



**PARLIAMENT**  
OF THE REPUBLIC OF SOUTH AFRICA

(4)

11/019 Pcpawak

**COMMITTEES**  
PO Box 15 Cape Town 8000 Republic of South Africa  
Tel: 27 (21) 403 2597 Fax: 27 (21) 403 3205  
[www.parliament.gov.za](http://www.parliament.gov.za)

**DRAFT SESSIONAL REPORT**  
**JULY – SEPTEMBER 2011**

**COMMITTEE ON PRIVATE MEMBERS' LEGISLATIVE PROPOSALS AND SPECIAL PETITIONS**



**DRAFT SESSIONAL REPORT OF ACTIVITIES OF THE COMMITTEE ON PRIVATE MEMBERS' LEGISLATIVE PROPOSALS  
AND SPECIAL PETITIONS  
July – September 2011**

**1. OVERVIEW OF THE CHAIRPERSON (HON SG THOBEJANE)**

The purpose of the report is to give an account of the activities of the Committee on Private Members' Legislative Proposals and Special Petitions for the period July to September 2011. In giving effect to its vision and mandate (as outlined in section 2 of this report) through the consideration of legislative proposals and special petitions referred to the committee, the committee has actively attempted to set in place systems to enhance its performance and assist with the timely processing of recommendations to the National Assembly. The committee therefore continued with its endeavours to develop best practices model for the implementation of the criteria outlined in the new rule 235A of the Rules of the National Assembly, which confines the committee's evaluation of legislative proposals to the following considerations:

- (a) goes against the spirit, purport and object of the Constitution;
- (b) seeks to initiate legislation beyond the legislative competence of the Assembly;
- (c) duplicates existing legislation or legislation awaiting consideration by the Assembly or Council;
- (d) pre-empted similar legislation soon to be introduced by the national executive;
- (e) will result in a money bill; or
- (f) is frivolous or vexatious.

The implementation of these considerations assisted the committee in processing legislative proposals in a transparent manner, as required by the Constitution.

**2. MEMBERSHIP OF THE COMMITTEE**

Name	Party
Khumalo, Ms F	ANC
Kubayi, Ms MT	ANC (Whip)
Mdaka, Ms MN	ANC
Molebatsi, Ms AM	ANC
Pilusa-Mosoane, Ms ME	ANC
Tinto, Ms B	ANC
Thobejane, Mr SG	ANC (Chairperson)
Van Wyk, Ms A	ANC
Pretorius, Mr PJC	DA
Kopane , Ms P	DA
Kilian, Ms JD	COPE
Adams, Adv L	COPE (Alternate)
Oriani-Ambrosini, Mr MG	IFP
Smith, Mr PF	IFP (Alternate)

**2.1** On 5 September 2011 the following change to the committee membership was reported in the ATC:

*Discharged:* Honourable J Terblanche

*Appointed:* Honourable P Kopane

### **3. VISION AND MANDATE OF THE COMMITTEE**

#### **3.1. Vision**

To promote the spirit, purport and object of the Constitution of the Republic of South Africa, 1996<sup>1</sup> in the consideration of the principles underlying legislative proposals brought to the committee by individual members.

To protect the constitutional interests and rights of the people of the Republic of South Africa through the consideration of special petitions brought to the committee.

To give expression to the idea of participatory democracy, as endorsed by the Constitution, through the processing of legislative proposals and special petitions.

#### **3.2. Mandate**

To consider an Assembly member's memorandum referred to the committee by the Speaker of the National Assembly in terms of rule 235(1) of the Rules of the National Assembly. In terms of the new rule 235A the committee must confine its consideration of legislative proposals to a closed list of criteria.

To consider a special petition of an individual member of the public, as referred to the committee by the Speaker of the National Assembly in terms of rule 315(a) of the Rules of the National Assembly.<sup>2</sup>

### **4. LIST OF ENTITIES REPORTING TO THE COMMITTEE**

None. The committee is not mandated to oversee the functioning of any departments or other entities.

### **5. COMMITTEE STRATEGIC PLAN**

None. The work of the committee is strictly guided by referrals of legislative proposals and special petitions that cannot be predetermined. It is difficult to link legislative proposals received to government priorities and outcomes as the right of members to initiate legislation<sup>3</sup> (as regulated by the Rules of the National Assembly)<sup>4</sup> remains a constitutional right and the focus of legislative proposals can therefore not be dictated to members.

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<sup>1</sup> Hereinafter referred to as 'the Constitution'.

<sup>2</sup> In exercising this mandate the committee tables a recommendation pertaining to the special petition in the National Assembly.

<sup>3</sup> Section 73(2) of the Constitution.

<sup>4</sup> Section 57(1) of the Constitution.

**6. BUDGET VOTE/FISCAL FRAMEWORK CONSIDERATION BY RELEVANT COMMITTEES**

None. The committee is not mandated to oversee the functioning of any departments or other entities.

**7. OVERSIGHT TRIPS**

None

**8. CONFERENCE/WORKSHOP/SEMINAR**

None

**9. INTERNATIONAL TRIPS/STUDY TOURS UNDERTAKEN**

None

**10. LEGISLATIVE PROPOSALS AND SPECIAL PETITIONS REFERRED TO THE COMMITTEE**

**10.1. Legislative Proposals referred for consideration and report**

Title of the legislative proposal	Relevant government priority (if applicable)	Recommendation	Referral date	Withdrawal date	Consideration date	Adoption date	Publication date of report in the ATC	Consideration date by the House
Legislative proposal to prohibit contracting between an organ of state in the national sphere of government and companies whose directors are party-political office-bearers or public representatives, or whose shareholders are party-political officer bearers or public	Improving Governance		20/04/2010		25/05/2011 07/09/2011			

representatives or political parties (Mr I O Davidson)	Title of the legislative proposal	Relevant government priority	Recommendation	Referral date	Withdrawal date	Consideration date	Adoption date	Publication date of report in the ATC	Consideration date by the House
Legislative proposal to regulate business interests of State employees (Mr I O Davidson)	Improving Governance		02/09/2010		08/06/2011 14/09/2011	12/10/2011			
Legislative proposal to amend the Labour Relations Act, No 66 of 1995 (Mr I M Ollis)	Improving Governance		08/10/2010		30/03/2011 31/08/2011				
Legislative proposal to amend the Lotteries Act, 1979 Act No 57 of 1997) (Mr J F Smalle)	Improving Governance		17/09/2011						
Legislative proposal to amend the Executive Members; Ethics Act, 1998 (Act No 82 of 1998), to provide for matters related to the President of the Republic's declaration of interests in terms of the Act (The Leader of the Opposition - Mr A Trollip)	Improving Governance		01/09/2011						

10.2. Special Petitions referred for consideration and report

Title of the Special Petition	Recommendation	Referral date	Consideration date	Adoption date	Publication date of report in the ATC	Consideration date by the House
Special petition from Mrs ASE van Rheede van Oudsthoorn, praying for a pension (presented by Dr LL Bosman)		26/05/2011	22/06/2011			

11. MEETINGS HELD BY THE COMMITTEE

Total Number: 6

Date	Agenda	Adopted date	Estimated Costs
03 August 2011	<ul style="list-style-type: none"> <li>• Presentation by the National Treasury and the Department of Justice and Constitutional Development on the Van Rheede van Oudsthoorn special petition praying for pension.</li> </ul>	24 August 2011	R317.00
10 August 2011	<ul style="list-style-type: none"> <li>• <b>Meeting postponed due to lack of quorum</b></li> </ul>	31 August 2011	R432.00
17 August 2011	<ul style="list-style-type: none"> <li>• Joint Meeting with the Portfolio Committee on Public Service and Administration on the legislative proposal to regulate business interest of State employees (Hon I O Davidson)</li> </ul>	31 August 2011	R726.00
24 August 2011	<ul style="list-style-type: none"> <li>• Consideration of 2<sup>nd</sup> Term Sessional Report</li> <li>• Consideration of Fact Sheet 2: Special Petition</li> <li>• Consideration of the minutes of 22 June 2011 and minutes of 3 August 2011</li> <li>• Deliberation on the Van Rheede van Oudsthoorn special petition praying for pension</li> </ul>		
31 August 2011	<ul style="list-style-type: none"> <li>• Deliberation on the legislative proposal to regulate interest of State employees (Hon I O Davidson)</li> <li>• Deliberation on the legislative proposal to amend the Labour Relations Act, No 66 of 1995 (Hon I Ollis)</li> </ul>	7 September 2011	R726.00

	<ul style="list-style-type: none"> <li>Review and Adoption of Minutes of 17 and 24 August 2011</li> </ul>			R645.00
7 September 2011	<ul style="list-style-type: none"> <li>Deliberation on the legislative proposal to prohibit contracting between an organ of state in the national sphere of government and companies whose directors are party-political office bearers of public representatives of political parties (Hon. I Davidson).</li> <li>Review and Adoption of Minutes of 31 August 2011</li> </ul>	14 September 2011		
14 September 2011	<ul style="list-style-type: none"> <li>Finalisation of the legislative proposal to regulate Business Interest of State employees contracting with the State (Hon I O Davidson).</li> <li>Review and Adoption of Minutes of 7 September 2011</li> </ul>	Will be adopted on 12 October 2011		R726.00

**12. CANCELLED MEETINGS**

Date of meeting	Agenda	Reason for cancellation
10 August 2011	<p><b>Review and Adoption of</b></p> <ul style="list-style-type: none"> <li>Report on the Van Rheede van Oudtshoorn special petition praying for pension</li> <li>Fact Sheet 2: Special Petitions</li> <li>2<sup>nd</sup> Sessional Report</li> <li>Minutes of 3 August 2011</li> </ul>	Majority of members unavailable resulting in no quorum; all agenda items required quorum.

**13. PUBLIC HEARINGS**

None. The committee is a technical screening committee and due to its specialized nature does not have the mandate to call for public hearings.

**14. CONSIDERATION OF SECTION 32 REPORTS (OF PFMA) PUBLISHED BY NATIONAL TREASURY**

None. The committee is not mandated to oversee the functioning of any departments or other entities.

**15. CONSIDERATION OF ANNUAL REPORTS TABLED IN PARLIAMENT IN TERMS OF PFMA**

None. The committee is not mandated to oversee the functioning of any departments or other entities.



16. APPLICATIONS/ACTIVITIES NOT APPROVED

None

17. SPONSORSHIP RECEIVED BY THE COMMITTEE

None

18. BUDGET OF THE COMMITTEE AS AT 23 September 2011

Line Items	Costs
Catering	R 4 181.50
Oversight	R 0.00
Conference/workshop	R 0.00
Study tour/ international trip	R 0.00
Witness expenses	R 0.00
Public hearings (outside Parliament)	R 0.00
Adverts	R 0.00
Consultants/ facilitators/Experts	R 0.00
Miscellaneous (Flowers, cards etc)	R 0.00
<b>Total</b>	<b>R 4 181.50</b>

Initial Budget: R 666 000.00

Total expenditure: R 4 181.50

Balance: R 661 818.50

**19. SUPPORT STAFF**

<b>Position</b>	<b>Name of Staff</b>
Unit Manager	Mr A Mamabolo
Committee Secretary	Ms A Boss
Researcher	Ms S Sipamla
Legal Advisor	Adv G Rhoda
Executive Secretary	Ms N Fakier

**COMMITTEE ON PRIVATE MEMBERS' LEGISLATIVE PROPOSALS AND SPECIAL PETITIONS**

- P – PRESENT**  
**A. ABSENT**  
**AP. APOLOGY**

	100811	170811	240811	310811	Total number meetings
<b>MEMBERS</b>					
<b>African National Congress</b>					
Kubayi, Ms MS	P	P	AP	P	3
Khumalo, Ms F		P	P	P	3
Mdaka, Ms MN	AP	P	P	P	3
Molebatsi, Ms AM	AP	P	AP	P	4
Sosibo, Ms JE	P	P	P	P	4
Thobejane, Mr S G	P	P	P	P	0
Tinto, Ms B				P	2
Piusa-Mosoane, Ms ME	AP	AP	P	P	3
Van Wyk, Ms A	AP	P	P		
<b>Democratic party</b>					0
Terblanche, Ms J	AP	AP	AP		4
Pretorius, Mr PJ C	P	P	P	P	1
Kopane, SP				P	
Ollis, IM					
<b>Congress of The People</b>					
Adams, Ms L*					1
Kilian, Ms J D	AP	P	AP		
<b>Inkatha Freedom Party</b>					0
Oriani-Abrosini, Mr M G					0
Smith, Mr PF *					0

**COMMITTEE ON PRIVATE MEMBERS' LEGISLATIVE PROPOSALS AND SPECIAL PETITIONS**

**P – PRESENT**  
**A- ABSENT**  
**AP- APOLOGY**

<b>MEMBERS</b>	<b>070911</b>	<b>140911</b>				<b>Total number meetings</b>
<b>African National Congress</b>						
Kubayi, Ms MT	P	P				2
Khumalo, Ms F	P	P				2
Mdaka, Ms M N	P	P				1
Molebatsi, Ms A M	P	AP				0
Sosibo, Ms JE	AP					2
Thobejane, Mr S G	P	P				0
Tinto, Ms B						1
Pitusa-Mosoane, Ms M	AP	P				1
Van Wyk, Ms A	P	AP				
<b>Democratic party</b>						
Dreyer, Ms A M						1
Pretorius, Mr P J C	AP	P				1
Kopane, Ms P	AP	P				
<b>Congress of The People</b>						
Adams, Ms L*						2
Kilian, Ms J D	P	P				
<b>Inkatha Freedom Party</b>						
Oriani-Abrosini, Mr M G						0
Smith, Mr PF *						0