

Friday, 10 February 2023]

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PARLIAMENT
OF THE
REPUBLIC OF SOUTH AFRICA

**ANNOUNCEMENTS,
 TABLINGS AND
 COMMITTEE REPORTS**

FRIDAY, 10 FEBRUARY 2023

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ANNOUNCEMENTS

National Assembly and National Council of Provinces

The Speaker and the Chairperson

1. Referral of matter to Joint Rules Committee

- (1) The circumstances of the physical removal of members from the Chamber during the State-of-the-Nation address, which took place on 9 February 2023, together with the relevant parliamentary records, are referred to the Joint Rules Committee for consideration, in terms of Joint Rule 14GA (13).
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TABLINGS

National Assembly and National Council of Provinces

1. The Minister of Finance

- (a) Joint Standard 2 of 2020 on Margin requirements for non-centrally cleared over-the-counter derivative transactions, made in terms of section 107, 106 (1) (a), 106(2)(a) and (e) and 109(2) of the Financial Sector Regulation, 2017 (Act No 9 of 2017).
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COMMITTEE REPORTS

National Assembly

Report of the Portfolio Committee on Home Affairs on the Electoral Amendment Bill [B 1 B – 2022] (National Assembly – sec 75), dated 10 February 2023:

The Portfolio Committee on Home Affairs (“the Committee”), having considered *the Electoral Amendment Bill [B 1 B – 2022]* (“the Bill”) and the proposed amendments from the National Council of Provinces (“NCOP”) (*Announcements, Tablings and Committee Reports, 29 November 2022, p 3*), referred to the Committee, reports on the Bill with amendments [B 1 C – 2022].

The Committee reports further:

1. The proposed amendments passed by the NCOP and returned to the National Assembly was referred to the Committee on 29 November 2022. On 30 November 2022, the Department of Home Affairs and the Independent Electoral Commission briefed the Committee on the NCOP's proposed amendments.
2. The Constitutional and Legal Services Office ("CLSO") advised the Committee that before the Committee deliberates and decide to accept the proposed amendments from the NCOP, the Committee would first be required to re-advertise those amendments for public comment, due to the amendments resulting in a change of a material nature and certain amendments being completely new.
3. Given the nature of the NCOP's proposed amendments, the Committee resolved to advertise the NCOPs proposed amendments for public comment. The Committee also resolved that given the extensive nationwide consultation already conducted on the Bill; as well as the work still required by the Independent Electoral Commission to implement amendments before the next National Elections in 2024, it would not conduct public hearings again after calling for further comments on the Bill.
4. Due to the call for public comment on the NCOP's proposed amendments and the time given for such public comment to be submitted, it became clear that Parliament would not be able to pass the Bill before the Constitutional Court deadline of 10 December 2022, and therefore the Committee resolved to urgently apply for a further extension of the deadline to the Constitutional Court.
5. The Committee requested the CLSO to approach the Constitutional Court for an extension until 28 February 2023 to allow for public comment on the Bill as well as to consider and deliberate upon such comment. The Constitutional Court granted Parliament an extension until 28 February 2023 to finalise the Bill.
6. Briefly, the NCOPs proposed amendments to the Bill include the following:

- 6.1 An amendment to clause 3 of the Bill by proposing the inclusion of a further paragraph to section 27 of the Electoral Act, 1998, (which section is already being amended in the Bill) to address the disparity between party candidates and independent candidates as the Bill currently only requires independent candidates to produce signatures supporting their candidature totalling 20% of the quota for a seat in the previous comparable election. The proposed amendment to this section now intends to provide that parties, who are registered but not represented in the National Assembly or provincial legislatures, will also have to produce the same amount of signatures in support of their party when intending to contest an election. Once the independent candidates and registered parties are represented in the National Assembly or provincial legislatures, they would be exempt from this requirement.
- 6.2 Amendments to clause 6 of the Bill to bring the wording and requirements imposed on independent candidates to be aligned with the requirements now being imposed on parties by the amendment to clause 3.
- 6.3 Amendments to clause 21 of the Bill dealing with Schedule 1A, which include:
 - 6.3.1. an amendment removing “most” votes and substituting this phrase with the phrase “highest proportion of votes”;
 - 6.3.2. an amendment in order to rectify the forfeiture calculation, as the Bill incorrectly excluded those independent candidates who have gained one seat from the calculation;
 - 6.3.3. an amendment to the calculation formula that will apply when an independent candidate must make a choice between either taking up a seat in the provincial legislature or the National Assembly;
 - 6.3.4. deletions to certain phrases that are redundant and errors that appeared in the Bill; and

- 6.3.5. an inclusion of a new item 24(3), which is required in order to do a reverse forfeiture calculation, which is essential to protect seats mid-term, should a vacancy arise.
 - 6.4 The inclusion of an entirely new clause 23 in the Bill (which will not form part of the Electoral Act) establishing an Electoral Reform Consultation Panel to investigate, consult on and make recommendations in respect of potential reforms of the electoral system.
7. The Committee re-advertised the proposed amendments from the NCOP on Parliament's website on 5 December 2022 and in the newspapers on 12 January 2023. The closing date for the submissions to be submitted was 27 January 2023. The Committee received 81 submissions. Of the 81 submissions received, 12 were substantive and 69 were short submissions through DearSA.
8. Below are individuals and organisations that made substantive submissions:
 - 8.1 Council for the Advancement of South African Constitution ("CASAC"),
 - 8.2 Inclusive Society Institute ("ISI").
 - 8.3 African Christian Democratic Party ("ACDP"),
 - 8.4 Organisation undoing tax abuse ("OUTA"),
 - 8.5 Independent Candidates Association ("ICA"),
 - 8.6 Defend our Democracy ("DOD"),
 - 8.7 ANC Peter Mokaba Region,
 - 8.8 Dr Michael Atkin,
 - 8.9 Mr Daniel Prinsloo,
 - 8.10 Vernon Hall & Roelof Pretorius,
 - 8.11 Valli Moosa, and
 - 8.12 Mzukisi Gaba,
9. On 1 February 2023, the Content Advisor presented a summary of the submissions and thereafter the Committee deliberated on the submissions. On 2 February 2023, the Department of Home Affairs, the Independent Electoral Commission and the CLSO responded to the submissions. Further deliberations took place on 7 February 2023.

10. The Committee considered and adopted the C-List on 8 February 2023. The Committee made further changes on the NCOP proposed amendments by lowering the 20 percent signature requirement to 15 percent for both independent candidates and new political parties in clauses three and six. The Electoral Reform Consultation Panel in Clause 23 would be appointed by the Minister of Home Affairs but also in consultation with Parliament and the IEC. The reporting of the findings of the Panel will also include Parliament. The Committee adopted the Bill and the report on 10 February 2023.

11. Recommendation.

Having considered the proposed amendments passed by the NCOP, the Portfolio Committee on Home Affairs reports that it wishes to make the additional changes referred to in point 10 above.

Report to be considered.