

National Council of Provinces

PARLIAMENT OF SOUTH AFRICA

- Parliament consists of two houses
 - the National Assembly (NA), which has 400 members, and
 - the National Council of Provinces (NCOP), which has at least 90 delegates.

THE NATIONAL COUNCIL OF PROVINCES

- The Constitution says the NCOP represents the provinces to ensure that provincial interests are taken into account in the national sphere of government.
- It does this mainly by participating in the national legislative process, and by providing a national forum for public debate of important issues affecting the provinces.
- The NCOP also ensures that local government concerns are represented at the highest level.

THE COMPOSITION OF THE NCOP

- The NCOP consists of nine provincial delegations nominated by the *provincial legislatures*, and the delegation of the *South African Local Government Association (SALGA)*.
- Each provincial delegation has ten members made up of:
 - six permanent delegates
 - four special (temporary) delegates

- The delegation is headed by the Premier of each province, who is one of the special delegates.
- If necessary, the Premier can appoint someone to take her/his place.
- SALGA delegation is chosen by its executive committee from a group of representatives of the Local Government Associations in the nine provinces.

NCOP OFFICE BEARERS

- The NCOP elects *Presiding Officers* from amongst its members;
 - a Chairperson, and
 - two Deputy Chairpersons.
- These officers manage the work of the NCOP and preside over debates, making sure that delegates can speak freely while remaining within the House rules.
- The permanent Deputy Chairperson is elected for five years while provincial Premiers take turns to be rotating Deputy Chairpersons for a year.

THE ROLE OF THE NCOP

- The NCOP is envisaged as a body to achieve co-operative governance and participatory democracy, as well as being the focal point for the articulation of local government and provincial concerns at national level.
- The NCOP gives voice to the perspectives of the nine provinces of South Africa

and also provides a platform for local government to participate in legislative deliberations at a national level.

LAWMAKING ROLE

- The NCOP considers, passes, amends, proposes amendments to, or rejects legislation
- It must consider all national Bills.
- It may also initiate or prepare Bills falling within Schedule 4 of the Constitution (matters over which national and provincial legislatures jointly have the power to make laws) and certain bills affecting the provinces.
- Most of this legislative work is done in committees, but all Bills must be referred to a sitting of the NCOP for debate and for a vote on whether to accept or reject the Bill.
- It has a constitutional legislative role to deal with three kinds of Bills:

Bills which do not affect provinces:

- Bills that do not affect provinces are those which relate to national functions; such as defence, foreign affairs, and justice.
- When such Bills have been passed by the National Assembly, they go to the NCOP for voting.
- If the NCOP wants to make changes to the Bill, it goes back to the National Assembly, which can accept or reject the changes.

Bills that directly affect provinces:

- Examples of Bills affecting provinces include education, transport, welfare, and health.
- Most of these Bills can be introduced in the NCOP by either House; but there are some Bills that have to start in the National Assembly.
- When voting for these Bills in the NCOP, each province has one vote.
- If there is disagreement between the NA and the NCOP about a Bill affecting provinces, the Bill must be sent to the *Mediation Committee*.

Bills that amend the Constitution:

- When a Bill to amend or change the constitution directly affects the provinces, at least six of the nine provinces in the NCOP must agree to it.
- If the Bill to amend the constitution does not directly affect provinces, the constitution requires the NCOP to debate the Bill (without voting) before it goes to the NA for voting.

OVERSIGHT ROLE

- Oversight is a constitutionally mandated function of Parliament (including Provincial Legislatures) to check and monitor government actions.
- The NCOP exercises oversight over the national aspects of provincial and local government.
- The NCOP may require a Cabinet

member, an official in the national government or a provincial government to attend a meeting of the Council or a committee of the Council.

- The NCOP delegates may ask Cabinet ministers questions which must be answered in the NCOP.
- The NCOP or any of its committees may receive *petitions*, *representations* or *submissions* from any interested persons or institutions.
- The NCOP also conducts oversight visits to the communities in order to ensure that they get direct information on the needs and challenges of the people.

NCOP COMMITTEES

- The NCOP's committees are called *Select Committees*, for example, the Select Committee on Housing, Public Works and Transport.
- Each Committee shadows the work of specific government departments. The Committee also debates and amends Bills, and organises public hearings if an issue is of great public interest.
- Committees may summon any person to give evidence or to produce documents, and they may require any person or institution to report to them.
- Once a bill has been debated by a committee, it is submitted to the NCOP for a vote.
- Each provincial delegation has one vote that is cast on behalf of the province by

the head of its delegation.

ROLE OF THE MEMBERS OF THE PUBLIC ON OVERSIGHT

Members of the public can make a meaningful contribution on oversight to ensure that the government is answerable to the needs of the people. These are some of the ways that can be used:

MAKE A SUBMISSION

- A submission to a committee of Parliament is one way of making your voice heard in Parliament.
- By making a submission, you have an opportunity to influence the opinion of members of a committee who are discussing and debating a particular piece of legislation before it is finalised.

PETITION

- A petition is a way of bringing a grievance or an issue of public concern to the attention of Parliament to take action within its authority.
- The right to petition Parliament is the right of every citizen of the country and is provided for in our Constitution.
- Any person, groups of people or an organisation has the right to petition Parliament.

CONTACT A MEMBER OF PARLIAMENT

- Members of public can contact MPs in constituency offices throughout the country or at Parliament if you want to win their support for an issue you feel strongly about or if you need assistance with a particular problem.



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