

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**QUESTION NO. 4209**

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**INTERNAL QUESTION PAPER 47 – 2022**

**4209. Mr A C Roos (DA) to ask the Minister of Home Affairs:**

Given that on 1 November 2022 the Portfolio Committee on Home Affairs was informed that staff in the Home Affairs legislative drafting unit do not have the necessary legislative drafting expertise, what (a) total number of staff are in the legislative drafting unit, (b) is the total salary and benefits of the staff in the specified unit, (c) are the reasons that staff were hired to the positions without the relevant experience, (d) work are the staff currently busy with given that they do not have legislative drafting expertise, (e) are the reasons that legislative drafting training was not undertaken for the staff, (f) period has the position of Director: Legal Drafting been vacant and (g) are the reasons that an independent legislative drafter was appointed and the skill was not brought in-house?

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**REPLY:**

(a) Six (6)

(b) R4 555 841 per annum.

(c) The Senior Legal Administration Officers have the requisite qualifications, as well as experience, to be appointed within the Unit. There is however a distinction between these competencies and that of a Specialist Legislative Drafter, who, has advanced knowledge and expertise required for the formulation of Draft Bill into a legislative framework for submission to Cabinet and Parliament, and ultimately, tabling as an Act.

(d) Currently, the Unit is developing the draft Bills relating to;

1. Electoral Amendment Bill;
2. Marriage Bill;
3. National Identification and Registration Bill;
4. One Stop Border Post Bill;
5. Public Holidays Bill. This Bill is initiated as a result of request to determine whether or not certain public holidays should be declared as non-trading days;
6. Security Printer’s Bill;
7. Section 34 of the Immigration Act, 2002.

(e) Legal officials within the Legal Services Drafting Unit possess the requisite drafting skills and experience, and have been instrumental with the development of the Draft (foundation) Bill’s as detailed in (*d*) above. However, the process does not end within the Department and as an outcome of consultations across government Clusters and concerned entities, an integrated legislative formulation of the Draft Bill becomes possible, but prior to it being advanced to Cabinet and then Parliament for approval, it must conform to a specific framework and drafting language, and this is where the skills of a Specialist Legislative Drafter is required.

(f) The erstwhile Director: Drafting left the employment of the Department in November 2021. The Department proceeded to advertise the vacant position and is in the process of finalising the appointment of the Director: Drafting.

(g) Refer to the reasons alluded to in (e) *supra* above.

**END**