

**TUESDAY, 18 FEBRUARY 2014**

---

***PROCEEDINGS OF THE NATIONAL COUNCIL OF PROVINCES***

---

The Council met at 14:00.

The Chairperson took the Chair and requested members to observe a moment of silence for prayers or meditation.

**ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS - see col 000.**

**NEW MEMBER**

(Announcement)

The CHAIRPERSON OF THE NCOP: Hon members, I would like to announce to you the appointment of hon H S Boshoff owing to the resignation of hon Manzini. I take this opportunity to welcome the hon member and wish her well as a member of the NCOP.

**NOTICES OF MOTION**

Mr T M H MOFOKENG: Chairperson, I hereby give notice that on the next sitting day of the Council I shall move:

That the Council -

- (1) notes with utmost concern images taken by French press agency AFP photographer, Marco Longari;
- (2) further notes that these images showed young people with red berets on the back of a van branded with the name of a novice political party of disgruntled members, led by people who were fired from the ANC for ill discipline, off-loading tyres to be burnt at a violent protest in Hebron near Pretoria;
- (3) acknowledges that these images further prove the public's concern that many of the public protests that were experienced in South Africa lately were not largely about service delivery concerns, but fuelled by people who intend to create certain perceptions about a service delivery crisis; and
- (4) takes this opportunity to condemn in the harshest possible terms any attempt by individuals who mobilise and bully communities to engage in public protests and burn public property.

Mr D A WORTH: Hon Chairperson, I hereby give notice that on the next sitting day of the Council I shall move on behalf of the DA:

That the Council -

- (1) notes that the water supply to Mangaung Metro in the Free State has been disrupted over the past few months;
- (2) further notes that the Mangaung Metro stated that two sluice gates at the Mockes Dam had been blocked by mud, tree branches and large stones, which restricted the amount of water that could flow into the Maselspoort Weir;
- (3) also notes that the ageing infrastructure and lack of maintenance of water pumps and purification systems need urgent attention;
- (4) further notes that the City needs a long-term solution, such as a pipeline, that will bring water from the Gariep Dam or Katse Dam in Lesotho; and

- (5) finally notes that this will be a costly exercise but is the only solution in the long term.

Mr M W MAKHUBELA: Chairperson, I have forgotten my notes. The one I have now is the wrong one.

Mr F ADAMS: Chairperson, I hereby give notice that on the next sitting day of the Council I shall move:

That the Council -

- (1) notes with concern the false and misleading claims by the DA in the social media and public statements that DA municipalities had created 31 000 job opportunities in the past year and that the City of Cape Town delivers more to poor residents than any other city;
- (2) further notes that website Africa Check, a reliable and reputable organisation that investigates claims by politicians and checks it against the facts, has found that the DA could not back up its claims;
- (3) also notes that a senior DA spokesperson admitted having been unable to track down sources to back up the claims;

- (4) further notes that no one could give any concrete information and that there is a clear systemic deficiency of information management in the DA;
- (5) also notes that this reveals the political bankruptcy of the DA and the extent to which it is prepared to blatantly mislead and lie to the public in its desperation for votes;
- (6) notes that these unsubstantiated and false claims, which are also clearly in contravention of the Electoral Code of Conduct, should set alarm bells ringing for South Africans;
- (7) also notes that this confirms that the DA's attempted march to the ANC head office in Johannesburg last week was nothing else but a publicity stunt; and
- (8) takes this opportunity to call on the DA to become politically mature and to stop its cheap political engineering and its lust for publicity, and to take the public in its confidence and inform them about the true facts.

Mr T E CHAANE: Chairperson, I hereby give notice that on the next sitting day of the Council I shall move:

That the Council -

- (1) notes with shock and concern the report by the Auditor-General which reveals that the Western Cape has spent the exorbitant amount of R 10, 3 billion on consultants over the three years from 2008 to 2011;
- (2) further notes attempts by the DA to now put a different spin on the finding of the AG;
- (3) also notes that the DA attempts to shift the blame to the ANC while the DA loses sight of the fact that it was in control of the Western Cape for two of the three years in question;
- (4) further notes that the DA Leader, Ms Helen Zille, not only attempts to soften and disguise the DA's failure and its spending on consultants, but she also blames the Auditor General by criticising his definition of "consultants" as if the definition jeopardises her province;
- (5) also notes that she again loses sight of the fact that the same definition applies to all provinces and, in fact, to all spheres of government;

- (6) acknowledges that this spending by the Western Cape is the highest of all provinces; and
- (7) calls on the DA to take responsibility for its exorbitant use of consultants and the shocking spending in that regard and to stop looking for excuses or for someone else to blame for its failures.

**ANNOUNCEMENT OF ELECTION DATE BY PRESIDENT**

(Draft Resolution)

Ms B V MNCUBE: I hereby move without notice:

That the Council -

- (1) notes that His Excellency President Jacob Zuma has announced 7 May 2014 as the date for the national and provincial elections;
- (2) takes this opportunity to thank all South Africans who have registered to vote; and
- (3) thanks all the ANC volunteers who continue to work selflessly to preach the message of hope to continue

with the national task to work together to move South Africa forward.

The CHAIRPERSON OF THE NCOP: Is there any objection? There is an objection. In the light of the objection, the motion may not be proceeded with. The motion without notice will now become a notice of motion.

### **CONVICTION OF CRIMINALS FOR KILLING POLICE CONSTABLE**

(Draft Resolution)

Mr B NESI: Hon Chair, I move without notice:

That the Council -

- (1) notes the conviction of five heartless criminals for brutally killing Constable Xolisa Banga while she was on her way to the Philippi Police Station in March 2012;
- (2) further notes that Abongile Damente, Zuko Sizane, Onke Mtwalo, Mandilakhe Mbali and Odwa Matomane will be sentenced on 26 February;



(3) takes this opportunity to welcome the sentencing of these heartless criminals who have demonstrated no sense of regard for the rule of law; and

(4) congratulates the police and the justice system for ensuring that these criminals face the full might of the law and are completely removed from our society.

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

**MADIBENG LOCAL MUNICIPALITY PLACED UNDER ADMINISTRATION**

(Draft Resolution)

Mr A G MATILA: Chair, I hereby move without notice:

That the Council -

(1) notes that after protests against allegedly corrupt municipal officials in the Madibeng Local Municipality, as well as the findings of an investigation that was conducted last year by the Department of Co-operative Governance and Traditional Affairs that revealed corruption, fraud and maladministration in the municipality, the provincial

government of North West declared the municipality dysfunctional and placed it under administration last Monday;

- (2) further notes that a task team consisting of the Office of the Premier and various provincial departments has since launched an investigation into service delivery challenges in the area;
- (3) welcomes the decisive and swift action of the Premier and her government in their commitment to uncover corruption and to institute criminal and other steps against officials, councillors and service providers involved, without fear or favour; and
- (4) takes this opportunity to call on all councillors to co-operate and to put the interests of the community first to ensure that the municipality is turned around successfully.

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

**GAUTENG HEALTH DEPARTMENT COMMENDED ON ZERO TOLERANCE OF  
CORRUPTION**

(Draft Resolution)

Ms M L MOSHODI: Hon Chairperson, I move without notice:

That the Council -

- (1) notes with great concern the suspension of seventeen officials at Dr George Mukhari Academic Hospital in Garankuwa, Gauteng, on Thursday, 13 February 2014;
- (2) further notes that the officials from different sections of the hospital were suspected of selling jobs and appointing their family members and friends to positions in order to enrich themselves;
- (3) takes this opportunity to commend the Gauteng Provincial Health Department for heeding the call to demonstrate zero tolerance to nepotism and corruption in the Public Service; and
- (4) calls upon all public servants, including organised labour, to join hands with government in the fight against any form of corruption in the Public Service.

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

**LATE MR M B SKOSANA**

(Draft Resolution)

Mrs N W MAGADLA: Chairperson, I hereby move without notice:

That the Council -

- (1) notes with profound sadness and shock the untimely death of hon Ben Skosana, who was a stalwart and veteran founding member of the Inkatha Freedom Party and selfless veteran Member of Parliament;
- (2) further notes that Ntate Skosana, as he was affectionately known, worked diligently while serving the people of South Africa until his untimely death;
- (3) also notes that hon Skosana played a significant role in the transformation of South Africa's prison system from apartheid-era death camps to correction, rehabilitation and reintegration centres based on the values of human rights;
- (4) also notes that at the time of his death, he was Parliament's House Chairman for Internal Arrangements, through which he championed the task of building the capacity and wellbeing of Members of Parliament, to

ensure that they have better support services and health in order to enhance their capacity to serve the people; and

- (5) takes this opportunity to convey its profound condolences to the Skosana family and his party and wishes them strength in these difficult times.

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

#### **EDUCATION CRISIS IN MITCHELLS PLAIN, CAPE TOWN**

(Draft Resolution)

Ms M W MAKGATE: Chairperson, I hereby move without notice:

That the Council -

- (1) notes with concern that more than 4 weeks into the school year, between 800 and 1 100 pupils in Mitchells Plain, Cape Town, have yet to be placed in schools;
- (2) further notes that despite this alarming and shocking state of affairs, the Western Cape Education Department has not come up with a solution or provided

any insight as to where these learners would be placed;

(3) also notes that the MEC for Education, Donald Grant, who, on his appointment to this portfolio, publicly stated that he knows nothing about education, and who so desperately attempted to close schools last year, remains silent;

(4) further notes with concern that the provincial education department, while admitting that it was aware of the demand for and the lack of space at schools, has clearly failed to fulfil its constitutional mandate or to plan properly and to build new schools timeously or to provide additional accommodation to these learners in the interim;

(5) acknowledges that this state of affairs deprives these learners of their constitutional right to basic education; and

(6) takes this opportunity to call on the Minister of Basic Education to come to the rescue of these children and their parents and intervene as a matter of urgency.

The CHAIRPERSON OF THE NCOP: Is there any objection? There is an objection and in the light of the objection the motion may not be proceeded with. The motion without notice will now become a notice of motion.

**CALL FOR REINTRODUCTION OF FEEDING SCHEMES AT FEE-PAYING  
SCHOOLS**

(Draft Resolution)

Mr C J DE BEER: Hon Chairperson, I hereby move without notice:

That the Council -

- (1) notes with concern that many learners in Kimberley in the Northern Cape are going hungry after school feeding schemes at fee-paying schools ended recently;
- (2) further notes that many of the learners at these schools are from disadvantaged and poor households, with most of them receiving only one meal a day, the meal that they receive at school;
- (3) also notes that while feeding schemes at fee-paying schools cannot be funded by the National School Nutrition Programme or from conditional grant funding,

the provincial government has in the interim embarked on a reduced allocation for qualifying fee-paying schools and are funding feeding schemes for such schools from the province's equitable share budget;

- (4) further notes that this has, however, placed enormous pressure on other priority areas; and
- (5) takes this opportunity to call on the Minister of Basic Education, as well as the National Treasury, urgently to intervene and reintroduce school feeding schemes for qualifying fee-paying schools and provide the appropriate funding.

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

**A CALL TO REVIEW RELEASE OF A MURDER ACCUSED FROM PRISON**

(Draft Resolution)

Mr A J NYAMBI: Chair, I hereby move without notice:

That the Council -



- (1) notes with shock and concern that a murder accused of KaBokweni in Mpumalanga, who is facing two counts of murder, a charge of robbery and two charges of possession of unlicensed firearms and ammunition, was released on a warning last week in the magistrates' court after having been arrested at his hiding place after a tip-off;
- (2) further notes that this state of affairs has the potential to undermine the confidence of the community in the police, the criminal justice system and the morale of the police, who work hard and often risk their lives to bring crime suspects to book;
- (3) also notes that although everyone remains innocent until proven guilty in a court of law, the nature of the charges against the accused, and also his running away and hiding from the police, should have necessitated a different approach during his bail application;
- (4) takes this opportunity to support the concern of the MEC for Community Safety of Mpumalanga about this state of affairs; and

- (5) supports his call to the Provincial Commissioner of Police and the Prosecuting Authority urgently to review the release of the accused.

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

**VIDEO SHOWING WATERKLOOF FOUR PARTY**

(Draft Resolution)

Mr B L MASHILE: Chairperson, I hereby move without notice:

That the Council -

- (1) notes with utter repulsion a video showing two of the so-called "Waterkloof Four" partying in the Kgosi Mampuru prison while also showing off their cell phones, smoking cigarettes and drinking liquor in a cell equipped with a sink, a table, a computer and a pot plant with heart-shaped leaves;
- (2) further notes that Christoff Becker, Frikkie du Preez, Gert van Schalkwyk and Reinach Tiedt were released on parole last week after serving half of their sentences

for brutally assaulting and killing a homeless man in Pretoria in 2001;

- (3) takes this opportunity to condemn in the harshest possible terms this blatant flouting of the Correctional Services Act and anything else that the department stands for; and
- (4) calls on the Minister of Correctional Services to ensure that -
  - (a) the investigation currently under way is completed with urgency;
  - (b) anyone found to have flouted the rules of the department is dealt with very harshly; and
  - (c) the parolees be taken back to serve their remaining sentences should they be found to have flouted their parole conditions.

The CHAIRPERSON OF THE NCOP: Hon members, I shall not put this motion to the House for agreement because a commission has been formed to investigate the case. We will deal with this matter after the commission has dealt with it.

**PRESIDENT JACOB ZUMA'S 2014 STATE OF THE NATION ADDRESS**

(Draft Resolution)

Ms M G BOROTO: Chairperson, I hereby move without notice:

That the Council -

- (1) notes that President Jacob Zuma delivered his state of the nation address on Thursday last week, reiterating that South Africa is a much better place to live in now than it was before 1994;
- (2) further notes that since the dawn of democracy in 1994, South Africa has been able to overcome all the pain of the past and build a new society, built strong institutions of democracy and buried the undemocratic, unrepresentative, oppressive and corrupt state that was serving a minority;
- (3) also notes that the dawn of democracy in 1994 created a thriving constitutional democracy, with well-functioning arms of the state, namely the legislative, executive and judiciary; and

- (4) takes this opportunity to welcome the 2014 state of the nation address and acknowledges that South Africa truly has a good story to tell.

The CHAIRPERSON OF THE NCOP: In light of the objection, the motion may not be proceeded with. The motion without notice will now become a notice of a motion.

**VICIOUS AND RELENTLESS CYBERBULLYING AND VILIFICATION OF HON**

**THANDILE SUNDUZA**

(Draft Resolution)

Mr G G MOKGORO: Chairperson, I hereby move without notice:

That the Council -

- (1) notes with utter contempt the vicious and relentless cyberbullying and vilification of hon Ms Thandile Sunduza because of her weight and the dress she wore to the state of the nation address last week;
- (2) further notes that Ms Sunduza was admitted to a hospital in Johannesburg after collapsing at the O R Tambo Airport last week;

(3) also notes that her doctors have placed her under strict medical supervision, taking into account that she is at an advanced stage of pregnancy; and

(4) takes this opportunity to condemn in the strongest possible terms this utter senseless bullying of Ms Sunduza as nothing but crass sexism and gender objectification of women.

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

**REVIVAL OF PUBLIC ADMINISTRATION MANAGEMENT BILL**

(Draft Resolution)

Ms M G BOROTO (on behalf of the Chief Whip of the Council):  
Chairperson, I move the draft resolution printed on the Order Paper in the name of the Chief Whip of the Council:

That the Council, notwithstanding Rule 238(1) which provides *inter alia* that all Bills introduced in the Council and which have not yet been passed by the Council when it rises on the last day in any annual session lapses, revives the Public Administration Management Bill [B 55 -

2013] (National Council of Provinces - sec 76) and condones any work the Committee has done on the Bill.

Question put: That the motion be agreed to.

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

Against: Western Cape.

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

### **SPECIAL ECONOMIC ZONES BILL**

(Consideration of Bill and of Report thereon)

The MINISTER OF TRADE AND INDUSTRY: Hon Chairperson, hon members, the Special Economic Zones Bill, which is the Bill that is being tabled today, aims to support a broader-based industrialisation, balanced regional industrial growth and the development of more competitive and productive regional economies.

Special economic zones may be defined as geographically designated areas of a country, set aside for specifically

targeted economic activities, supported through special arrangements and systems which are often different from those that apply in the rest of the country. Up to now in South Africa, we have only one form of special economic zone, SEZ, the industrial development zones, IDZs, that have operated under the Manufacturing Development Act of 2000.

To date, five industrial development zones have been designated. They are Coega, East London, Richards Bay, O R Tambo and Saldanha Bay. The recently designated Saldanha Bay Industrial Development Zone, which was launched in October 2013, has already attracted eight investors, six of whom have signed up in the oil and gas services sector.

Three of the remaining four IDZs, namely Coega, East London and Richards Bay, are fully operational. Combined, they host 42 operational investments to the value of R4 billion, which have created over 5 000 direct jobs and 43 000 jobs in construction.

Despite these achievements, some weaknesses in the implementation were identified during the IDZ policy review. These included weak governance, arising, in many cases, from unclear mandates of different structures involved; the lack of industrial development zoning centres; poor stakeholder co-ordination; and a lack of integrated planning.



More importantly, the criteria for the IDZ designation meant that IDZs were restricted to ports, airports and coastal regions and were not available to assist in realising the economic potential in other parts of the country.

Industrial development zones, by nature, cater for export-oriented industries and closeness to the sea or an airport becomes a strategic consideration for logistical purposes. Due to these identified weaknesses, the programme could not assist other parts of the country to unlock long-term development potential in regions that had this potential and they could not therefore reverse the well-established tendency towards economic concentration in our country.

The Department of Trade and Industry, DTI, therefore identified the SEZ programme, which will be brought into existence by the passage of this Bill. Besides serving as an enabler to more effective regulation of all SEZs, including IDZs that are one category of special economic zone, the Bill proposes broadening the scope of SEZs to include categories other than IDZs that will, of course, still remain one of the forms of special economic zones.

The intention is that SEZs will focus on and support the manufacturing of value-added products. Once designated, it is expected that SEZs will have strong backward and forward

linkages with other sectors in their localities, building and strengthening localisation through supplier development programmes. This is a departure from the traditional SEZ model, where SEZs existed as isolated enclaves.

Special economic zones are, of course, just one of many policy tools available to government in its drive to support industrialisation. However, SEZs offer a potentially valuable tool to overcome some of the existing constraints in developing industrial capabilities, in attracting investments and growing exports.

The aim of the Bill before the Council this afternoon is to boost private investment, both domestic and foreign, in labour-intensive areas and to increase job creation, competitiveness, skills development and technology transfer, as well as the export of beneficiated products.

The Bill builds on the experience that we have gained from the IDZ programme and introduces a number of new measures that take into consideration inputs that were made in the consultation processes.

The Bill will introduce a variety of special economic zones to cater for the various socioeconomic and regional spatial planning considerations of the different spheres of

government. In particular, the Bill provides for the designation of the following types of SEZs: free ports; free trade zones; the industrial development zones; and sector development or specialised zones.

By making it possible to have different categories of special economic zones, we aim to address the previous challenges experienced in the IDZ programme, to allow for the tailoring of individual SEZ strategies to fit with the individual needs and demands of the region concerned.

The Special Economic Zones Bill consultative process started in 2010, with all relevant stakeholders across the three spheres of government, as well as the relevant interested public entities. The Bill was also discussed in the Economic Ministers and Members of the Executive Council, Minmec, which has also been working on prefeasibility studies on 10 potential SEZs, at least one per province.

Cabinet approved the Bill for public consultation in December 2011. National Economic Development and Labour Council, Nedlac, consultations were finished in October 2012 and the Bill was introduced into Parliament in March 2013. It passed through hearings in the portfolio committee and then it was tabled in the National Assembly last year.

In the NCOP process, the Bill was presented to eight of the nine provincial legislatures at 16 provincial public hearing meetings. It has received overwhelming support from the provinces and society at large. All of this has resulted in further improvements in the form of a regulatory framework supporting the SEZ programme.

Furthermore, extensive regional and international benchmark studies have been conducted to determine an appropriate package of support measures for the SEZ programme.

The following measures are being considered to enhance South Africa's SEZ value proposition. They include a SEZ tax incentive strategy, which will allow 15% corporate tax; a building tax allowance; an employment tax incentive; customs control areas with VAT exemption, and duty free, and an accelerated 12I tax allowance. It includes an enhanced funding strategy, which will include the establishment of a comprehensive SEZ fund with a mix of funding instruments, public-private partnership arrangements, and so on. It will also include an infrastructure strategy to accommodate bulk infrastructure requirements through a SEZ fund and other contributions.

There will be a skills and supplier development programme worked out with the Department of Trade and Industry and

relevant partners to provide support programmes in these particular areas for SEZs.

There will be a one-stop shop strategy to reduce the bureaucracy and red tape of government approvals and applications, providing a single point of investor contact, which will be implemented within each SEZ.

This one-stop-shop platform aims to reduce information search and transaction costs for investors located in the SEZs. It also aims to facilitate the acquisition of permits and licences; to reduce the steps in approvals; and to provide a more effective and sustainable investor aftercare service. The DTI is in the process of finalising the model that will see this roll-out soon.

The SEZ tax incentive offering has already been announced by the Minister of Finance and will ensure that we are able to provide an investment environment that can compete effectively with other locations in the world. These incentives will become effective on the enactment of the Special Economic Zones Bill.

We are currently preparing for the implementation of the Special Economic Zones Bill by consulting with all provinces on potential SEZs. As a result, as I said earlier, together we

have commissioned a number of prefeasibility studies, which means that when the Bill is passed, we will not have to spend an inordinate amount of time on implementation because we have already done some of the preparatory work on the designation of potential SEZs.

It is thus imperative that this Bill is expeditiously considered in order to take advantage of the huge imminent interest and opportunity which it will create. The Council's support for the Bill will be greatly appreciated.

I would like to express my sincere appreciation to the Select Committee on Trade and International Relations and the provinces that worked on this particular Bill and ensured, not only that it was completed within a short space of time, but also that there was a good-quality piece of work that came out of the process. The committee's contribution in this regard has been invaluable and I would therefore like to salute its chairperson, Mr Gamede.

My thanks also go to the DTI team for its hard work in rolling out this piece of legislation. I have pleasure in commending this Bill to the NCOP. Thank you very much. [Applause.]

Mrs B L ABRAHAMS: Hon Chairperson, hon Minister, hon members and guests in the gallery, the Special Economic Zones Bill

sets out the legal framework for the designation of specific geographic areas as special economic zones. The hope is that the SEZs will attract new domestic and foreign investments to our country and that more jobs will be created.

The success of the SEZ strategy depends on the attractiveness of the incentives offered, even though the legislation does not outline what incentives will be available. We can only hope that the correct environment for investment will be created. The Bill only sets out the process for the formation of SEZs and how investors may locate their companies within the SEZs.

The Bill states that the developer may appoint any public or private entity to operate the SEZ. The Bill allows for the establishment of public entities, such as national government departments and provincial and local municipalities, to develop SEZs. Local and provincial governments will be able to apply to the Minister to delegate incentives offered by national government but can also delegate their own SEZs and offer their own incentives.

This is an important piece of legislation which paves the way for South Africa's first co-ordinated and incentive-driven SEZ strategy. We hope that this will strengthen the role of local and provincial governments.

Any business seeking to locate in an SEZ must seek approval from the SEZ board. Each SEZ is governed and managed by a board of directors. The Bill confirms that designated industrial development zones, IDZs, will become SEZs.

There will be special tax reductions for employees working in SEZs. Restrictions on the location of SEZs have been removed. This allows for SEZs in underdeveloped and rural areas where there are untouched opportunities for economic growth and potential for employment. Each SEZ will be unique to the needs of the region and its location, which we hope will help in attracting targeted investments.

This Bill has the potential to create more opportunities for unemployed people to become employed. This would also mean locals do not have to migrate to other provinces but can instead be employed in their provinces. By providing jobs, this Bill could restore pride and dignity to the unemployed as well as achieve self-sustainability in rural areas. Jobs allow independence from reliance on government grants and enable a self-determined lifestyle. Project-steering committees and oversight committees have been established in all provinces.

If implemented correctly, the Special Economic Zones Bill will assist in alleviating poverty in South Africa, but skills development still needs to take place. It is not the SEZs that



should automatically create skilled people. People need to be given the opportunity to develop, then South Africa will not have the need to import important skills. Thank you.

[Applause.]

Mr D D GAMEDE: Chairperson, hon Minister and hon members, all South Africans, and especially all provinces in South Africa, should be celebrating the fact that we are finally passing the Special Economic Zones Bill today.

As has been said, the main purpose of this government has been to accelerate industrialisation for economic development. This Bill empowers the Minister to establish the SEZ fund. This is something that was not there before.

The purpose of the Bill is to develop infrastructure to support the development of targeted industrial activities per province. It also promotes regional development. As the Minister mentioned, we all know that great minds think alike. The following tax incentives have been approved: corporate tax of 15% for investors in SEZs; building tax allowance; the accelerated 121 tax allowance; employment tax incentives; and VAT exemption and duty free. We are really moving South Africa forward.

However, we, as a committee, raised the issue of municipalities in general being eligible for designation, taking into account the task that they have with regard to service delivery. Even though this was explained thoroughly, we still persisted in raising the issue.

One province that will benefit from this Bill if it is passed today is KwaZulu-Natal. We already have the Dube TradePort that is ready to roll out and function as of tomorrow.

The committee also raised the issue that in order for us to move faster with transformation, it is mostly historically disadvantaged individuals and groups that must benefit from being owners of licences. This will assist us in speedily transforming our country so that our economy is shared by every citizen in the country.

As has been mentioned, provinces - which we represent as the NCOP - can either have a free port, if they have a port; a free trade zone; an industrial development zone; or a sector development zone. All these categories can be prescribed by the Minister. We are really moving South Africa forward.

A number of issues have been covered by the Minister and my detachment is ready to talk. We want to thank the department, the director-general and all his officials, including Saroj,

for availing themselves each time we call them. We therefore recommend that the House adopts this Bill with a huge smile. Thank you. [Applause.]

Mr L MAILE (Gauteng): Chairperson, hon Minister, members of the Portfolio Committee on Trade and Industry, hon members of the House and distinguished ladies and gentlemen, greetings to all of you. It gives me great pleasure to represent the province of Gauteng in the debate on this important piece of legislation that will shape the economic landscape of our country. I am grateful to be part of the important work that will assist in addressing the triple challenges of unemployment, poverty and inequality that confront our country.

As the province of Gauteng, we support the Bill in its current form precisely because it attempts to address the challenges that our people are confronted with on a daily basis. As Gauteng, we believe that this Bill will support reindustrialisation so that the provinces and regions can regain their comparative and competitive advantages in manufacturing, inward investments, export promotion and research and development.

Furthermore, it increases the provincial stock of productive infrastructure with the incentives and financial set-asides

that come into effect when the Bill is enacted. The regions will be economically resuscitated, thus creating much-needed jobs.

As provinces, we stand to benefit from the designation of SEZs given that we will have a share in the incentives that come with such a status. We believe that the enactment of the Special Economic Zones Act will unlock the resources for the provision of world-class productive infrastructure built through the SEZ fund support and reindustrialisation through clustering.

Through centralised marketing spearheaded by Trade and Investment SA that is codified in the Special Economic Zones Bill, all the provinces will have an added benefit arising from the international marketing of SEZ industrial parks. The provision of the Special Economic Zones Act will lead to the strengthening of the sectoral competitive advantage of regions and ring-fence job creation and skills and technology transfer.

We also support the Bill's assertion that provincial stakeholders must be consulted before submitting a proposal for designation to the Department of Trade and Industry, as this reduces tensions as well as separate development. We are mindful of the fact that all the powers to designate, to issue

operating licences, to operate in the SEZ space and to appropriate funding resides with the Minister of Trade and Industry. This function is performed in consultation with the SEZ board. We support this assertion.

In conclusion, as we have alluded to before, we are unable to see any provision of the Bill that will negatively affect Gauteng province, economically or otherwise. We believe that the Special Economic Zones Act will benefit the province and the regions to the extent of creating a new growth trajectory. We, as the province of Gauteng, therefore support the Bill in its current form. Thank you. [Applause.]

Mr K A SINCLAIR: Hon Chairperson and Minister, strengthening the South African industrial base and promoting a labour-absorbing industrial plan necessitate a new approach that will increase foreign direct investment. This approach is the purpose of the special economic zones, the SEZs. The approach is an economic tool to promote national economic growth and export by using support measures in order to attract targeted foreign and domestic investments and technology.

The economic impact of SEZs is well-documented in a comprehensive study that was conducted by Jin Wang of the London School of Economics.

Wang collected unique data of Chinese municipal economic statistics from 1978 to 2007, and used it to evaluate the impact of an SEZ experiment aimed at attracting foreign direct investment.

Guided by three predictions from a theoretical model, it was concluded that the SEZ policy firstly increases per capita foreign direct investment by 58%, mainly in the form of foreign investment and export orientated industrial enterprises. Secondly, it does not crowd out domestic investment and domestically-owned capital stock; and thirdly, improves Total Factor Productivity, TFP, growth rate by 0,6 percentage points.

The results suggest that creating SEZs not only brings capital but also more advanced technology and has important policy implications for many developing countries.

From 1979, China has gradually created SEZs in its municipalities with property rights protection, tax breaks and a preferential land policy, specifically for foreign investors. This SEZ experiment has transformed China into one of the largest foreign direct investment, FDI, recipients, exporters and foreign exchange reserve holders in the world.

Where does this leave South Africa, especially its underdeveloped rural poor and marginalised provinces, like the province that I represent, the Northern Cape? This legislation can be a game-changer if implemented correctly in order to substantially increase the growth rate in South Africa. One of the challenges that the hon Minister must address is the detail as envisaged in the SEZ strategy.

Strategy, indeed, determines outcome. And here, hon Minister, I beg you not to implement a strategy such as the DA and Agang did recently, by doing political fronting to acquire a suitable presidential candidate for the upcoming elections.

[Laughter.] [Interjections.] The DA initially presented the leader of Agang as a black knight on a white horse. They, it seems, very quickly realised the blunder.

The strategy must include *inter alia* that the communities in and around the designated SEZs benefit substantially from these major economic injections and opportunities. The programmes of government must not remain documented ideas and philosophies; they must be implemented. South Africa has enough plans - let us do it. Localisation and beneficiation must be the cornerstone of the strategy.

It is further necessary to consider heterogeneous or mixed zones that will make it possible to have a multizone economic

activity in place. That was the success in China and will also determine the success in South Africa. Cope supports the Special Economic Zones Bill. I thank you. [Applause.]

Ms D Z RANTHO: Chairperson, hon Minister, members of the House, special delegates, guests, ladies and gentlemen, let me take this opportunity to say happy New Year to all of you. I have not seen you since last year. This is the first sitting of this august House after the passing away of our icon, honourable Mr Rolihlahla Nelson Mandela. May his soul rest in peace. [Interjections.]

This sitting is also the first after the state of the nation address by our President, who reminded us about what the ANC has done during the past five years of its administration. The President clearly outlined all projects and Bills that were passed in our term of office, telling the people of South Africa our story. Indeed, as government, we really have a good story to tell. [Interjections.]

The President acknowledged the fact that there is still a lot that needs to be done. There are a number of laws that need to be changed and amended. This Bill indicates the tasks that the economic cluster will be facing in the next five years. Our ANC 2014 Election Manifesto for the 2014 to 2019 term of government has outlined strategies to be followed on how to



radically transform the economy and consolidate the democracy of this country.

If you remember the ANC's 53rd National Conference in Mangaung in December 2012, our theme outlined what needed to be done. If I may remind all of us, the theme was Unity in Action Towards Socioeconomic Freedom.

The ANC has characterised the second phase of our transition as one of deepening economic transformation to eradicate poverty, creating full-time employment and reducing inequality. I think this Bill is trying to address exactly that. We cannot run away from our past as it will always remind us where we come from, especially we who were educated under the Bantu education system. It was established purposely not to develop us mentally so that we could remain without skills.

Hence, we are now faced with the challenge of a lack of skills, unemployment and inadequate institutional capacity. It is impossible to try to rebuild this in 20 years when it was implemented from 1652 up to 1994. There is a lot of damage that was done to us black South Africans.

The objectives of this Bill - all six of them - are stated clearly in Chapter 1 of the Bill. This should be everybody's

business in government as well as the private sector. Together we can move South Africa forward.

Keeping our past in mind, the strategies that are set out in the Bill need to be clearer for an ordinary person on the ground to understand. South Africa is regarded as a rich country because of its natural resources. Therefore we can attract many investors to this country. As much as we are regarded as being a rich country, our people are very poor.

There is potential for economic growth, hence the attraction for foreign countries. If we can develop our infrastructure, some of which is dilapidated while in other places it is nonexistent, we can win the battle against unemployment.

By now, everybody knows that I come from the Eastern Cape province, Joe Gqabi District Municipality. [Interjections.] My region is one of the deep rural regions in the Eastern Cape.

Chapter 2 of the Special Economic Zones Bill, which talks about the purpose of the special economic zones, SEZs, and the promotion of regional development, also means the linkage or integration with the province's growth strategies and the local economic development of the whole municipality.

I think this Bill is very relevant to my region. Therefore, there is no doubt about the necessity of SEZs in my area because we have seen that where they are being implemented, the surrounding economy is energised.

In Joe Gqabi District Municipality this concept will flourish because we are hard-pressed in a region that is more in need of a different strategy. The district municipality has commissioned the formulation of a development agent, which is now three years old, to do the equivalent of what the region would get if it were deemed an SEZ.

Mainly, it would do the following: implement the special economic zones strategy; impact on economic development projects in an integrated and sustainable manner; provide asset development management and acquisition that allows the development agency to extract fees or acquire a stake in the development that it facilitates; maximise the return on assets in the medium-term and long term; co-ordinate public-private and civic resources; and contribute to projects and programmes.

This agent has projects that have attracted investors from inside the country and abroad. Hon Minister, we have a mine in Aliwal North that is usually not recognised. However, it cannot create a large number of permanent jobs because there

is a lack of technicians, engineers and workers with other relevant skills. If that mine can be used ... [Interjections.] It is called "Aliwal Spa". [Interjections.]

ILUNGU ELIHLONI PHEKILEYO: Utheth' ezasekhaya ngoku.  
[Kwahlekwa.]

Nksz D Z RANTHO: Kunjalo, ndithunyiwe apha. Ndizise umyalezo osuka ekhaya. (*Translation of isiXhosa paragraphs follows.*)

[An HON MEMBER: Now you are talking about matters from back home. [Laughter.]

Ms D Z RANTHO: That is true. I have been mandated to relay a message from back home.]]

By developing the Aliwal Spa, hon Minister, we can help to develop skills in the area and transfer other skills that are most needed in the area.

This Bill evokes the creation of decent economic and other social benefits in the regions in which it operates by promoting small, micro and medium enterprises and co-operatives, as well as a skills and technology transfer. Therefore the concept of this Bill can become a reality in my region. The ANC supports the Special Economic Zones Bill.

In the Eastern Cape, this government has made SEZs possible by establishing big projects like Coega and the East London Industrial Development Zone, the IDZ, which is a good story to tell because our people are now able to acquire certain skills.

Investors are looking for a government that moves forward, which I think the ANC government is doing at the moment. We are moving, but we must do so together with those who do not want to move. I thank you. [Applause.]

Ms M ROSHO (North West): Chairperson of the NCOP, Deputy Chairperson of the NCOP, Chief Whip, Minister of the Department of Trade and Industry, hon members, ladies and gentlemen, and compatriots, good day.

The North West province, also known as the platinum province, completed a study of our provincial economic landscape in 2011. This we did in response to the policy imperatives enjoining us to embark on an economic growth path through vigorous implementation of industrialisation programmes.

Ours is a regional economy, experiencing acute structural imbalances where the primary sector dominates in both contribution to gross domestic product, GDP, and unemployment, yet manufacturing remains low in respect of both.

To the extent that value-added manufacturing has the potential to propel growth and create jobs, our endeavour is to meet the goals of job creation, poverty alleviation and the elimination of inequality through deliverable interventions in this sector, in particular.

We are amongst the provinces that pursued the industrial-development-zone strategy, after we were convinced by, not only the potential, but also the experience and evidence of other countries that chose this strategy. Many of these countries experienced poverty reduction through high employment opportunities generated by the manufacturing of exports and other intermediaries; in other words, by strengthening the productive capacities of their economies to compete with the rest of the country's.

The Special Economic Zones Act will not only be an enabler for us, but also a catalyst that will diversify our country's economy from being a mere supplier of raw materials and net importers. We foresee an added acceleration of industrial development increasing a productive sector, sustainable growth and the creation of decent jobs. This will also lead to innovation amongst our young people through the skills development programme, which will bring diversity in terms of innovative thinking and respond to the needs of scarce and critical skills.

As a country in need of more than 5% growth, we must employ extraordinary measures, such as the creation of special economic zones to attract foreign investment and to increase exports, in order to meet our balance account performance that is so important to a balanced currency level.

The North West province is no longer an onlooker to these developments, as we stand to benefit if we contribute to the country's agenda of beneficiation. We are the main source of platinum in the world and started long ago in investigating possible platinum beneficiation activities in the province.

At last we have found our niche, which has an impact across a spectrum of policies in our country. When we embark on the fuel-cell manufacturing with Platinum Group Metals, PGM, as a major catalyst, not only shall we create jobs but also realise our own objectives in alternative energy requirements.

We are embarking on the platinum beneficiation sector development zone project that presents profound strategic merits for North West province communities. It has local and global platinum mining and production comparative advantages, given that high technology platinum beneficiation is nonexistent in the North West province.

This project aims to establish the platinum beneficiation sector development zone through the facilitation of general and specific research; industrial infrastructure; a technical workforce and business support services to support technology development; pilot production; and the testing of commercialisation and manufacturing of fuel cells.

Like other provinces, we cannot wait to obtain the operator permit that will come into effect once this law has been promulgated. Then we have the answer for all and sundry that the government target of job creation is not a pipedream but a target, real enough to be met. It is therefore our intention as the North West provincial communities, led by the ANC-led government, to support the promulgation of the Special Economic Zones Bill of 2013 into an Act of Parliament. I thank you very much. [Applause.]

Ms A ROSSOUW (Western Cape): Hon Deputy Chairperson, Minister Davies, the potential economic benefits of the industrial development zones, IDZs, have been clearly outlined.

A feasibility study of the creation of the Saldanha Bay industrial development zone estimates that the development could yield between 4 240 and 8 930 direct jobs over a 25-year period and add between R11,2 billion and R31,6 billion in yearly revenues to the regional economy. The report calculates



the total number of jobs that could be created at between 11 900 and 29 000.

The Western Cape government believes that economic growth is the foundation of all successful development, and the role of the state is to create and maintain an enabling environment for business and provide demand-led, private-sector-driven support for growth sectors, industries and businesses.

We have noted the World Bank's study on SEZs which found that private-led developments are more cost-effective and yield better economic results than state-owned variants. A clearly defined space should be created for the private sector to play a greater role in ownership of SEZs to accelerate the economic impact, as this is not addressed in the policy.

The gist of the World Bank report is that the most significant contribution that SEZs can make to economic development in a country is not the incentive mechanisms but rather the creation of a stable area with competent management, adequate infrastructure and minimal red tape.

The Bill should spell out more clearly the linkages with the local economy and the involvement of surrounding municipalities in the SEZs. It is further proposed that a section be included in the Bill that would safeguard against a

drain of established businesses from the nonindustrial development zone to industrial areas for SEZs.

In the light of the Bill's attempt to create a regulatory framework for the SEZs and to regulate the activities of the identified SEZs, the following concerns should be considered in the development and implementation of any policy or Bill that involves regulating these SEZs.

Firstly, SEZs are aimed at creating business hubs to foster economic growth. The industrialisation of these SEZ areas tend to be a threat to farming businesses as it can result in the taking away of agricultural land. Provision should be made in the Bill to regulate the process of acquiring land from farmers in the neighbouring areas.

Secondly, the Bill should also include a section on a set of criteria for selecting the locations of SEZs. This can also help potential investors to identify SEZ areas based on the specific requirements.

Thirdly, it is important to note that SEZs are only a tool in the drive for greater economic growth. The SEZs need to be accompanied by policy instruments that make the country as a whole attractive to investors and business developers. For example, if the infrastructure in non-SEZ areas is not

sufficiently integrated with the SEZs and there is too much bureaucratic red tape, the effectiveness of this legislation, in general, can be hindered.

The Western Cape will support this Bill. I thank you.

[Applause.]

Mr F ADAMS: Hon Chairperson, compliments of the season to you and all the best for the new year. You have started the year off with a bang - looking very elegant, just as we know you always do.

Hon Minister and hon members of the NCOP, compliments of the season. I can see that this is really an election year. You are all looking so very elegant. The hon Mncube and the hon Mabe are looking very elegant.

The ANC has characterised the second phase of our transition as one of deepening economic transformation to eradicate poverty, create full employment and reduce inequality. The Special Economic Zones Bill is a Bill that, I think, is much needed. It is a Bill that has shown that there is political will in the Department of Trade and Industry, a department which is led by the hon Minister, Dr Rob Davies, Director-General Mr Lionel October and the staff. This is a Bill that

is much needed in terms of eradicating and reducing inequality, eradicating poverty and creating employment.

I heard my colleague, the hon chief whip of the Western Cape legislature, saying, to my astonishment, that the Western Cape was the first province that said we must push this thing through. This thing must go through. It was in the Western Cape in Saldanha Bay where the Minister went to make the announcement.

Hon Rossouw, through you, Chairperson, MEC Alan Winde was so excited that he even spoke longer than the Minister and we had to cut him short. [Laughter.] He never mentioned in his speech one thing about the DA on that day. He said, "South Africa" - not even "the Western Cape government", but "South Africa".

Therefore, as the President rightly said in the state of the nation address, we have a good story to tell. This is part of the story that we are telling - that we are building on the suffering over the years, the lives that were lost, the lives that were numbed, the lives that limped by.

We can build on the suffering of the heroes of which you were part, Chairperson. All other members were part of that. The hon Montsitsi was part of that in 1976. So members themselves can identify with this. There were those who suffered gunshot

attacks, hiding in trenches, hiding under beds, hiding all over and sleeping in the bushes, and those going into exile. We can clearly say that this Special Economic Zones Bill was built on the triumph of those heroes and heroines who suffered under apartheid.

This is because there was political will. I want to say to the hon Rossouw, through you, Chairperson, that the ANC does not suddenly wake up one morning and decide what must be where. The ANC has taken decisions, going back to the conference in Limpopo and the conference in Mangaung, that economic transformation must happen. We have good cadres and good leaders who implement, and part of implementation is this Special Economic Zones Bill.

The ANC does not wake up and say, "Let us march on to the house of the DA because there is no job creation." [Applause.] The ANC does not wake up one morning and, soos hulle in Afrikaans sê [as they say in Afrikaans], "'n Na-aper was nog nooit 'n aap nie." [Tussenwerpsels.] Hy is nie eens 'n goeie aap nie, soos hulle sê. [Someone who imitates is not really a monkey. [Interjections.] He's not even a good monkey, as they say.] The ANC does not wake up one morning to go and stand on a truck and toyi-toyi. I was looking at some of the toyi-toying of the members. They can't even toyi-toyi properly. [Laughter.]

The DEPUTY CHAIRPERSON OF THE NCOP (Ms T C Memela): Hon Faber?

Mr W F FABER: Hon Chair, I would just like to know if the hon Adams will take a question, please.

Mr F ADAMS: Put your question, hon Faber. Yes, Chair, he can put his question.

The DEPUTY CHAIRPERSON OF THE NCOP (Ms T C Memela): Proceed.

Mr W F FABER: Thanks, hon Chair. I was not sure what he was talking about when he referred to hiding under beds. I would like to know what he was hiding from.

The DEPUTY CHAIRPERSON OF THE NCOP (Ms T C Memela): Come on! Come on, Faber!

Mr F ADAMS: Chair, may I answer his question? We were hiding from the apartheid police - what you were, hon Faber, ... [Applause.] ... apartheid police that were maiming our people, that came with dogs, guns and all that. There was no respect for women; there was no respect for life. That is what we were hiding from - people like you who killed people in South Africa, who maimed people, took people to prison and tortured people.

Despite that, the ANC has conquered, and the ANC will conquer, and the ANC shall conquer. [Applause.] And it will conquer until Jesus comes, hon Faber. [Interjections.]

I want to say that political will has taken over. The ANC is on a roll. We want to deliver to the people of South Africa what has been promised - the promises we are making and the promises we are keeping as the government. I want to say that the ANC supports the Special Economic Zones Bill because it will create jobs.

I don't know why the DA wanted to march to create jobs because here it is, in black and white, that we will create jobs. So this political grandstanding by them and playing with our people's minds, playing with our people's feelings and thinking that our people are stupid must come to an end. The days of thinking for the majority of black South Africans must stop. I want to say to the DA: We can think; we can even outthink you because we have done that and we are delivering. [Applause.] That is how we are outthinking you. [Applause.]

This piece of legislation, we can say today, must really be commended. The Minister and the department must be commended. Our chairperson of the select committee, the hon Gamede, and our members of the select committee - even from the DA - were very enthusiastic about this. The Western Cape, where I come

from, which purportedly is an island in South Africa, has also supported this. I am happy to hear that the chief whip of the province has supported this piece of legislation.

We want to thank everybody, even Mr Sidwell Medupi, who is in our midst today. He is sitting in the gallery. We want to thank the Minister. We know that a lot of work has gone into this. We appreciate it.

Many young South Africans can proudly say today that the ANC has delivered with the Special Economic Zones Bill. Many businesspeople and poor people can today say that they are looking forward to the jobs that will be created - not to march for jobs, but jobs that will be created through this legislation. I thank you. [Applause.]

The MINISTER OF TRADE AND INDUSTRY: Chairperson, thanks to all those who participated in the debate for the broad, across-parties support that we've had for this piece of legislation.

I just want to confirm a couple of particular projects that have been mentioned in the debate. I did say in my input that there are 10 prefeasibility studies, at least one per province, that are being undertaken now so that we could get a good head start when this structure, which is being set up to take decisions, meets.



It would already have work before it on potential new special economic zones, SEZs. That includes actually more than one mineral-based project of the sort that was described by MEC Rosho from the North West.

The Dube TradePort is also one of those under discussion. So we are moving forward, and it is a piece of work which we have tried to put in place so that we can shorten the time between passing legislation that will permit these different types of special economic zones and the actual implementation.

There were a number of points that people obviously appreciated and are quite excited about, regarding the potential that these zones will create. There were also a couple of points I want to comment on. One of them was made by Ms Rossouw, where she said that management was as important as the incentives.

I actually agree with that because this is not a process where we just look for a hunt for incentives. Every part of the country is going to declare itself an SEZ, merely for the purpose of gaining access to the different government incentives. If we go that route, we will lose the special in the ``special'' economic zones. The whole country would rapidly become a special economic zone.

It is for this reason that we have established a structure that will look carefully and strategically at this. That is also one of the reasons why the Bill will put in place new governing systems in the SEZs so that we can make these SEZs work at that level. For example, one of the features in its turnaround strategy for the East London Industrial Development Zone, IDZ, is that it had gathered huge momentum in the last five years. It was languishing for some time, but has been gathering a lot of momentum.

This has a lot to do with the way in which the management of the East London IDZ is able to present itself and its value propositions to investors, not only in the automotive cluster, but also to broaden its reach into other activities.

The SEZs have to be special; they must have additionality. I have had people coming to me and asking me whether we can't redraw borders so that the existing businesses can be incorporated. The answer has to be no; it is about additionality, new investments and new wealth creation. It is not about simply extending a set of incentives.

There are some very important lessons that we can draw from other countries. I had the opportunity to visit one of the SEZs in Chemin in China last year. One of the features there was that they had a park of small, medium and micro

enterprises, SMMEs, and supply development programmes. Supply development, as we have already mentioned, is part of this.

They also have a park which has to do with research on innovation, drawing on the inputs of local universities. Those are the kinds of things that we can learn from other countries, about how we construct our SEZs.

I just want to say - and I think I have already covered this point - Mr Sinclair said that we should not try to copy the saga of Agang and the DA in the roll out of the SEZs. I could not agree with him more. I don't think we know the full details of that saga because there have been all kinds of stories in the newspapers. I hope in the fullness of time we will get some comments from the players.

Was there a dinner in London that was hosted by a certain individual who loves South Africa - so much so that he doesn't live here any longer; who loves his new adopted country to the extent that he doesn't pay any taxes there; and who loves peace and development so much so that his biggest investment is in the security features of the Israeli-Palestinian war? Is that the person who is calling the shots in this particular exercise? Is that the case or not?

However, I can assure everybody that we will not become tools and victims of special pleading. We will approach the roll out of SEZs strategically and developmentally in the interest of creating employment and the development of industries in this country. Thank you very much. [Applause.]

Debate concluded.

Question put: That the Bill be agreed to.

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

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

**ELECTRONIC COMMUNICATIONS AMENDMENT BILL**

(Consideration of Bill and of Report thereon)

**INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA AMENDMENT  
BILL**

(Consideration of Bill and of Report thereon)

Nkst M P THEMBA: Sekela Sihlalo, Make Memela, malunga Alendlu lahloniphekile, ngiyanibingilela nonkhe entsambama yalamuhla, manene namanenekati emnyakeni lomusha nginifisela tilokotfo letinhle. (*Translation of Siswati paragraph follows.*)

[Ms M P THEMBA: Deputy Chairperson, Mrs Memela, hon members of the Council, I greet you all this afternoon, ladies and gentlemen, compliments of the new year - I wish you all the best.]

Deputy Chairperson, the Select Committee on Labour and Public Enterprises, having considered and made deliberations on the Electronic Communications Amendment Bill on 5 February 2014, wishes to report as follows.

The main objectives of the Electronic Communications Amendment Bill are to align the Act with broad-based black economic empowerment, BBBEE, initiatives and to refine licencing issues within the communications sector, as well as to provide the terms of appointment for and duties of the chief executive officer, CEO, including governance provisions for the Universal Service and Access Agency of South Africa, Usaasa.

In line with the digital information age, the Bill makes further provision for the discounted rate at which Internet services must be provided to schools, educational institutions

and public health establishments, such as hospitals. Despite the technical amendments to which the Bill refers in terms of alignment with BBEE and the governance provisions of Usaasa and the appointment of the CEO, from a service delivery perspective the Bill intends to bridge the digital divide between those who can and those who cannot afford digital communications services.

It has long been our government's priority to ensure that the advantages brought about by developments in the information and communications technology, ICT, sectors are utilised for the benefit of our people. This cannot be more appropriate than reducing prices for such ICT services in the health system and education sector, in general. Indeed, no one can dispute the important role ICT plays in advancing the agenda of the socioeconomic development of any country, including our own.

It is for these reasons that the Bill received unanimous support from members of our committee. This was based on a common understanding that, as a developing country, we can only change the lives of our people if we make access to information and communications technology services as easy as voting.

Minor issues that were raised by stakeholders were thoroughly addressed during the deliberations, but, overall, all stakeholders understood the importance of the amendments proposed in the Bill. This includes the provisions which point to a well-run organisation with sound corporate governance principles.

We support this proposed legislation with the best interests of our people at heart in so far as the digital divide is being narrowed and our people are given access to ICT services to improve their living conditions. We request the House to support this important piece of legislation.

I now come to the Independent Communications Authority of South Africa Amendment Bill. The Select Committee on Labour and Public Enterprises, having considered and made deliberations on the Independent Communications Authority of South Africa Amendment Bill on 12 February 2014, wishes to report as follows.

The main objectives of the amending Bill are to provide further clarity on the powers and duties of the Independent Communications Authority of South Africa, Icasa, and to introduce mechanisms to ensure the accountability of Icasa and of councillors. This includes the provision to confirm the use

of electronic communications networks and services for the purpose of electronic transactions.

Key to the Bill's amendments are provisions that are intended to make Icasa more transparent and to ensure fairness within the broadcasting industry. For example, the Bill proposes that the minutes of a council meeting should be published on Icasa's website and also made available at the authority's library within 30 days after the meeting is held.

For the industry's role-players who are failing to comply with broadcasting licensing conditions, the Bill makes provision for a fine not exceeding R5 000 000, depending on the merits of the case.

Clearly, there are people in the broadcasting industry who are bent on undermining the rules of fair competition, by either unlawfully leasing their licences or violating their licence conditions, thereby creating chaos in the industry. This Bill also seeks to tighten these loose ends and to ensure that there is stability and order in the broadcasting industry, as a show of commitment to the quality of its personnel, namely Icasa.

The Bill makes an important point that councillors should possess expertise and experience in the field of, among other



things, broadcasting, electronic communications and postal policy or operations, public policy development, electronic engineering law, information technology, finance, or any other relevant expertise or qualifications. This is, of course, in line with the details and demands of the broadcasting industry that are part and parcel of the competitive global arena, with which we, as a country, must always be on a par.

As a committee, when we deliberated on this Bill, we went over it with a fine-toothed comb, as we always do. We came across one clause that concerned us. We felt it is an important issue that needs to be addressed, not only in this Bill, but perhaps in all relevant legislation with similar connotations.

Clause 7(a) of the Independent Communications Authority of South Africa Amendment Bill makes reference to the ``National Assembly''. As the Select Committee on Labour and Public Enterprises, we found this to be inappropriate, and preferred the word, ``Parliament'', instead. Since our concern, if followed up, would have had an impact on all related clauses and even other Acts, we agreed to support the Bill with the word, ``National Assembly'' in it.

We did, however, put it on record that the matter needs to be addressed in an appropriate way, since Parliament is made up of two Houses. Any exclusive reference to the National

Assembly alone, technically, does not talk about Parliament as the South African Parliament, as the South African Parliament is a bicameral Parliament, comprising both the National Assembly and the National Council of Provinces.

This matter can be taken up in the Fifth Parliament to correct the anomaly. Having said this, we, as the committee, gave this Bill our full support, based on the understanding that these amendments are intended to make the Icasa Council more transparent and the broadcasting industry more stable for the benefit of South Africans.

When we were voting on the Bill in the committee stage, all parties supported the Bill. However, this afternoon as I entered, the member of the DA approached me and told me that they were not going to support it. We support the Bill, however, and request this House to support this Bill too. I thank you so much. [Applause.]

Debate concluded.

Question put: That the Electronic Communications Amendment Bill be agreed to.

Electronic Communications Amendment Bill accordingly agreed to in accordance with section 75 of the Constitution.

Question put: That the Independent Communications Authority of South Africa Amendment Bill be agreed to.

The DEPUTY CHAIRPERSON OF THE NCOP (Ms T C Memela): Hon members, 30 have voted in favour, seven against.

[Interjections.] No, I cannot pose that question.

[Interjections.] Hon members, is there a problem?

[Interjections.] Fine, we can add them. [Interjections.] All right, the two members can now declare, in front of this House, whether they voted in favour or if they abstained.

[Interjections.]

An HON MEMBER: In favour. [Interjections.]

The DEPUTY CHAIRPERSON OF THE NCOP (Ms T C Memela): Thirty-two have voted in favour, seven against.

Independent Communications Authority of South Africa Amendment Bill, subject to proposed amendments, agreed to in accordance with section 75 of the Constitution.

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON SECURITY AND  
CONSTITUTIONAL DEVELOPMENT - DRAFT NOTICE AND SCHEDULE  
SUBMITTED IN TERMS OF SECTION 2(4) OF THE JUDGES REMUNERATION  
AND CONDITIONS OF EMPLOYMENT ACT, 2001**

Mr A G MATILA (for Mr T M H Mofokeng): Deputy Chair, my understanding is that I am dealing with both judges and magistrates at the same time.

On 11 February 2014, the Select Committee on Security and Constitutional Development received a briefing from the Department of Justice and Constitutional Development in relation to the proposed increases in the salaries of magistrates and judges respectively, as set out in the draft notice by the President that had to be approved by both Houses of Parliament.

For this year, the recommendation is that both magistrates and judges should effectively receive an increase of 5% across the board. However, a further adjustment was made in relation to magistrates in that the pensionable portion of their packages was raised to 70% to bring this in line with other public services compared to the 60% it had been in the past. The committee recommends that the Council approves the draft notices and schedules. I thank you, Chair. [Applause.]

Debate concluded.

Question put: That the Report be adopted.

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

Report accordingly adopted in accordance with section 65 of  
the Constitution

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON SECURITY AND  
CONSTITUTIONAL DEVELOPMENT - DRAFT NOTICE AND SCHEDULE IN  
TERMS OF SECTION 12(3) OF THE MAGISTRATES ACT, 1993 (ACT 90 OF  
1993)**

Mr A G MATILA (for Mr T M H MOFOKENG): Deputy Chair, as I have  
already indicated, I am dealing with both magistrates and  
judges, I therefore recommend that the magistrates must also  
receive an increase of 5%. The committee asks this Council to  
approve it. [Applause.]

Debate concluded.

Question put: That the Report be adopted.

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

Report accordingly adopted in accordance with section 65 of  
the Constitution.

The DEPUTY CHAIRPERSON OF THE NCOP (Ms T C Memela): May I take this opportunity to say to our delegate from the North West province that our machines at times do not work properly. Do not feel bad about it.

The Council adjourned at 15:54.

---

## **ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS**

**FRIDAY, 22 NOVEMBER 2013**

### **ANNOUNCEMENTS**

#### **National Assembly and National Council of Provinces**

#### **The Speaker and the Chairperson**

##### **1. Referral of Bill to National House of Traditional Leaders**

- (1) The Secretary to Parliament has, in accordance with section 18(1) of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003), referred the **Restitution of Land Rights Amendment Bill** [B 35 – 2013] (National Assembly – sec 76) to the National House of Traditional Leaders,

which must, within 30 days from the date of the referral (21 November 2013),  
make any comments it wishes to make.

**WEDNESDAY, 27 NOVEMBER 2013**

**ANNOUNCEMENTS**

**National Assembly and National Council of Provinces**

**The Speaker and the Chairperson**

**1. Calling of Joint Sitting**

**CALLING OF JOINT SITTING OF PARLIAMENT**

In terms of section 84(2) (d) of the Constitution of the Republic of South Africa, 1996, read with Rule 7(1) (a) of the Joint Rules of Parliament, the President of the Republic of South Africa has called a joint sitting of the National Assembly and the National Council of Provinces on Thursday, 13 February 2014 at 19:00, in order to deliver his State-of-the-Nation Address to Parliament.

**M V SISULU MP**  
**SPEAKER OF THE**

**M J MAHLANGU MP**  
**CHAIRPERSON OF THE**

**NATIONAL ASSEMBLY****NATIONAL COUNCIL OF  
PROVINCES****2. Assent by President in respect of Bills**

- (1) **Protection of Personal Information Bill** [B 9D – 2009] – Act No 4 of 2013  
(assented to and signed by President on 19 November 2013).
- (2) **Commission on Gender Equality Amendment Bill** [B 36 – 2012] – Act No 17  
of 2013 (assented to and signed by President on 17 November 2013).
- (3) **Electoral Amendment Bill** [B 22B – 2013] – Act No 18 of 2013 (assented to and  
signed by President on 17 November 2013).

**TABLINGS****National Assembly and National Council of Provinces****1. The Minister of Finance**

- (a) Report of the Executive Officer of the Financial Services Board on the Road  
Accident Fund for 2012-13.

**2. The Minister of Science and Technology**

- (a) Agreement between the Government of the Republic of South Africa and the  
Government of the Kingdom of Sweden on cooperation in the fields of Science,



Technology and Innovation tabled in terms of section 231(3) of the Constitution, 1996.

## **National Council of Provinces**

### **1. The Chairperson**

- (a) Consolidated Annual Municipalities' Performance Reports for 2011/2012 – Kwazulu-Natal Province.

Referred to the **Select Committee on Cooperative Governance and Traditional Affairs** for consideration.

**TUESDAY, 3 DECEMBER 2013**

## **ANNOUNCEMENTS**

### **National Assembly and National Council of Provinces**

#### **The Speaker and the Chairperson**

### **1. Assent by President in respect of Bills**

- (1) **Rates and Monetary Amounts and Amendment of Revenue Laws Bill** [B 12 – 2013] – Act No 23 of 2013 (assented to and signed by President on 28 November 2013).

(2) **Division of Revenue Amendment Bill** [B 38 – 2013] – Act No 29 of 2013

(assented to and signed by President on 28 November 2013).

## **TABLINGS**

### **National Assembly and National Council of Provinces**

#### **1.The Minister of Water and Environmental Affairs**

- (a) Report and Financial Statements of Umgeni Water for 2012-13, including the Report of the Auditor-General on the Financial Statements and Performance Information for 2012-13.
- (b) Report and Financial Statements of the Amatola Water Board for 2012-13, including the Report of the Independent Auditors on the Financial Statements and Performance Information for 2012-13.
- (c) Report and Financial Statements of the Rand Water Board for 2012-13, including the Report of the Independent Auditors on the Financial Statements and Performance Information for 2012-13.
- (d) Report and Financial Statements of the Pelladrift Water Board for 2012-13, including the Report of the Independent Auditors on the Financial Statements and Performance Information for 2012-13.

- (e) Report and Financial Statements of the Bloem Water Board for 2012-13, including the Report of the Independent Auditors on the Financial Statements and Performance Information for 2012-13.
  
- (f) Report and Financial Statements of the Mhlathuze Water Board for 2012-13, including the Report of the Independent Auditors on the Financial Statements and Performance Information for 2012-13 [RP 211-2013].
  
- (g) Report and Financial Statements of the Sedibeng Water Board for 2012-13, including the Report of the Independent Auditors on the Financial Statements and Performance Information for 2012-13.

**FRIDAY, 6 DECEMBER 2013**

## **ANNOUNCEMENTS**

### **National Assembly and National Council of Provinces**

#### **The Speaker and the Chairperson**

### **CALLING OF JOINT SITTING OF PARLIAMENT**

The Speaker of the National Assembly, Mr M V Sisulu, and the Chairperson of the National Council of Provinces, Mr M J Mahlangu, in terms of Joint Rule 7 (2), have called a joint sitting of the Houses of Parliament for Monday, 9 December 2013 at 14:00 to pay tribute to

our first democratically elected President of the Republic of South Africa, Nelson Rolihlahla Mandela, who passed away on 5 December 2013.

**M V SISULU MP**

SPEAKER OF THE

NATIONAL ASSEMBLY

**M J MAHLANGU MP**

CHAIRPERSON OF THE

NATIONAL COUNCIL OF

PROVINCES

6 December 2013

**TUESDAY, 10 DECEMBER 2013**

## **ANNOUNCEMENTS**

**National Assembly and National Council of Provinces**

**The Speaker and the Chairperson**

### **1. Assent by President in respect of Bills**

- (1) **Basic Conditions of Employment Amendment Bill** [B 15B – 2012] – Act No 20 of 2013 (assented to and signed by President on 4 December 2013).

### **2. Classification of Bills by Joint Tagging Mechanism (JTM)**

- (1) The JTM in terms of Joint Rule 160(6) classified the following Bill as a section 76 Bill:

- (a) **Public Administration Management Bill** [B 55 – 2013] (National Council of Provinces – sec 76).

## **TABLINGS**

### **National Assembly and National Council of Provinces**

#### **1. The Minister of Finance**

- (a) Financing Agreement between the European Commission and the Republic of South Africa concerning the Infrastructure Investment Programme for South Africa, tabled in terms of section 231(3) of the Constitution, 1996.
- (b) Annexure II Technical and Administrative Provisions for Implementation.
- (c) Explanatory Memoranda to the Financing Agreement between the European Commission and the Republic of South Africa concerning the Infrastructure Investment Programme for South Africa and the Annexure II Technical and Administrative Provisions for Implementation.

- (d) Framework Agreement between the Government of the Republic of South Africa and the Federal Council of the Swiss Confederation on Development Cooperation, tabled in terms of section 231(3) of the Constitution, 1996.
- (e) Explanatory Memorandum to the Framework Agreement between the Government of the Republic of South Africa and the Federal Council of the Swiss Confederation on Development Cooperation.

## **2. The Minister of Higher Education and Training**

- (a) Report and Financial Statements of the Services Sector Education and Training Authority for 2012-13, including the Report of the Auditor-General on the Financial Statements and Performance Information for 2012-13.

## **3. The Minister of Justice and Constitutional Development**

- (a) Report and Financial Statements of the Council for Debt Collectors for 2012-13, including the Report of the Independent Auditors on the Financial Statements and Performance Information for 2012-13.
- (b) Proclamation No R. 47, published in Government Gazette No 36985, dated 1 November 2013: Commencement of sections 1, 4(b), 5 (to the extent that it inserts section 6B in the Act), 6 and 10 to 15 of the Sheriffs Amendment Act, 2012 (Act No 14 of 2012).

#### **4. The Minister of Trade and Industry**

- (a) Government Notice No 825, published in Government Gazette No 36968, dated 25 October 2013: Categories of goods that are required to have a trade description applied to them, in terms of the Consumer Protection Act, 2008 (Act No 68 of 2008).
- (b) Government Notice No R.828, published in Government Gazette No 36974, dated 1 November 2013: Notice of Amendment of the Regulations of the Trade Metrology Act, Published by Government Notice No R.2362 of 18 November 1977, as Amended , in terms of the Trade Metrology Act, 1973 (Act No 77 of 1973).
- (c) General Notice No 1073, published in Government Gazette No 36973, dated 1 November 2013: Proposed prohibition on the use of a certain words, in terms of the Merchandise Marks Act, 1941 (Act No 17 of 1941).
- (d) General Notice No 1127, published in Government Gazette No 37037, dated 22 November 2013: Final Prohibition on the use of a certain log, in terms of the Merchandise Marks Act, 1941 (Act No 17 of 1941).

#### **5. The Minister of Water and Environmental Affairs**

- (a) Report and Financial Statements of the Overberg Water Board for the year ended June 2013, including the Report of the Independent Auditors on the Financial Statements and Performance Information for the year ended June 2013.
- (b) Report and Financial Statements of Magalies Water Board for the year ended June 2013, including the Report of the Auditor-General on the Financial Statements and Performance Information for the year ended June 2013.
- (c) Report and Financial Statements of Bushbuckridge Water Board for the year ended June 2013, including the Report of the Auditor-General on the Financial Statements and Performance Information for the year ended June 2013.

### **WEDNESDAY, 11 DECEMBER 2013**

#### **ANNOUNCEMENTS**

##### **National Assembly and National Council of Provinces**

##### **The Speaker and the Chairperson**

#### **1. Assent by President in respect of Bills**

- (1) **Geomatics Profession Bill** [B 4B – 2013] – Act No 19 of 2013 (assented to and signed by President on 9 December 2013).



- (2) **Africa Institute of South Africa Act Repeal Bill** [B 6B – 2013] – Act No 21 of 2013 (assented to and signed by President on 9 December 2013).
- (3) **Banks Amendment Bill** [B 43B – 2012 (Reprint)] – Act No 22 of 2013 (assented to and signed by President on 9 December 2013).
- (4) **Merchant Shipping (International Oil Pollution Compensation Fund) Bill** [B 19B – 2013] – Act No 24 of 2013 (assented to and signed by President on 9 December 2013).
- (5) **Merchant Shipping (Civil Liability Convention) Bill** [B 20B – 2013] – Act No 25 of 2013 (assented to and signed by President on 9 December 2013).
- (6) **Adjustments Appropriation Bill** [B 37 – 2013] – Act No 27 of 2013 (assented to and signed by President on 9 December 2013).
- (7) **Intellectual Property Laws Amendment Bill** [B 8B – 2010] – Act No 28 of 2013 (assented to and signed by President on 9 December 2013).

**FRIDAY, 13 DECEMBER 2013**

## **ANNOUNCEMENTS**

**National Assembly and National Council of Provinces**

## **The Speaker and the Chairperson**

### **1. Assent by President in respect of Bills**

- (1) **Taxation Laws Amendment Bill** [B 39 – 2013] – Act No 31 of 2013 (assented to and signed by President on 11 December 2013).

## **TABLINGS**

### **National Council of Provinces**

#### **1. The Chairperson**

The President of the Republic submitted the following letter dated 9 December 2013 to the Chairperson of the National Council of Provinces, informing members of the Council of the employment of the South African National Defence Force for service in co-operation with the South African Police Service to maintain law and order during the funeral service of the late former President of the Republic of South Africa, hon Nelson Rolihlala Mandela:

**Please see pages 6035-6036 of the ATCs.**

**THURSDAY, 23 JANUARY 2014**

## **ANNOUNCEMENTS**

## **National Assembly and National Council of Provinces**

### **The Speaker and the Chairperson**

#### **1. Assent by President in respect of Bills**

- (1) **Employment Tax Incentive Bill** [B 46 – 2013] – Act No 26 of 2013 (assented to and signed by President on 17 December 2013).
- (2) **National Environmental Management Laws Second Amendment Bill** [B 13B – 2013] – Act No 30 of 2013 (assented to and signed by President on 14 December 2013).
- (3) **Lotteries Amendment Bill** [B 21B – 2013] – Act No 32 of 2013 (assented to and signed by President on 14 December 2013).
- (4) **Sectional Titles Amendment Bill** [B 11B – 2013] – Act No 33 of 2013 (assented to and signed by President on 14 December 2013).
- (5) **Deeds Registries Amendment Bill** [B 10B – 2013] – Act No 34 of 2013 (assented to and signed by President on 14 December 2013).
- (6) **Merchant Shipping (International Oil Pollution Compensation Fund) Administration Bill** [B 42 – 2013] – Act No 35 of 2013 (assented to and signed by President on 14 December 2013).

- (7) **Merchant Shipping (International Oil Pollution Compensation Fund) Contributions Bill** [B 41 – 2013] – Act No 36 of 2013 (assented to and signed by President on 21 December 2013).
- (8) **Tax Administration Laws Amendment Bill** [B 40 – 2013] – Act No 39 of 2013 (assented to and signed by President on 14 January 2014).
- (9) **South African Human Rights Commission Bill** [B 5B – 2013] – Act No 40 of 2013 (assented to and signed by President on 20 January 2014).
- (10) **Judicial Matters Amendment Bill** [B 7D – 2013] – Act No 42 of 2013 (assented to and signed by President on 20 January 2014).
- (11) **Judicial Matters Second Amendment Bill** [B 51 – 2013] – Act No 43 of 2013 (assented to and signed by President on 20 January 2014).
- (12) **Financial Services Laws General Amendment Bill** [B 29B – 2012] – Act No 45 of 2013 (assented to and signed by President on 14 January 2014).
- (13) **Employment Equity Amendment Bill** [B 31B – 2012] – Act No 47 of 2013 (assented to and signed by President on 14 January 2014).
- (14) **South African Weather Service Amendment Bill** [B 23B – 2013] – Act No 48 of 2013 (assented to and signed by President on 14 January 2014).

## **National Council of Provinces**

### **The Chairperson**

**Please see pages 4 – 12 of the ATCs.**

## **TABLINGS**

### **National Assembly and National Council of Provinces**

#### **1. The Speaker and the Chairperson**

- (a) Draft notice and schedule determining the rate, with effect from 1 April 2013, at which salaries, allowances and benefits are payable to Constitutional Court Judges and Judges annually, for approval by Parliament in terms of section 2(4) of the Judges' Remuneration and Conditions of Employment Act, 2001 (Act No 47 of 2001).
- (b) Draft notice and schedule determining the rate, with effect from 1 April 2013, at which salaries, allowances and benefits are payable to magistrates annually, for approval by Parliament in terms of section 12(3) of the Magistrates Act, 1993 (Act No 90 of 1993).

Referred to the **Portfolio Committee on Justice and Constitutional Development** and the **Select Committee on Security and Constitutional Development** for consideration and report.

## **2. The Minister of Finance**

- (a) Report to Parliament on over and under-spending of Municipalities as at 30 June 2013 – October 2013.
- (b) Report and Financial Statements on the Registrar of Friendly Societies for 2011 [RP 300-2013].
- (c) Agreement between the Government of the Republic of South Africa and the African Tax Administration Forum (“ATAF”) for the Hosting of the Secretariat of ATAF in the Republic of South Africa, tabled in terms of section 231(3) of the Constitution, 1996.
- (d) Explanatory Memorandum to the Agreement between the Government of the Republic of South Africa and the African Tax Administration Forum (“ATAF”) for the Hosting of the Secretariat of ATAF in the Republic of South Africa.
- (e) Government Notice No R. 971, published in Government Gazette No 37136, dated 9 December 2013: Regulations in terms of section 12L of the Income Tax Act, 1962, on the allowance for Energy efficiency savings, in terms of the Income Tax Act, 1962 (Act No 58 of 1962).

- (f) Government Notice No 985, published in Government Gazette No 37123, dated 13 December 2013: Exemption of institution from provisions of the Act, in terms of the Public Finance Management Act, 1999 (Act No 1 of 1999).
- (g) Government Notice No R.975, published in Government Gazette No 37124, dated 13 December 2013: Amendment of Rules (DAR/131), in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (h) Government Notice No R.976, published in Government Gazette No 37124, dated 13 December 2013: Amendment of Rules (DAR/130), in terms of the Diamond Export Levy Act, 2007 (Act No 14 of 2007).
- (i) Government Notice No R. 997, published in Government Gazette No 37150, dated 13 December 2013: Amendment of Schedule No 6 (No 6/3/37), in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (j) Government Notice No R. 998, published in Government Gazette No 37150, dated 13 December 2013: Amendment of Schedule No 6 (No 6/3/38), in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (k) Government Notice No R. 999, published in Government Gazette No 37150, dated 13 December 2013: Amendment of Schedule No 6 (No 6/3/39), in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).

- (l) Government Notice No R. 1000, published in Government Gazette No 37150, dated 13 December 2013: Amendment of Schedule No 6 (No 6/3/40), in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
  
- (m) Government Notice No R.1017, published in Government Gazette No 37169, dated 20 December 2013: Amendment of Rules (DAR/132), in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
  
- (n) Government Notice No R.1018, published in Government Gazette No 37169, dated 20 December 2013: Amendment of Rules (DAR/133), in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
  
- (o) Government Notice No R. 1024, published in Government Gazette No 37175, dated 20 December 2013: Imposition of provisional payment (PP/145), in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
  
- (p) Government Notice No R. 1025, published in Government Gazette No 37175, dated 20 December 2013: Imposition of provisional payment (PP/146), in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
  
- (q) Government Notice No R.1031, published in Government Gazette No 37180, dated 27 December 2013: Amendment of Rules (DAR/134), in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).



- (r) Government Notice No 1037, published in Government Gazette No 37203, dated 30 December 2013: Publication of allocations, in terms of the Division of Revenue Act, 2013 (Act No 2 of 2013) as amended by the Division of Revenue Amendment Act, 2013 (Act No 29 of 2013).

### **3. The Minister of Trade and Industry**

- (a) Government Notice No R.927, published in Government Gazette No 37090, dated 2 December 2013: African Nations Championship (CHAN) 2014, Liquor Regulations, in terms of the Liquor Act, 2003 (Act No 59 of 2003).
- (b) General Notice No 1181, published in Government Gazette No 37099, dated 2 December 2013: Amendment of addresses, in terms of the Counterfeit Goods Act, 1997 (Act No 37 of 1997).
- (c) General Notice No 1182, published in Government Gazette No 37099, dated 2 December 2013: Designation of place to be a counterfeit goods depot and appoint respective person in charge of depot, in terms of the Counterfeit Goods Act, 1997 (Act No 37 of 1997).
- (d) Government Notice No R.928, published in Government Gazette No 37091, dated 3 December 2013: Liquor Amendment Regulations, 2013, in terms of the Liquor Act, 2003 (Act No 59 of 2003).

- (e) Government Notice No R.941, published in Government Gazette No 37093, dated 6 December 2013: Correction Notice: Regulations related to the payment of levy and fees with regard to compulsory specifications: Amendments, in terms of the National Regulator for Compulsory Specifications Act, 2008 (Act No 5 of 2008).
- (f) Government Notice No R.942, published in Government Gazette No 37093, dated 6 December 2013: Proposed amendment of the Compulsory Specification for Electrical and Electronic Apparatus (VC 8055), in terms of the National Regulator for Compulsory Specifications Act, 2008 (Act No 5 of 2008).
- (g) General Notice No 1081, published in Government Gazette No 36988, dated 31 October 2013: Collaboration of the Minister of Trade and Industry and Economic Development to ensure that the IDZ at Saldanha Bay forms part of the Presidential Infrastructure Coordinating Commission (PICC) rollout programme.
- (h) Government Notice No R.1, published in Government Gazette No 37217, dated 8 January 2014: African Nations Championship (CHAN) 2014, Liquor Regulations, in terms of the Liquor Act, 2003 (Act No 59 of 2003).
- (i) General Notice No 1194, published in Government Gazette No 37110, dated 4 December 2013: National Liquor Norms and Standards, in terms of the Liquor Act, 2003 (Act No 59 of 2003).
- (j) Government Notice No R.973, published in Government Gazette No 37138, dated 10 December 2013: Declaration or designation of the 2014 African Nations

Championship South Africa as a protected event, in terms of the Merchandise Marks Act, 1941 (Act No 17 of 1941).

**4. The Minister of Transport**

- (a) Report and Financial Statements of the South African Search and Rescue (SASAR) Organisation for 2012-2013.

**5. The Minister of Water and Environmental Affairs**

- (a) Report and Financial Statements of the Lepelle Northern Water for 2012-2013, including the Report of the Independent Auditors on the Financial Statements and Performance Information for 2012-2013.
- (b) Report and Financial Statements of Botshelo Water for the year ended 30 June 2013, including the Report of the Auditor-General on the Financial Statements and Performance Information for the year ended 30 June 2013.

**THURSDAY, 30 JANUARY 2014**

**ANNOUNCEMENTS**

**National Assembly and National Council of Provinces**

**The Speaker and the Chairperson**

## **1. Assent by President in respect of Bills**

- (1) **Criminal Law (Forensic Procedures) Amendment Bill** [B 9D – 2013] – Act No 37 of 2013 (assented to and signed by President on 23 January 2014).
- (2) **South African Post Office SOC Limited Amendment Bill** [B 24B – 2013] – Act No 38 of 2013 (assented to and signed by President on 23 January 2014).
- (3) **South African Postbank Limited Amendment Bill** [B 25B – 2013] – Act No 44 of 2013 (assented to and signed by President on 23 January 2014).
- (4) **Broad-Based Black Economic Empowerment Amendment Bill** [B 42D – 2012] – Act No 46 of 2013 (assented to and signed by President on 23 January 2014).

## **National Council of Provinces**

### **The Chairperson**

#### **1. Referral to Committees of papers tabled**

- (1) The following papers are referred to the **Select Committee on Education and Recreation** for consideration and report:

- (a) The African Union Charter for African Cultural Renaissance, tabled in terms of section 231(2) of the Constitution, 1996.
- (b) Explanatory Memorandum to the United Nations International Covenant on Economic, Social and Cultural Rights.

## **TABLINGS**

### **National Assembly and National Council of Provinces**

#### **1. The Minister of Justice and Constitutional Development**

- (a) Policy on the Appointment of Insolvency Practitioners, determined in terms of section 158(2) of the Insolvency Act, 1936 (No 24 of 1936), section 10(1A)(a) of the Close Corporations Act, 1984 (No 69 of 1984), and section 158(2) of the Insolvency Act read with section 339 of the Companies Act, 1973 (No 61 of 1973).

### **National Council of Provinces**

#### **1. The Chairperson**

- (a) The President of the Republic submitted the following letter dated 5 November 2013 to the Chairperson of the National Council of Provinces, informing members of the Council of the employment of the South African

National Defence Force for service in co-operation with the South African Police Service.

**EMPLOYMENT OF THE SOUTH AFRICAN NATIONAL DEFENCE FORCE FOR SERVICE IN CO-OPERATION WITH THE SOUTH AFRICAN POLICE SERVICE.**

This serves to inform the National Council of Provinces that I authorised the employment of Seventy Five (75) South African National Defence Force personnel for service in co-operation with the South African Police Service in prevention and combating of crime and maintenance and preservation of law and order within the Republic of South Africa during the national voter registration.

This employment is authorised in accordance with the provisions of section 201(2)(a) of the Constitution of the Republic of South Africa, 1996.

The employment is for the period 09 and 10 November 2013 and 08 and 09 February 2014 respectively.

The expenditure expected to be incurred for this employment is R 1 242 000.

I will communicate this report to members of the National Council of Province and wish to request that you bring the contents hereof to the attention of the National Assembly.

Yours sincerely

Signed

**Mr Jacob Gedleyihlekisa Zuma**

**President of the Republic of South Africa**

Referred to the **Joint Standing Committee on Defence**.

- (b) Notice of extension of intervention issued in terms of section 139(4) of the Constitution, 1996 to Oudtshoorn Local Municipality Western Cape.

Referred to the **Select Committee on Co-operative Governance and Traditional Affairs** for consideration and report.

**FRIDAY, 31 JANUARY 2014**

## **ANNOUNCEMENTS**

**National Council of Provinces**

**The Chairperson**

- 1. Referral to Committees of papers tabled**

(1) The following papers are referred to the **Select Committee on Land and Environmental Affairs**.

- (a) Report and Financial Statements of the Lepelle Northern Water for 2012-2013, including the Report of the Independent Auditors on the Financial Statements and Performance Information for 2012-2013
- (b) Report and Financial Statements of Magalies Water Board for the year ended June 2013, including the Report of the Auditor-General on the Financial Statements and Performance Information for the year ended June 2013.
- (c) Report and Financial Statements of Bushbuckridge Water Board for the year ended June 2013, including the Report of the Auditor-General on the Financial Statements and Performance Information for the year ended June 2013.

## **TABLINGS**

### **National Assembly and National Council of Provinces**

#### **1. The Minister of Trade and Industry**

- (a) Government Notice No 3, published in Government Gazette No 37220, dated 9 January 2014: Declaration or designation of the 2014 African Nations



Championship South Africa as a protected event, in terms of the Merchandise Marks Act, 1941 (Act No 17 of 1941).

**TUESDAY, 4 FEBRUARY 2014**

**COMMITTEE REPORTS**

**National Council of Provinces**

- 1. Report of the Select Committee on Education and Recreation on the African Union Charter for African Cultural Renaissance, dated 29 January 2014.**

The Select Committee on Education and Recreation, having considered the *African Union Charter for African Renaissance*, referred to it, recommends that the House approves the said Charter.

Report to be considered.

**WEDNESDAY, 5 FEBRUARY 2014**

**ANNOUNCEMENTS**

**National Assembly and National Council of Provinces**

**The Speaker and the Chairperson**

## 1. Classification of Bills by Joint Tagging Mechanism (JTM)

(1) The JTM in terms of Joint Rule 160(6) classified the following Bill as a section 75 Bill:

(a) **Property Valuation Bill** [B 54 – 2013] (National Assembly – sec 75).

(2) The JTM in terms of Joint Rule 160(6) classified the following Bill as a section 76 Bill:

(a) **Rental Housing Amendment Bill** [B 56 – 2013] (National Assembly – sec 76).

## National Council of Provinces

### The Chairperson

## 1. Referral to Committees of papers tabled

(1) The following papers are referred to the **Select Committee on Education and Recreation** for consideration and report:

(a) The 2001 Unesco Convention on the Protection of Underwater Cultural Heritage, tabled in terms of section 231(2) of the Constitution, 1996.

- (b) Explanatory Memorandum to the 2001 Unesco Convention on the Protection of Underwater Cultural Heritage.
- (c) The 1999 Second Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the event of Armed Conflict, tabled in terms of section 231(2) of the Constitution, 1996.
- (d) Explanatory Memorandum to the 1999 Second Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the event of Armed Conflict.
- (e) The 1995 Unidroit Convention on Stolen or Illegally Exported Cultural Objects, tabled in terms of section 231(2) of the Constitution, 1996.
- (f) Explanatory Memorandum to the 1995 Unidroit Convention on Stolen or Illegally Exported Cultural Objects.

## **COMMITTEE REPORTS**

### **National Council of Provinces**

- 1. Report of the Select Committee on Trade and International Relations on the Special Economic Zones Bill [B 3B – 2013] (National Assembly – sec 76), dated 5 February 2014:**

The Select Committee on Trade and International Relations, having considered the subject of the *Special Economic Zones Bill* [B 3B – 2013] (National Assembly – sec 76), referred to it, reports that it has agreed to an amended Bill [B 3D – 2013].

Report to be considered.

**2. Report of the Select Committee on Labour and Public Enterprises on the Electronic Communications Amendment Bill [B 17B–2013] (National Assembly – sec 75), dated 5 February 2014:**

The Select Committee on Labour and Public Enterprises, having considered the subject of the *Electronic Communications Amendment Bill* [B 17B–2013] (National Assembly – sec 75), referred to it, reports that it has agreed to the Bill

Report to be considered.

**TUESDAY, 11 FEBRUARY 2014**

**ANNOUNCEMENTS**

**National Assembly and National Council of Provinces**

**The Speaker and the Chairperson**

**1. Draft Bills submitted in terms of Joint Rule 159**

- (1) **Development Bank of Southern Africa Amendment Bill**, 2014, submitted by the Minister of Finance.

Referred to the **Standing Committee on Finance** and the **Select Committee on Finance**.

**WEDNESDAY, 12 FEBRUARY 2014**

## **TABLINGS**

### **National Assembly and National Council of Provinces**

#### **1. The Minister of Trade and Industry**

- (a) The Final Internal Audit Report of the NIPP Performance Review: Strategic Defence Package (SDP) Phase 1.
- (b) Strategic Defense Packages (SDP) Performance Review Report.

### **National Council of Provinces**

#### **1. The Chairperson**

- (a) Notice of Intervention issued in terms of section 139(1)(b) of the Constitution, 1996 to Madibeng Local Municipality, North West.

Referred to the **Select Committee on Co-operative Governance and Traditional Affairs** for consideration and report

## COMMITTEE REPORTS

### National Council of Provinces

- 1. Report of the Select Committee on Labour and Public Enterprises on the Independent Communications Authority of South Africa Amendment Bill [B 18B-2013] (National Assembly – sec 75), dated 12 February 2014:**

The Select Committee on Labour and Public Enterprises, having considered the subject of the *Independent Communications Authority of South Africa Amendment Bill* [B 18B–2013] (National Assembly – sec 75), referred to it, reports that it has agreed to the Bill with proposed amendments as follows:

#### CLAUSE 6

1. Clause rejected.

#### NEW CLAUSE

1. That the following be a new clause:
  - 6.** Section 5 of the principal Act is hereby amended—
    - (a) by the substitution for subsection (2) of the following subsection:

“(2) [(a) **The chairperson must, in writing, appoint a councillor as acting chairperson to perform the functions of the chairperson in his or her absence.**

(b) **Where the chairperson is unable to make an appointment]**In the absence of the chairperson, the remaining councillors must from their number elect an acting chairperson, who, while he or she acts, may perform all the functions of the chairperson.”; and

(b) by the substitution in subsection (3)(b) for subparagraph (ii) of the following subparagraph:

“(ii) possess suitable qualifications, expertise and experience in the fields of, amongst others, broadcasting, electronic communications and postal policy or operations, public policy development, electronic engineering, law, **[marketing, journalism, entertainment]** information technology, content in any form, consumer protection, education, economics, finance or any other relevant expertise or qualifications.”.

## CLAUSE 9

1. On page 7, from line 9, to omit “subsection (3)” and to substitute the following:

“(3) The quorum for any meeting of the Council is a majority of the councillors **[in office at the time]** presently serving as councillors, including the chairperson or an acting chairperson referred to in section 5(2).”.

Report to be considered.

**FRIDAY, 14 FEBRUARY 2014**

**TABLINGS**

**National Council of Provinces**

**1. The Chairperson**

- (a) Report of the Taking Parliament to the People Programme: City of Tshwane Metropolitan Municipality from 28 October - 01 November 2013.

**Please see pages 78 – 231 of the ATCs.**

**MONDAY, 17 FEBRUARY 2014**

**COMMITTEE REPORTS**

**1. Report of the Select Committee on Security and Constitutional Development on the Draft Notice and Schedule in terms of section 12(3) of the Magistrates Act, 1993 (Act No 90 of 1993), determining the rate at which salaries are payable to magistrates annually, dated 12 February 2012**

The Select Committee on Security and Constitutional Development, having considered the Draft Notice and Schedule in terms of section 12(3) of the Magistrates Act, 1993 (Act No 90 of 1993), determining the rate at which salaries are payable to magistrates annually with



effect from 1 April 2013, referred to it, recommends that the Council approve the Draft Notice and Schedule.

**Report to be considered**

**2. Report of the Select Committee on Security and Constitutional Development on the Draft Notice and Schedule submitted in terms of section 2(4) of the Judges Remuneration and Conditions of Employment Act, 2001 (Act No 47 of 2001), determining the rate at which salaries are payable to Constitutional Court Judges and Judges annually, dated 12 February 2012**

The Select Committee on Security and Constitutional Development, having considered the Draft Notice and Schedule submitted in terms of section 2(4) of the Judges Remuneration and Conditions of Employment Act, 2001 (Act No 47 of 2001), determining the rate at which salaries are payable to Constitutional Court judges and judges annually with effect from 1 April 2013, referred to it, recommends that the Council approve the Draft Notice and Schedule.

**Report to be considered**

**3. Report of the Select Committee on Security and Constitutional Development on the appointment of the Executive Director of the Independent Police Investigative Directorate, dated 5 February 2014**

The Select Committee on Security and Constitutional Development having considered the subject of the nomination of Mr Robert John McBride as Executive Director of the Independent Police Investigative Directorate (IPID) in terms of section 6(2) of the Independent Police Investigative Directorate Act, 2011(No.1 of 2011), reports as follows:

In line with section 6(2) of the IPID Act (No.1 of 2011), the Minister of Police referred Mr Robert McBride's nomination to Parliament on the 8<sup>th</sup> November 2013, and referred to the Select Committee on Security and Constitution on the 21<sup>st</sup> November 2013.

The Committee accordingly considered the nomination on 4<sup>th</sup> February 2014.

The Democratic Alliance raised concerns and objections during the deliberations and voted against the appointment.

The nomination of Mr McBride was adopted with a supporting vote of five provinces.

**TUESDAY, 18 FEBRUARY 2014**

## **ANNOUNCEMENTS**

### **National Assembly and National Council of Provinces**

#### **The Speaker and the Chairperson**

##### **1. Bills passed by Houses – to be submitted to President for assent**

(1) Bill passed by National Council of Provinces on 18 February 2014:

- (a) **Electronic Communications Amendment Bill** [B17B -2013] (National Assembly – sec 75).

## **TABLINGS**

### **National Assembly and National Council of Provinces**

#### **1. The Minister of Justice and Constitutional Development**

- (a) Report on the provisional suspension of a magistrate: Mr M J Kgomo, an additional magistrate at Randburg in terms of section 13(3)(b) of the Magistrates Act, 1993 (Act No 90 of 1993).

#### **2. The Minister of Communications**

- (a) Report and Financial Statements of the ZA Domain Name Authority (ZADNA) for 2012-13, including the Report of the Independent Auditors on the Financial Statements and Performance Information for 2012-13.

## **COMMITTEE REPORTS**

### **National Council of Provinces**

**1. Report of the Select Committee on Security and Constitutional Development on Proclamations made in terms of section 25 of the Protection of Constitutional Democracy Against Terrorist and Related Activities Act, 2004 (Act No. 33 of 2004), dated 18 February 2014.**

The Select Committee on Security and Constitutional Development received a briefing on the Proclamations made in terms of section 25 of the Protection of Constitutional Democracy Against Terrorist and Related Activities Act, 2004 (Act No. 33 of 2004) as tabled in the following gazettes:

1. Proclamation No's 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, published in Government Gazette No 36689, dated 23 July 2013; and
2. Proclamation No's 40 and 41, published in the Government Gazette No 36857, dated 20 September 2013.

The Select Committee on Security and Constitutional Development reports that it has concluded its deliberations on the Proclamations made in terms of section 25 of the Protection of Constitutional Democracy Against Terrorist and Related Activities Act, 2004 (Act No. 33 of 2004) and recommends that the National Council of Provinces approve the said Proclamations.

Report to be considered.