

Tuesday, 20 September 2011]

2964

- (3) acknowledges that these programmes will endeavour to bring about a renewed inspiration and commitment to deliver sustainable quality services to all South Africans by working together to co-create a better future for all by all our public servants; and
- (4) congratulates the Minister with this endeavour and thanks the many selfless public servants for their continued commitment to deliver quality services to our people.

Motion agreed to in accordance with section 65 of the Constitution.

13. [14:32] Ms E C van Lingen moved without notice: That the Council -

- (1) recognises the Griqua People in South Africa and also the group under the leadership of Paramount Chief AAS le Fleur, their cultural heritage and cultural assets and the acknowledgement of the United Nations of this group as a First Nation People;
- (2) also recognises the importance of the Griqua People as a group to our cultural diversity and our history in South Africa; and
- (3) conveys its gratitude to Paramount Chief le Fleur and the Head of the Griqua National Conference Cecil le Fleur for their contribution to the preservation and promotion of our Griqua people.

Motion agreed to in accordance with section 65 of the Constitution.

14. [14:33] The Chief Whip of the Council moved: That the Council elects the following members Mr J D Thibedi and Ms A F Muthambi to replace Mr S J Njikelana and Ms F Hajaig as members of the Pan-African Parliament.

Question put: That the motion be agreed to.

**IN FAVOUR:** Eastern Cape, Free State, Gauteng, KwaZulu-Natal, Limpopo, Mpumalanga, Northern Cape, North West, Western Cape.

Motion accordingly agreed to in accordance with section 65 of the Constitution.

15. [14:35] The Chief Whip of the Council moved: That the Council subject to the concurrence of the National Assembly, establishes an Interim Joint Committee on Scrutiny of Delegated Legislation in accordance with the following interim Rules:

**1. Establishment**

There shall be an Interim Joint Committee on Scrutiny of Delegated Legislation.

**2. Composition**

The Committee shall consist of 9 National Assembly members and 5 Council members.

**3. Functions and powers**

The Committee shall –

[Tuesday, 20 September 2011]

- (1) exercise its powers and functions in accordance with the Rules applicable to joint committees generally, unless otherwise provided for in these interim Rules; and
- (2) in accordance with the criteria identified in these interim Rules, scrutinise –
  - (a) delegated legislation –
    - (i) requiring approval by Parliament for it to enter into force;
    - (ii) which Parliament may disapprove, thus invalidating it; and
    - (iii) that requires consultation with Parliament; and
  - (b) delegating provisions in bills before their formal consideration by the House; and
  - (c) any other delegated legislation agreed upon by the Committee.

#### 4. Scrutiny criteria

- (1) Delegated legislation shall be scrutinised by the Committee in accordance with some or all of the following criteria:
  - (a) Whether they impose levies, taxes or duties not authorised through a money bill passed in accordance with section 77 of the Constitution;
  - (b) whether they comply with procedural aspects pertaining to delegated legislation;
  - (c) whether they impinge on the jurisdiction of the courts;
  - (d) whether they are retrospective in nature and, if so, whether that is permitted in terms of the parent Act;
  - (e) whether they conform with the objects of the parent Act;
  - (f) whether they appear to make unusual use of powers conferred by the parent Act;
  - (g) whether they have been properly drafted;
  - (h) whether they trespass on personal rights and liberties, including those set out in the Bill of Rights, in a manner inconsistent with the Constitution; or

- (i) whether they amount to substantive legislation; and
- (2) delegating provisions in bills shall be scrutinised by the Committee in accordance with some or all of the following criteria:
  - (a) Whether they impose levies, taxes or duties not authorised through a money bill passed in accordance with section 77 of the Constitution;
  - (b) whether they impinge on the jurisdiction of the courts; or
  - (c) whether they have been properly drafted.

### 5. Reporting

Upon completion of the scrutiny process, the Committee shall –

- (1) report its findings to the House for the information of the relevant portfolio or select committee and other members; and
- (2) in view of the provisions of section 146 of the Constitution, specifically report to the National Council of Provinces on delegated instruments relating to matters contained in Schedule 4. \*

### 6. Dissolution

The Committee shall be dissolved by resolution of both Houses.

Question put: That the motion be agreed to.

**IN FAVOUR:** Eastern Cape, Free State, Gauteng, KwaZulu-Natal, Limpopo, Mpumalanga, Northern Cape, North West, Western Cape.

Motion accordingly agreed to in accordance with section 65 of the Constitution.

16. [14:37] The Chief Whip of the Council moved without notice: That the Council -

- (1) notes -
  - (a) the resolution of 28 October 2010 which established an Ad Hoc Joint Committee on the Code of Judicial Conduct and Regulations on Judges' Disclosure of Registrable Interests and the further resolution of 16 November 2010 which required this Committee to report by 28 January 2011; and
  - (b) Rule 138 (5)(b), which provides that an ad hoc joint committee ceases to exist when the date for completion of the task has expired;