

**Addition to Adopted Legacy Report of the Select Committee on Land and Mineral Resources on its activities undertaken during the 5th Parliament (29 Jan 2019 – 19 March 2019)**

**Key highlights**

1. **Reflection on committee programme per year and on whether the objectives of such programmes were achieved**
2. **Committee’s focus areas during the 5th Parliament**

During the 5th Parliament the focus of the Committee was on mining, its socio economic impact on mining communities, its role in the upliftment of mining provinces as well as the impact of mining on environmentally protected areas. The Committee further undertook to investigate / research the viability of Aquaculture, in the fight against poverty, which is also in line with Operation Phakisa.

The Committee managed to conduct a follow up visit to Madibeng (North West) to monitor the socio economic impact on mining communities, its role in the upliftment of mining provinces as well as the impact of mining on environmentally protected areas. The Committee also undertook a visit to Isimangaliso Wetland Park in order to assess the challenge facing DAFF and DEA in pursuing their respective but conflicting mandates of developing small-scale community fisheries and expand protected areas. In 2017 the Committee undertook a Study Tour to Australia to conduct research and investigate the Aquaculture Industry, with the hopes of stimulating the same industry in South Africa.

1. **Key areas for future work**

* The further monitoring of mining in South Africa. This includes rising court challenges to mining rights and permits, its impacts on the environment and mining-affected communities;
* The development of aquaculture policy, legislation and support capacity, as well as the implementation of aquaculture developments in South Africa;
* A continued focus on the impacts of different departmental mandates on the attainment of NDP targets. These include overlapping objectives of DAFF, the DMR and DEA in terms of future land use policy;
* The shifting patterns of land ownership in South Africa, including an audit of current land ownership and the impact of land reform on agriculture, employment, the rural economy and patterns of economic activity;
* DAFF agriculture development and support focus, including the neglect of agro-ecological practices, small-scale farmers and the potential of the small-scale and urban farming sector to supplement commercial agriculture outputs; and

The allocation and management of fisheries resources, including the plight of small-scale fishing communities

1. **Key challenges emerging**

A major challenge within the committee is the lack of staff. Since the commencement of the 5th Parliament, the committee has had to operate without a key content support staff member. Initially, the Content Adviser resigned, but the post was filled through the appointment of the Researcher to this post. The researcher has never been replaced. As a result, the committee at present operates without research support. The Committee Assistant is also responsible for more than one committee, resulting in significant pressure at times.

The committee has also been struggling to meet its oversight and meeting targets due to the pressure of legislation, and frequent changes in the NCOP schedules, which resulted in the cancellation of at least one oversight opportunity and most of the 3rd and 4th term meetings initially scheduled during the strategic planning session of the committee. With legislation dominating the time-table for the foreseeable future, it became clear that the committee will be able to perform meaningful oversight over all its departments in 2018. The clustering of Department results in the fact that the committee cannot truly pay any significant attention to each department and their key entities as the amount of meeting dates available per year, even without the presence of legislation, does not allow for meaningful oversight.

1. **Recommendations**

* In the interests of being able to do justice to the costs of performing oversight, it is suggested that Select Committees abandon the concept of joint oversight. Excluding travel days, each committee is not afforded sufficient time to deal with challenges thoroughly when only 2 days are available.
* Short-staffed committees should be staffed as soon as finances allow. Committees without sufficient support struggles to achieve their mandate and it is not a solution to require staff of other committees to assist. This only increases the workload on remaining staff and reduces functionality of all committees, not only those that are short-staffed.
* The NCOP should, if at all possible, publish its annual meeting schedule, including plenary sessions, earlier in a year and should not continue to deviate from its planned activity, as the uncertainty this creates impacts on the planning and efficiency of Select Committees.
* Sufficient time should be allocated to the processing of legislation, with the unnecessary pressure of the six-week rule for Section 76 legislation a major concern. Portfolio Committees have no time limits for engagement on a piece of legislation, yet it is believed that the NCOP can do justice to a piece of legislation in just six weeks. This is unrealistic. The LAMOSA judgement clearly outlines the need for sufficient public engagement on a Bill by a Select Committee, regardless of the actions taken by the Portfolio Committee. This, coupled with experiences of poorly-drafted Bills clearly indicate that due diligence and sufficient public engagement on legislation in the NCOP requires more time.
* The challenges surrounding the current clustering of NCOP committees should be considered. While the constraints of member numbers are evident, the number of departments assigned to committees does not adequately permit oversight over all departments and their entities. Improving the programming of both Houses can alleviate the pressure on Select Committee timetables. Alternatively, the meeting schedules of Committees should be expanded to allow more oversight opportunity. It is simply not possible for this committee to do efficient oversight over all its Departments and all their entities with the number of meeting days available per year. Sufficient oversight requires more meeting opportunities or less Departments per Committee.
* Although committee meeting times are limited at present, there is also a need for greater integration between planning of the Portfolio Committee and Select Committee’ activities, particularly in terms of financial oversight. Currently, much of the work of the Portfolio Committees is duplicated in Select Committees, while Select Committees fail to adequately track financial allocations such as Grants. The impact of Grant expenditure, as well as the adherence to Provincial and local government financial management legislation need to be focused on more effectively. Additionally, there is a need to integrate the outcomes of sectoral parliaments with the oversight capacity of the Committees in order to provide better tracking and monitoring of resolutions taken during sectoral parliaments. If done correctly, sectoral parliaments could strengthen IGR and truly elevate provincial interests and challenges to the National sphere, but if there is no integration of findings and committee follow-ups post-event, these opportunities are lost. Portfolio Committees should also be included in this process in order to ensure that the matters raised are brought to the attention of the Executive.

1. **Introduction**
   1. **Department/s and Entities falling within the committee’s portfolio**
      1. **Department of Environmental Affairs**

The Department of Environmental Affairs is mandated to give effect to the right of citizens to an environment that is not harmful to their health or wellbeing, and to have the environment protected for the benefit of present and future generations. To this end, the department provides leadership in environmental management, conservation and protection towards sustainability for the benefit of South Africans and the global community.

**Strategic Objectives:** Administration; Legal Authorisations and Compliance Enforcement; Oceans and Coastal Management; Climate Change and air Quality Management; Biodiversity and Conservation; Environmental Programmes; and Chemicals and Waste Management.

| **Name of Entity** | **Role of Entity** |
| --- | --- |
| **South African National Biodiversity Institute (SANBI)** | The South African National Biodiversity Institute (SANBI) was established in September 2004 in terms of the National Environmental Management: Biodiversity Act (2004). The Act expands the mandate of the National Botanical Institute to include responsibilities relating to the full diversity of South Africa’s fauna and flora, and build on the internationally respected programmes in conservation, research, education and other visitor services developed over the past century by the National Botanical Institute.  The mandate of SANBI is to monitor and report on the state of biodiversity in the country and the mission is to champion the exploration, conservation, sustainable use, appreciation and enjoyment of South Africa’s exceptionally rich biodiversity for all people. The implementation of the international Convention on Biological Diversity is also within this mandate. |
| **South African National Parks (SANParks)** | The SANParks established in terms of the National Environmental Management: Protected Areas Act (2003), and manages a system of 20 national parks that represents most of the country’s fauna, flora and unique natural features. Tourism, conservation and commercial development comprise the core competencies of the South African National Parks’ biodiversity management mandate. |
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| **South African Weather Service (SAWS)** | The SAWS was established in accordance with the South African Weather Service Act (2001). The objectives of the SAWS are to; maintain, extend and improve the quality of meteorological service; ensure the ongoing collection of meteorological data over south Africa and surrounding southern oceans; and fulfil government’s international obligations under the Convention of the World Meteorological Organisation and the Convention of the International Civil Aviation Organisation as South Africa’s Aviation Meteorological Authority. |
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| **Marine Living Resources Fund (MLRF)** | The MLRF was established in accordance with the Marine Living Resource Act (1998). The aim of marine living resource fund is to finance activities related to managing the sustainable use and conservation of marine living resources, preserving marine biodiversity and minimising marine pollution. Other socio-economic objectives include broadening access to resources by restructuring the industry to address historical imbalances and promote economic growth. |
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| **ISimangaliso Wetland Park Authority (iWA)** | The iWA, which began operating in April 2002, was established through the World Heritage Convention Act (1999). The objective of the iWA include conservation of ISimangaliso Wetland Park areas’ world heritage values, optimising tourism development and contributing to local economic development and transformation. |
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**Strategic Outcomes**

* Environmental Economic Contribution Optimised: Facilitate sustainable socio- economic growth and development by catalysing, optimising and scaling up the contribution of the environmental sector to economic prosperity contributing to an environmentally sustainable, low-carbon economy as a result of a well-managed just transition. Managing the transition will require strong institutional and governance mechanisms that create an enabling environment for stakeholders to contribute to the transition.
* Socially Transformed and Transitioned Communities: Provide leadership in promoting and ensuring environmental sustainability through the management, utilisation, conservation, protection and valuing of our natural resources including management of threats to environmental integrity (climate change, waste and chemicals, atmospheric pollution and alien invasives). Ecosystems will be sustained through an increase in the conservation estate, the protection of biomes and endangered species, rehabilitation and restoration of degraded land and ecosystems as well as through sustainable exploitation of natural resources. The desired outcomes include a reduction in impacts of climate change, risk mitigation through appropriate disaster responses and the deployment of innovative technologies that combat the effects of climate change. The NDP also recognises that the actions related to adaptation will depend on strong policies supported by a sound technical understanding and operational capacity to deal with developmental challenges.
* Environmental/ Ecological Integrity Safeguarded and Enhanced: Facilitate sustainable socio- economic growth and development by catalysing, optimising and scaling up the contribution of the environmental sector to economic prosperity contributing to an environmentally sustainable, low-carbon economy as a result of a well-managed just transition. Managing the transition will require strong institutional and governance mechanisms that create an enabling environment for stakeholders to contribute to the transition.
* Environmental/ Ecological Integrity Safeguarded and Enhanced: Provide leadership in promoting and ensuring environmental sustainability through the management, utilisation, conservation, protection and valuing of our natural resources including management of threats to environmental integrity (climate change, waste and chemicals, atmospheric pollution and alien invasives). Ecosystems will be sustained through an increase in the conservation estate, the protection of biomes and endangered species, rehabilitation and restoration of degraded land and ecosystems as well as through sustainable exploitation of natural resources. The desired outcomes include a reduction in impacts of climate change, risk mitigation through appropriate disaster responses and the deployment of innovative technologies that combat the effects of climate change. The NDP also recognises that the actions related to adaptation will depend on strong policies supported by a sound technical understanding and operational capacity to deal with developmental challenges.
* Global Agenda Influenced and Obligations Met: Enhance regional and international cooperation supportive of South African environmental / sustainable development priorities and influence the global environmental agenda. Ensuring adherence to international governance and regulatory frameworks, instruments and agreements while delivering on national and regional imperatives for South Africa and the global community.
* A Capable and Efficient Department: Improve departmental service delivery capacity and capabilities through creation of a harmonious and conducive working environment and provision of delivery platforms such as ICT infrastructure and services; development and implementation of an effective Human Resource strategy to attract, develop and retain a skilled, transformed and diverse workforce that performs in line with the DEA Culture and Values; aligning and transforming our business processes and systems to support strategy execution, and sound corporate governance thereby optimising efficiencies and strategic agility.
  + 1. **Department of Mineral Resources**

The mandate of the department is to promote and regulate the minerals and mining for transformation, growth, development and ensure that all South Africans derive sustainable benefit from the country’s mineral wealth.

The strategic objective of the Department of Mineral Resources is to formulate and implement policy to ensure optimum use of the country’s mineral resources. With Citibank estimating in 2010 that South Africa had R2,5 trillion worth of mineral reserves, it is clear that the mining industry is crucial in the war against poverty and underdevelopment in South Africa.

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| **Name of Entity** | **Role of Entity** |
| **Council for Geoscience** | The Council for Geoscience was established in terms of the Geoscience Act (1993). Its principal mandate is to develop and publish world class geosciences knowledge products and to provide geosciences related services to the public and to industry. The Geoscience Amendment Act (2010) extends the entity’s functions to include providing advisory services on geo hazards and environmental pollution, and being the custodian of all geosciences information related to the South African mining industry. |
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| **Mintek** | The mandate of the Mintek, as set out in the Mineral Technology Act (1989), is to maximise the value derived from South Africa’s mineral resources. To this end, the council develops appropriate, innovative technology for transfer to industry, and provides industry with test work, consultancy, analytical and mineralogical services. |
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| **Mine Health and Safety Council** | The Mine Health and Safety Council was established in terms of the Mine Health and Safety Act (1996). The council is mandated to advise the Minister of Mineral Resources on occupational health and safety at mines, develop legislation, conduct research, and liaise with other statutory bodies. The council operates through the tripartite partnership between organised labour, employers and the national departments of health and labour. |
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| **South African Diamond and Precious Metals Regulator** | The South African Diamond and Precious Metals Regulator is a schedule 3A public entity in terms of the Public Finance Management Act (1999), as amended. The regulator was established in terms of section 3 of the Diamonds Act (1986), as amended. The regulator’s mandate is to implement and enforce the provisions of the Diamonds Act (1986), the Precious Metals Act (2005), the Diamond Export Levy (Administration) Act (2007), and the Diamond Export Levy Act (2007). |
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| **State Diamond Trader** | The State Diamond Trader’s mandate, as defined in the Diamonds Amendment Act (2005), is to facilitate equitable access to South Africa’s rough diamond resources, promote local beneficiation, undertake research, develop a client base, contribute to the growth of the local diamond beneficiation industry, and develop efficient means to market diamonds not suitable for local beneficiation. |
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**Strategic Objectives**

* Increased investment in the minerals, mining and petroleum sectors: Promote and facilitate an increase in minerals, mining and petroleum activity, including value addition to mineral resources extracted in the Republic of South Africa.
* Transformed minerals sector:
  + Implement transformation policies to redress past imbalances through broader participation in the mineral sector.
  + Provide a framework to manage health and safety risks, enforce compliance and promote best practice in the mineral sector.
* Equitable and sustainable benefit from mineral resources:
  + Promote sustainable resource management; contribute to skills development and the creation of sustainable jobs.
  + Contribute to the reduction of adverse impacts of mining on the environment.
* Efficient, effective and development-oriented department:
  + Optimise internal processes.
  + Attract, develop and retain appropriate skills and ensure optimal utilisation of resources.
  + Implement risk management strategies and promote corporate governance.
    1. **Department of Agriculture, Forestry and Fisheries**

The mandate of the department is aadvancing food security and transformation of the sector through innovative, inclusive and sustainable policies, legislation and programmes.

**Strategic Objectives:** Effective and efficient strategic leadership, governance and administration; Enhance production, employment and economic growth in the sector; Enabling environment for food security and sector transformation; and Sustainable use of natural resources in the sector.

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| **Name of Entity** | **Role of Entity** |
| **National Agricultural Marketing Council (NAMC)** | The NAMC was established in terms of section 3 of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996). The core mandate of the NAMC is to do investigations and advise the Minister of Agriculture and Land Affairs on agricultural marketing policies and their application, and to co-ordinate agricultural marketing policy in relation to national economic, social and development policies and international trends and developments. |
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| **Agricultural Research Council (ARC)** | The ARC was established in terms of section 2 of the Agricultural Research Act, 1990 (Act No. 86 of 1990). The Council is the principal agricultural research institution in the country. It provides agricultural research and development, technology and support to the agricultural community. In addition, the council is the custodian of the country’s national collections of insects. |
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| **Onderstepoort Biological products (OBP)** | The company was established in terms of the Onderstepoort Biological Products Incorporation Act, 1999 (Act No.19 of 1999). OBP is a bio-technical company manufacturing vaccines and related products for global animal health care industry. |
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| **Perishable Products Export Control Board** | The Board was established in terms of Section 2 of the Perishable Products Export Control Act, 1983 (Act No. 9 of 1983). It controls the export shipment of perishable products from South Africa and the order of shipment at all ports, makes recommendations on the handling of perishable products when moved to and from railway trucks and other vehicle or cold stores; and promotes uniform freight rates for the export of perishable products. |
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| **Ncera Farms (Pty) Ltd** | Ncera Farms (Pty) is a public company listed under schedule 3B in terms of the Public Finance Management Act, 1999 (Act No. 1 of 1999) as amended. The Department of Land Affairs is the sole shareholder. It is situated in the Eastern Cape on the state-owned land of approximately 4 000 hectares, and is dedicated to assisting small and emerging farmers through various services to the surrounding rural communities in the form of advice, extension services, training and so on. |
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* SG 1: Increased profitable production of food, fibre and timber products by all categories of producers

Strategic objectives

* + SO 1: Promote efﬁ cient production, handling and processing of food, ﬁbre and timber
  + SO 2: Coordinate government food security initiative
  + SO 3: Improve production systems anchored in commodities with a competitive and comparative advantage in each province
  + SO 4: Comprehensive support towards rural development
* SG 2: Sustained management of natural resources

Strategic objectives

* + SO 1: Ensure the sustainable management and efﬁcient use of natural resources
  + SO 2: Ensure protection of indigenous genetic resources
  + SO 3: Increase contribution to green jobs to improve livelihoods
* SG 3: Effective national regulatory services and risk management systems

Strategic objectives

* SO 1: Manage the level of risks associated with food, diseases, pests, natural disasters and trade
* SO 2: Establish and maintain effective early-warning and mitigation systems
* SG 4: A transformed and united sector

Strategic objectives

* SO 1: Increase equity, ownership and participation of PDIs
* SO 2: Enhance systems to support the effective utilisation of assets
* SO 3: Improve social working conditions in the sector
* SO 4: Provide leadership and support to research, training and extension in the sector
* SG 5: Increased contribution of the sector to economic growth and development

Strategic objectives

* SO 1: Increase growth, income and sustainable job opportunities in the value chain
* SO 2: Increase the level of public and private investment in the sector
* SO 3: Increase market access for South African and African agricultural, forestry and ﬁsh products, domestically and internationally
* SO 4: Increase production of feedstock to support the manufacturing sector
* SG 6: Effective and efficient governance

Strategic objectives

* SO 1: Establish and strengthen cooperative governance and functional relations with local and international stakeholders
* SO 2: Strengthen policy, planning, monitoring, evaluation, reporting and sector information
* SO 3: Provide effective audit, investigative and legal, human resources and ﬁnancial risk management
* SO 4: Improve departmental service excellence through implementation of quality standards, Batho Pele principles and the general legislative mandate
* SO 5: Provide leadership and manage communication and information
  + 1. **Department of Rural Development and Land Reform**

The mandate of the department is derived from sections 24, 25 and 27 of the Constitution. Section 25 (property clause) establishes the framework for the implementation of land reform, and sections 24 (environment clause) and 27 (health care, food, water and social security clause) establish the framework for the implementation of the CRDP.

**Strategic Objectives:**

* Forster corporate governance and service excellence through compliance with the legal framework
* Improve land administration for integrated and sustainable growth and development
* Promote equitable access to and sustainable use of land for development
* Promote sustainable rural livelihoods
* Improve access to services in rural areas through the coordination of quality infrastructure
* Promote economically, socially and environmentally viable rural enterprises and industries
* Restoration of land rights in terms of the Restitution of Land Rights Act, as amended.

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| **Name of Entity** | **Role of Entity** |
| **Kwazulu – Natal Ingonyama Trust Board** | The Ingonyama Trust was established in terms of the KwaZulu-Natal Ingonyama Trust Act, 1994 (Act No. 3 of 1994). The Act of 1994 is amended by National Act of 1997 (Act No. 9 of 1997). Amongst other things, the KwaZulu-Natal Ingonyama Trust Amendment Act provided for the establishment of the Ingonyama Trust Board. The core business of the trust is to manage its 2.7 million hectares of land, spread throughout KwaZulu-Natal, for the material benefit and social well-being of individual tribe members. The department, together with the Land Bank, are currently trying to salvage the project by involving other strategic partners. |

* 1. **Functions of committee:**

Parliamentary committees are mandated to:

* Monitor the financial and non-financial performance of government departments and their entities to ensure that national objectives are met.
* Process and pass legislation.
* Facilitate public participation in Parliament relating to issues of oversight and legislation.
  1. **Method of work of the committee (if committee adopted a particular method of work e.g. SCOPA.)**

No Specific method of work adopted

* 1. **Purpose of the report**

The purpose of this report is to provide an account of the Committees on … work during the 5th Parliament and to inform the members of the new Parliament of key outstanding issues pertaining to the oversight and legislative programme of the Department of … and its entities.

This report provides an overview of the activities the committee undertook during the 5th Parliament, the outcome of key activities, as well as any challenges that emerged during the period under review and issues that should be considered for follow up during the 6th Parliament. It summarises the key issues for follow-up and concludes with recommendations to strengthen operational and procedural processes to enhance the committee’s oversight and legislative roles in future.

1. **Key statistics**

The table below provides an overview of the number of meetings held, legislation and international agreements processed and the number of oversight trips and study tours undertaken by the committee, as well as any statutory appointments the committee made, during the 5th Parliament:

| **Activity** | **2019** |  |  |  |  | **Total** |
| --- | --- | --- | --- | --- | --- | --- |
| Meetings held | **5**  **Jan - March** |  |  |  |  | **5** |
| Legislation processed | **1** |  |  |  |  | **1** |
| Oversight trips undertaken | **None** |  |  |  |  | **None** |
| Study tours undertaken | **None** |  |  |  |  | **None** |
| International agreements processed | **2** |  |  |  |  | **2** |
| Statutory appointments made | **None** |  |  |  |  | **None** |
| Interventions considered | **None** |  |  |  |  | **None** |
| Petitions considered | **None** |  |  |  |  | **None** |

1. **Stakeholders:**

None

1. **Briefings and/or public hearings**

None

1. **Legislation**

The following pieces of legislation were referred to the committee and processed during the 5th Parliament:

| **Year** | **Name of Legislation** | **Tagging** | **Objectives** | **Completed/Not Completed** |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |
| **2018** | Electronic Deeds Registration Systems Bill [B35B – 2017] | 75 | To provide for electronic deeds registration, having regard to legislation regulating electronic communication and transactions; and to provide for matters connected therewith. | 12 March 2019 |
|  |  |  |  |  |

1. **Challenges emerging**

The following challenges emerged during the processing of legislation:

* The number of technical errors that had been identified in critical pieces of legislature such as the MPRD Bill is concerning. It is typically assumed in the current parliamentary processes that a Bill that has passed scrutiny in the NA will be free of technical errors. This is not the case under all circumstances and where Bills with technical errors are encountered, the 6-week cycle is simply not sufficient to ensure that the Bill is properly dealt with.
* The LAMOSA ruling makes a number of statements regarding the responsibility of the National Legislature in terms of determining who made inputs at public hearings, for instance. The recommendations were incorporated into the Practice Note developed by Parliament without considering the Mandating Procedures of Provinces Act. This Act does not require provinces to furnish detailed records of the origin of submissions used during the development of mandates, and it does not require provinces to furnish such information to parliament. It is therefore impossible to enforce the details of the Practice Note as it is not based on legal requirements of the Act.
* The passage of the MPRD Bill, once remitted by the President, highlighted a number of key rule challenges within the rules of the Houses of Parliament and the Joint Rules of Parliament. At present, the desire of the Executive to withdraw the remitted Bill is the most recent challenge. There is no clear rule on how the Executive should engage with the Committee or the NCOP on the matter and what grounds can be provided for withdrawing the Bill at this late stage. Even the role of the Department in consultation has proven to be contentious. The Department cannot withdraw the Bill, as it is considered to be a Bill of Parliament, yet when consultation was taking place, it was also considered improper for the Department to provide inputs as it was argued that the Bill originated with them. Thus, rule interpretation at different stages of the processing of the Bill appeared to be contradictory. A number of public challenges, via the consultation process, also revolved around the interpretation of parliamentary rules. Clarifying these contestations took some time. A last challenge that emerged is that, where rule updates have taken place as a result of experiences in the NA, these changes were not filtered through to NCOP rules. Thus, where vaguely worded rules were revised in the NA to clarify the meaning of the rule, the same was not done in the NCOP rulebook. This also resulted in delays and contestation in the Committee, where legal advice sought to request the committee to follow a precautionary approach to amendments as was adopted in the NA already, but where it was not yet a requirement of the NCOP rules.
* Where clarity was sought on matters regarding the interpretation of parliamentary rules, challenges were experienced in the turnaround time for critical consultations. Delays were experienced at critical times and as a result of these, processing of the Bill became protracted. In other cases, there was disagreement between the interpretation of the Rules, with Table staff and Legal Services disagreeing with the application or interpretation of a rule. It became apparent that some rules need clarification or to be redrafted in clearer language.
* As was the case at the end of the 4th Parliament, Departments continue to delay the introduction of new legislation until the last half of the final year of a parliamentary cycle. This behaviour always creates a bottle-neck in the NCOP. To avoid challenges with inadequate consultation, the Committee sought extensions on the 6-week cycle rule where deemed necessary, but in the end, overloaded provincial administrations are not in a position to provide mandates and the Committee runs out of time. This challenge not only dilutes the quality and extent of public consultation on late Bills, but creates artificial challenges. In most cases, Bills introduced in 2018 were already listed in the Strategic Plans of Departments at the beginning of the 5-year cycle.
* The deliberation process on Section 76 Bills, and in particular the mandating phase, came under scrutiny in the Committee. There were a number of instances where members questioned the mandating procedure, and in particular the voting rules in relation to their own province’s mandate. It was felt that the current Mandating Procedures were too rigid and invariably results in almost no amendment to a Bill being possible as a result of current procedure.
* Content-related challenges were experienced with the MPRD Bill. The legal adviser identified a litany of technical and drafting errors that were not corrected in the preparation of the Bill or its passage through the NA. This resulted in some delays as the Bill was remitted and all changes to the Bill had to be carefully considered in order to avoid making what could be considered to be substantive changes to a remitted Bill that was referred back to the NCOP for consultation, not content.

1. **Issues for follow-up**

The 6th Parliament should consider following up on the following concerns that arose:

* Monitoring of new entities being established
* New mechanisms or corrections to challenges, etc

1. **Oversight trips undertaken**

None

1. **Study tours undertaken**

None

1. **International Agreements:**

The following international agreements were processed and reported on:

| **Date referred** | **Name of International Agreement** | **Objective** | **Status of Report** | **Date of enforcement** |
| --- | --- | --- | --- | --- |
| 24 January 2019 | Ratification of the Southern African Development Community (SADC) Protocol on Environmental Management for Sustainable Development. | To promote the sustainable utilisation of natural resources, protection of environment and the management of trans-boundary environment impacts. | Adopted | 12 March 2019 |
|  |  |  |  |  |
| 24 January 2019 | Ratification of the amendment to the Montreal Protocol on Substances that deplete the Ozone Layer to include Hydrofluorocarbons (HFCS) (the Kigali Amendment) | The amended MP includes provisions requiring new reporting of data and information by the parties on production, imports and exports of each HFC listed in Annex F for the relevant years, 2020 to 2022 for Article 5, group 1 parties, 2024 to 2026 for Article 5, group 2 parties; feedstocks, amounts destroyed by technologies approved by the parties, imports and exports, emissions, etc. | Adopted |  |
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1. **Challenges emerging**

The following challenges emerged during the processing of international agreements:

* Technical/operational challenges

None

* Content-related challenges

None

1. **Issues for follow-up**

The 6th Parliament should consider following up on the following concerns that arose:

None

1. **Statutory appointments**

The following appointment processes were referred to the committee and the resultant statutory appointments were made:

| **Date** | **Type of appointment** | **Period of appointment** | **Status of Report** |
| --- | --- | --- | --- |
| **None** | **None** | **None** | **None** |
|  |  |  |  |

1. **Challenges emerging**

The following challenges emerged during the statutory appointments:

* N/A

1. **Issues for follow-up**

The 6th Parliament should consider following up on the following concerns that arose:

* N/A

1. **Interventions**

The following interventions were referred to and processed by the committee:

| **Title** | **Date referred** | **Current status** |
| --- | --- | --- |
| **None** | **None** | **None** |
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1. **Challenges emerging**

The following challenges were experienced during the processing of interventions:

* N/A

1. **Issues for follow-up**

The 6th Parliament should consider following up on the following concerns that arose:

* N/A

1. **Petitions**

The following petitions were referred to and considered by the committee:

| **Title** | **Date referred** | **Current status** |
| --- | --- | --- |
| **None** | **None** | **None** |
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1. **Challenges emerging**

The following challenges were experienced during the processing of petitions:

* N/A

1. **Issues for follow-up**

The 6th Parliament should consider following up on the following concerns that arose:

* N/A