

**EASTERN CAPE PROVINCIAL LEGISLATURE**

Independence Avenue
Private Bag X0051
Bhisho
5605

Tel: (040) 608 6781 / 082 448 1208
Fax: (040) 636 4922
Enquiries: I Netshitumbu
Email: inetshitumbu@ecleg.gov.za

Date: 30 January 2009

EXECUTIVE COMMITTEE OF THE LEGISLATURE

Final Mandate on the Financial Management of Parliament Bill (B74-2008).

1. ***Terms of reference***

The Financial Management of Parliament Bill (B74-2008), hereinafter referred to as the Bill, was referred Executive Committee for consideration in order to formulate a provincial mandate.

2. ***Consideration of the Bill***

The Portfolio Committee was briefed on the content and effect of the Bill by the Permanent Delegate, Hon M. Robertson.

3. ***Resolutions***

The Committee resolved that the following final mandate be conferred.

- (1) Vote for the adoption of the Bill (B74-2008) if the attached amendments are incorporated in the Bill.
- (2) The Eastern Cape Permanent Delegate to represent the Province of the Eastern Cape at the meeting of the final mandates.



N KIVIET

SPEAKER: EASTERN CAPE PROVINCIAL LEGISLATURE



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OFFICE OF THE SPEAKER



Sithaya Mzobo Sezifundze
SaseMpumalanga
Hava ya Mkhawo ya Mpumalanga
Isithaya Mkhawo Sezifundze Sase Mpumalanga

Enquiries: Mr D Mashego
Tel. No.: 013 - 766 1399

FINAL MANDATE

FINANCIAL MANAGEMENT OF PARLIAMENT BILL, 2008 [B74-2008]

The Portfolio Committee on Premier's Office; Finance; Safety and Security ("the Committee") considered the Financial Management of Parliament Bill, 2008 Bill [B74-2008].

The Committee examined the Bill, and after extensive deliberations, the Committee supports the Bill.

The delegation representing the Province of Mpumalanga in the National Council of Provinces is conferred with authority to vote in favour of the Bill.


Tel No: +2713 766 1051
Fax No: +2713 766 1478

Physical Address:
Building No 1,
Mpumalanga Legislature
Government Complex
Government Boulevard
Riverside
Nelspruit

Postal Address:
P/Bag X11289
NELSPRUIT - 1200

Web Address:
www.mpuleg.gov.za

Share - call number
0860 774 455



HON. B. NOBUNGA (MPL)
DEPUTY SPEAKER
MPUMALANGA PROVINCIAL
LEGISLATURE

03.02.2009
DATE

Final Mandate.TXT

"We are about : Law making, Oversight, Public Participation and Petition"

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**REPORT OF THE PORTFOLIO COMMITTEE ON
PREMIER'S OFFICE; FINANCE; SAFETY AND
SECURITY ON THE FINANCIAL MANAGEMENT OF
PARLIAMENT BILL (B74-2008)**

INTRODUCTION

In terms of section 42(4) of the Constitution, the National Council of Provinces ("the NCOP") represents provinces to ensure that provincial interests are taken into account in the national sphere of government. In line with section 76 of the Constitution, the National Assembly, after passing the Financial Management of Parliament Bill [B74-2008] ("the Bill"), transmitted it to the NCOP.

OBJECTIVES OF THE BILL

The purpose of the Bill as articulated in the long title is to:

- Regulate the financial management of Parliament in a manner consistent with its status in terms of the Constitution;
- Ensure that all revenue, expenditure, assets and liabilities of Parliament are managed efficiently, effectively and transparently;
- Provide for the responsibilities of persons entrusted with financial management in Parliament;
- Provide financial management norms and standards for provincial legislatures; and
- Provide for matters connected therewith.

METHOD OF WORK

The Speaker referred the Bill to the Portfolio Committee on Premier's Office; Safety and Security ("the Committee") for consideration. The Committee was briefed by Hon VV Windvoël, Permanent Delegate to the National Council of Provinces, on 30 January 2009.

Deriving from a decision taken at the Chief Whips Forum that the Select Committee on Finance was to expedite the processing of the Bill, the Committee convened an urgent meeting for 4 February 2009 to consider the Final Mandate on the Bill.

OBSERVATIONS

The Committee welcomed the Bill since it envisages strengthening sound financial management practices in Parliament. The Committee expressed its satisfaction that this Bill successfully addresses the following matters:

- The cornerstone of this Bill is sound financial management;
- The Bill covers all relevant areas in terms of establishing and maintaining sound financial management for the legislative sector;
- It clearly identifies the issues at hand and also gives solutions to many of the problems that are currently being encountered in the legislative sector;
- The need for the legislative sector to be autonomous and independent, and
- The need to ensure that the authority of Parliament is respected by those stakeholders that they do oversight over, including National Treasury.

The Committee engaged in the following areas of concern:

- The Bill is only applicable to Parliament and it will be necessary for the nine provinces to enact individual pieces of legislation in terms of how they intend to deal with the aspects of financial management at provincial level;
- That it is imperative that the individual pieces of legislation should constitute a uniformed legislation for all legislatures, and
- That the matter of who will conduct oversight over the executive authority as mentioned in Schedule 1 (b) remains a matter of concern.

RECOMMENDATIONS

The Committee examined the Bill, and after extensive deliberations, the Committee supports the Bill.

The Committee recommends that:

- a) the individual pieces of provincial legislation should be finalised immediately after this Bill has been passed to ensure the finalisation of same before the end of the current terms of Legislatures; and

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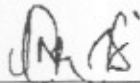
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- b) the delegation representing the Province of Mpumalanga in the National Council of Provinces be conferred with authority and mandate to vote in favour of the Bill.

CONCLUSION

The Chairperson wishes to thank the Permanent Delegates from the National Council of Provinces and the Members of the Portfolio Committee on the Premier's Office; Finance; Safety and Security for their valuable contributions whilst considering the Bill.

The Chairperson also extends a word of appreciation to the support staff who contributed to the successful production of this report.



HON NS MTSWENI
CHAIRPERSON: PORTFOLIO
COMMITTEE ON THE PREMIER'S
OFFICE; FINANCE; SAFETY
AND SECURITY

03.02.2009.

DATE

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Committee Service

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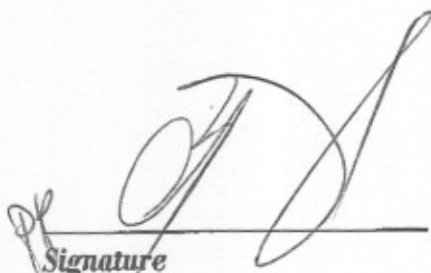
The Chairperson of the NCOP or a person designated by the Chairperson of the NCOP

Name of Bill: Financial Management of Parliament Bill

Number of Bill: B74-2008

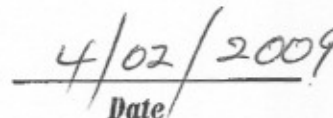
Date of deliberation: 30 January 2009

Vote of Legislature: The Free State Legislature vote in favour of the Bill but the concerns raised by stakeholders (e.g. Secretary to the Parliament, Auditor General, etc.) at the briefing must be addressed.


Signature

Pat Matosa

Speaker: Free State Legislature


Date



FINANCE PORTFOLIO COMMITTEE

FINAL VOTING MANDATE

ON

FINANCIAL MANAGEMENT OF PARLIAMENT BILL [B74-2008]

Tuesday, 03 February 2009

The Chairperson of the Finance Portfolio Committee, Mr Bheki Nkosi, tabled the Final Voting Mandate on the Financial Management of Parliament Bill [B74-2008].

1. PROCESS FOLLOWED

The Speaker, Mr Richard Mdakane informally referred the Financial Management of Parliament Bill [B74-2008] - Section 76 on 29 September 2008 in terms of the Gauteng Provincial Legislatures (GPL) Standing Rule 231(1) for information and planning purposes

Thereafter, the Speaker formally referred the Bill to the Portfolio Committee of Finance for formal consideration and reporting on Thursday, 10 October 2008.

The Committee deliberated on the Bill on 30 January 2009 when briefed by the NCOP delegate Mr EM Sogoni. In this meeting the Committee agreed that Parliament of South Africa is the custodian of the Bill, and that provinces are only affected by Schedule 1 of the Bill. In light of this, the Committee further agreed to endorse the Bill subject to amendment of Schedule 1 of the Bill, if any.

The Committee solicited and took into consideration the opinion of the Provincial Treasury and the Speaker of the Gauteng Legislature on the Bill.

2. PRINCIPLE OF THE BILL

The Bill seeks to regulate the Financial Management of Parliament in manner consistent with its status in terms of the Constitution, to ensure that all revenue, expenditure and assets and liabilities of Parliament are managed efficiently, effectively and transparently; to provide for the responsibilities of persons entrusted with financial management in Parliament; to provide

financial management norms and standards for provincial legislatures and to provide for matters connected therewith. However the Bill does not apply to provinces apart from Schedule 1.

3. SOCIO-ECONOMIC IMPACT OF THE BILL

The Bill in its current form does not have any socio economic impact for the Province.

4. COMMITTEE ON THE BILL

The Finance Portfolio Committee unanimously supports the principle and the detail of the Financial Management of Parliament Bill [B74-2008].

5. FINAL VOTING POSITION ADOPTED BY THE COMMITTEE

In terms of Section 65 of the Constitution, the Finance Portfolio Committee recommends that the Gauteng Provincial Legislature Delegate/s to the National Council of Provinces vote in favour of the Financial Management of Parliament Bill [B74-2008].

Limpopo Legislature

OFFICE OF THE SECRETARY


Physical Address:

 Lebowakgomo
Government Complex

Ref.: 13/7

Enquiries: NCOP Officer

Postal Address:

 Private Bag X0309
Polokwane
0700

MEMORANDUM

TO : THE HON. SPEAKER
FROM : NCOP LIAISON OFFICE
DATE : 02 FEBRUARY 2009
SUBJECT : CONFERRAL OF FINAL MANDATE ON THE FINANCIAL MANAGEMENT OF PARLIAMENT BILL, [B74-2009]

The Hon. Speaker is kindly informed that the Provincial briefing on the aforementioned Bill took place at the Parliamentary Village on Friday, 30 January 2009. The Joint Portfolio Committees on Provincial Treasury, and Provincial Administration were briefed by the NCOP Permanent Delegate, Hon. D.J. Botha.

The Bill, classified as a proposed section 76(1) and was referred to the Portfolio Committee on Provincial Treasury on 27 January 2009 for consideration, is due for plenary on Tuesday, 03 February 2009.

Since the House is on recess, the Hon. Speaker is hereby requested to confer the mandate on behalf of the House on the Province's delegation in the National Council of Provinces to support and vote in favour of the Bill. The mandate is attached hereto for signing.

The Report of the Portfolio Committee enclosed will be tabled in the House during its Sitting for ratification.

ADV. E.N LAMBANI
 SECRETARY: LIMPOPO LEGISLATURE

COMMENTS:

DR. T.S FARISANI
 SPEAKER: LIMPOPO LEGISLATURE

REPORT OF THE JOINT PORTFOLIO COMMITTEES ON PROVINCIAL TREASURY AND PROVINCIAL ADMINISTRATION ON THE FINANCIAL MANAGEMENT OF PARLIAMENT BILL, [B74-2009]

1. INTRODUCTION

The Financial Management of Parliament Bill, 2008 [B74-2009] was referred to the Legislature by the NCOP and the Legislature in turn referred the Bill to the Portfolio Committee on Provincial Treasury on 27 January 2009 for consideration.

2. PURPOSE OF THE BILL

The Bill is a section 76 and seeks to regulate the financial management of Parliament in a manner consistent with its status in terms of the Constitution; to ensure that all revenue, expenditure, assets and liabilities of Parliament are managed efficiently, effectively and transparently; to provide for the responsibilities of persons entrusted with financial management in Parliament; to provide financial management norms and standards for provincial legislatures; and to provide for matters connected therewith.

3. CONSIDERATION OF THE BILL

The Portfolio Committee on Provincial Treasury and Provincial Administration were briefed on the principle and provisions of the Bill by the NCOP Permanent Delegate, Hon. D.J. Botha, during a meeting held on 30 January 2009.

4. COMMITTEE COMMENTS

The Committee considered the Bill and was concerned about the treatment of unspent funds by parliament in clause 23. The Committee supports clause 23 as long as it is constitutional and in line with the norms and standards of financial accountability, and feels that this clause should be reviewed to

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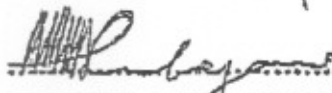
SECRETARY'S OFFICE

(FAX)015 633 8185

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5. RECOMMENDATION

The Committee having considered and supported the Bill recommends to this Honourable House that a final mandate be conferred to the NCOP delegates to support and vote in favour of the Bill.



CHAIRPERSON: PORTFOLIO COMMITTEES ON
PROVINCIAL TREASURY/PROVINCIAL ADMINISTRATION