



PARLIAMENT  
OF THE REPUBLIC OF SOUTH AFRICA

# MANUAL ON PROMOTION OF ACCESS TO INFORMATION

2021

## FOREWORD

The purpose of the manual is to inform members of the public about the functions of Parliament, information that can be obtained and services available from Parliament. This manual is one of the means that we use to realise one of our most important function which is to facilitate public involvement in the legislative and other processes of Parliament. We hope it will improve and promote interaction with us, for you to access information you require, take part and be involved in our People's Parliament.

Our Constitution established a democratic system that is both representative and participatory. It envisages a much more public participatory approach and therefore explicitly mandates Parliament to facilitate public involvement in its legislative and other processes and to conduct its business in an open manner. In response to the Constitutional obligation, Parliament continuously work at establishing measures that would ensure that people who would not ordinarily have access to and participate in Parliament are provided with opportunities to do so. One such measure that Parliament established is the Parliamentary Democracy Offices.

The Information Officer of Parliament is the Secretary to Parliament. The person delegated, in terms of the Promotion of Access to Information Act 2000 (Act No 2 of 2000), for providing information and assisting the public in realising the objective of this Act is the Clerk of the Papers. The Clerk of the Papers is the Deputy Information Officer for Parliament. The Clerk of the Papers has access and extensive knowledge on the records of Parliament. He is assisted by staff in the office to provide information and is responsible for the administration of the Act.

The Information Officer is the Secretary to Parliament as the accounting officer of the institution. The contact details are:

The Information Officer

Parliament of the Republic of South Africa

P O Box 15

CAPE TOWN

8000

Tel: 021 403 3211

E-mail: [rkleyn@parliament.gov.za](mailto:rkleyn@parliament.gov.za) / [cjacobs@parliament.gov.za](mailto:cjacobs@parliament.gov.za)

All requests for information should be addressed to the Deputy Information Officer. The contact for the Deputy Information Officer and his staff are:

Postal Address:

Parliament of the Republic of South Africa

P O Box 15

Cape Town

8000

Physical address:

Parliament of the Republic of South Africa

Parliament Street

Cape Town

8001

Telephone: (021) 403 2224 or 403 8182

Fax: (021) 403 3033

E-mail address: [lclaassen@parliament.gov.za](mailto:lclaassen@parliament.gov.za) / [ycurnow@parliament.gov.za](mailto:ycurnow@parliament.gov.za)

Website: [www.parliament.gov.za](http://www.parliament.gov.za)

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## **A. INTRODUCTION**

The functions of Parliament are provided for in Chapter 4 of the Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996). Parliament of South Africa is situated in Cape Town. Parliament consists of two Houses called the National Assembly and National Council of Provinces. Each House has its own distinct role and functions, as set out in the Constitution. However, there are many instances when the two Houses act together to conduct what is called "joint business".

The National Assembly consists of 400 Members, elected for a five-year term on the basis of a common voters' roll. The Speaker, assisted by a Deputy Speaker, the House Chairpersons preside over the meetings of the National Assembly. The number of National Assembly seats awarded to each political party is in proportion to the outcome of the national election, which is held every five years.

The National Council of Provinces consists of 54 permanent Members. Each of South Africa's nine provinces sends 6 permanent representatives to the National Council of Provinces. The Chairperson, assisted by a Deputy Chairperson, the House Chairpersons preside over the meetings of the National Council of Provinces. In addition, local (municipal) government representatives may participate in the National Council of Provinces, but cannot vote. The National Council of Provinces has to ensure that provincial interests are considered in national legislation.

Parliament exists to represent the people and to ensure that government delivers on its promises and undertakings to the public. Parliament also provides a national forum for the public consideration of issues, and the representation of provincial and local government interests in the national sphere. In so doing, Parliament must ensure meaningful public involvement in its processes.

In the national sphere of government, the legislative power of the Republic is vested in Parliament. In other words, Parliament is responsible for making and passing laws. The National Assembly also chooses the President and is a national forum where issues are debated publicly. The Assembly also has to scrutinise and oversee the actions of the executive. The National Council of Provinces, on the other hand, must ensure that provincial interests are taken into account in the national sphere of government. It does that by taking part in the law-making process and by being the forum where issues affecting the provinces are debated publicly.

## **B. MANDATE OF PARLIAMENT**

The mandate of Parliament determines its reason for existence. It is the origin of the institution, and is based on the provisions of the Constitution of the Republic of South Africa establishing Parliament and setting out the functions it performs. Parliament is elected to represent the people and to ensure government by the people under the Constitution, and to represent the provinces in the national sphere of government. Parliament fulfils its mandate by performing the following functions:

Function 1: Pass legislation (laws)

Function 2: Scrutinise and oversee executive action (keep oversight of the executive and organs of state)

Function 3: Facilitate public participation and involvement in the legislative and other processes

Function 4: Facilitate co-operative government

Function 5: Facilitate international participation (participate in regional, continental and international bodies)

## **CORE FUNCTIONS**

The Core Functions of Parliament are to pass legislation (laws), to scrutinise and oversee executive action (keep oversight of the executive and organs of state), to facilitate public participation and involvement in the legislative and other processes, to facilitate co-operative government and to facilitate international participation (participate in regional, continental and international bodies). The outputs for the Core Functions include Bills passed, questions put to the executive, annual reports tabled and scrutinised, public participation facilitated, participated in international forums and organisations, approved international agreements, appointed public office bearers, and discharged statutory functions.

The Core Functions of Parliament indicate our main business. They are:

### **Core Function 1: To pass legislation (laws).**

Bills are introduced in Parliament by the executive or initiated by Parliament itself. Bills are classified in terms of the Constitution as section 74 Bills (Constitutional amendments),

section 75 Bills (ordinary Bills not affecting provinces), section 76 Bills (ordinary Bills affecting provinces), and section 77 Bills (money Bills).

**Core Function 2: To oversee and scrutinise executive action (Oversight).**

As part of the oversight function of Parliament, members put questions to the executive for oral or written reply. Questions may be put to the President, Deputy President or Ministers. In addition to questions and replies, the oversight function includes the tabling of reports in Parliament by institutions accounting to it. Annual reports are tabled by national departments, state institutions supporting constitutional democracy, public entities, and sector education and training authorities.

Further oversight activities include site visits, reports and briefings to committees, and the budget process.

**Core Function 3: To facilitate public participation and involvement.**

The participation of the public in the processes of Parliament, their access to the institution and its members, and information provided to the public remain a vital focus of Parliament. Public participation activities include public hearings, outreach programmes, radio programmes and broadcasts, television broadcasts, publications, newsletters, promotional material, the website, the people's assembly, and Parliament to the People campaign.

**Core Function 4: To facilitate co-operative government.**

Parliament plays a major part in facilitating co-operative government by approving international agreements, the appointment of public office bearers, and the discharge of certain statutory functions as prescribed in legislation.

**Core Function 5: To facilitate international participation.**

Parliamentary international relations is the continuation of a political process and dialogue among legislatures of the world. At different international meetings, members of Parliament (MPs) and presiding officers have the opportunity to exchange views with their counterparts from other countries on a range of international challenges.

The Parliament of South Africa participates in several international forums and organisations, including the -

Pan-African Parliament;  
SADC Parliamentary Forum;  
Commonwealth Parliamentary Association;  
Inter-Parliamentary Union (IPU); and  
African, Caribbean, Pacific-European Union Forum.

### **C. STRUCTURE OF THE PARLIAMENTARY SERVICE**

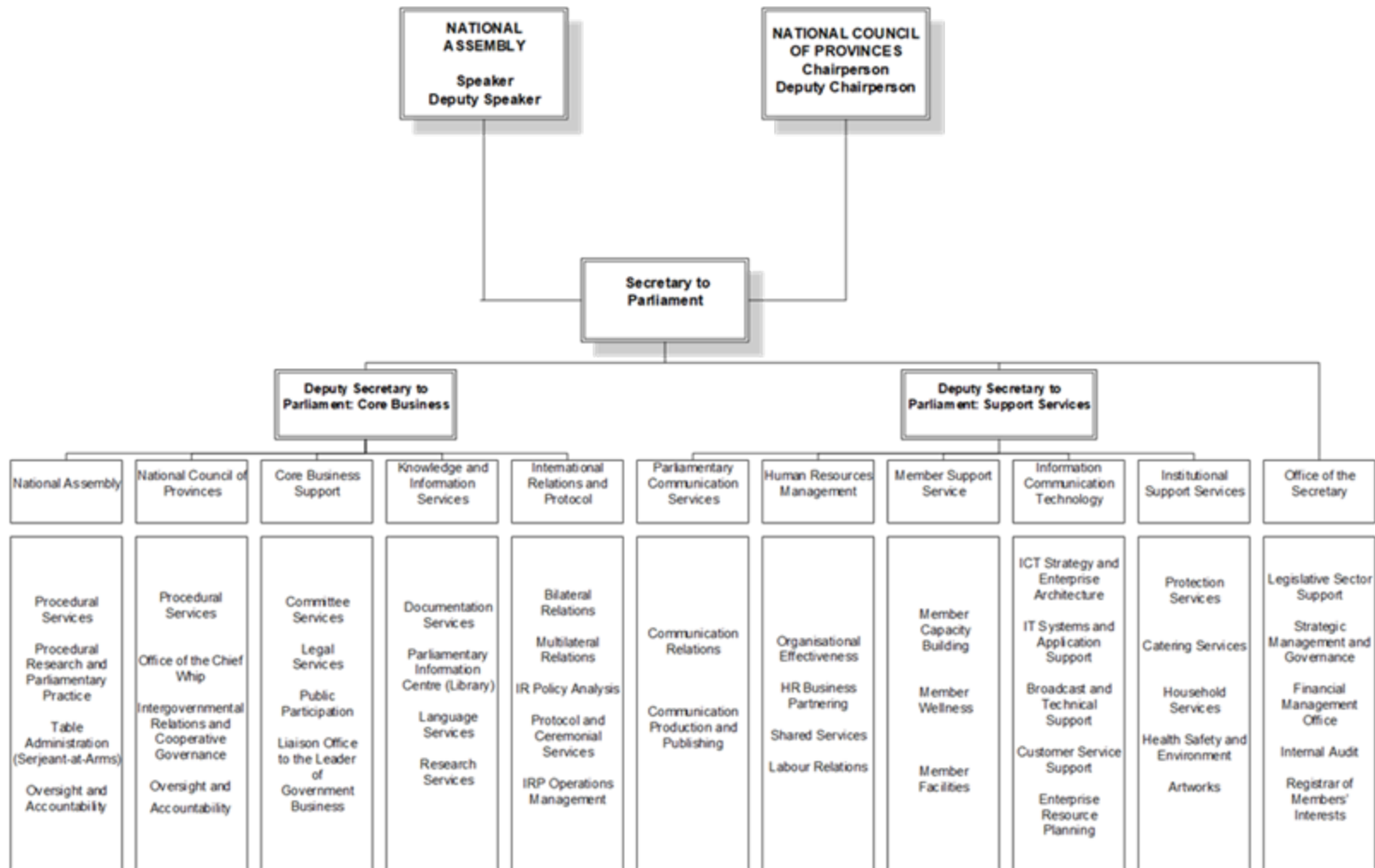
The necessity for the Parliamentary Service is derived from the need for services by Members of Parliament, as they perform their functions outlined in the Constitution. The results of functions of Parliament are delivered through a range of services provided by the various divisions of the Parliamentary Service.

The parliamentary administration provides professional support services to the Houses of Parliament, committees and individual Members of Parliament. This primarily takes the form of information and advisory and services and facilities management services, which capacitate and enable Members of Parliament to fulfil their constitutional obligations.

The organogram below depicts the operating model and organisational structure of the Parliamentary Administration.

The Parliamentary Service is headed by the Secretary to Parliament who is the Accounting Officer.





## **D. ACCESSING RECORDS OF PARLIAMENT**

Parliament subscribes and promotes the principles of transparency and accountability and as such most of its information is open for access by anyone. The work of parliament as a representative of the People is held in the open and anyone is able to attend and observe the meetings. It is for this reason that records and information of Parliament is freely available to the public and is placed on the website for easy access.

It is advisable that before anyone wishes to access a record in the possession of Parliament, one should first contact the Clerk of the Papers to enquire primarily whether such record could be provided without having to resort to an application in terms of the Promotion of Access to Information Act. This is so because most of the records in Parliament are automatically available to members of the public as most of the meetings of Parliament are held in the open.

Where one has to resort to the Act, the requester must use the prescribed form and comply with all procedural requirements of the Act. If a requester is asking for the information on behalf of someone else, the capacity in which the request is being made should be indicated.

If a requester is unable to read or write, or has a disability, he or she can make the request for the record orally. The Deputy Information officer will fill in the form on behalf of such a requester and give them a copy.

The requester must indicate if the request is for a copy of the record or if the requester wants to come in and look at the record. If the record is not a document it can then be viewed in the requested form, where possible.

If, in addition to a written reply to request for the record, the requester wants to be told about the decision in any other way, e.g. by telephone, this must be indicated in the form.

If a person asks for access in a particular form, the requester will get access in the manner that has been asked for unless doing so would damage the record or infringe a copyright not owned by Parliament.

The Deputy Information Officer of Parliament is charged with assisting requesters to comply with the Act when requesting access to records of Parliament. When a requester does not know which institution has possession or control of the record that he/she requests, the Deputy Information Officer will assist in identifying and transferring the

request to the institution that has the record or request it from that institution on behalf of the requester.

## **Management of Personal Information**

Parliament as a public service organisation receives personal information in the main from its employees and Members of Parliament for purely administrative purposes. This information is kept for administrative purposes only and is not shared with any other organisations except those required by law such as the South African Revenue Services. The information is used for the purpose that is provided for. This information is kept in hardcopy files in the Registry Room with limited and controlled access. Electronic personnel records are secured by means of a password and controlled security accessed levels based on function. The records are managed in terms of Parliament's approved file plan which includes how long records are to be retained and when are they to be destroyed.

Employment contracts of employees are excluded from being accessed by third parties and if a request is made for their access the legal office is consulted for vetting the motivation for the request and the employee concerned would have been notified of such request and his/her privacy rights explained.

Parliament also receives information of individuals when the public is visiting Parliament. This information is required for access control because Parliament is a Key Point Area. The information required is names and identification details of the individual. This information is stored in our ICT storage servers and access is controlled. The information is only shared with the South African Policy Services for vetting individuals who apply to attend special events such as the State of the Nation Address for deciding on granting access to the event.

## **Fees payable**

In terms of section 22 of the Promotion of Access to Information Act there are two types of fees that are to be paid which are the request fee and the access fee. Parliament does not at this point ask for request fee but the requester may be asked to pay access fee when access is granted which may be for the reproduction of the record and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

## **Remedies available in respect of an act or failure to act in terms of the Act**

If the requester wishes to appeal the decision of the information officer, the requester must lodge an appeal and it will be considered internally by the Executive Authority of Parliament. That is, the Speaker of the National Assembly and the Chairperson of the National Council of Provinces. The requester may also lodge a complaint with the Information Regulator if not satisfied with the decision of Parliament.

The Executive Authority

Parliament of Republic of South Africa

P O Box 15

CAPE TOWN

8000

E-mail: [speaker@parliament.gov.za](mailto:speaker@parliament.gov.za) / [chaipersonsoffice@parliament.gov.za](mailto:chaipersonsoffice@parliament.gov.za)

The Information Regulator

P.O Box 31533

Braamfontein

Johannesburg

2017

E-mail: [ir@justice.gov.za](mailto:ir@justice.gov.za)

## **E. RECORDS OF PARLIAMENT**

### **1. Categories of records available to the public**

Requests for access to these records that are automatically available to the public can be made telephonically or by fax, e-mail or letter. There is no form to be filled as long as full particulars of the record to which access is requested are provided. For a person to access these records the request is not required to be made in terms of the Act. These records are also available on Parliament's website and the address is [www.parliament.gov.za](http://www.parliament.gov.za) (A detailed list of these records is also attached to this manual)

### **2. Papers tabled in Parliament**

Papers tabled in Parliament refer to annual reports and other reports that the government departments, constitutional bodies and public entities are submitting to Parliament as means of accounting to Parliament. Government departments, constitutional bodies and public entities are required by the Constitution and their enabling legislation to provide Parliament with regular reports on their activities and administration of their functions.

The kinds of records that fall under papers tabled in Parliament are:

Annual Reports and Papers from government departments, constitutional bodies and public entities;

Reports of the Auditor-General;

Strategic Plans of government departments, constitutional bodies and public entities;

Government proclamations and regulations; and

International Agreements entered into between South Africa and other countries and international organisations.

### **3. Bills before Parliament**

Bills before Parliament are proposed laws (legislation) that Parliament is still discussing and are not yet adopted by both National Assembly and National Council of Provinces.

The kinds of records that fall under Bills before Parliament are:

Bills introduced by Government departments;

Bills introduced by Members of Parliament; and

Bills introduced by committees of Parliament.

### **4. Submissions from the public on Bills**

When a Bill is introduced in Parliament it is immediately referred to a committee for consideration. The committee may, depending on the subject matter of the Bill, request the public to submit their opinions on the subject of the Bill. The committee will consider the submissions of the public in their deliberations and may invite some of the people who submitted their opinions to come and address them. These are termed submissions from the public on Bills before Parliament.

### **5. Papers on the proceedings of Parliament**

When Parliament is in session there are papers produced for the business of the Houses and those that emanate from its meetings.

The kinds of records that fall under papers on the proceedings of the Houses of Parliament are:

Order Papers (agenda document);

Minutes of Proceedings of the Houses;

Minutes of meetings of committees;

Reports of committees on public hearings;

Announcements, Tablings and Committee Reports;  
Question Paper (Questions to Ministers, Deputy President and President);  
Internal Question Paper (register of questions asked by Members); and  
Speeches of Members of Parliament, Ministers, Deputy President and President

## **6. Business Publications of Parliament**

A variety of publications are produced in Parliament that provide information on the workings of Parliament, events and news about Parliament.

Hansard Debate Books

Questions and Replies Book

Newsletters about events in Parliament

Pamphlets on important subjects for information to the public

Register of Members' Interests

Lists of Members of Parliament

## **7. Categories of records that may be requested using the Act**

These records are to be requested in terms of the Act and the requester is required to comply with all the procedural requirements of the Act. The requester must use the prescribed form that is attached to this manual and is also on our website.

### **a. Financial Management Office**

Budget

Asset Register

Procurement Management Procurement Policies

Decisions of Procurement Committee

Policy on Political Party Funding

**b. Human Resources Administration**

Human Resources policies; and  
Conditions of service.

**c. Research Services**

Research papers and reports  
Research Papers on Bills  
Briefing papers on the Budget  
Briefing papers on Committee study tours  
Conference reports



## **F. SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC**

### **1. Attending debates of Parliament**

The debates of Parliament are open to the public and members of the public can observe debates from the public gallery on any day when Parliament is sitting. To obtain a ticket to observe a debate contact Liaison Office, Parliament of the Republic of South Africa, P O Box 15, Cape Town, 8000 Tel: (021) 403-2197 Fax: (021) 403 8219, E-mail: [mtsheole@parliament.gov.za](mailto:mtsheole@parliament.gov.za)

### **2. Attending meetings of committees**

Meetings of Parliament's committees are also open to the public to observe when Parliament is in session. Members of Parliament are also available to meet and brief visitors on their functions in Parliament, provided prior arrangements have been made with the office of the Member of Parliament.

### **3. Invitation to comment or submit opinions on Bills before Parliament**

To facilitate the participation of members of the public in the processes of Parliament such as passing legislation, Parliament does invite members of the public to submit opinions on legislation that is considered by a committee. The invitations are advertised in national newspapers, radio and on the website. The contact details of the person to whom submissions must be sent to will be provided when comments are requested.

### **4. Participation in appointment of public office bearers**

When appointment of persons who would become office bearers of public bodies such as the Public Protector, Commission for Gender Equality are to be made, Parliament advertises in national newspapers, radio and other media for the public to nominate such persons. The contact details of the person to whom nominations must be sent will be provided when nominations are called for.

## 5. Petitioning Parliament

A member of the public may petition Parliament on any matter of public importance. Petitions are used to draw Parliament's attention to an issue of public concern or to request Parliament to take a certain action within its authority. There are rules that a petition should comply with to be presented in Parliament.

There are generally two types of petitions, namely special petitions and public or general petitions. A special petition is when an individual makes a specific request or asks for personal relief from the State, which is not authorised by law, such as access to a pension. A public petition is when a group of citizens with similar interests request general relief or redress of a grievance.

According to the Constitution, "Everyone has the right, peacefully and unarmed, to assemble, to demonstrate, to picket and to present petitions." However, there are certain procedures that individuals and/or groups have to follow when petitioning Parliament. The presentation of petitions is governed by the rules of Parliament. The National Assembly requires that a petition be formally presented by a

Member of Parliament (MP), for consideration. Therefore, the petition must be supported by an MP. You are entitled to approach any MP by contacting them or by visiting the Constituency Office closest to you to seek their assistance with presenting a petition on your behalf.

The National Council of Provinces (NCOP) does not require that a petition be supported by an MP. However, a petition submitted to the NCOP should be in the form prescribed by the Chairperson of the Council. The rules of the NCOP do not draw a distinction between special and general petitions.

A petition must be in one of the official languages and must be signed by the petitioners themselves. However, persons unable to write must make their marks on the petition in the presence of two witnesses who must sign the petition in that capacity.

## 6. Parliamentary Democracy Offices

The new Constitution has established a democratic system that is both representative and participatory. It puts an obligation on Parliament to facilitate public involvement in the legislative and other processes of Parliament. Parliament, in its effort to expand Parliament's access, opportunity and space to be directly in touch and continuously engage with the people who are ordinarily outside national debates in society has thus far established Parliamentary Democracy Offices in three provinces, namely, Limpopo, Northern Cape and North West.

The Parliamentary Democracy Offices are, among others, responsible for conducting public education and providing information about Parliament and its work, providing platform for people to access and participate in the parliamentary processes and facilitating public input and feedback on issues before Parliament.

The contact details of the Parliamentary Democracy Offices are:

Limpopo Province:

One Stop Shop Centre

Ga-Matlala

0756

P O Box 1516

Bakone

0756

Tel: 015 227 0056

Northern Cape:

Meul Singel No 9

Kakamas

P O Box 754

Kakamas

8870

Tel: 054 431 0508

Fax: 054 431 1951

North West:

Old Mutual Building/Old Governors House

Phola Section

Ganyesa

P O Box 561

Ganyesa

8613

Tel: 053 998 4262

Fax: 053 998 4261

## **G. PUBLIC EDUCATION OFFICE (PEO)**

The roles and functions of PEO are derived from the constitutional obligation imposed on Parliament to “facilitate public involvement in the legislative and other processes” of Parliament. The primary function of the PEO is to educate the public on and promote public participation in the processes and activities of Parliament. The provision of information and education is fundamental to enable citizens to meaningfully participate in Parliament from an informed perspective.

### **The four core objectives of PEO is to:**

- Regularly provide relevant information to citizens on what is happening in Parliament and how to get involved in these processes;
- Educate citizens and communities about the workings of Parliament and how to actively and meaningfully participate in relevant parliamentary processes;
- Increase public access and participation in parliamentary processes to strengthen participatory democracy; and
- Provide feedback to citizens and communities on matters before Parliament which impact their lives.

To fulfil these objectives, PEO renders a package of integrated printed, virtual and face to face services including:

- stakeholder engagement;
- development and implementation of facilitated educational programmes to support the oversight, lawmaking and public participation roles of Parliament,
- development and distribution of public education content and products; and
- facilitated educational tours of Parliament through its Visitors-to-Parliament programme.

### **Approach to public education**

PEOs approach to public education involves implementing Parliament’s Public Participation Model (PPM) that embraces four inter-connected pillars of public engagement: inform, consult, involve and feedback. The model is an enabling tool to strengthen the work of Members of Parliament (MPs) in their constituencies and to improve public access to Parliament and its Members to fully represent the people of South Africa

There was a growing realisation that in order for the public to participate in Parliament in a meaningful way, a better understanding of Parliament's role in society; and the role of society in Parliament was needed. This transfer of knowledge and understanding remains key to ensuring that Parliament evolves into a truly representative people's Parliament. Specifically, where all South African citizens can actively exercise their right to meaningfully participate in Parliament and influence the direction of the institution from an informed perspective. As examples Public participation activities include public hearings and outreach programmes e.g. Taking Parliament to the People, Provincial Week, Sectoral Parliaments, etc.

For more information about the Public Education Office contact the PEO secretary, Parliament of the Republic of South Africa, P O Box 15, Cape Town, 8000 Tel: (021) 403-3341 Fax: (021) 403 8219, E-mail: [zwilliams@parliament.gov.za](mailto:zwilliams@parliament.gov.za)

NB: All the educational products produced by the Public Education Office PEO are also available on Parliament's website.

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