Economic Opportunities

Information provided relating to a follow-up question on 8 September 2022 during a sitting of the Western Cape Provincial Parliament.

Ms N D Nkondlo to ask Ms M M Wenger, Minister of Finance and Economic Opportunities:

What (a) challenges have been encountered in the Pick n Pay Market Store Project and (b) lessons have been learned from it?

I responded with the information I had available to me at the time and that I understood to be correct. It has since come to my attention that the information is more nuanced and, in the interests of accuracy, I would like to clarify the record.

Five (5) out of eight (8) of the market stores are still part of the Pick n Pay Market Store Project.

The funding provided to the market stores by the Department of Economic Development and Tourism was in the form of grant funding for the establishment of the stores. This funding was managed by Pick n Pay as part of the agreement with this company in 2019.

Appendix C

PROVINCE OF THE WESTERN CAPE

WESTERN CAPE BIODIVERSITY BILL

(As introduced)

(MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING)

[B 2—2021]

PROVINSIE WES-KAAP

WES-KAAPSE WETSONTWERP OP BIODIVERSITEIT

(Soos ingedien)

(MINISTER VAN PLAASLIKE REGERING, OMGEWINGSAKE EN ONTWIKKELINGSBEPLANNING)

[W 2—2021]

IPHONDO LENTSHONA KOLONI

UMTHETHO OSAYILWAYO WEENTLOBO-NTLOBO ZENDALO WENTSHONA KOLONI

(Njengoko wazisiwe)

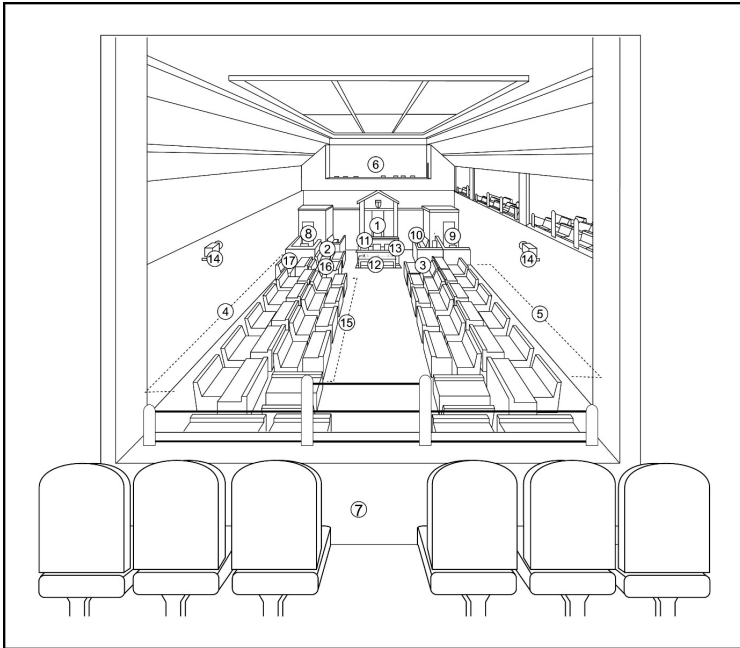
(NGUMPHATHISWA woRHULUMENTECAL woMMANDLA iMICIMBI YEZOKUSI Ngqongileyo
noCwangciso lo Phuhliso)

[B 2—2021]

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Appendix D



1. Speaker
2. Premier
3. Leader of the Opposition
4. Majority grouping
5. Opposition
6. Media Gallery
7. Public Gallery
8. Official's bay
9. Premier and Speaker's bay
10. Hansard reporters
11. Secretary
12. Mace
13. Table
14. TV cameras
15. Ministerial benches
16. Leader of government business
17. Chief Whip

Appendix E

Thursday, 4 August 2022]

69

No 15 - 2022] FOURTH SESSION, SIXTH PARLIAMENT

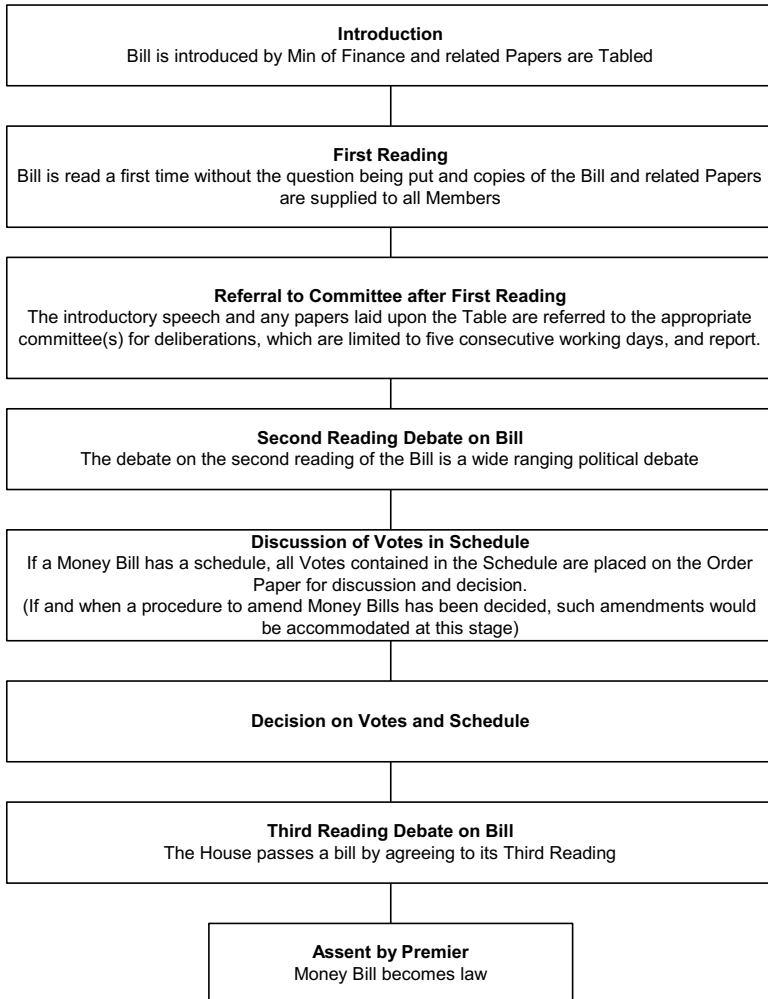
MINUTES OF PROCEEDINGS OF THE PARLIAMENT OF THE PROVINCE OF THE WESTERN CAPE

THURSDAY, 4 AUGUST 2022

1. The House met at 14:15.
2. The Deputy Speaker took the Chair and read the prayer.
3. [14:18] The Deputy Speaker announced that due to the resignation of Mr A T Fritz and Ms D A Schäfer, two vacancies occurred in the representation of the Democratic Alliance in the Western Cape Provincial Parliament. These vacancies have been filled by the nomination of Ms C Murray and Mr C Fry with effect from 3 August 2022 and that both Members had taken the oath in the Speaker's office on 3 August 2022.
4. [14:19] The Deputy Speaker made a general announcement regarding the sitting of the Western Cape Provincial Parliament in accordance with Rule 1A of the Standing Rules pertaining to Members in remote attendance by electronic means.
5. [14:21] The Chief Whip moved without notice: That, notwithstanding the provisions of Rule 20(1), precedence be given to the Subject for Discussion.
Agreed to.
6. [14:22] The House discussed the following subject in the name of Hon P J Marais:
 - (i) The benefits, urgency and desirability of implementing the principles of subsidiarity, especially in the context of efficient, good governance in the Western Cape;
 - (ii) That all powers relating to the police, education, land reform and health, with the related fiscal provisions and guarantees, be devolved to the Western Cape Provincial Parliament by the national government; and
 - (iii) That there should be an open-ended approach, that amendments to both the national and provincial constitutions be considered and that provision for the incremental devolutions of further powers to the Western Cape Provincial Parliament be made.Debate concluded.
7. [15:32] Interpellations.
8. [16:08] Questions.
9. [17:05] Statements by Members.

Appendix F

PASSING OF MONEY BILL



Appendix G

Thursday, 4 August 2022]

No 8 - 2022] FOURTH SESSION, SIXTH PARLIAMENT

PARLIAMENT OF THE PROVINCE OF THE WESTERN CAPE

QUESTION PAPER ORAL REPLY

Note: * Indicates translated version.

THURSDAY, 4 AUGUST 2022

INTERPELLATIONS

1. **Mr G Bosman to ask Mr R I Allen, Minister of Police Oversight and Community Safety:**

With respect to the destruction of illegal firearms being centralised in Pretoria:

- (1) (a) What is the Department's position on the centralised policy and (b) would it not be best for such a competency to be devolved to provinces;
- (2) whether the province is in a position to take on this responsibility if the mandate is devolved to the province; if not, why not; if so, what are the relevant details?

(525)

2. **Mr M K Sayed to ask Mr D J Maynier, Minister of Education:**

- (a) What is the prevalence of mental health challenges at schools and (b) what are the detailed programmes in place to address such challenges?

(531)

QUESTIONS FOR ORAL REPLY

1. **Mr M Kama to ask Mr A R Winde, Premier:**

In light of the recent Enyobeni tragedy in the Eastern Cape:

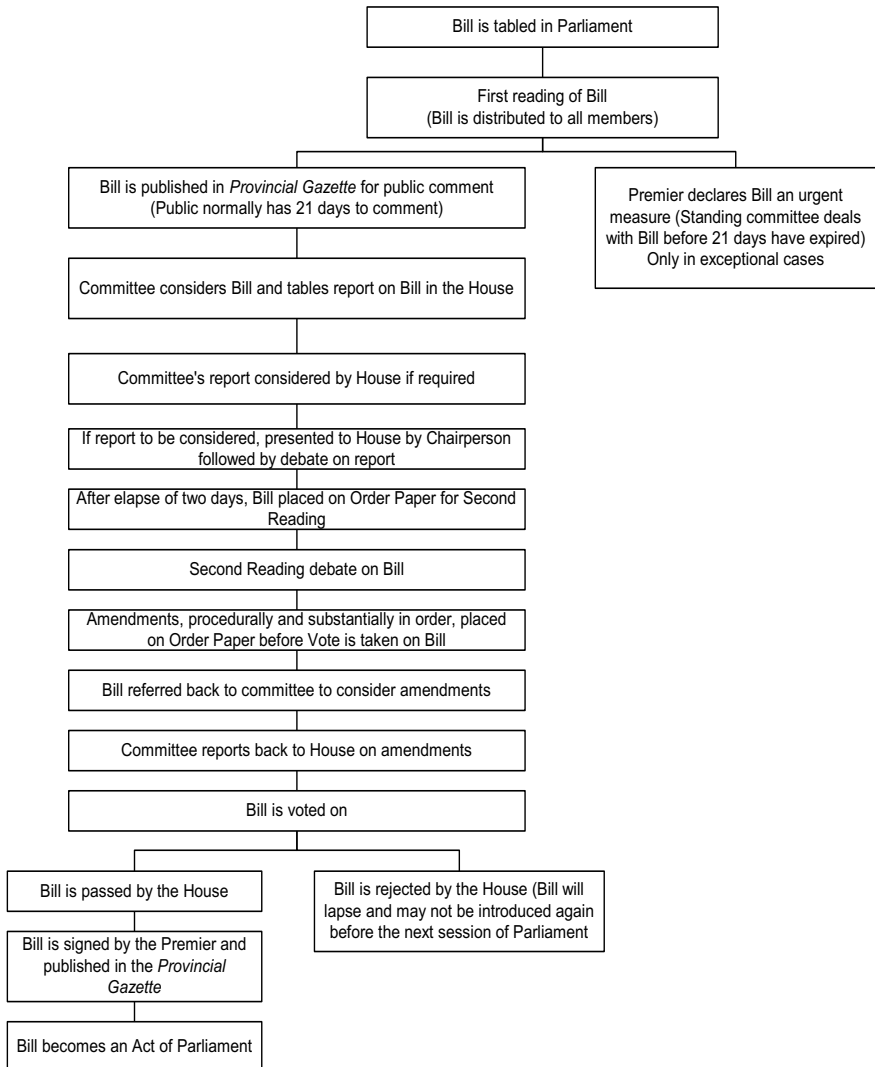
- (a) What measures are in place to dissuade young children from alcohol abuse and (b) what is his government's plans to curb alcohol harm in the province?

(534)

2. **Mr F C Christians to ask Mr D J Maynier, Minister of Education:**

Appendix H

PASSING OF ORDINARY BILL



Appendix I

Tuesday, 2 December 2008]

59

No 29 - 2008] FIFTH SESSION, THIRD PARLIAMENT

PARLIAMENT OF THE PROVINCE OF THE WESTERN CAPE =====

ORDER PAPER

=====

TUESDAY, 2 DECEMBER 2008

HOUSE: 14:15

INTERPELLATIONS AND QUESTIONS

QUESTIONS TO THE PREMIER WITHOUT NOTICE

Mr M Skwatsha

Mr E H Eloff

Ms A J du Toit-Marais

Ms T Bevu

ORDER OF THE DAY

- (1) Debate: Finalisation of the *Western Cape Health Services Fees Bill* [B4-2008]
(Minister of Health).

SUBJECT FOR DISCUSSION

1. 16 Days of activism against violence against women and children - defending women and children – defending their rights.

STATEMENTS BY MEMBERS

MOTIONS

Appendix J

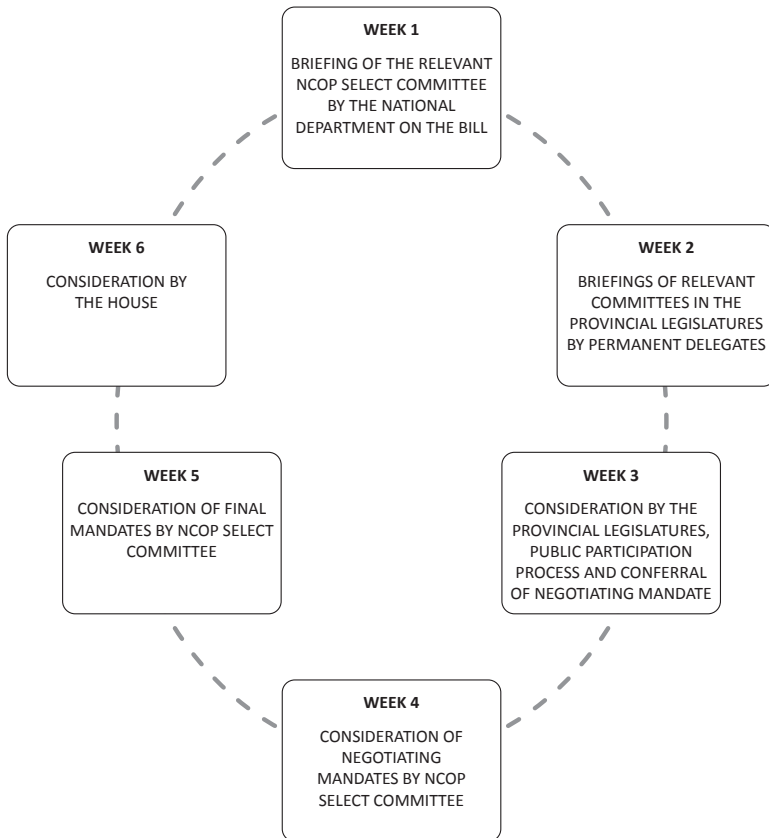
SCHEDULE

(As a charge to the Provincial Revenue Fund)

Vote	Description of votes and main divisions	Totals	Current payments			Transfers and subsidies to	Payments for capital assets	Payments for financial assets	Amounts specifically and exclusively appropriated
			Compensation of employees	Goods and services	Other				
		R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000
1	Premier	1 825 280	640 851	1 122 393		21 866	40 170		623 108
2	Provincial Parliament	176 502	91 186	27 158		53 711	4 447		
3	Provincial Treasury	321 610	206 682	58 098		51 476	5 354		15 401
4	Community Safety	776 125	165 211	104 135		497 310	9 469		439 826
5	Education	28 032 601	19 500 308	3 308 321		3 820 779	1 397 699	5494	3 812 931
6	Health	29 094 331	16 700 121	9 466 986		1 832 255	1 094 969		7 829 482
7	Social Development	2 285 335	994 173	210 800		1 030 536	49 826		201 725
8	Human Settlements	2 414 805	240 236	108 002		2 060 609	5 958		2 116 034
9	Environmental Affairs and Development Planning	568 586	241 071	23 729		299 101	4 685		68 989
10	Transport and Public Works	9 106 398	1 177 477	2 903 569		1 995 266	3 030 076	10	2 643 729
11	Agriculture	969 218	443 638	235 043	135	266 781	23 621		307 386
12	Economic Development and Tourism	514 798	133 289	52 487		326 183	2 839		253 794
13	Cultural Affairs and Sport	937 913	234 250	184 664		483 784	35 215		490 530
14	Local Government	309 301	208 354	73 918		20 884	6 096	49	25 416
		77 332 803	40 976 847	17 879 303	135	12 760 541	5 710 424	5 553	18 848 151

Appendix K

NCOP SIX WEEK LEGISLATIVE CYCLE





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