

Media release - How is Parliament shaping up with law-making?

“The Executive has the right to implement its legislative programme but Parliament has an obligation to ensure that the laws passed are of the highest quality, having been subject to appropriate levels of consultation, preparation and scrutiny” - Fox & Korris

When discussing the efficiency of the legislative function of the national Parliament, popular opinion is largely divided between it being a cumbersome process and one which is rushed. What the discussion requires is supporting data to give these opinions validity, or not.

The Parliamentary Monitoring Group (PMG) examines this topic in its latest research looking at the past decade of law making - it looks at global comparative figures and studies, highlights data patterns and trends from the SA Parliament and provides recommendations on how to tackle impediments that exist.

According to the study, it takes 73 parliamentary work days to adopt a Bill (or 201 calendar days). Money Bills that deal with giving out money (appropriation) and taking back money (tax) are processed more quickly (in 26 working days) than other bills that take 80 working days.

The vast majority of Bills are introduced by the Executive (**92%**), while **4% are initiated by Committees and 4% by individual MPs. Very few constitutional amendments (section 74 Bills) (1.4%) come before Parliament. Most bills are in the national interest (section 75 bills) (57%), followed by those affecting provinces (section 76 bills) (24%) and then Money bills (section 77 bills) (13%).**

The research found that 486 Bills were introduced from 2006-2017. 391 of these Bills were passed, 13 lapsed, 5 were rejected, 32 were withdrawn and 45 Bills were still under consideration at the time of writing. The efficiency or success percentage is 80% i.e. 80% of all Bills introduced were successfully adopted by Parliament.

Differences in time efficiency across the years can be largely attributed to election cycles. There is a large volume of introduced bills in a pre-election year to ensure that the promises of the prior election have been met. There are few Bills introduced in election years but there is a high rate of bills adopted in election years despite the fewer parliamentary work days available. This leads to technically great output and high performance in election years, with the stark exception of the 2016 election year. Looking at non-election years, there is no clear positive correlation between the number of work days available and legislative output. However, a clear outlier is 2017. It is remarkable that the worst performance for both election and non-election years is the past two years and perhaps that is an indication of the political events in the country during that time.

The legislature has to juggle legislative work with other parliamentary business. This means that there may be good reason for stagnation and delays. The development and passing of legislation is not mechanical and there are a number of political and other qualitative dynamics at play.

As found in other countries, Parliament leaves too much of its legislative work until the end of the year. The data confirms that the Legislature **passes most bills (39%) in November**. Incidentally, the majority of bills are **tabled in October**.

“Allowing sufficient time for the scrutiny of a bill is a key element in the process of making a better law”

The research shows that while Parliament’s legislative machinery does appear to be working adequately, the management of time and resources can be improved. There are practical steps that

can be taken to free up time for more detailed scrutiny and improved efficiency. This includes extending Committees meetings to Fridays, increasing technical and legal support to Committees, improving legislative planning and coordination between the Leader of Government Business and Parliament, and prioritising the legislative calendar. However, the key aspect of this debate is the need to find the balance between efficient processes and ensuring the quality of legislation is not compromised.

PMG hosts an easy-to-follow [Bill Tracker](#) where the public is able to find Bills and track their progress along the legislative circuit.