

# The National Assembly

Parliament consists of two houses - the National Assembly and the National Council of Provinces (NCOP).

The Constitution says the National Assembly is elected to represent the people and to ensure government by the people under the Constitution. It does this by:

- choosing the President
- providing a national forum for public debate of important issues
- passing laws
- overseeing the executive

## Composition

The National Assembly must consist of between 350 and 400 members, elected every five years by citizens who are 18 years or older and who are registered on the national voters' roll. The Assembly currently has 400 members. The number of seats each party holds is, in general, proportional to the number of votes each won in the last election. Half of the members of the Assembly come from the national lists of the parties, and the other 200 from their regional lists. This does not affect the number of seats each party holds - rather it affects which individual candidates take up the seats on behalf of their parties.

## Membership

Every citizen who may vote is entitled to be a member of the National Assembly except:

- people employed or appointed by the state who are paid for this work, although the President, the Cabinet and certain other office bearers may become members
- permanent delegates of the NCOP, members of provincial legislatures and members of municipal councils
- insolvents (people declared bankrupt) who have not been rehabilitated
- people declared by a court to be mentally unsound
- people convicted of an offence and sentenced to more than a year in prison without the option of a fine after October 1996. Such people qualify for membership of the National Assembly again five years after their sentences have been completed.

Parties hold the seats in Parliament, not individual members. To become eligible for membership, a person must therefore be nominated by a political party. If a member of the National Assembly dies, resigns or is expelled from the party, the party which holds that seat chooses another party member to represent it.

## **Officials**

The National Assembly chooses presiding officers - the Speaker and the Deputy Speaker - from amongst its members at its first sitting. These officers act as 'referees', presiding over meetings of the National Assembly and taking charge of debates to make sure that MPs can participate freely while keeping to the rules. The Speaker also has managerial duties to ensure that Parliament runs smoothly. Each political party in the Assembly elects a chief whip to run its affairs. The presiding officers, the chief whips and the Leader of Government Business (the person appointed by the Cabinet to liaise with Parliament) together decide on the programme of work.

## **National Assembly and National Executive**

The National Assembly chooses the President - head of the national executive - from amongst its members. The President forms the government by appointing the Cabinet. The Assembly has the power to remove the President in cases of serious misconduct or if the President is unable to perform the functions of office. If the Assembly passes a motion of no confidence in the Cabinet (excluding the President), the President must reconstitute the Cabinet. If the Assembly passes a motion of no confidence in the President, the President and the Cabinet must resign. A state of emergency may only be passed by an Act of Parliament, and it may only be renewed if the National Assembly agrees.

## **Decision making**

A majority of votes are required for most decisions of the National Assembly. A vote on most bills may be taken if a majority of members are present, and a vote on other questions may be taken if a third of the members are present. Amendments to the Constitution require stronger majorities.

## **Making laws**

The National Assembly may make laws on anything except matters on which only the province may make laws (listed in Schedule 5 of the Constitution), it may amend the Constitution, and it may give its lawmaking powers (except the power to amend the Constitution) to another legislative body. In exceptional circumstances the National Assembly may act with the NCOP to make laws even on matters listed in Schedule 5. The National Assembly may consider, pass, amend or reject any legislation brought before it, and may initiate or prepare any law, except a money bill (one to do with finance). Most of this work is done in committees, before the bill is referred to a sitting of the Assembly for debate and for a vote on whether to accept or reject the bill.

## **Committee work**

The National Assembly's committees are called portfolio committees, for example, the Portfolio Committee on Education. Each committee oversees the work of a government department, debates and amends bills, and organises public hearings if an issue is of great public interest. Committees may also initiate bills. In the course of their oversight work, committees may summon any person to give evidence or to produce documents, and they can require any person or institution to report to them. Once a bill has been

debated and amended in a committee, it is submitted to the Assembly for a vote.

### **Debates and questions**

Issues of national importance are debated in the National Assembly. Also, members of the Assembly may ask Cabinet ministers questions which they must answer.

### **The Budget**

The annual Budget is debated in the National Assembly and a vote is taken.

### **More information**

More information about the various political parties in the National Assembly and what they stand for can be obtained from the parties themselves at Parliament tel. (021) 403 2911.