

HISTORICAL BACKGROUND

The Free State Legislature was established in terms of the Constitution of the Republic of South Africa. The Constitution established a non-racial representative democracy and provided for a two-chamber Parliament holding concurrent power with nine provincial legislatures.

The division of the country into nine provinces did not affect the Free State Province as its boundaries remained primarily the same as prior to the 1994 democratic elections. Parts of the old Bophuthatswana Bantustan were incorporated into the Free State province. The inauguration of the first democratically- elected Free State Legislature took place on 7 May 1994.

LEGISLATURE

"Because the people of South Africa finally chose a profoundly legal path to their revolution, those who frame and enact the Constitution and law are in the vanguard of the fight for change. It is in the legislature that the instruments have been fashioned to create a better life for all. It is here that oversight of government has been exercised. It is here that our society with all its formations has had an opportunity to influence policy and its implementation."

- Nelson Mandela

SEAT OF THE LEGISLATURE

Bloemfontein is the capital city of the Free State province, and the base of the Free State Legislature. Sittings of the legislature take place at the historical Fourth Radsaal building in President Brand Street.

The cornerstone of the Fourth Radsaal was laid in 1890 and it was the last home of the former Free State Republic Parliament. The building, designed by Lennox Canning, was completed in 1893

The original benches used by the members of the Free State Republican Parliament are still used in the chamber of the Legislature today.

THE MACE

The mace traditionally symbolizes the authority of the Speaker and therefore Parliaments and Legislatures as well the right of Members of the Legislature to exercise freedom of speech.

The mace, as used today, derives from the original mace used as a weapon.

USE OF THE MACE

At the beginning of each sitting of the House, the Sergeant –at –Arms enters the Chamber walking in front of the

Speaker carrying the mace.

The Sergeant- at –Arms place the mace in the designated brackets on the Table in front of the Speaker.

The mace is only removed when the House goes into the legislative stage, known as the Committee of the Whole House when the Speaker is not the Presiding Officer.

At the adjournment of the Legislature, the Sergeant- at-Arms removes the mace from the brackets and leads the Speaker out of the House.



Hon. Mamiki Qabathe
Speaker

THE SPEAKER

AUTHORITY OF THE SPEAKER

The Speaker's authority is derived from the House and he/she is answerable to the Legislature. Just as the Speaker is elected by the House, he/she may be removed from office by a vote of the Legislature as provided for in the Constitution.

The Speaker is the spokesperson of the Legislature and presides over its meetings (also known as sittings) and is the executive authority of the institution just as a Member of the Executive Council is the executive authority of a provincial government department.

Because the Speaker chairs or presides over the meeting of the House, he/she is also referred to as Presiding Officer.

THE SPEAKER'S REPRESENTATIVE ROLE

The Speaker is the spokesperson for the Legislature (hence the derivation of the name' Speaker') in its interaction with the other arms of government , namely the Executive and the Judiciary , and with other outside bodies and people. In this role, Speakers are expected to maintain the authority of the House, and to protect its rights and privileges.

THE SPEAKER'S PROCEDURAL ROLE

As Presiding Officer, the Speaker chairs the meeting of the Legislature and ensures they are conducted in an orderly manner and according to the provisions of the Constitution and the Standing Rules and Orders.

At the start of each day's sitting, the Speaker requests the House to observe a moment of silence for prayers or meditation and then

calls on the various items of business in the order set down in the standing orders.

The Speaker must ensure that the rules of parliamentary procedure as provided for in the Standing Rules and Orders are developed through practice are applied.

The Speaker interprets and applies the standing orders, responds to Members' points of order relating to them and gives rulings on procedure when necessary.

For example, the Speaker often is called upon to decide whether remarks made in a speech about another Member are offensive or whether a Member's speech is relevant to the motion being debated.

An important part of the Speaker's task is to protect the rights of individuals in the House and make sure that everyone is treated

fairly within the framework set by the Rules and Orders.

OTHER FUNCTIONS AND DUTIES

The Speaker presides over the inauguration of any Member designated to fill a vacancy amongst the elected representatives of the Legislature. The Speaker also presides over the election of the Deputy Speaker of the Legislature, both at the inauguration of the Legislature and any time thereafter when it is necessary to do so.

The Speaker is responsible for the issuing of summons to witnesses to appear and give evidence before Committees of the Legislature.

In addition to these and other procedural functions, the Speaker has a variety of specific duties laid down by number of laws, and in particular by the Commonwealth Electoral Act.

OFFICE OF THE DEPUTY SPEAKER



The Deputy Speaker is responsible for standing in for the Speaker when he/she is not available.

This means that the Deputy Speaker may assume all powers and duties performed by the Speaker.

The Deputy Speaker may also preside over the proceedings of the House when the Speaker addresses the House.

The Deputy Speaker may also serve in a variety of House Committees, initiate and lead programmes.

Hon. Sizwe Mbalo
Deputy speaker



Hon. Jonas Ramokhoase
Chairperson of Committees

OFFICE OF THE CHAIRPERSON OF COMMITTEES

THE Free State Legislature comprises of committees, namely the Portfolio Committees and Household Committees. Portfolio Committees are committee charged with conducting in–depth oversight over the Executive Council.

These committees may call before it Members of the Executive Council (MEC's), Heads of departments (HOD's) and Chief Executives (CEOs) of Public Entities to report or provide the necessary information to the committees.

In essence, the MEC's and HOD's may be required to provide information on service delivery within their various departments.

After collating of the necessary information, the committees would then table a report on their findings in the plenary of the House. It should be noted that the report of committees may be adopted or rejected by the plenary of the House.

The committees of the Legislature also undertake site visits to various areas in the Free State province to determine the level of service delivery by departments. Committees may also conduct public hearings across the province to listen to concerns raised by inhabitants of the province or to allow inhabitants to make inputs on the work of the legislature.

The Office of the Chairperson of committees is responsible for coordination of Committees of the Legislature.

The chairperson of the committees presides over meetings of the Chairperson's panel.

The Panel is responsible to discuss issues emanating from the various committees as well as the programme of the Legislature.

Furthermore, the Chairperson of the committees represents the Free State Legislature in the South African Legislatures Chairperson's Forum.



SITTINGS OF THE HOUSE

When Members speak in the Legislature during sittings, they have an opportunity to present the policy position of their political party as well as the views of their constituents.

Members may make statements on matters of public importance and participate in debates on

Committee reports, bills or other debates of public importance.

They can also ask questions to the Premier and Members of the Executive Council on matters relating to the programmes, actions or policies of the provincial government

PORTFOLIO COMMITTEES OF THE FREE STATE LEGISLATURE

The Legislature work involves primarily three functions, namely (i) oversight and legislation, (ii) Public Participation, and (iii) Law Making. Much of this work happens in the Committee of the Legislature.

The work includes interacting with an array of people who are experts, in governance, interest groups, business people, academics, and professionals such as lawyers, accounts and economists. Committee work may include the consideration and amendment of bills, the consideration of the provincial budget as well as the budgets allocated to specific departments and public entities, quarterly and annual performance reports and other important issues.

Mandate

Portfolio Committees of the Free State Legislature are mainly responsible for conducting practical oversight on the "work" done by the Members of the Executive Council. This oversight function is confirmed by the Constitution, especially that Members of the Executive Council are individually and collectively accountable to the Legislature. It should be borne in mind that the Executive Council is responsible for providing and delivering services to the inhabitants of the province.

Chairpersons of Committees

Social Services and health Portfolio	Economic Develop Portfolio	Public Works & Infrastructure Portfolio	Public Accounts Portfolio	Cooperative Governance Portfolio
				
Hon. L.N. Mapena	Hon. T Meeko	Hon. S. Moleleki	Hon C.J Van Rooyen	Hon. L.P Mahasa

The Executive Council is therefore held accountable on the usage of state resources and provision of services and portfolio Committees are in turn charged with the

responsibility of ensuring that the state financial resources are utilised optimally by the Executive Council in the rendering of service.

FUNCTIONS OF THE PORTFOLIO COMMITTEES

The Convenor of The Standing Rules and Orders Committee is the Speaker. The Standing Rules and Orders provides that Portfolio Committees will be responsible to:

- Consider or deal with Bills or other matters which are referred to it by the Speaker under these Rules, or by the resolution of this House;
- Consider or deal with an Appropriation or Money Bill or any aspect of an Appropriation or Money Bill referred to it by the Speaker under these Rules, or by the resolution of this House;
- Monitor, investigate, inquire into and make recommendations relating to any aspect of the Legislative programme, budget, rationalisation, restructuring, functioning, organisation, structure, personnel, policy formulation or any other matter which it may consider relevant, of the government department or governments falling within the category of affairs assigned to the department or departments; and
- Perform such other functions, tasks and duties relating to parliamentary supervision of such government department or departments as may prescribed by or under an Act of Parliament.
- Powers of the Portfolio Committees
- The powers of the portfolio Committees are also detailed in the Standing rules and Orders and include:
- to summon any person to appear before it to give

evidence on oath or affirmation [See section 115 (a) of the Constitution];

- to summon any person to appear before it to produce any documents required by it [See section 115 (a) of the Constitution];
- to receive presentations from interested persons or parties [See section 115 (d) of the Constitution];
- to decide whether to permit oral evidence or presentations to be given or presented before it by, or on behalf of an interested person or party;
- to determine the extent, nature and form of its proceedings, as well as the evidence and representations to be given or presented before it, subject to the Constitution, these Rules and a resolution of the House.
- To decide whether to permit oral evidence or presentations to be given or presented before it by, or behalf of an interested person or party;
- To determine the extent, nature and form of its proceedings, as well as the evidence and representations to be given or presented before it, subject to the Constitution, these Rules and a resolution of the house;
- To conduct its proceedings or any aspect of its work, at any venue it deems to be most suitable, and which, when this House is not in session, may be a venue beyond the seat of Parliament , subject to any restrictions imposed by these Rules or by the Rules

Committee or by resolution of the House;

- To conduct its business on days over which this House is adjourned;
- To appoint sub-committees and;
- To exercise such other powers as may be prescribed, or assigned to it, by or under any law or by or under these Rules or a resolution of this house.

RESOLUTIONS

Reports perused by the plenary of the House are forwarded to the Office of the Premier for adherence to resolution framed by the House. The Office of the Premier should in turn inform the Legislature on progress made on the implementation of such resolutions. Resolutions of the Legislature are binding to the Executive Council. Should the Executive Council be unable to implement resolutions of the Legislature, reasons must be provide why such resolutions could not be implemented.

OVERVIEW OF ACTIVITIES

Since the establishment of the Legislature after the 1994 democratic elections and subsequently the establishment of the Portfolio Committee system, these Committees have been engaged in broad range of oversight and accountability functions. Changes have been made throughout the years to the functional areas that fall within the scope of a specific Portfolio Committee with the aim of improving the efficiency and effectiveness

with which Portfolio Committees perform their functions.

REPORTS OF THE AUDITOR- GENERAL

This Committee ensure that funds allocated to provincial departments and provincial public entities are used in line with applicable legislation and regulations and that value-for-money is received. Audit reports of district and local municipalities, as well as municipal entities, are also considered by this Committee. Reports on findings of the Committee together with its recommendations are tabled in the plenary of the Legislature for considerations.

This Committee also considers reports of the Auditor-General and submits its reports and recommendations to the Legislature. Reports of the Auditor- General are reports involving the annual regularity audit of the financial statements of provincial departments and entities, as well as special and/ or reports on forensic investigations.

PUBLIC HEARINGS

The Committee engages with citizens and facilitates public hearings to promote knowledge and awareness of legislation and mandate of the Legislature. This is illustrated by the public hearings conducted in all five districts.

Budget briefing sessions have also been facilitated. These sessions are aimed at increasing awareness of

the provincial budget process and the content of the specific bill that is being considered by the Committee. Public hearings and or briefing sessions are facilitated throughout all five districts of the province to ensure that all people have the opportunity to make their input.

LEGISLATION

The Committee is responsible for the consideration of the Appropriation and Adjustment Appropriation Bills every year. It will also deal with Finance Bill (that authorise expenditure as recommended by the Committee) as and when such bills are referred to it for consideration.

Other bills that have been considered by the Committee include both provincial bills and NCOP legislation.

**FOR MORE INFORMATION CONTACT:
COMMUNICATION AND MARKETING.
Tel: (051) 407 1115 Fax: (051) 448 0880**

OR WRITE TO:

Private Bag x 20561, Bloemfontein, 9300

Or you can visit us at:

**2nd floor, North Wing, Southern Life Plaza Building
41 Charlotte Maxeke Street
Bloemfontein**

Or you can visit us on our website: www.fsl.gov.za