

NCOP Select Committee - Electoral Amendment Bill



From Michael Atkins <atkins@itrend.co.za>
To Sshaikh <sshaikh@parliament.gov.za>, Zrento <zrento@parliament.gov.za>
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Dear Ms Shaikh,

When I emailed you last week, you directed me to send all communication via the official Committee email address. I did as you said, and yet I have not received even an acknowledgement of the two emails sent.

To reiterate, on November 14, the IEC made some misleading statements about my submission to the NCOP, misrepresenting the nature of the concerns I raised, and mischaracterising the effect of my proposed remedy. On the basis of the misleading presentation by the IEC, the Committee ignored the proposal, without applying their mind to it.

I have now met with the IEC Commissioners and the Chief Electoral Officer, and I have provided them with a detailed written explanation of the defects in their presentation to the Committee. I therefore reiterate my request for the opportunity to address the Committee in person to explain the problems. At the very least, I urge the Committee to seek a substantive response from the Commission regarding this matter.

The concern I raise is not merely an academic one, nor is it a minor detail - it relates to the calculations used in the National Assembly seat allocations. These affect whether the election for the National Assembly meets the constitutional requirement of being, "in general, proportional representation" (s 46(1)(d)).

The situation, which has thus far not been acknowledged by your Committee, has some potentially serious ramifications. If a substantive submission is misrepresented, or if Parliament has not applied its' mind to public submissions, then the validity of the process of public consultation is called into question. Secondly, if the IEC can make a very basic error in the construction of numerical scenarios describing the effects of the Bill, then other pronouncements they make concerning matters like proportionality are similarly subject to question.

On such a critical piece of legislation, it is inconceivable that Parliament should be seen to be acting on the basis of misleading advice, or of not applying its' mind to substantive matters. I do not need to lecture you on the sombre duty of care that the NCOP has in the legislative process, regardless of the external pressures.

Michael Atkins