

## NORTHERN CAPE PROVINCIAL LEGISLATURE

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## OFFICE OF THE SPEAKER

Date: 18 SEP 2007

Our Ref: Final. Man: [B8-2007]  
Your Ref:

Enquiries: CPC Hans

TO: CHAIRPERSON OF THE NCOP  
Mr MJ MAHLANGU

FINAL MANDATE: MANDATING PROCEDURES OF PROVINCES BILL [B8-2007]

(Section 76 Bill)

## 1 INTRODUCTION

The Chairperson of the Standing Committee on Constitutional Affairs, Hon FM Sulliman tabled the Committee's final mandate as adopted by the Standing Committee on 21 August 2007, on the *Mandating Procedures of Provinces Bill [B8-2007]*. The mandate was duly adopted by the legislature in terms of rule 133 of the Northern Cape Provincial legislature.

## 2 PROCESS FOLLOWED

The Speaker referred the *Mandating Procedures of Provinces Bill [B8-2007]* to the Standing Committee on Constitutional Affairs on 12 June 2007.

The Standing Committee received a briefing on the Bill from the Northern Cape's Permanent Delegate to the NCOP Hon MA Sulliman at its meeting on 7 August 2007.

The Standing Committee resolved at its meeting held on 7 August 2007, to hold public hearings on the referred Bill in the areas of Frances Baard, Pixley ka Seme, Kgalagadi, Siyanda and Namaqua to solicit the views of the affected beneficiary communities and stakeholders with regard to the *Mandating Procedures of Provinces Bill [B8-2007]*.

Five (5) Public Hearings were held on 16 August 2007 as per Committee resolution and both written and oral submissions were called for. The Public engaged with the Members of the Provincial Legislature on their views.

On 21 August 2007 the Standing Committee on Constitutional Affairs deliberated and considered the *Mandating Procedures of Provinces Bill [B8-2007]*.

### 3 PUBLIC INPUT ON THE BILL

The bill sets out clear procedures in terms of which a legislature can confer authority on its delegation to cast votes on its behalf.

The public expressed their appreciation of the fact that the government adhered to the principles of transparency and openness by keeping the public informed and allowing them to participate in decision-making and government processes. The public supports the bill.

### 4 STANDING COMMITTEE POSITION ON THE BILL

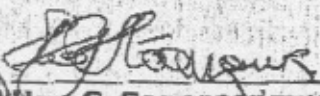
The Standing Committee on Constitutional Affairs supports the Bill with the following recommendations on legal-technical grounds.

- In order to ensure a logical flow (sequence) and understanding of the voting process, it would serve a purpose to have the contents of section 8(1) (not necessarily the heading) before section 4 to make it clear that the Legislature must first confer authority to vote on the head of the delegation, before, in terms of section, the Premier or a person designated by the Premier, (is allowed) must cast a vote on behalf of the Legislature.
- That square brackets not be used in the Schedule to the Bill, since that is recognised practice to delete information in an amendment Bill and may cause some confusion to less experienced users of legislation.

### 5 ADOPTION OF THE BILL

The legislature adopted this Final Mandate

In terms of Section 65 of the Constitution, the Standing Committee on Constitutional Affairs recommends that the House confer authority on the Head of its Delegation to the NCOP to vote in support of the *Mandating Procedures of Provinces Bill [B8-2007]*.

  
\*Hon. C. Seoposengwe  
Speaker

Date: 18-07-2007