

2 RECOMMENDATIONS BASED ON WORKING DRAFT OF THE NEW CONSTITUTION

2.1 CHAPTER 4 - COUNCIL OF PROVINCES/SENATE

See Annexure 1

In its preliminary recommendations (Document 4 dated 23 March 1955) the Commission recommended the retention of a second chamber of Parliament composed of an equal number of members nominated by each provincial legislature from amongst its members. The Commission also recommended the strengthening of the powers of the second chamber in regard to legislation affecting provinces. The Commission has carefully considered the options for a Council of Provinces or a Senate to represent provinces in legislative matters at the national level, taking into consideration, inter alia, its preliminary recommendations, and has come to the following conclusions:

(a) The proposal for a Senate as given in the working draft would not significantly improve the performance of the present Senate as a body representing provinces. If the CA decides to retain the Senate as a second chamber of Parliament, the Commission recommends that the proposals contained in its Preliminary Recommendations - Document 2 be incorporated into the new Constitution. For fuller details see Annexure 1, paragraph 4.1

(b) The concept of a Council of Provinces has merit and satisfies a number of the Commission's concerns regarding the present Senate and some of its preliminary recommendations. However, other concerns and recommendations are not addressed. The Commission is, moreover, of the opinion that the proposed Council of Provinces would have great difficulty in undertaking a further role as promoter and co-ordinator of intergovernmental executive relations. For fuller details see Annexure 1, paragraph 4.2. If the CA decides to accept the proposal for a Council of Provinces as contained in the Working Draft, the Commission recommends that this be modified in line with its comments in paragraph 4.2 in Annexure 1

(c) An additional option which combines aspects of the two options provided in the working draft should be considered. This would provide for a second chamber of Parliament, consisting of representatives nominated by provincial legislatures, whose attention will be focused primarily on legislation affecting provincial competences. In order to emphasise the role of such a chamber, it would be appropriate for it to be known as the Chamber of Provinces, and this designation should be considered. As its preferred option, the Commission recommends that the following draft provisions for a second chamber of Parliament representing provincial interests be considered :

PARLIAMENT

"40(2) Parliament consists of the National Assembly and the Chamber of Provinces."

"CHAMBER OF PROVINCES"

Composition and election

57(1) The Chamber of Provinces consists of 54 members.

(2) Within 10 days of its election, a provincial legislature elects six persons from amongst its members to represent the province in the Chamber of Provinces. Parties in the legislature are entitled to nominate persons for election in accordance with the principle of proportional representation.

(3) A member of the Chamber of Provinces may at any time be recalled by the provincial legislature which elected him or her.

(4) A person elected as a member of the Chamber of Provinces remains a member for the duration of the term of the provincial legislature which elected him or her, unless he or she is recalled.

(5) A Premier or a member of an Executive Council may address the Chamber and participate in its debates, but may not vote on any matter.

Powers and functions

58 (1) The Chamber of Provinces represents the provinces at national legislative level

(2) The Chamber of Provinces considers every Bill introduced in Parliament and deals with it as provided for in this Chapter.

President and Deputy President

59 Include provisions similar to section 49 of the interim Constitution.

Vacation of seats

60(1) A member of the Chamber of Provinces vacates his or her seat upon -

(a) being recalled by the provincial legislature which elected him or her; or

(b) vacating his or her seat in the provincial legislature which elected him or her.

(2) Any vacancy in the Chamber of Provinces is filled by the election of a member of the legislature concerned in accordance with the principle of proportional representation as provided for in section 57(2).

Sittings and meetings

61(1) The President of the Constitutional Court must convene the Chamber of Provinces as soon as practicable after the election of the National Assembly, but not later than 30 days after such election.

(2) The Chamber of Provinces may determine the time and duration of its sittings and the dates of its meetings.

(3) The President of the Chamber of Provinces may summon the Chamber of Provinces to an extraordinary meeting at any time to conduct urgent business.

(4) The seat of the Chamber of Provinces is the same as that of the National Assembly. Meetings at other places are permitted on the grounds of public interest, security or convenience, and in a manner provided for in the rules and orders of the Chamber.

Quorum

62 A majority of the members of the Chamber of Provinces must be present before a vote may be taken on a Bill, and one third of the members must be present before a vote is taken on any other matter.

Powers, privileges, immunities and benefits

63 The Chamber of Provinces and members of the Chamber have powers, privileges, immunities and benefits similar to those of the National Assembly and its members as prescribed by or in terms of the Constitution.

Penalties, Joint sittings, and Rules and orders

64 to 66. Provisions similar to those contained in sections 56 to 58 of the interim Constitution must be inserted.

Bills

67(1) Bills dealing with matters referred to in sections 120(2), 129(3), 134(1), 149, 150(2), 151, 152, 156(2), 164, 165(3), 167(1) and 187 may be introduced in the Chamber of Provinces only and, for their passing by Parliament, require adoption by the National Assembly and the Chamber of Provinces in separate sittings.

(2) Bills other than those referred to in sub-section (1) must be referred to the Chamber of Provinces for comment within the time limits prescribed by the rules of the National Assembly before introduction in the National Assembly. Such Bills require adoption by the National Assembly only to be passed by Parliament

(3)(a) A Bill referred to in sub-section (1) passed by one Chamber and rejected by the other must be referred to a joint committee consisting of an equal number of members of both Chambers and of all the parties represented in Parliament and willing to participate in the joint committee, to consider and report on any proposed amendments to the Bill to both Chambers of Parliament.

(b) If the Bill with amendments proposed by the joint committee is rejected by any Chamber, it may be read again after six months at a joint sitting of both Chambers, and may be passed by a two thirds majority of the members of both Chambers present and voting."

ANNEXURE 1

RECOMMENDATIONS REGARDING A COUNCIL OF PROVINCES/SENATE.

1. INTRODUCTION

1.1 In its preliminary recommendations (Document 4 dated 23 March 1995), the Commission considered the need for a second chamber of Parliament in the light of the possible two main purposes for such a chamber, namely -

- (a) to provide internal control over governmental actions, especially in the legislative process, and
- (b) to broaden the system of representation, in particular of subnational units (regions, provinces or states).

It is widely recognised on the basis of international experience that the institutional value of a second chamber is likely to be enhanced if a government's continuation in office does not depend on its having to secure a vote of confidence in the second chamber.

1.2 In regard to (a) it was argued that a second chamber helps to prevent ill-considered or flawed legislation from being passed by a single chamber. The second chamber in fact provides a second opinion on matters dealt with by the first chamber. Even by exercising only a delaying power, it could compel a government or a first chamber to reconsider a matter or to amend its proposals. Such a delay would also focus the attention of the public on the matter and encourage public debate which could influence the final outcome. It therefore enhances the quality of democracy.

1.3 In regard to (b) it was argued that second chambers can represent interests and views that might otherwise be ignored or subordinated (for example, rural versus urban interests; or less populous regions versus those with large populations) and which should be given the opportunity to make their voices heard in the process of government; or where distinctive and significant interests (such as those of regions, provinces or states) cannot be adequately accommodated in the system of representation employed in the other chamber.

1.4 In the case of South Africa, where the national legislature has the power to override provincial legislation in certain circumstances in respect of all "Schedule 6" functional areas, the checks and balances that a second chamber could provide, might seem to be particularly appropriate.

1.5 The Commission expressed the opinion that provision for the representation of provincial interests is of particular importance in view of the discussion in paragraph 1.2, and that this should be the overriding consideration in determining the need for a second chamber. It recommended that a second chamber of Parliament be retained in the new Constitution, but that it should be structured as follows:

- (a) the provision of an equal number of members for each province should be retained (paragraph 3.2.2 of Document 4);

- (b) the provinces should be represented by elected members of the provincial legislatures nominated by the legislatures on a proportional basis (paragraph 3.2.4 and 3.2.5 of Document 4);
- (c) provincial representatives should be made accountable to the provincial legislature which nominated them in regard to their activities to promote the interests of their province. The recall of representatives who perform unsatisfactorily should be provided for (paragraph 3.2.7 of Document 4);
- (d) a member of the second chamber should be ordinarily resident in the province that he or she represents - the recommendation in paragraph (b) above would satisfy this requirement (paragraph 3.4 of Document 4);
- (e) the membership of a representative should not be terminated automatically if he or she ceases to be a member of the party which nominated him or her (paragraph 3.5.2 of Document 4);
- (f) when a provincial legislature is dissolved, the province's members in the second chamber should vacate their seats and the vacancies filled on the basis recommended in paragraph (b) above (paragraph 3.5.4 of Document 4);
- (g) if a vacancy occurs before the expiry of the normal term of office, the person nominated to fill such vacancy should be appointed only for the balance of the unexpired period (paragraph 3.5.5 of Document 4);
- (h) where a joint committee has reported on an ordinary Bill which has been rejected by one of the chambers and one of the chambers again rejects the Bill, it should be reconsidered by both chambers only after six months. If one of the chambers then again rejects the Bill, it should be considered at a joint sitting of both chambers and may be passed by a simple majority of the total number of members of both chambers (paragraph 4.2.2 of Document 4);
- (i) administrative processes should be developed to resolve as far as possible disputes in regard to money Bills before the parliamentary processes commence. The second chamber should not be given additional powers in respect of such Bills (paragraph 4.3.3 of Document 4);
- (j) Bills dealing with Schedule 6 functional areas should be first introduced in the second chamber. In addition, any such Bill relating to a particular province should also require the approval of the majority of that province's representatives in the second chamber (paragraph 4.4.2 of Document 4); and

(k) provisions similar to those contained in the interim Constitution regarding amendments of the Constitution affecting the legislative competences and executive authority of provinces should be retained (paragraph 4.5.4 of Document 4).

2. DRAFT CONSTITUTIONAL PROVISIONS

2.1 Draft text prepared by the CA

The CA's working draft of the new Constitution provides for two options, namely for a Senate similar to the existing one and for a Council of Provinces. The draft text is annexed.

2.1.1 The proposal for a Senate - The proposal provides for a Senate to function as a second House of Parliament and to represent the provinces in national decision-making. In this regard the Senate must consider all legislation which comes before Parliament.

* The following draft provisions are in some respects similar to the Commission's preliminary recommendations:

(a) equal representation of the provinces (10 members each as at present (par 1.5(a) above and clause 66(2));

(b) members elected indirectly by each provincial legislature in accordance with the principle of proportional representation. However, the elected persons will not be elected members of the provincial legislature as recommended by the Commission (par 1.5(b) above and clause 66(2));

(c) all Bills affecting the boundaries of provinces or the exercise or performance of the powers and functions of provinces or of a province, or Bills amending Chapter 9 of the Constitution (provincial and national legislative and executive competencies) must be introduced first in the Senate. However, this does not appear to include Bills dealing with Schedule 6 functional areas (par 1.50) above and clause 67(7) to (10)).

* The proposal does not provide for any qualification for members of the Senate, nor does it provide for their accountability, recall or replacement (see par 1.5(b) to (g) above).

* The proposal provides for a specific role for the Senate in matters relating to the appointment of ambassadors, judges and other officials and the ratification of international agreements (clause 67(11) and (12)).

2.1.2 The proposal for a Council of Provinces (COP) The proposal provides broadly as follows:

- (a) the COP represents provinces. The possibility of local government representation on the Council is open for discussion.
- (b) The Council will consist of delegates from the provincial legislatures (and possibly from local government). The number of delegates will be provided for in a Schedule. (in the proposal on which the text is based, representation on the basis of the number of inhabitants is suggested, with four to eight delegates per province.) No more than half of the delegates per province will serve as permanent members of the Council. Proportional representation of parties represented in a provincial legislature is provided for. A party may at any time recall its delegates.
- (c) The COP functions at national legislative and executive level. It monitors the establishment and co-ordinates the functioning of inter-governmental institutions and promotes co-operative governance among the various levels of government.
- (d) The COP must be consulted and is entitled to comment on and submit proposals in regard to national budgets and FFC recommendations.
- (e) The COP may comment on and propose amendments to all Bills before the National Assembly. It may also initiate Bills in the National Assembly on any matter falling within the functional areas listed in Schedule 5 (presently Schedule 6).
- (f) The COP may approve, propose amendments to or reject Bills on Schedule 5 matters. The National Assembly must consider COP proposals for amendments. A mediation committee is provided for to resolve the rejection of such a proposed amendment by the National Assembly or the rejection of a Bill by the COP. If the Mediation Committee agrees on the contents of the Bill, it refers the Bill to the National Assembly for adoption. If it does not so agree, the Bill lapses unless it is passed by the National Assembly by at least two thirds of its members.
- (g) The Mediation Committee consists of an equal number of members of the COP and the National Assembly. Decisions are taken by a (simple) majority of its members.
- (h) A chairperson is elected by the COP from among the permanent delegates to serve for a period of three years. The seat of the COP is the same as that of the National Assembly. A majority of the members of the COP must be present before a vote may be taken on a Bill and one third must be present before a vote may be taken on any other matter. All questions before the COP are decided by a majority of the votes cast. Other procedural matters are provided for in the draft.

2.2 DISCUSSION OF THE PROPOSED COP

2.2.1 The COP is obviously modelled on the German Bundesrat. The Bundesrat is a traditional German institution consisting of members of the state cabinets (*The German Bundesrat*, p 5). Its prestige as a second parliamentary body is exemplified by the fact that the President of the Bundesrat deputises for the Federal President when he is prevented from performing the duties of office or if the office becomes vacant prematurely. The Bundesrat has successfully stood the test of time as a government institution (Ibid). However, the concept is untested outside Germany. On the other hand, the success of senates or other second chambers in representing provinces or states at national level has in most instances been doubtful, except in strongly federal systems (such as the USA, where the states have very real constitutional powers - and where the two senators per state have great prestige; and furthermore where the national political parties are relatively weak). In South Africa the Senate in the past has certainly not been very successful in such a representative role. There should consequently be no undue hesitation in introducing a new concept into the South African legislative and executive structures provided that the new institution is designed and structured to ensure meaningful participation for the provinces at national level, and is likely to promote co-operative governance at all levels of government.

2.2.2 The proposed COP seeks to combine the role of a second chamber with that of a body for intergovernmental executive relations of a kind envisaged in the Commission's preliminary recommendations (see Documents 4 and 10 respectively). However, it will not be a house or chamber of Parliament in the full sense. Consequently, for amendments of the Constitution which alter the powers, boundaries, functions or institutions of provinces, the approval of a special majority of the legislatures of the provinces will be necessary, instead of a parliamentary process, in terms of the Constitutional Principles. Amendments to the Constitution are not dealt with fully in the draft text (see clause 53) but CP XVIII will have to be taken into consideration when the final formulation is drafted.

2.2.3 The COP provisions appear to satisfy the following concerns expressed and recommendations made in the Commission's preliminary recommendations:

- (a) Both of the two main purposes of a second chamber, namely to provide internal control over governmental actions, and to broaden the system of representation, are satisfied in the draft text to some extent (see paragraph 1.1 above).
- (b) The COP will represent provinces at the national level (paragraph 1.5 above and clause 57 and 59(1)).
- (c) Delegates will be elected from among the members of a provincial legislature on a proportional basis (paragraph 1.5(b) above and clause 58(2)).
- (d) The COP must be consulted and is entitled to comment on and submit proposals in regard to national budgets and recommendations of the FFC (see paragraph 4.3.3 of Document 4 and clause 59(4)).

(e) The COP addresses the Commission's concern that there should be a body established to promote co-operative governance among the various levels of government and to monitor the establishment of inter-governmental institutions and co-ordinate their functioning (see paragraphs 4.4.1 and 4.4.7 of Document 10).

2.2.4 The following draft provisions do not satisfy the Commission's recommendations, on the following points:

(a) It is envisaged that provinces will not have an equal number of representatives in the COP (see paragraph 1.5(a) above).

(b) A delegate may be recalled by the party of which he or she is a member (paragraph 1.5(e) above and clause 58(4)). The Commission contemplated a recall by the legislature, not by the nominating party.

(c) The procedures for dealing with Bills on which there are disagreements, differ from the Commission's recommendations, because the COP is not a second chamber of Parliament. However, it must be said that the end results of the different procedures are likely to be similar. If the National Assembly wants to pass a Bill in spite of disagreement with the provinces, it will eventually find a way to do so. A check is indeed provided in the draft, namely that a Bill on which the Mediation Committee cannot agree will require a two thirds majority of members of the National Assembly for adoption. If all provinces strongly disagree with a Bill regarding the new Schedule 5 functional areas, a majority similar to that required for a constitutional amendment will therefore be necessary for the Bill to be adopted by the National Assembly. However, it should be noted that the Bundesrat has absolute veto powers in the case of legislation that has a special bearing on state interests. This veto applies also if the Bundesrat refuses to approve a Bill after mediation. (*The German Bundesrat*, p 24). The Bundesrat also has additional powers in respect of certain types of Bills.

(d) As far as inter-governmental relations are concerned, the Commission recommended in Document 10 that Premiers should serve on the body for intergovernmental executive relations, *inter alia* to give it the necessary status. The COP proposal leaves the status of nominated representatives open. Should provincial legislatures nominate junior members to serve on the COP, this is bound to diminish its status and influence as an intergovernmental relations institution in both legislative and executive matters. The German Basic Law stipulates that the Bundesrat shall consist of members of the Land governments, i.e. their cabinets. The Constitution need not specifically address this matter but it needs to be borne in mind that the COP will probably not live up to expectations unless it is composed of influential members of the provincial legislatures (see paragraph 4.4.5 of Document 10).

(e) For an institution to function successfully as a body to promote co-operation and intergovernmental relations, it normally requires representation of all the levels of

government concerned. The Commission therefore recommended the representation of the national government by Ministers on the proposed Intergovernmental Executive Relations Council, as well as representation of local governments on a special committee of the Council (see paragraphs 4.4.5 and 4.4.9 of Document 10). The draft text does not provide for the national government to be represented in the COP. Consequently in practice it would be difficult, if not impossible, for the COP successfully to perform the functions entrusted to it in clauses 59(2) and (3). It is indeed difficult to imagine how a body consisting of members of provincial legislatures (who must promote the interests of provinces) could successfully function as an inter-governmental relations body for all levels of government. It is, moreover, difficult to see how a body composed of members of legislatures could successfully co-ordinate the functioning of inter-governmental institutions which are predominantly concerned with executive matters. In this respect, the proposed COP differs substantially from the Bundesrat, which consists of members of Land cabinets (supported by teams of officials), and which must allow members of the Federal Government to attend and address its meetings at any time. Indeed, members of the Federal Cabinet regularly attend plenary meetings of the Bundesrat where they are seated in prominent positions to the left and right of the President of the Bundesrat (*The German Bundesrat*, p 15).

(f) The particular nature of the Bundesrat is intimately related to the distribution of powers in the German constitutional model. The Federation is responsible for most legislative matters, while the Lander are primarily concerned with the execution of the laws. It therefore stands to reason that the Lander should have a major say in the approval of laws which they have to administer.

2.3 CONCLUSION

2.3.1 After considering the alternative proposals regarding a Senate and a Council of Provinces, the Commission has come to following conclusion:

(a) The proposal in regard to the Senate contains so improvements on the corresponding provisions in the interim Constitution but does not incorporate all the proposals contained in the Commission's preliminary recommendations which were designed to improve the functioning of the Senate as a body represents provincial interests (Document 2). The Commission is of the opinion that the proposals in the Working Draft would not significantly improve the performance of the Senate as a body representing provinces. If the CA decides to retain the Senate as a second chamber of Parliament, the Commission recommends that the proposals contained in its Preliminary Recommendations - Document 4 be incorporated into the new Constitution.

(b) The concept of a Council of Provinces has merit. However, the Commission has reservations about its powers and functions, and also about the possible inclusion of local government representatives among its members.

(c) Given its proposed composition, the Commission is of the opinion that it would be inappropriate to vest the COP with functions in regard to the promotion of intergovernmental executive relations. Such relations can hardly be promoted by a body whose primary concern should be the promotion of provincial interests and which contains no representatives of the national government. The Commission therefore recommends that intergovernmental executive relations be dealt with by a separate body as recommended in its Preliminary Recommendations - Document 10.

(d) The Commission is of the opinion that in legislative matters the proposed COP could probably represent provincial interest fairly effectively. If it were to be structured like the German Bundesrat and vested with similar powers, this would enhance its powers and status considerably. The Commission would indeed prefer to see the COP strengthened in some such way. However, the Commission is of the opinion that even the proposed Council, consisting of members of provincial legislatures, could play a useful, albeit limited, role in focusing on the functional areas allocated to them in the proposed Schedule 5.

(e) The proposed powers and functions of the COP in regard to national legislation militates against the inclusion of delegates of local governments in its composition. The inclusion of local government representation on such a body could only be justified if considerable time were to be allocated to the consideration of local government matters. This would shift the focus of the body away from national/provincial matters. The inclusion of local government delegates could also disturb the balance of representation in the COP.

The Commission is of the opinion that it would be more appropriate to accommodate representatives of local government on committees of the COP on an ad hoc basis to consider matters which affect local governments in all provinces in general.

(f) In view of the shortcomings in both of the options contained in the Working Draft, an alternative arrangement which combines their more positive elements may better serve the need to represent provincial interests at national level, as well as helping to promote co-operation governance.

An additional option which combines aspects of the two options provided in the working draft should be considered. This would provide for a second chamber of Parliament, consisting of representatives nominated by provincial legislatures, whose attention will be focused primarily on legislation affecting provincial competences. In order to emphasise the role of such a chamber, it would be appropriate for it to be known as the Chamber of Provinces, and this designation should be considered.

The details of this option are given more fully at paragraph 4.3 below.

3. RECOMMENDATIONS

The Commission recommends the following:

3.1 Senate

If a Senate is preferred, then the proposals contained in the Commission's Preliminary Recommendations (Document 4 dated 23 March 1995) should be incorporated in the provisions. This implies that the conditions set out at paragraph 1.5 (a) to (k) above should be met.

3.2 Council of Provinces

If a Council of Provinces is preferred, its composition, powers and functions should be as follows:

- (a) The Council of Provinces should consist of an equal number of representatives from each province, elected by provincial legislatures from among their members in accordance with the principle of proportional representation of the parties represented in the provincial legislature. Provinces should have equal representation because they have an equal stake as provinces in matters affecting them.
- (b) Six representatives per province should be appointed. This number should be sufficient to perform the functions of the COP. No more than half of a province's representatives should be appointed as permanent members of the Council.
- (c) Delegates should be accountable to their respective provincial legislatures for the proper execution of their representative role in the interest of their province and subject to recall by its legislature.
- (d) The COP must represent provincial government at national legislative level.
- (e) The provisions of clause 59(2) and (3) must be deleted.
- (f) The powers and functions of the COP and the procedures proposed in clause 60 must be retained.
- (g) The Mediation Committee must have power of recommendation only. Such recommendations must be referred to the COP for consideration. If the COP, or subsequently the National Assembly, rejects the proposals of the Mediation Committee, the provisions of clause 60(3)(f) must apply, i.e. the Bill will require a two thirds majority in the National Assembly to be adopted.

(h) Meetings of the Mediation Committee must be confidential to allow for compromises to be considered (see *The German Bundesrat*, p 18).

(i) Clauses 62 to 65 of the Working Draft are acceptable, provided that the rules of the COP will provide for committees, *inter alia* a committee in which local government interests can be accommodated.

(j) Intergovernmental executive relations should be dealt with in the manner proposed by the Commission in its Preliminary Recommendations - Document 10.

3.3 Chamber of Provinces

If a Chamber of Provinces is preferred, then the following draft text is proposed :

PARLIAMENT

"40(2) Parliament consists of the National Assembly and the Chamber of Provinces."

"CHAMBER OF PROVINCES

Composition and election

57(1) The Chamber of Provinces consists of 54 members.

(2) Within 10 days of its election, a provincial legislature elects six persons from amongst its members to represent the province in the Chamber of Provinces. Parties in the legislature are entitled to nominate persons for election in accordance with the principle of proportional representation.

(3) A member of the Chamber of Provinces may at any time be recalled by the provincial legislature which elected him or her.

(4) A person elected as a member of the Chamber of Provinces remains a member for the duration of the term of the provincial legislature which elected him or her, unless he or she is recalled.

(5) A Premier or a member of an Executive Council may address the Chamber and participate in its debates, but may not vote on any matter.

Powers and functions

58(1) The Chamber of Provinces represents the provinces at national legislative level

(2) The Chamber of Provinces considers every Bill introduced in Parliament and deals with it as provided for in this Chapter.

President and Deputy President

59 Include provisions similar to section 49 of the interim Constitution.

Vacation of seats

60(1) *A member of the Chamber of Provinces vacates his or her seat upon -*

- (a) being recalled by the provincial legislature which elected him or her, or*
- (b) vacating his or her seat in the provincial legislature which elected him or her.*
- (2)** *Any vacancy in the Chamber of Provinces is filled by the election of a member of the legislature concerned in accordance with the principle of proportional representation as provided for in section 57(2).*

Sittings and meetings

61(1) *The President of the Constitutional Court must convene the Chamber of Provinces as soon as practicable after the election of the National Assembly, but not later than 30 days after such election.*

(2) *The Chamber of Provinces may determine the time and duration of its sittings and the dates of its meetings.*

(3) *The President of the Chamber of Provinces may summon the Chamber of Provinces to an extraordinary meeting at any time to conduct urgent business.*

(4) *The seat of the Chamber of Provinces is the same as that of the National Assembly. Meetings at other places are permitted on the grounds of public interest, security or convenience, and in a manner provided for in the rules and orders of the Chamber.*

Quorum

62 *A majority of the members of the Chamber of Provinces must be present before a vote may be taken on a Bill, and one third of the members must be present before a vote is taken on any other matter.*

Powers, privileges, immunities and benefits

63 *The Chamber of Provinces and members of the Chamber have powers, privileges, immunities and benefits similar to those of the National Assembly and its members as prescribed by or in terms of the Constitution.*

Penalties, Joint Sittings, and Rules and orders

64 to 66. Provisions similar to those contained in sections 56 to 58 of the interim Constitution must be inserted.

Bills

67(1) *Bills dealing with matters referred to in sections 120(2), 129(3), 134(1), 149, 150(2), 151, 152, 156(2), 164, 165(3), 167(1) and 187 may be introduced in the Chamber of Provinces only and, for their passing by Parliament, require adoption by the National Assembly and the Chamber of Provinces in separate sittings.*

(2) *Bills other than those referred to in sub-section (1) must be referred to the Chamber of Provinces for comment within the time limits prescribed by the rules of the National Assembly before introduction in the National Assembly. Such Bills require adoption by the National Assembly only to be passed by Parliament.*

(3)(a) A Bill referred to in sub-section (1) passed by one Chamber and rejected by the other must be referred to a joint committee consisting of members of both Chambers and of all the parties represented in Parliament and willing to participate in the joint committee, to consider and report on any proposed amendments to the Bill to both Chambers of Parliament.

(b) If the Bill with amendments proposed by the joint committee is rejected by any Chamber, it may be read again after six months at a joint sitting of both Chambers, and may be passed by a two thirds majority of the members of both Chambers present and voting."