

18 Steps to Passing Legislation

1

The Bill is tabled in Parliament

Ministers, Deputy Ministers, MPs and Parliamentary Committees can table bills in Parliament. A bill can only become law once it is approved by both the NA and NCOP in terms of the rules set out in the Constitution.

2

The Bill is Tagged

Parliament tags each bill as either a s75 bill (of general application) or a s76 bill (affecting the Provinces). Most Bills are s75 Bills. Tagged Bills are assigned a unique number: B (for bill) # (based on order in which it was tabled) - year of tabling. Eg. B1-2013

3

The Bill is referred to a Portfolio Committee of the National Assembly

PCs act on behalf of the National Assembly (NA). They hold public hearings, consider bills clause-by-clause, and make amendments. Finally, the PC drafts a report advising the NA to adopt or reject a bill.

4

PC is briefed by the Department

The Department introducing the Bill appears before the Portfolio Committee (PC) to outline the key features of the Bill, explain why it is necessary, and answer any questions from MPs.

5

Public Hearings are held

The Bill is advertised for comment to the general public. Any person/organisation may submit comments stating why they agree/disagree with the Bill or any of its clauses. Public hearings are held at which written submissions may be presented orally to the PC.

6

Government responds to public comments

State Law Advisors review each comment submitted by the public and give reasons for accepting or rejecting them. These decisions are tabled in a document that is presented to the PC for concurrence.

7

PC deliberates

The PC reviews the bill clause-by-clause, considering submissions made by the public and applying their own knowledge and experience. State Law Advisors are on hand to answer questions, and provide guidance or research.

8

PC reports to the NA

Once deliberations conclude, the PC votes on whether to approve/reject the Bill. Based on the outcome of the vote, the PC drafts a report (published in the ATCs) recommending that the NA should accept/reject the Bill.

9

The NA votes

The NA votes on the Bill based on the report of the PC. E.g. if the PC recommended that the NA support the Bill, the NA will vote in favour of it. Sometimes minority parties have different opinions on bills & will vote against it in the PC and NA.

10

The NA refers the Bill to the NCOP for concurrence

The National Council of Provinces (NCOP) will refer the Bill to the relevant Select Committee (SC) to deliberate on, on behalf of the NCOP.

11

The SC is briefed by the Department

Same procedure as point 4 above.

12

Public Hearings are held (optional)

Generally the SC will only hold public hearings if dealing with a s76 bill affecting the provinces (see point 2). In most cases the SC will not hold hearings on s75 bills.

13

Department Responds to comments raised during hearings (optional)

If public hearings are not held, this step is skipped.

14

The SC deliberates

The SC gives consideration to the clauses of the Bill. The NCOP has limited power to amend s75 bills, so few changes tend to be made by SCs.

15

SC reports to the NCOP

As with point 8, the SC drafts a report (published in ATCs) recommending whether or not the NCOP should adopt the Bill. The report is based on a vote taken by the members of the SC.

16

The NCOP votes

As with point 9, the NCOP members vote for or against the Bill.

17

The President signs the Bill into law

Once approved by Houses of Parliament (NA and NCOP), the Bill is sent to the President to sign into law.

18

The Act is published in the Government Gazette

Once signed by the President, the Bill (now an Act) is published in the Government Gazette. It comes into effect on publication, or on a date specified by the President.