**UNREVISED HANSARD**

**TUESDAY, 12 NOVEMBER 2013**

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***PROCEEDINGS OF THE NATIONAL COUNCIL OF PROVINCE***

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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.

**NOTICES OF MOTION**

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

That the Council -

1. notes that only 28 000 children or less than half of the 63 000 learners who enrolled for grade one in 2002 in the Free State managed to reach Grade 12 and begin writing their Matric Examinations;
2. further notes that 35 042 children dropped out of school due to a variety of reasons including pregnancy, death, migration, poverty and delinquency;
3. also notes that last year, 24 265 learners in the Free State sat for their matric examinations from 59 488 who started Grade 1 in 2001;
4. further notes that this means 59, 2% left school before reaching Grade 12, an indictment against a poor education system;
5. also notes that this disturbing trend of school dropouts continues at national level where 50,7% of 1 168 581 learners left school before writing their final examinations; and
6. finally notes that according to the School African Education system, only Grade 1 to 9 are compulsory to attend for every child.

Mr C J DE BEER: Hon Chairperson, I hereby give notice that in the next sitting of the Council, I shall move:

That the Council -

1. notes the egg-dance and split tong of the DA and the conflicting and unconvincing reasons why it had supported the Employment Equity Amendment Bill in the National Assembly but now all of a sudden intends to oppose the bill;
2. further notes that the DA caucus is clearly split on the issue while there were claims for heads to roll and motions of no-confidence in respect of certain of its members;
3. also notes that the DA is clearly like a straw in the wind and the reasons for its change of heart rather illustrates incompetency, a party with no principles and no understanding of the challenges facing the country and the historically excluded majority of its people, a party with no understanding of the legitimate expectations and interests of such people and also a party with no conscience and with a clear mission to mislead black voters in a cheap attempt to gain their support;
4. further notes the flip-flop of the DA and its leaders has now clearly exploded in their faces;
5. also notes that on the one hand they have apparently betrayed their traditional white supporters by having supported the bill while on the other hand their about turn now on the bill gave voters and especially black voters a glimpse of the deep dark side of the real DA;
6. also notes that it is a timely warning again that the DA is still controlled by a few rich white English while the DA is certainly not to be trusted to represent the legitimate expectations and interests of the black majority of South Africans;
7. condemns this cheap political opportunism and unprincipled flip-flopping of the DA in the strongest possible terms; and
8. calls on South Africans to open their eyes and not to fooled by parties like the DA to pacify and mislead them only to be used as the cheap electoral mob.

Mr D JOSEPH: Hon Chairperson, on behalf of the DA, I hereby give notice that in the next sitting of the House I will move:

That the Council -

1. notes a request to discuss the slow economic growth in SA as well as factors like labour instability and constrained power supply which is slowing down industrial development;
2. further notes that the decision by the German Car Giant not to produce their new BMW model in SA is a lesson;
3. also notes that according to economists, the lack of power supply, high production costs and labour instability has a negative impact towards investors who want to choose SA;
4. finally notes that for the economy to grow at 3% in 2015, for the National Development Plan to succeed and infrastructure to be enhanced, there is a need for a strong leadership from government, business, labour and civil society.

Mr K A SINCLAIR: Hon Chairperson, I hereby give notice on behalf of Cope that on the next sitting day of Council, I shall move:

That the Council -

1. notes a request to debate the utterances by the African National Congress Deputy President, Cyril Ramaphosa, this past weekend that “Boers would return to power if people did not vote for the ANC”;
2. further notes that these remarks are regrettable, offensive and not in the spirit of national cohesion, nation building and a sense of South Africanism; and
3. reminds leaders like Cyril Ramaphosa that they carry a strong responsibility to unite South Africans and the common cause of a united and prosperous South Africa.

**FOUR PEOPLE ARRESTED FOR BURNING INDEPENDENT ELECTORAL COMMISSION BANNERS IN NORTHERN CAPE**

(Draft Resolution)

Mr B A MNGUNI: Chairperson, I move without notice:

That the Council –

1. notes with shock and disappointment the news of the arrest of people for burning the Independent Electoral Commission (IEC) banner in the Northern Cape;
2. further notes that four people alleged to have destroyed IEC banners in Kuruman were arrested on Saturday;
3. also notes that It was reported that the IEC banners mounted at Dithakong Tribal Office, Omang Primary School and Lehuro Primary School were set alight amid the voter registration processes in those buildings;
4. further notes that the three IEC voters registration points were then closed down as a result; and
5. condemns this criminal act which seeks to intimidate the peace loving South Africans from exercising their democratic right to register to vote.

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

**INVITATION TO BIRTHDAY CELEBRATIONS FOR DAUGHTER OF HON D D GAMEDE**

(Draft Resolution)

The HOUSE CHAIRPERSON (Mrs N W Magadla): Chairperson, I move without notice:

That the Council -

1. notes that Sindisiwe Nombulelo Gamede who is the daughter of Hon Mr. D. D. Gamede turned 21 on 2 June 2013;
2. further notes that the Gamede family has arranged Umemulo or a 21st Birthday Party for her on 14 December 2013, which will be at KwaGamede Mabhokweni Reserve in KwaZulu-Natal;
3. takes this opportunity to extend an invitation to all members of the NCOP to Sindisiwe’s Umemulo; and
4. asks that Members who are interested in attending Sindisiwe’s Umemulo contact Hon Gamede for their invitations.

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

The CHAIRPERSON OF THE NCOP: Hon Gamede, can you confirm that? Move your motion, chief. [Laughter.]

Mr D D GAMEDE: Chairperson, it is only that I was not expecting that. [Laughter.]

**PEACE DEAL SIGNED IN NTUZUMA BY RIVAL NTUZUMA AND PIESANG TAXI ASSOCIATIONS**

(Draft Resolution)

Mr D D GAMEDE: Chairperson, I move without notice:

That the Council -

1. notes with appreciation the news of a peace deal signed by the Durban rival Taxi associations;
2. further notes that the two rival taxi associations in Ntuzuma, signed a peace deal to end a long-standing feud;
3. also notes that the Ntuzuma and Piesang taxi associations had agreed to withdraw their security companies, to share pick-up places on New Road until there was a court decision on a route dispute, and to stop launching illegal taxi-ranks in the area; and
4. take this opportunity to commend those who work around the clock in ensuring that they bring the rivals together; and
5. calls on all other rival taxi association to try and negotiate any misunderstanding rather than resorting on shooting because innocent people become targets unnecessary.

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

The CHAIRPERSON OF THE NCOP: I thought you were going to confirm the invitation. [Laughter.]

**ARREST OF SUSPECTED DRUG DEALERS AND DISMISSAL OF CORRUPT POLICE OFFICERS IN KHUTSONG**

(Draft Resolution)

Mr A G MATILA: Chairperson, I move without notice:

That the Council -

1. notes the announcement by the Minister of police last Sunday that 75 suspected drug dealers have been arrested during last week in Khutsong in the West Rand in Gauteng, following recent mob justice incidents in the township in which 6 people were attacked and killed for allegedly being involved in gangsterism;
2. further notes the announcement by the Minister that 11 police officers in the area have been dismissed from the police service since March this year for having been involved in various acts of criminality;
3. welcomes the arrest of these suspects and commends the Minister and the police on their commitment in this regard; and
4. takes this opportunity to echo the appeal by the Minister to communities to work with the police to root out crime, also within the police.

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

**CITY OF TSHWANE TO TAKE STRONG STANCE AGAINST CORRUPTION**

(Draft Resolution)

Ms B V MNCUBE: Chairperson, I move without notice:

That the Council -

1. notes that the City of Tshwane in Gauteng has taken a strong stand against corruption and fraud by launching a dedicated hotline and improving its whistle-blowing policy;
2. further notes that corruption, no matter how small, will not be tolerated by the City;
3. also notes that the metro police have issued a warning in this regard after arresting municipal workers for selling municipal refuse bags to a businessman for a mere R 200;and
4. welcomes the stand of the City against corruption and commends the City and its law enforcement unit on their commitment towards zero tolerance on corruption.

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

**DEATH AND DISPLACEMENT AFTER FIRES IN CAPE TOWN INFORMAL SETTLEMENTS**

(Draft Resolution)

Mr M P JACOBS: Chairperson, I move without notice:

That the Council -

1. notes with great concern the news of fire that killed one person and displaced more than 40 others in informal settlements of the Cape Peninsula;
2. further notes that a man died and about 42 people had been displaced by fires in Elsies River, Gugulethu, Scottsdene and Nyanga since the start of the weekend;
3. also notes that on Saturday morning, 28 people were displaced when a fire destroyed eight informal structures at the Barcelona Informal Settlement, in Gugulethu;
4. also notes that in Crossroads, a house was gutted by a fire at 1.47am on Saturday morning and A 27-year-old adult male was declared deceased on-scene due to his burns;
5. take this opportunity to convey our sincere condolences to the family and friends of the deceased during this trying time; and
6. calls on the Western Cape Provincial government to speed up the development and delivery of houses in the informal settlements to avoid recurrence.

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

**CALL FOR LIFE IMPRISONMENT FOR CONVICTED RAPISTS**

(Draft Resolution)

Mrs A N D QIKANI: Chairperson, I move without notice:

That the Council -

1. notes with shock and concern the number of rape cases involving young children and babies in the Western Cape and elsewhere in the country;
2. further notes in particular the recent horrific and barbaric rape of a 9-month-old baby, two young girls of 2 years and 8 years old respectively;
3. also notes that a teacher appeared in the Blue Downs magistrates court for allegedly having raped a 12-year old school girl;
4. condemns rapists, especially of a defenceless baby and such young girls including teachers who rape school girls, as being nothing less than monsters who should be removed from society permanently;
5. condemns these horrific and barbaric deeds and calls on the Minister of Justice and Constitutional Development to urgently develop and introduce appropriate amendments to legislation to make provision for compulsory life imprisonment sentences for perpetrators who found guilty of such deeds, without the possibility of parole.

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

**SCHOLARSHIP FOR TYRONE MONDI TO ATTEND BOLTON WANDERERS FC INTERNATIONAL SOCCER SCHOOL**

(Draft Resolution)

Mr V M MANZINI: Chairperson, on behalf of the DA, I move without notice:

That the Council -

1. notes that young Tyrone Mondi is step closer to realising his dream of becoming a professional soccer player in Europe;
2. further notes that the 16 year old from Heidedal in Bloemfontein beat off competition from other aspirant footballers from across the globe to win the Grand Skills Final of the Bolton Wanderes FC International Soccer in England and a scholarship worth of R395 000;
3. also notes that the grade 10 pupil at Brebner High School in Bloemfontein would like to be Messi and Ronaldo; and
4. finally notes that Bolton Wanderers Education Football Head Coach, Denny Clark, describes Tyrone as possessing a frightening ability.

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

**PRASA AREA MANAGER ARRESTED FOR SOLICITING A BRIBE**

(Draft Resolution)

Mr M P SIBANDE: Chairperson, I move without notice:

That the Council -

1. notes with appreciation the news of arrest and suspension of the Passenger Rail Agency of SA (Prasa) area manager for soliciting a bribe;
2. further notes that the area manager is accused of soliciting a bribe of about R10,000 from a service provider who did not comply with tender processes;
3. also notes that the suspension came into effect after the employee's arrest on Thursday and Prasa has since launched its own internal investigation on the matter; and
4. applauds the good work done by the investigating officers in ensuring that they root out all forms of fraud and corruption.

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

**FARM WORKER STRIKE ON BOLAND FARMS**

(Draft Resolution)

Ms M P THEMBA: Chairperson, I move without notice:

That the Council -

1. notes with great concern the news of a strike by the Western Cape farm workers from four farms owned by the Le Roux group which is one of the Boland’s largest fruit producers;
2. further notes that the farm workers put down tools last week in the following farms: Broodkraal in Piketberg, Sandrivier in Wellington, and Joubertsdal and Mooikelder in Paarl;
3. also notes that striking farm workers are challenging the unlawful deductions and changes to their employment conditions;
4. also notes that yesterday (Monday 11 November) farm workers set a truck alight in Wellington and about five hectares, mostly grass had been burned;
5. takes this opportunity to call all the affected parties to meet urgently and start a process of finding each other; and
6. calls all affected parties to work very hard to try and avert what happened during last year’s strike.

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

**BOEREMAG MEMBERS CONVICTED OF TREASON**

(Draft Resolution)

Mr T E CHAANE: Chairperson, I move without notice:

That the Council -

1. notes that South Africa’s first post-apartheid treason trial, probably the most expensive criminal case in South African history, costing the taxpayer in excess of R 36 million to date, has come to an end recently when the 20 convicts of the far right wing Boeremag movement have been sentenced by the North Gauteng High Court to imprisonment terms of up to 35 years for high treason and other charges;
2. further notes that the plotters, who have apparently reconciled themselves with massive bloodshed and destruction, have not only killed and injured several innocent people and caused extensive damage to infrastructure and buildings but they have also plotted to violently overthrow the ANC-led government, to chase black people out of the country and to assassinate former president Nelson Mandela;
3. also notes that it is this very ANC led by Madiba at the time that have abolished the death penalty that would otherwise have faced the convicts;
4. also notes that it is this very ANC-led government that has provided funding worth millions to the convicts through Legal Aid SA to pay for their defence;
5. commends the National Prosecuting Authority, the police and all other role players who have worked tirelessly for more than a decade to ensure the outcome of this case which will hopefully act as a deterrent to those who threaten the stability of the country’s democracy; and
6. takes this opportunity to commend the ANC-government on its commitment to ensure protection of human rights and also on its commitment towards ensuring a better life for all South Africans, united in our diversity.

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

**TAXI VIOLENCE IN WESTERN CAPE**

(Draft Resolution)

Mr T M H MOFOKENG: Chairperson, I move without notice:

That the Council -

1. notes with concern the protest action by residents from Delft in Cape Town against taxi violence, allegations of corruption in the taxi industry and of corrupt policemen who are also taxi owners;
2. further notes that over the past 18 months at least 20 people had been killed or injured in taxi violence in the Western Cape, including ordinary innocent passengers while children cannot go to school safely;
3. also notes that while members of the police are legally not allowed to have an operating licence to own a taxi, communities are reluctant to report taxi-related crimes to the police who themselves are involved in the taxi industry;
4. calls on the Western Cape MEC for Transport to launch a comprehensive investigation into the allegations and concerns;
5. calls on the MEC to implement appropriate measures to stabilise the situation, to root out corruption in the industry, to prevent the unlawful issuing of operating licences and also to withdraw any licences that were issued unlawfully; and
6. calls on the Minister of Transport and her department to monitor the situation closely and to intervene appropriately, if necessary.

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

**SUSPENSION OF RULE 239(1)**

(Draft Resolution)

The CHIEF WHIP OF THE COUNCIL: Chairperson, I move the draft resolution printed in my name in the Order Paper, as follows:

That Rule 239(1), which provides inter alia that the consideration of a Bill may not commence before at least three working days have lapsed since the committee’s report was tabled, be suspended for the purposes of consideration of the **Division of Revenue Amendment Bill** [B 38-2013] (National Assembly – sec 76) on Tuesday, 12 November 2013.

Question put: That the motion be agreed to.

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

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

**RATES AND MONETARY AMOUNTS AND AMENDMENT OF REVENUE LAWS BILL**

(Consideration of Bill and of Report thereon)

Mr C J DE BEER: Hon Chairperson, hon Deputy Minister and hon members, the Rates and Monetary Amounts and Amendment of Revenue Laws Bill provides to enact changes to tax rates, excises and monetary limits**.**

These changes were announced during the 2013 Budget Speech by the Minister of Finance and were published in the 2013 Budget Review. Most of these changes have already been implemented but require legislative approval.

The Bill provides tax relief for individual income taxpayers by adjusting the personal income tax brackets. The total tax relief provided amounts to R7 billion. The relief provides for the fiscal drag where individuals moved to higher income brackets due to the inflationary adjustments to their wages and salaries and real income relief over the medium term.

The monetory amounts of monthly medical tax credits are increased in line with inflation. The medical tax credits aim to make medical scheme membership more affordable for middle-income earners. The Bill also provides income tax relief for small businesses.

With regard to nonretirement savings and tax-free increased income, annual thresholds will be increased from R33 000 to R34 500 for individuals who are 65 years and older, and from R22 800 to R23 800 for individuals below 65 years of age with effect from 1 March 2013.

These thresholds will not be adjusted for inflation in future years. The Bill further provides for increases in the monetary amounts of various specific indirect taxes.

The hon members in the Select Committee on Finance raised the following matters: Firstly, the committee should be afforded enough time to process section 75 and section 77 legislation, more especially when processing Bills that have tax implications.

Secondly, the National Treasury and the SA Revenue Service should discuss the way that Members of Parliament are taxed.

Thirdly, National Treasury should prioritise the suspension of taxing the special pension for military veterans.

Fourthly, the National Treasury should also review the tax-free interest income annual threshold on nonretirement savings to start at 60 years as opposed to the current 65 years.

Fifthly, government, through the Department of Energy, should introduce a process to scrap incandescent light bulbs over a stipulated period as the tax imposed on these light bulbs affects the poorest of the poor.

Lastly, the government should consider the annual ceiling of bursaries given to employees’ relatives for basic education, that’s R10 000, and higher education, that’s R30 000, as companies that are willing to offer more than the annualceiling get to be heavily taxed.

The Select Committee on Finance, having considered and examined the Rates and Monetary Amounts and Amendment of Revenue Laws Bill, B12 of 2013, National Assembly, section 77, referred to it and classified by the Joint Tagging Mechanism, JTM, as a section 77 Bill, has agreed to the Bill without amendments. I move that the Council adopts the Bill. Thank you, Chairperson.

Debate concluded.

Question put: That the Bill be agreed to.

The CHAIRPERSON OF THE NCOP: Yes, Mr Bloem?

Mr D V BLOEM: Chairperson, this thing is not working.

The CHAIRPERSON OF THE NCOP: What are you voting, just tell me?

Mr D V BLOEM: In favour! [Interjections.]

The CHAIRPERSON OF THE NCOP: Mr Bloem, I’m told you are not logged on. Just log on! No, let’s not debate. Just try to log on for the next voting session because we are going to vote again. You are voting in favour? Okay!

Mr D V BLOEM: Chairperson, I vote in favour.

The CHAIRPERSON OF THE NCOP: Okay!

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

**DEEDS REGISTRIES AMENDMENT BILL**

(Consideration of Bill and of Report thereon)

Mrs A N D QIKANI: Chairperson, Minister, Deputy Minister and hon members, I have been given the opportunity to share with you this afternoon the deliberations that the Select Committee on Land and Environmental Affairs held on the Deeds Registries Amendment Bill, B10B-2013. The Bill was introduced by the Minister of Rural Development and Land Reform in Parliament.

The main objectives of the Bill are: to amend the Deeds Registry Act of 1937 so as to provide discretion in respect of the rectification of errors in the name of a person or the description of property mentioned in deeds and other documents; to provide for the issuing of certificates of registered title, taking the place of deeds that have become incomplete or unserviceable; to substitute an obsolete reference; to substitute an outdated heading; to delete reference to the repealed Agricultural Credit Act of 1966; to further regulate the updating of deeds in respect of the change of names of companies, close corporations and the surnames of women; to amend a definition, and to provide for matters connected therewith.

After receiving a briefing by the department, a clause by clause analysis of the Bill was conducted and the provinces present deliberated on the amendments.

The Select Committee on Land and Environmental Affairs, having deliberated on and considered the subject of the Deeds Registries Amendment Bill, B 10B-2013, classified by the Joint Tagging Mechanism, JTM, as a section 75 Bill and referred to the committee on 19 September 2013, agrees to the Bill without amendments. I thank you, Chairperson. [Applause.]

Debate concluded.

Question put: That the Bill be agreed to.

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

**LOTTERIES AMENDMENT BILL**

(Consideration of Bill and of Report thereon)

Mr A J NYAMBI: Chairperson, Deputy Minister of Finance hon Nene and hon members ... [Interjections.]

The CHAIRPERSON OF THE NCOP: Hon Themba, speak softly with hon member Danny. [Laughter.]

Mr A J NYAMBI: In 2008 and 2009, there was a public outcry regarding accessibility of funds and, importantly, that funds did not reach the intended beneficiaries. The Minister of Trade and Industry called a round table meeting with the relevant stakeholders to investigate the causes of this outcry. This process identified the causes and proposed innovations to improve the distribution of funds.

The assessment revealed, among others, that the requirements for accessing funds were too strict and excludes the majority of deserving organisations. It took on average more than two years for beneficiaries to receive payment from the National Lotteries Board; and vacancies and conflict of interest in the distribution agencies impede quorum for adjudication. The need to amend the Lotteries Act followed the assessment of challenges that impede effectiveness and efficiency in the distribution of funds.

In the assessment, it was clear that most of the challenges identified were a result of inefficiencies in the National Lotteries Board and specific actions were identified for implementation by the board. These include the review of the organisational structure of the National Lotteries Board to provide for appropriate capacity to deliver; streamlining internal processes for receiving and processing applications; upgrading the grant management system to enhance efficiencies; improving turnaround times for application processing and payments to beneficiaries; and communicating better with the public and beneficiaries. The application process for funds in the National Lottery Distribution Trust Fund proved to be complex and affects accessibility of funds by most deserving organisations or good causes.

The objective of the Bill is, therefore, to introduce policy interventions to address challenges identified during the implementation of the Act and as identified by various assessments. There are several proposed amendments which are administrative in nature intended to clarify the functionary and structure that has the legislative competence to execute the mandate.

The amendment to the Act should spell out the provision’s dealing with the roles of distribution agencies and ensure that such supply consistently across the entity. The fulltime and professionalised nature of the distribution function should also address the concerns around turnaround times, quorum and inefficiencies in the distribution of funds. Dedicated adjudication on a daily basis should make way for applications that are not only conditional to calls for applications being issued, but could be made any time based on the needs of the application and the timing of the relevant project for good cause.

The amending Bill contains clauses referring to the establishment of the national lottery commission which shall serve as a lottery regulator; extension of the powers of the board which shall also be empowered to serve as a review structure against the decisions of the distribution agency relating to the adjudication of applications of grants; the overlapping of powers between the Minister and the board; in respect of distribution agencies, sections of the principal Act are amended to delete the reference to the Minister when an appointment of a distribution agency is made by the Minister while the distribution agencies are mandated to adjudicate on the application and decide on the allocation of grants to suitable beneficiaries in line with the principal Act.

The draft policy in the Lotteries Bill was adopted in April 2013 and the Bill was published on 8 May 2013. Comments closed on 7 June 2013. There were no policy changes to the Bill and it was submitted to the state law advisers for certification. The Bill was certified on 10 July 2013 and introduced in Parliament in the week of 22 July 2013. Public hearings were held in the week of 12 August 2013.

The Select Committee on Trade and International Relations, having considered the subject, agreed to the Bill. I thank you.

Debate concluded.

Question put: That the Bill be agreed to.

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

**EMPLOYMENT TAX INCENTIVE BILL**

Consideration of Bill and of Report thereon)

Mr C J DE BEER: Hon Chairperson, the Employment Tax Incentive Bill aims at encouraging employers to give young, first-time job seekers their first work experience.

There is no single policy intervention that can address the myriad causes of unemployment. The Employment Tax Incentive Bill contributes to the removal of the constraint of lack of experience. More than 25% of South Africans are unemployed. This is a major barrier to the transformation of our economy.

Unemployment is the highest among young people, with 42% of those aged between 19 and 29 years being unable to find work. The private sector is a crucial role-player in any intervention aimed at reducing unemployment.

The objectives of the incentive are: to improve employment prospects for young workers over the medium term by giving work experience. Government will also share the initial cost of hiring with the employer to boost job creation. The work experience gained will improve long-term employment prospects. It incentivises employment in special economic zones and designated industries. Jobs created will enjoy protection under the labour law legislation. Penalties for abuse and displacement of employees will avoid adverse impact on existing workers. By offering an incentive to hire workers, it intends to attract investment that can result in more inclusive economic benefits.

The difference between the application of the employment tax incentive inside and outside of the special economic zone is that this incentive will have no age limits. Young people participating in the programme will earn an income and also gain work experience. Employers will also be able to claim the learnership tax incentive when these workers are engaged in a learnership or apprenticeship.

The incentive will not be available to employers who do not meet their legal obligations to employees. This will be assured through three mechanisms: one, employers will only be able to claim the incentive for wages that are in line with applicable minimum wage set in the bargaining structure or by ministerial extension. An employer will be penalised or disqualified from using the incentive if any employee is unfairly dismissed in order to receive the incentive. The proposed penalty will amount to 150% of the value of the incentive claimed in the 12 months before the abuse. The Minister of Finance, after consultation with the Minister for Labour, will be able to prescribe conditions to counter abuse by regulations.

The intervention forms part of the programmes that fall under the umbrella of Government’s youth employment strategy, the youth employment accord, or complementary programmes that are already in place to address structural unemployment.

The Select Committee on Finance agreed to the Bill, and calls on the House to adopt it.

Debate concluded.

Question put: That the Bill be agreed to.

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

**FINANCIAL SERVICES LAWS GENERAL AMENDMENT BILL**

(Consideration of Bill and of Report thereon)

Mr C J DE BEER: Hon Chairperson, the Financial Services Laws General Amendment Bill aims to ensure that South Africa has a sounder and better regulated financial services industry, which promotes financial stability and has a strong financial sector regulatory framework and enhanced supervisory powers for the regulators.

The Bill also addresses several urgent areas, namely gaps identified by the International Monetary Fund, IMF, and the World Bank in their Financial Sector Assessment Programme, FSAP, to adhere to international standards for financial regulation. South Africa is currently undergoing a peer review on the implementation of the FSAP: Aligning the financial sector legislation with the new Companies Act and ensuring higher consumer protection standards and removing duplication in terms of the Consumer Protection Act, aligning terminology used in all FSAP legislation with terminology used in the Companies Act, aligning certain duties stipulated in the financial sector legislation with how those duties are reflected in the new Companies Act to ensure that FSB legislation appropriately refers to business rescue procedures in the new Companies Act while retaining existing enforcement procedures contained in the Financial Institutions Act so that registrars have appropriate mechanisms at their disposal to appropriately enforce legislation.

Sections 22 and 23 of the FSB Act are also amended. There are key changes to the Pension Funds Act, referring to the deputy principal officer, referring to the requirement for board member training and that it is very serious that board members on those boards are trained and are highly skilled. It is also to curb the undertaking of non-registered fund business. It also deals with the liability of trustees and the division of pension interests.

Other amendments in the Bill refer to the amendments of the Co-operative Banks Act as required to the supervisory function of Co-operative Banks Development Agency that will be transferred to the SA Reserve Bank and provide for the SA Reserve Bank to be the sole supervisor of the Co-operatives Bank.

An amendment to the definition of the business of a medical scheme in the Medical Schemes Act is also proposed and seeks to make the definition of medical schemes clear as required to support demarcation regulations which the National Treasury, together with the Department of Health, are finalising.

The regulations aim to clearly distinguish health insurance policies from medical schemes policies.

Hon Chairperson, the Select Committee on Finance has considered the Financial Services Laws General Amendment Bill, B29B of 2012, section 75 and recommends to the House to adopt the Bill.

However, we have the following matters to raise: The Minister of Finance should review the enforcement powers that are given to the registrar of the Financial Services Board. An investigation should be undertaken to establish the basis for the negative reporting on the Financial Services Board regarding its handling of some pension funds and its relationship with the curators, which casts doubt on its professional integrity and that of the institution had it been a given more powers. This could have some serious implications for the integrity of the institution or of the Financial Services Board if such are not investigated as it has been the norm with other financial institutions residing under the National Treasury, like the SA Revenue Service.

We agree to the Bill and call on the House to adopt it. [Applause.]

Debate concluded.

Question put: That the Bill be agreed to.

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

**TAXATION LAWS AMENDMENT BILL**

(Consideration of Bill and of Report thereon)

The CHAIRPERSON OF THE NCOP: Order! Is there anyone raising his hand up? Is it Charl De Beer? The speaker’s list indicates that it should be hon T E Chaane. Let us change; it is fine.

Hon Charl de Beer, are you ready to take the floor? [Interjections.] I am not going to argue. Hon Chaane, you may speak. You are on the speaker’s list for the Tax Administration Laws Amendment Bill.

Mr T E CHAANE: Chair, the taxation laws and its enforcement play a vital role in strengthening the fiscus and the economy. The Minister of Finance, in the 2013 National Budget, announced a number of proposal of changes to South African tax laws. This Bill provides for some of the proposals referred to in the national Budget.

International shipping transport conducted by the South African companies are subject to tax at 28%, while the net income of foreign shipping controlled by foreign companies are exempted if the shipping is conducted outside South Africa. The proposed change to this section of the Act is to provide a new regime to exempt international shipping transport companies.

The Bill also provides for an amendment to clause 59(1)(a)on ring-fencing of net foreign trade losses. The reason is that the current technical wording of the ring-fencing provision appears to leave space for setting off foreign losses against South Africa’s passive income. The proposed amendment is a ring-fencing provision to expressly protect the domestic base against any foreign loss.

The Bill further introduces a new withholding tax on fees for South Africa’s sourced services as a means to identify and collect tax from foreign entities with local permanent establishments. This new tax mainly applies to non-treaty partners, with treaty partners merely identified if they have or do not have permanent establishments.

With regard to indirect tax, the Bill makes provision for compulsory registration which may be triggered as follows: If a person makes less than R1 million supplies in the preceding 12-month period; or if a person reasonably expects to make supplies of R1 million in the next period of 12 months. The proposed amendment provides for the elimination of the predictive element associated with the R1-million threshold. Meanwhile, voluntary registration is streamlined into two types, the traditional and fast-track VAT registration. In the main, no monetary thresholds will be applicable. Persons seeking registration will be allowed to register easily.

With regard to e-commerce VAT registration, currently foreign suppliers of e-commerce services to South African customers are not compelled to register for VAT. These foreign suppliers transact wholly over the Internet and have no physical presence in South Africa. Recipients of e-commerce services are required to self-assess the VAT on supplies received. This VAT charge is known as the reverse charge.

The proposed amendment in the Bill replaces supply rule for foreign e-commerce with foreign supply added. Foreign suppliers are compelled to register for VAT if e-commerce services are supplied to a South African resident customer or payment for such services originates from a bank registered in terms of South Africa’s Banks Act. However, the committee expressed concerns on enforcement of this proposed amendment. Foreign suppliers are compelled to register irrespective of the aggregate value of supplies made in 12-month period. Foreign suppliers are allowed to register on the payment basis to streamline administration.

The Select Committee on Finance, having considered the Taxation Laws Amendment Bill referred to it and classified by the Joint Tagging Mechanism as a section 75 Bill, reports that it has agreed to the Bill without the amendments. I move that the Council adopts the Bill. Thank you, Chair.

Debate concluded.

Question put: That the Bill be agreed to.

The CHAIRPERSON OF THE NCOP: Hon members, in accordance with Rule 63, I shall first allow political parties to make their declarations of vote if they so wish. Is there any political party that would like to do so?

Mr M J R DE VILLIERS: Chairperson, on a point of order: Hon Chaane read Order No Seven on the Order Paper.

The CHAIRPERSON OF THE NCOP: He read Order No Seven on the Order Paper? Is that what you read, Mr Chaane? Just check properly.

Mr T E CHAANE: Yes, Chair. It seems so.

The CHAIRPERSON OF THE NCOP: Can you then take the podium again and read the correct one? We will regard Order No Seven as being read. We will not repeat it. We will just vote when we get to it. Did you find the correct one?

Mr T E CHAANE: No, I cannot find it, Chair.

The CHAIRPERSON OF THE NCOP: Okay, talk to the Bill.

Mr T E CHAANE: Chair, in light of the mix-up of my documents, may I request that I not read the statement in full, but I will submit the full statement.

The CHAIRPERSON OF THE NCOP: All right, let us do this. Let us skip number six. We will come back to it when you get it. I will just indicate here that we will skip it for now, and then we will go to number seven which is already read.

The staff seems to be proposing something; let me hear. It is okay, let them discuss first and then they will come back to me. We are leaving it for now. Once it is sorted out, they will report to the Chair. Now, we are coming to Order No Seven which has been read already.

I am going to put the same question. The question is that the Bill, that is, consideration of the Taxation Laws Amendment Bill and the Report of Select Committee on Finance that was read by Mr Chaane be agreed to. I shall allow for political parties to make their declarations of vote if they so wish.

The CHAIRPERSON OF THE NCOP: Hon members, we shall now proceed to voting on Order No Seven.

Ms M G BOROTO: Chairperson, I mistakenly voted against. I would like to withdraw that.

Mr A J NYAMBI: Chairperson, I rise on a point of order. Is it parliamentary for hon Gunda to wear a Madiba T-shirt and undermine the policies that Madiba stood for?

The CHAIRPERSON OF THE NCOP: I think his dress code is fine. [Laughter.]

Debate concluded.

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

**TAX ADMINISTRATION LAWS AMENDMENT BILL**

(Consideration of Bill And Of Report Thereon)

Mr T E CHAANE: Chair, the Select Committee on Finance has been briefed on the proposed amendments by the National Treasury regarding the tax administration laws. This Bill proposes amendments to administrative provisions of the following Acts: Transfer Duty Act; Income Tax Act; Customs and Excise Act; Skills Development Levies Act; Value-Added Tax Act; Unemployment Insurance Contributions Act; Mineral and Petroleum Resources Royalty Act; and Tax Administration Laws Act.

With regard to the provisions of some of the Acts, I will highlight the following. Under the Income Tax Act, clause 5 that deals with the returns by recipients of exempt dividends is reviewed. Under the Customs and Excise Act, clause 9 that deals with duties and powers of the officers with specific reference to the search and seizure provisions is amended. Under the same Customs and Excise Act, the other clause that is being reviewed is clause 10 which deals with the powers of the officers relating to criminal prosecutions, and customs controlled areas in special economic zones, which is clause 11. In the same Customs and Excise Act, clauses 13 and 14, which deal with currency conversions on imports and exports, have also been reviewed.

The other amendments to the Tax Administration Laws Act deal with the following: Tax court jurisdiction is extended to the Promotion of Administrative Justice Act, Paja, to review matters; legal proceedings become mandatory with prior notice to the SA Revenue Service, Sars; and public officers extended to non officers of a company.

The Commissioner may require returns not specifically required under the Act: The mandatory withdrawal of judgment if tax debt is paid; the manner of submitting information in criminal matters; recovery limited to outstanding tax debt, and legal costs recovered by state attorneys paid over to Sars.

In conclusion, the Select Committee on Finance, having considered the Tax Administration Laws Amendment Bill, recommends that Parliament approve these amendments. I thank you, Chairperson.

Debate concluded.

Question put. That the Bill be agreed to.

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

**DIVISION OF REVENUE AMENDMENT BILL**

(Consideration Of Bill And Of Report Thereon)

Mr T E CHAANE: Chairperson, the Select Committee on Appropriations, having considered the Division of Revenue Amendment Bill,B38 of 2013, and having engaged with various stakeholders, made the following findings and observations.

There was an upward adjustment of the provincial equitable share meant for compensation of Public Service employees and improvements in conditions of service. The committee is, however, concerned that there seems to be no correlation between increasing salaries and improved service delivery, as well as continued reliance on consultants by government departments.

Some provinces have continued the underspending of conditional grants allocated to them and that hampers service delivery. This has led to the reallocation of funds from such poor spending grants and this might cause unintended consequences like lower outputs and outcomes. Other than underspending and then applying for rollovers or declaring savings, the departments were now adopting a new approach of declaring underspending, and that occurs only within five months after the Budget has been passed.

Declared underspending, like undeclared underspending, has the potential to compromise service delivery and might also obscure the actual performance of certain programmes. Rollovers in some cases have the potential to put extra pressure on capacity to spend by receiving institutions since such funds flow into their new budgets.

Only one incident of withholding was reported, that is for the Bela-Bela Local Municipality in Limpopo. However, the committee is concerned that despite its corrective nature, withholding would harm the recipients of services more than the officials responsible,following a lack of spending of the health facility revitalisation grant, with a saving of R200 million declared. While rescheduling part of the funds is understood, declaring an underspending as a saving might signal the wrong message that underspending is being condoned.

Having considered the Division of Revenue Amendment Bill, the committee recommends to the Council that it be adopted without amendments. I thank you, Chairperson. [Applause.]

Debate concluded.

Question put. That the Bill be agreed to.

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

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

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON FINANCE - DRAFT CREDIT RATING AGENCY RULES SUBMITTED FOR PARLIAMENTARY SCRUTINY IN TERMS OF SECTION 24(3)(a)(ii) OF THE CREDIT RATING SERVICES ACT, 2012, NO 24 OF 2012**

Mr S D MONTSITSI: Deputy Chairperson, this is a statement on the Draft Credit Rating Agency Rules submitted for Parliamentary Scrutiny in terms of section 24(3)(a)(ii)of the Credit Rating Services Act, Act 24 of 2012, dated 13 November.

The credit ratings agencies play a critical role in establishing investor confidence. Over the past years, credit rating agencies in South Africa have not been regulated. The Credit Rating Services Act of 2012, passed by the Houses of Parliament, came into effect on 15 April 2013. Draft rules to the Act were published in August 2011, with the Bill undergoing public comment in line with section 24 of this Act. These comments were considered and incorporated in the draft rules.

With regard to the scope of the draft rules, these are divided into 11 parts. The introduction contains definitions and applications for these rules.

The organisational requirements provide for the structure of the board of a credit rating agency, CRA, and its duties when it outsources functions.

Concerning independence and conflict of interest, the CRA must manage and disclose conflict of interest.

With regard to the quality and integrity of credit ratings, the CRA must ensure that its methodologies are such that they ensure integrity of the rating and the rating process.

In terms of presentation of credit ratings, the CRA presents its rating in the manner that methodologies are explained and other aspects are taken into account in the rating. Furthermore, any attributes and limitations of the ratings are clearly and prominently stated.

Regarding additional obligations in relation to structured financial instruments, the CRA has additional duties of disclosure and assessment of ratings where it rates a structured finance instrument.

With regard to disclosures and record-keeping, the rules require the CRA to disclose to the registrar the number of ratings issued, the rating scale used, and the reasons for changes or withdrawal of ratings annually.

In terms of advertising and guarantee as well as insurance cover, the CRA must ensure that advertising is not misleading and must maintain appropriate guarantees or professional indemnity or fidelity insurance cover to mitigate the risks inherent in its business.

Concerning responsibilities and investors of the public, ratings must be distributed timely and in a transparent manner. Most importantly, confidential information must be protected.

The committee noted all these provisions and recommended that the CRA should ensure that disadvantaged communities are not adversely affected by the provisions.

In conclusion, the Select Committee on Finance, having considered the request for approval of the draft credit rating agency rules by Parliament, submitted for Parliament’s scrutiny in terms of section 24(3)(a)(ii) of the Credit Rating Services Act, Act 24 of 2012, recommends that the House approves the said draft credit rating agency rules without amendments. I thank you. [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.

ABSTAIN: Western Cape.

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

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON FINANCE – AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND GOVERNMENT OF THE REPUBLIC OF MOZAMBIQUE ON COMBINED BORDER CONTROL POSTS ON THE MOZAMBIQUE-SOUTH AFRICAN BORDER**

Ms Z FAKU: Hon Deputy Chairperson, hon Minister, hon Deputy Minister and hon members, the efficient operation of borders can expand markets and reduce costs for producers, resulting in an increase in profits and therefore economic growth. However, the opposite can be a hindrance to the economy and therefore become a trade barrier.

For the past decades, Africa has been in the process of promoting unity and enhancing economic growth and the economic independence of the African continent. Numerous initiatives have been put in play to achieve the self-sufficiency of African countries. Among them are the promotion of intra-Africa trade and the acceleration of infrastructure development across the continent. The National Development Plan aims to increase intraregional trade in Southern Africa from 7% of trade to 25% of trade by 2030, and emphasises that this can be achieved through investment in road, rail and port infrastructure in the region.

The promotion of intra-Africa trade has manifested in the creation of regional economic communities and customs unions all over the continent, such as the Southern African Development Community, the Southern African Customs Union, the East African Community, and others. For intra-Africa trade to effectively take place, infrastructure within countries should be in good condition. This includes the efficient operation of border control posts. Border control posts manage the flow of people between countries, and, most importantly, the flow of the countries’ products. Therefore, borders have the potential to restrict or expand countries’ resources and economic activity.

For the past three years, South Africa has been exporting more to Mozambique than it imports. This trend became more apparent from 2010 to 2012. South Africa’s total average exports and imports have amounted to R16,9 billion and R7,2 billion respectively over the past three years. This indicates that South Africa is a net exporter to Mozambique. The top exports to Mozambique are electrical energy, bituminous coal and coal briquettes, and the top imports are light petroleum oils, natural gas, and liquefied and light petroleum oil preparations.

The first annexure to the agreement offers detail on the designation and delimitation of combined border posts, control zones and areas for exclusive use. Land transport infrastructure – rail, road and pedestrian – and the location of office buildings will also be identified and designed by both countries. Detailed maps, drawings, plans, photographs and diagrams should be decided upon through the co-operation of both countries, with English and Portuguese used in all signage within the one-stop border post.

The second annexure delineates the deals on joint control and management of border-crossing activities in respect of persons, goods and means of transport. Competent authorities of both countries will negotiate and formulate standard operating procedures on administrative and operational procedures. Joint committees and teams that are necessary for the purpose of ensuring joint control and management of the one-stop border post will be formed.

The third annexure mainly provides detail on establishing, owning, managing and maintaining infrastructure, facilities, assets and amenities for the implementation of one-stop border posts. Both countries will establish road, rail and ICT infrastructure within their territory. These infrastructure establishments should optimally contribute to the efficient flow between the two countries. Each country will own the infrastructure, facilities and assets assembled in their territory. Both countries should develop procedures to guide shared assets and facilities. Similarly, an agreement should be reached on the methods used in managing and maintaining the proposed combined one-stop border post.

It is recommended that the House agree to the provisions stipulated in the annexures to the Agreement between the Government of the Republic of South Africa and the Government of the Republic of Mozambique on Combined Border Control Posts on the Mozambique-South Africa Border, tabled in terms of section 231(2) of the Constitution of the Republic of South Africa, 1996. I so move.

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 WOMEN, CHILDREN AND PEOPLE WITH DISABILITIES – IMPLEMENTATION OF THE UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES**

Mr G G MOKGORO: Deputy Chairperson, last year, the Portfolio and Select Committees on Women, Youth, Children and People with Disabilities conducted public hearings on the implementation of the United Nations Convention on the Rights of People with Disabilities. South Africa ratified the United Nations Convention on the Rights of Persons with Disabilities and the Optional Protocol to it on 30 November 2007.

The Portfolio and Select Committees on Women, Youth, Children and People with Disabilities held public hearings. Several written and 15 oral submissions were made from all over South Africa. It was evident at the hearings that access to education remains a major concern for children, youth and persons with disabilities. Special schools, their resourcing, quality education and curriculum were some of the concerns raised regarding such schools for children with disabilities.

Reports from the public on sexual abuse, maltreatment and neglect, particularly of children and women with intellectual and psychosocial disabilities, were also received.

With regard to transport, members of the public highlighted the fact that the convention is weak on its identification of transport services as a means of enabling people with disabilities to be mobile and enabling them to participate in society. Submissions indicated a need for strategies and integrated plans that consider and include the needs of people with disabilities. Finally, there is a need to change perceptions in the way that communities, families and society at large engage with persons with disabilities.

The Department for Women, Children and People with disabilities recently informed Parliament that the country’s report on the United Nations Convention on the Rights of Persons with Disabilities has been approved by Cabinet and has been submitted to the Department of International Relations and Co-operation to be deposited at the United Nations. This is a positive step in the right direction to ensure that the rights of people with disabilities are honoured and realised. Thank you, Chair.

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 2013 LEGAL AID GUIDE**

Mr T M H MOFOKENG: Deputy Chairperson, section 3a (1)(a) determines that, subject to the provisions of the Legal Aid Act and in order to attain its objectives and to exercise its powers referred to in section 3(d) and d(a), the board shall, in consultation with the Minister, include particulars of the scheme under which legal aid is rendered or made available and the procedure for its administration in a guide called the Legal Aid Guide.

In terms of section 3a(2), the board must, in addition to the submission of its annual report, submit the Legal Aid Guide which must be tabled by the Minister in the National Assembly and the NCOP for ratification, and pending such ratification, the Legal Aid Guide then in operation shall continue to apply.

The following amendments were made to the guide: in criminal cases, children in conflict with the law have been included as a category of persons entitled to legal aid under the Constitution; in civil matters, approval of legal aid for additional civil matters has been limited to instances where the matter, on a balance of probabilities, has a chance of success and the cost of the case justifies the benefit to the legal aid applicant; other cases include simple divorce cases; eviction cases where assistance can be granted to negotiate with the owner to allow the client some time in the property; uncontested divorces; domestic violence cases to protect the best interest of the child, and administration of estates.

With reference to commissions of inquiry, where Legal Aid SA is mandated and funded by the establishing authority of the commission, legal aid should be provided for the purpose of legal representation of witnesses appearing before a commission of inquiry where the commission has certified that they have standing before the commission. Where such funding is not made available and subject to Legal Aid SA being able to allocate resources, then legal aid will only be made available in exceptional circumstances, provided that such persons are indigent and qualify in terms of the means test, and such persons have been certified by the commissioner as having a proper standing before the commission. Other amendments include those on miscellaneous matters; section 204 witnesses; extradition proceedings; impact litigation matters and co-operation agreements; Judicare practitioners and the means test.

The committee, having considered the guide before it, recommends that the Council pass the amendments to the 2013 Legal Aid Guide as passed by the committee on 09 October 2013. Thank you very much.

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.

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON SECURITY AND CONSTITUTIONAL DEVELOPMENT -** **RULES OF APPEAL PROCEDURE MADE BY THE RULES BOARD FOR COURTS OF LAW IN ACCORDANCE WITH SECTION 10(8)(G) OF THE IMPLEMENTATION OF THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT ACT, 2002, NO 27 OF 2002**

Mr T M H MOFOKENG: Deputy Chairperson, the Rome Statute is an international statute, which establishes an international criminal court. The International Criminal Court has the power to exercise its jurisdiction over persons for most serious crimes of international concern, referred to in the statute, and is complementary to national criminal jurisdictions. The statute has been ratified by 122 countries and was ratified by South Africa on 27 November 2000. Of these countries, 34 are from Africa, 18 from Asia-Pacific, 18 from Eastern Europe, 26 from Latin America and the Caribbean and 25 from Western European and North America.

In order to domesticate this statute, South Africa promulgated the implementation of the Rome Statute of the International Criminal Court Act 27 of 2002. This Act provides a framework to ensure the effective implementation of the Rome Statute of the International Criminal Court in Africa to ensure that South Africa conforms to the obligations set out in the Statute. It provides for the crime of genocide, crimes against humanity and war crimes. It also provides for the prosecution, in South African courts, of persons accused of having committed the said crimes in South Africa and beyond the borders of South Africa in certain circumstances. It further provides for the arrest of persons accused of having committed the said crimes and their surrender to the said court in certain circumstances. In addition, it provides for co-operation by South Africa with the said court and to provide for matters connected therewith.

Section 10(8)(g) of the Implementation of the Rome Statute of the International Criminal Court, No 27 of 2002 states:

The Rule Board for Courts of Law established by section 2 of the Rules Board for Courts of Law Act, 1985, Act No 07 of 1985, must within six months after the date of commencement of this Act, make and implement rules of procedure which provide for the expeditious and urgent finalisation of an appeal contemplated in this section.

Section 10 (8)(h) states that:

Any rule made under paragraph (g) must, before publication thereof in the gazette, as contemplated in section 6(4) of the Rules Board for courts, be approved by Parliament.

I therefore table the report for adoption. Thank you.

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.

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON SECURITY AND CONSTITUTIONAL DEVELOPMENT - LIFTING OF THE PROVISIONAL SUSPENSION OF MAGISTRATE F K S NTULI, AN ADDITIONAL MAGISTRATE AT UITENHAGE**

Mr T M H MOFOKENG: Deputy Chairperson, Mr Ntuli was arrested on Friday, 17 August 2012, on a charge of drunken driving. He was allegedly found by a police officer in town around 19:15, driving alone in a motor vehicle which was moving from one lane to another. There was an indication that the driver was not in proper control of the motor vehicle.

Mr Ntuli was issued with a written warning to appear in court at Uitenhage on 13 February 2013. Mr Ntuli had a previous conviction for the same offence and, during this period, he was charged with misconduct, found guilty and strongly reprimanded by the Presiding Officer to refrain from any similar misconduct in future.

At the meeting held on 29 and 30 November 2012, the Magistrate’s Commission considered Mr Ntuli’s responses and resolved that Mr Ntuli be provisionally suspended from office in terms of section 13(3)(a) of the Magistrates Act, Act 90 of 1993, pending the investigation into his fitness to hold office.

The commission was of the view that the existing evidence against Mr Ntuli was of such a serious nature as to make it inappropriate for him to perform the functions of a magistrate while the allegations were being investigated. The commission indicated that it would be inappropriate for a judicial officer who was appearing for a second time as an accused before a court of law on a charge of drunken driving to continue to sit on the bench.

On 21 May 2013, the select committee concurred with the Minister’s recommendation and confirmed Mr Ntuli’s provisional suspension. During the disciplinary process, the commission reported that it had commenced with the misconduct inquiry against Mr Ntuli and the inquiry concluded on 17 July 2013. The inquiry found Mr Ntuli not guilty of the misconduct charge levelled against him.

The commission was of the view that it could not justify the continuation of Mr Ntuli’s provisional suspension from office, and therefore recommended that the Minister lift Mr Ntuli’s provisional suspension with immediate effect. The Minister concurred with the recommendation from the Magistrates Commission and recommended that, since the basis for Mr Ntuli’s provisional suspension had fallen away, there was no reason to uphold his provisional suspension. The Minister lifted Mr Ntuli’s provisional suspension on receipt of the Magistrate Commission’s recommendation.

Having considered the Magistrate Commission’s report and the Minister’s recommendation, the committee concurs with the Minister’s decision to lift the provisional suspension and therefore recommends that the House approve the lifting of the provisional suspension from office of Magistrate F K S Ntuli. Thank you.

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 EDUCATION AND RECREATION - FOLLOW-UP OVERSIGHT VISIT TO EASTERN CAPE FOLLOWING INTERVENTION BY NATIONAL DEPARTMENT OF BASIC EDUCATION**

Ms D Z RANTHO: Deputy Chairperson, good afternoon to everybody. As the part of our oversight responsibility to the provinces, the Select Committee on Education and Recreation undertook an oversight visit to the Eastern Cape from 13 to 16 March 2012. The purpose of the visit was to follow up on progress made by the Eastern Cape department of basic education in terms of the implementation plan tabled by the Minister of Basic Education to the NCOP in terms of section 100(1)(b) of the Constitution.

Following on engagements with the department, we gained a thorough understanding of the impact that a dysfunctional administration has on education priorities, and we appreciated the co-operation received from the provincial department. At the opening of the schools in January 2011, the department faced challenges in the following key areas: The termination of temporary educators, delivery of the stationery to section 20 schools, the suspension of the scholar transport programme, challenges with the implementation of the school nutrition programmes and nondelivery of infrastructure.

In response, the committee recommended that the Eastern Cape department of education work hand in hand with the national Department of Basic Education, with a collaborative approach to bring about a sustainable turnaround and to ensure efficient and effective delivery of educational services in the province.

In response to the termination of temporary educators, the following took place: The contracts of up to 4 000 temporary teachers were terminated in schools facing a shortage of teachers. The department has since reinstated temporary teachers as follows: One thousand nine hundred and ten temporary educators were appointed against 2013 vacancies. All the 1 910 temporary educators include Funza Lushaka bursary graduates and those that are professionally qualified.

To date, the placement of teachers is working well in areas where there are no additional educators, despite the fact that temporary educators were meant to be an interim measure pending the permanent filling of the substantive vacancies. Textbooks are a crucial learning tool for learners and are used by teachers to facilitate the teaching process. Failure to procure and/or distribute textbooks and stationery to many schools in the province and, in particular, nonsection 21 schools, negatively impacted on teaching and learning.

On the challenge of delivering stationery to section 20 schools, the committee acknowledges that this has been a challenge facing the Department of Basic Education. We welcome the R881 million allocated by the department for Learner and Teacher Support Material, LTSM, to schools. An amount of R164 million was spent on stationery and the balance was spent on textbooks. In the 2012 financial year, there were 4 480 section 21 schools and 1 132 section 20 schools. Stationery has already been delivered to all of the section 20 schools that placed orders. There was delivery of stationery to over 95% of section 21 schools and others received their supply in February 2012.

Learner transport came to a total halt in many areas. This resulted in unnecessary absenteeism among learners. As a system of guaranteeing access to education for many rural and poor children, the learner transport programme service was restored to learners who live in the farm and rural areas. However, the majority of learners who are covered by policy still need to receive this service.Thus it was decided that the department of education would remain responsible for determining requirements of learner transport and the department of transport would provide the physical transportation of learners.

A memorandum of agreement with clear roles and responsibilities was also signed by both departments in August 2011. The collapse of the National School Nutrition Programme left many learners without feeding, and this negatively impacted on teaching and learning. The committee welcomes the good progress made by the department regarding the implementation of the school nutrition programme.

The committee is optimistic that the comprehensive implementation plan designed to resolve the setbacks in the department worked well, and thanks the department for their co-operation and support.

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 EDUCATION AND RECREATION - SCOPING REPORT AND IMPLEMENTATION PLAN ON INTERVENTION IN EASTERN CAPE EDUCATION DEPARTMENT**

Ms D Z RANTHO: Deputy Chairperson, on 2 March 2011, Cabinet took the decision to intervene in the Eastern Cape department of education in terms of section 100(1)(a) of the Constitution. The primary reason for the proposed intervention was for the national Department of Basic Education to halt the Eastern Cape department’s issues related to the termination of contracts of 4 000 temporary teachers, the termination of the learner transport programme service, the collapse of the National School Nutrition Programme, no procurement and delivery of leaner teacher support material and no development and provision of infrastructure.

As such, the implementation plan was drafted to return the Eastern Cape department of education to its normal state of affairs. The implementation plan responds comprehensively to the various categorical issues facing the department. More importantly, it requires that provincial officials own and take full responsibility for the plan.

The plan proposed two areas for intervention. The first is towork with the provincial government of the Eastern Cape to immediately initiate service delivery that will allow the academic year to continue. The second is to use a diagnostic approach method to uncover the root causes of the historic and current challenges to develop interventions to permanently stop any repeat of the aforementioned challenges.

The first phase of the implementation plan made the following recommendations: the school nutrition programme was decentralised to the schools, which led to learners being fed regularly; the learner transport programme service was restored to learners who are on the farms and in rural areas, and this is being expanded with time and, lastly, temporary educators were reinstated in order for teaching and learning in class to continue.

Stationery and textbooks were delivered to schools within a few months of the intervention in July 2011 and have continued to be delivered since then.

The second part of the implementation plan involved using a diagnostic approach analysis of the challenges, particularly endemic issues that prevented the provincial department from implementing government’s programme for education.

In order to understand the current and past state of affairs, the diagnostic approach foregrounds the provincial department, using a situational analysis of all stakeholders such as learners, teachers, employees and financial and institutional management areas as part of building a solid basis from which to construct recommendations.

The plan made comprehensive recommendations for an action plan that would improve the outcomes of the provincial department in a way that would empower the province and allow the national department to withdraw control.

The Select Committee on Education and Recreation, having considered the Scoping Report and the Implementation Plan on Intervention in Eastern Cape Department of Education, recommends that the House approve the plan. 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 EDUCATION AND RECREATION - CONSIDERATION OF A SHORTLIST OF CANDIDATES FOR APPOINTMENT TO THE BOARD OF THE NATIONAL RESEARCH FOUNDATION**

Ms M W MAKGATE: Hon Deputy Chairperson, hon members, the Act requires the board to consist of the chairperson, not fewer than nine and not more than 11 other members and the chief executive officer, CEO. The current National Research Foundation Board has the required number of members. However, it was recommended that the Minister appoints the maximum number of members in order to fairly distribute the board to relevant committees. In line with section 6 of the Act, the Minister advertised the vacancy in the *Government Gazette,* inviting people to nominate candidates to the National Research Foundation Board.

A panel was appointed by the Minister to compile a shortlist of potential candidates to fill the board. The department received 39 nominees and, on 25 January 2013, the board met to whittle these down to three.

All candidates considered for appointment have achieved a distinction in the field of research and technologymanagement, business, public affairs or civil society as per subsection (4) of the Act.

The select committee recommends Prof Stephanie Burton who is a Vice Principal for Research and Postgraduate Education at the University of Pretoria. In her current portfolio, she is responsible for research, postgraduate education and internationalisation and library services. Her expertise includes biochemistry, microbiology and management.

The member to be appointed will serve for the unexpired portion of the term, which is until 30 September 2014. I thank you. [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 LAND AND ENVIRONMENTAL AFFAIRS — BENGUELA CURRENT CONVENTION ON ENVIRONMENTAL PROTECTION AND CONSERVATION OF THE BENGUELA CURRENT LARGE MARINE ECOSYSTEM BETWEEN THE GOVERNMENT OF THE REPUBLIC OF ANGOLA, THE GOVERNMENT OF THE REPUBLIC OF NAMIBIA AND THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA**

The HOUSE CHAIRPERSON (Mrs N W Magadla): Deputy Chairperson, Chief Whip and hon members of the House, I greet you all this afternoon. I am going to deliberate on the Benguela Current Convention on behalf of the Select Committee on Land and Environmental Affairs.

The Benguela Current Convention on Environmental Protection and Conservation of the Benguela Current Large Marine Ecosystem, BCLME, is an international agreement between the governments of the Republic of Angola, the Republic of Namibia and the Republic of South Africa, and is tabled in terms of section 231(2) of the Constitution.

The signing of the Benguela Current Convention on 18 March 2013 in Benguela, Angola, represented the culmination of many years of research, consultation and negotiations. The signing of this unique multilateral agreement was the next logical step after nearly two decades of collaboration between the governments of Angola, Namibia and South Africa in managing the BCLME. The convention seeks to formally establish the Benguela Current Commission, BCC, as a regional intergovernmental organisation with a mandate to promote the sustainable use and management of the BCLME.

The ratification of this multilateral convention will ensure that sustainable development progresses in an environmentally responsible manner for long-term social and economic benefits for the people of the BCLME region, and that the three governments work together to protect the marine biodiversity and maintain the integrity of the BCLME region. The convention focuses on creating an institutional structure known as the BCC which will work towards achieving sustainable development.

The Select Committee on Land and Environmental Affairs, having considered the request for approval by Parliament of the Benguela Current Convention on Environmental Protection and Conservation of the Benguela Current Large Marine Ecosystem between the Government of the Republic of Angola, the Government of the Republic of Namibia and the Government of the Republic of South Africa referred to it, recommends that the Council, in terms of section 231(2) of the Constitution of the Republic of South Africa, approves the ratification of the agreement. I thank you. [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 LAND AND ENVIRONMENTAL AFFAIRS – REQUEST TO NOMINATE CANDIDATES FOR APPOINTMENT TO THE BOARD OF THE NATIONAL AGRICULTURAL MARKETING COUNCIL**

Mr G G MOKGORO: Deputy Chairperson, on 12 September 2013, the NCOP received correspondence from the Minister of Agriculture, Forestry and Fisheries, inviting nominations for two vacant positions on the National Agricultural Marketing Council, NAMC. This was referred to the committee on 25 September 2013. The vacant positions on the NAMC were under category B – agricultural product-related trade and industry, and category D – consumer issues relating to agricultural products including issues relating to disadvantaged communities in terms of section 4(2) of the Marketing of Agricultural Products Act, Act 47 of 1996.

After having deliberated on the issue, the committee recommends, in accordance with section 4(4)(a) of the Marketing of Agricultural Products Act, Act 47 of 1996 to the Minister of Agriculture, Forestry and Fisheries, that Dr Edwin Alfred Conroy be nominated to serve on the National Agricultural Markerting Council. Thank you.

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 Council adjourned at 16.09.

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**ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS**

**WEDNESDAY, 6 NOVEMBER 2013**

**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 Bills as section 75 Bills:
2. **Science and Technology Laws Amendment Bill** [B 36 – 2013] (National Assembly – sec 75).
3. **Merchant Shipping (International Oil Pollution Compensation Fund) Administration Bill** [B 42 – 2013] (National Assembly – sec 75).
4. The JTM in terms of Joint Rule 160(6) classified the following Bill as a money Bill:
5. **Merchant Shipping (International Oil Pollution Compensation Fund) Contributions Bill** [B 41 – 2013] (National Assembly – sec 77).

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

1. **Women Empowerment and Gender Equality Bill**, 2013, submitted by the Minister of Women, Children and People with Disabilities.

Referred to the **Portfolio Committee on Women, Children and People with Disabilities** and the **Select Committee on Women, Children and People with Disabilities.**

**National Council of Provinces**

**The Chairperson**

1. **Referral to Committees of papers tabled**
2. The following papers are referred to the **Select Committee on Security and Constitutional Development** for consideration and report:
3. Proclamation No 22, published in the Government Gazette No 36689, dated 23 July 2013: Notification by President in respect of emnities identified by the United Nations Security Council, made in terms of section 25 of the Protection of Constitutional Democracy Against Terrorist and Related Activities, 2004 (Act No 33 of 2004), tabled in terms of section 26 of the Act.
4. Proclamation No 23, published in the Government Gazette No 36689, dated 23 July 2013: Notification by President in respect of emnities identified by the United Nations Security Council, made in terms of section 25 of the Protection of Constitutional Democracy Against Terrorist and Related Activities, 2004 (Act No 33 of 2004), tabled in terms of section 26 of the Act.
5. Proclamation No 24, published in the Government Gazette No 36689, dated 23 July 2013: Notification by President in respect of emnities identified by the United Nations Security Council, made in terms of section 25 of the Protection of Constitutional Democracy Against Terrorist and Related Activities, 2004 (Act No 33 of 2004), tabled in terms of section 26 of the Act.
6. Proclamation No 25, published in the Government Gazette No 36689, dated 23 July 2013: Notification by President in respect of emnities identified by the United Nations Security Council, made in terms of section 25 of the Protection of Constitutional Democracy Against Terrorist and Related Activities, 2004 (Act No 33 of 2004), tabled in terms of section 26 of the Act.
7. Proclamation No 26, published in the Government Gazette No 36689, dated 23 July 2013: Notification by President in respect of emnities identified by the United Nations Security Council, made in terms of section 25 of the Protection of Constitutional Democracy Against Terrorist and Related Activities, 2004 (Act No 33 of 2004), tabled in terms of section 26 of the Act.
8. Proclamation No 27, published in the Government Gazette No 36689, dated 23 July 2013: Notification by President in respect of emnities identified by the United Nations Security Council, made in terms of section 25 of the Protection of Constitutional Democracy Against Terrorist and Related Activities, 2004 (Act No 33 of 2004), tabled in terms of section 26 of the Act.
9. Proclamation No 28, published in the Government Gazette No 36689, dated 23 July 2013: Notification by President in respect of emnities identified by the United Nations Security Council, made in terms of section 25 of the Protection of Constitutional Democracy Against Terrorist and Related Activities, 2004 (Act No 33 of 2004), tabled in terms of section 26 of the Act.
10. Proclamation No 29, published in the Government Gazette No 36689, dated 23 July 2013: Notification by President in respect of emnities identified by the United Nations Security Council, made in terms of section 25 of the Protection of Constitutional Democracy Against Terrorist and Related Activities, 2004 (Act No 33 of 2004), tabled in terms of section 26 of the Act.
11. Proclamation No 30, published in the Government Gazette No 36689, dated 23 July 2013: Notification by President in respect of emnities identified by the United Nations Security Council, made in terms of section 25 of the Protection of Constitutional Democracy Against Terrorist and Related Activities, 2004 (Act No 33 of 2004), tabled in terms of section 26 of the Act.
12. Proclamation No 31, published in the Government Gazette No 36689, dated 23 July 2013: Notification by President in respect of emnities identified by the United Nations Security Council, made in terms of section 25 of the Protection of Constitutional Democracy Against Terrorist and Related Activities, 2004 (Act No 33 of 2004), tabled in terms of section 26 of the Act.
13. Proclamation No 40, published in the Government Gazette No 36857, dated 20 September 2013: Notification by President in respect of entities identified by the United Nations Security Council, made in terms of section 25 of the Protection of Constitutional Democracy Against Terrorist and Related Activities, 2004 (Act No 33 of 2004), tabled in terms of section 26 of the Act.
14. Proclamation No 41, published in the Government Gazette No 36857, dated 20 September 2013: Notification by President in respect of entities identified by the United Nations Security Council, made in terms of section 25 of the Protection of Constitutional Democracy Against Terrorist and Related Activities, 2004 (Act No 33 of 2004), tabled in terms of section 26 of the Act.

**TABLINGS**

**National Assembly and National Council of Provinces**

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

1. General Notice No 1016, published in Government Gazette No 36916, dated 9 October 2013: Notice of introduction of Bill into Parliament in terms of the National Credit Amendment Bill, 2013.
2. Government Notice No 781, published in Government Gazette No 36923, dated 18 October 2013: Amendment of the Companies Regulations, 2011 in terms of the Companies Act, 2008 (Act No 71 of 2008).

**COMMITTEE REPORTS**

**National Council of Provinces**

1. **Report of the Select Committee on Trade and International Relations on the *Lotteries Amendment Bill* [B 21B – 2013] (National Assembly – sec 75), dated 6 November 2013:**

The Select Committee on Trade and International Relations, having considered the subject of the *Lotteries Amendment Bill* [B 21B – 2013] (National Assembly – sec 75), referred to it, reports that it has agreed to the Bill.

Report to be considered.

**THURSDAY, 7 NOVEMBER 2013**

**ANNOUNCEMENTS**

**National Council of Provinces**

**The Chairperson**

**1. Message from National Assembly to National Council of Provinces in respect of Bills passed by Assembly and transmitted to Council**

1. Bills passed by National Assembly and transmitted for concurrence on 7 November 2013:
	1. **Adjustments Appropriation Bill** [B 37 – 2013] (National Assembly - sec 77).

The Bill has been referred to the **Select Committee** **on Appropriations** of the National Council of Provinces.

* 1. **Marine Living Resources Amendment Bill** [B 30B – 2013] (National Assembly – sec 76).

The Bill has been referred to the **Select Committee** **on Land and Environmental Affairs** of the National Council of Provinces.

* 1. **Independent Communications Authority of South Africa Amendment Bill** [B 18B – 2013] (National Assembly – sec 75).

The Bill has been referred to the **Select Committee** **on Labour and Public Enterprises** of the National Council of Provinces.

1. **Membership of Committees**
2. The following changes have been made to the membership of Select Committees:

**Select Committee on Labour and Public Enterprises**

Discharged:  Hon. Mr. V. M. Manzini (DA: Mpumalanga) – Alternate

Appointed:  Hon. Mr. R. A. Lees (DA: KwaZulu-Natal) – Alternate

 **Select Committee on Public Services**

Discharged: Hon. Mr. V. M. Manzini (DA: Mpumalanga) – (Alternate)

Appointed: Hon. Mr. R. A. Lees (DA: KwaZulu-Natal) – (Alternate)

**COMMITTEE REPORTS**

**National Council of Provinces**

**1. Report of the Select Committee on Finance on the Draft Credit Rating Agency Rules submitted for Parliamentary scrutiny in terms of section 24(3)(a)(ii) of the Credit Rating Service Act, 2012 (No 24 of 2012), dated 05 November 2013.**

The Select Committee on Finance, having considered the request for approval by Parliament of the Draft Credit Rating Agency Rules submitted for Parliamentary scrutiny in terms of section 24(3)(a)(ii) of the Credit Rating Service Act, 2012 (No 24 of 2012), recommends that the House, approves the said Draft Credit Rating Agency Rules.

The Committee further wishes to recommend that:

* The Credit Rating Agency Rules should accommodate entities from the disadvantaged communities.

Report to be considered.

**2. Report of the Select Committee on Finance on the Employment Tax Incentive Bill [B 46 – 2013] (National Assembly – sec 77), dated 06 November 2013**

The Select Committee on Finance, having considered the Employment Tax Incentive Bill[B 46 – 2013] (National Assembly – sec 77), referred to it, and classified by the JTM as a section 77 Bill, reports it has agreed to the Bill.

The Committee further wishes to recommend that:

* The R6 000 ceiling which government proposes as an incentive might not accommodate the unemployed youth from the Further Education and Training Colleges and therefore requests National Treasury to review this; and
* The National Treasury should have tracking mechanisms in place when implementing the Bill.

Report to be considered.

**3. Report of the Select Committee on Finance on the Financial Services Laws General Amendment Bill [B29B – 2012] (National Assembly – sec 75), dated 05 November 2013**

The Select Committee on Finance, having considered the ***Financial Services Laws General Amendment Bill*** **[B29B – 2012]** (National Assembly – sec 75), referred to it, and classified by the JTM as a section 75 Bill, reports it has agreed to the Bill.

The Committee further wishes to recommend that:

* The Minister of Finance should review the enforcement powers that are given to the Registrar for the Financial Services Board;
* An investigation should be undertaken to establish the basis of the negative reporting on the Financial Services Board regarding its handling of some pension funds and its relationship with the curators, which cast doubts on its professional integrity and that of the institution and it being given more powers. This could have some serious implications on the integrity of the institution of the Financial Services Board if such are not investigated as it has been the norm with other financial institutions residing under National Treasury, e.g. South African Revenue Services.

Report to be considered.

**4. Report of the Select Committee on Finance on the Tax Administration Laws Amendment Bill [B 40 – 2013] (National Assembly – sec 77), dated 06 November 2013**

The Select Committee on Finance, having considered the ***Tax Administration Laws Amendment Bill* [B 40 – 2013] (**National Assembly – sec 77), referred to it, and classified by the JTM as a section 77 Bill, reports it has agreed to the Bill.

 Report to be considered.

**5. Report of the Select Committee on Finance on the Taxation Laws Amendment Bill [B 39 – 2013] (National Assembly – sec 75), dated 06 November 2013**

The Select Committee on Finance, having considered the ***Taxation Laws Amendment Bill* [B 39 – 2013]** (National Assembly – sec 75), referred to it, and classified by the JTM as a section 75 Bill, reports it has agreed to the Bill.

Report to be considered.

**FRIDAY, 8 NOVEMBER 2013**

**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 Bills as section 76 Bills:
2. **National Credit Amendment Bill** [B 47 – 2013] (National Assembly – sec 76).
3. **Public Administration Management Bill** [B 48 – 2013] (National Assembly – sec 76).

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

1. **State Attorney Amendment Bill**, 2013, submitted by the Minister of Justice and Constitutional Development.

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

**TABLINGS**

**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 during the International Conferences on the Great Lakes Region and the African Capacity for Immediate Response to Crisis summits.

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**COMMITTEE REPORTS**

**National Council of Provinces**

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**MONDAY, 11 NOVEMBER 2013**

**ANNOUNCEMENTS**

**National Assembly and National Council of Provinces**

**The Speaker and the Chairperson**

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

1. **Rental Housing Amendment Bill**, 2013, submitted by the Minister of Human Settlements.

Referred to the **Portfolio Committee on Human Settlements** and the **Select Committee on Public Services.**

**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 75 Bill:
2. **Customs and Excise Amendment Bill** [B 44 – 2013] (National Assembly – sec 75).
3. The JTM in terms of Joint Rule 160(6) classified the following Bill as a money Bill:
4. **Customs Duty Bill** [B 43 – 2011] (National Assembly – sec 77).
5. The JTM, on 8 November 2013, in terms of Joint Rule 160(6) classified the following Bill as a section 75 Bill:
6. **South African Weather Service Amendment Bill** [B 21 – 2013] (National Assembly – sec 75).

**3. Re-classification of Bill by Joint Tagging Mechanism (JTM)**

1. The JTM in terms of Joint Rule 160(6) re-classified the following Bill *(initially classified as a section 76 Bill, see ATC of 22 August 2013, p 3310)* as a section 75 Bill:
	1. **Judicial Matters Amendment Bill** [B 7B – 2013] (National Assembly – sec 75).

**TABLINGS**

**National Assembly and National Council of Provinces**

1. **The Speaker and the Chairperson**
2. South African Human Rights Commission on the Economic and Social Rights for 2012 – 2013: Section 184(3) Report.
3. Annual International Report 2012 of the South African Human Rights Commission.
4. Annual Report of the South African Human Rights Commission on the Promotion of Access to Information Act (PAIA) for 2012-13.
5. **The Minister of Defence and Military Veterans**
6. Convention on Cluster Munitions, tabled in terms of section 231(2) of the Constitution, 1996.
7. Explanatory Memorandum to the Convention on Cluster Munitions.
8. Amendments to a Concluded Bilateral International Agreement: Memorandum of Understanding between the United Nations and the Government of the Republic of South Africa contributing resources to the United Nations Organisation Stabilisation Mission in the Democratic Republic of Congo (MONUSCO), tabled in terms of section 231(3) of the Constitution, 1996.
9. Explanatory Memorandum to the Amendments to a Concluded Bilateral International Agreement: Memorandum of Understanding between the United Nations and the Government of the Republic of South Africa contributing resources to the United Nations Organisation Stabilisation Mission in the Democratic Republic of Congo (MONUSCO).
10. The Signed United Nations Letter of Assist (LOA) 2012-008 for the Provision of Long Term Aviation/Air Transport services by the South African Air Force to the United Nations Organisation Stabilisation Mission in the Democratic Republic of Congo (MONUSCO), tabled in terms of section 231(3) of the Constitution, 1996.
11. Explanatory Memorandum to The Signed United Nations Letter of Assist (LOA) 2012-008 for the Provision of Long Term Aviation/Air Transport services by the South African Air Force to the United Nations Organisation Stabilisation Mission in the Democratic Republic of Congo (MONUSCO).

**National Council of Provinces**

**1. The Chairperson**

* + - 1. Report on the investigations instituted in terms of section 106(1)(b) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) to Eastern Cape Municipalities since 2009.

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

* + - 1. Progress reports on the intervention issued in terms of section 139(1)(b) of the Constitution, 1996 to Mnquma Local Municipality (Eastern Cape).

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

**TUESDAY, 12 NOVEMBER 2013**

**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 Bills as section 75 Bills:
2. **Insurance Laws Amendment Bill** [B 16 – 2013] (National Assembly – sec 75).
3. **South African Post Office SOC Ltd Amendment Bill** [B 24 – 2013] (National Assembly – sec 75).

 **Correction (incorrect bill number):**

1. The JTM, on 8 November 2013, in terms of Joint Rule 160(6) classified the following Bill as a section 75 Bill:
2. **South African Weather Service Amendment Bill** [B 23 – 2013] (National Assembly – sec 75).

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

1. **Property Valuation Bill**, submitted by the Minister of Rural Development and Land Reform.

Referred to the **Portfolio Committee on Rural Development and Land Reform** and the **Select Committee on Land and Environmental Affairs.**

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

1. Bills passed by National Assembly on 12 November 2013:
2. **Protection of State Information Bill** [B 6H – 2010] (National Assembly – sec 75).
3. **Broad-Based Black Economic Empowerment Amendment Bill** [B 42D – 2012] (National Assembly – sec 76).
4. **Criminal Law (Forensic Procedures) Amendment Bill** [B 9D – 2013] (National Assembly – sec 75).
5. Bills passed by National Council of Provinces on 12 November 2013:
6. **Financial Services Laws General Amendment Bill** [B 29B – 2012] (National Assembly – sec 75).
7. **Deeds Registries Amendment Bill** [B 10B – 2013] (National Assembly – sec 75).
8. **Rates and Monetary Amounts and Amendment of Revenue Laws Bill** [B 12 – 2013] (National Assembly – sec 77).
9. **Lotteries Amendment Bill** [B 21B – 2013] (National Assembly – sec 75).
10. **Division of Revenue Amendment Bill** [B 38 – 2013] (National Assembly – sec 76).
11. **Taxation Laws Amendment Bill** [B 39 – 2013] (National Assembly – sec 77).
12. **Tax Administration Laws Amendment Bill** [B 40 – 2013] (National Assembly – sec 75).
13. **Employment Tax Incentive Bill** [B 46 – 2013] (National Assembly – sec 77).

**National Council of Provinces**

**The Chairperson**

**1. Message from National Assembly to National Council of Provinces in respect of Bills passed by Assembly and transmitted to Council**

1. Bills passed by National Assembly and transmitted for concurrence on 12 November 2013:
2. **Employment Services Bill** [B 38B – 2012] (National Assembly – sec 75).

The Bill has been referred to the **Select Committee** **on Labour and Public Enterprises** of the National Council of Provinces.

1. **Electronic Communications Amendment Bill** [B 17B – 2013] (National Assembly – sec 75).

The Bill has been referred to the **Select Committee** **on Labour and Public Enterprises** of the National Council of Provinces.

1. **Legal Practice Bill** [B 20B – 2013] (National Assembly – sec 76).

The Bill has been referred to the **Select Committee** **on Security and Constitutional Development** of the National Council of Provinces.

1. **South African Weather Service Amendment Bill** [B 23B – 2013] (National Assembly – sec 75).

The Bill has been referred to the **Select Committee** **on Land and Environmental Affairs** of the National Council of Provinces.

1. **Merchant Shipping (International Oil Pollution Compensation Fund) Contributions Bill** [B 41 – 2013] (National Assembly – sec 77).

The Bill has been referred to the **Select Committee** **on Finance** of the National Council of Provinces.

1. **Merchant Shipping (International Oil Pollution Compensation Fund) Administration Bill** [B 42 – 2013] (National Assembly – sec 75).

The Bill has been referred to the **Select Committee** **on Finance** of the National Council of Provinces.

1. **Appointment of executive director of Independent Police Investigative Directorate**

(1) A letter dated 8 November 2013 has been received from the Minister of Police, requesting the relevant parliamentary committee to confirm or reject 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).

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

**COMMITTEE REPORTS**

**National Council of Provinces**

**1. Second Report of the Select Committee on Trade and International Relations on the Tourism Bill [B 44B – 2012] (National Assembly – sec 76), dated 12 November 2013:**

The Select Committee on Trade and International Relations, having considered the subject of the***Tourism Bill***[B 44B – 2012] (National Assembly – sec 76), referred to it, reports that it has agreed to an amended Bill [B 44D – 2012 (Reprint)].

Report to be considered.

2. Report of the Select Committee on Land and Environmental Affairs on the Sectional Titles Amendment Bill [B 11B-2013] (National Assembly – Section 76), dated 12 November 2013, as follows:

The Department of Rural Development and Land Reform briefed the committee on 8 October 2013 on the *Sectional Titles Amendment Bill [B 11B-2013].* The Bill was referred to the committee on 19 September 2013.

The Select Committee on Land and Environmental Affairs, having deliberated on and considered the subject of the ***Sectional Titles Amendment Bill*** *[B 11B-2013]*(National Assembly – sec 76), referred to it and classified by the JTM as a section 76 Bill, agrees to the Bill without amendments.

Report to be considered

**3. Second Report of the Select Committee on Trade and International Relations on the Intellectual Property Laws Amendment Bill [B 8B – 2010] (National Assembly – sec 76), dated 12 November 2013:**

The Select Committee on Trade and International Relations, having considered amendments to the **Intellectual *Property Laws Amendment Bill*** [B 8B – 2010] (National Assembly – sec 76), submitted by Mr A Lees, MP, reports that it has rejected the amendments as follows:

* Page 5 - sec 8B(2) and 8D(2) - the Intellectual Property Laws Amendment Act, [2011] **2010**
* Pg 9 - 28C(14) - A recording as contemplated in this section shall serve as prima facie proof of the existence of the manifestation of indigenous cultural expressions or knowledge and the veracity of the information recorded, but shall not give rise to any rights other than expressly provided in this Act [or in or the Performers’ Protection Act, 1967 (Act No. 11 of 1967)], the Trade Marks Act, 1993 (Act No. 195 of 1993).
* Pg 11 - 28G(5) - if any commercial benefit is derived from acts contemplated in subsections (2) or (4) the person who derived such benefit, to the [author] **owner** as set out in section 28H(3).
* Pg 13 - 28G(6)(c) - delete: (c) the Patents Act, 1978 (Act No. 11 of 1967)

Sec 40B(1)(a) and (d) and section 40B(4) - the phrase “indigenous knowledge relating to copyright” should read “traditional works” in line with the definitions included in the Copyright Act.

* Delete the word “copyright” from:
* Sections 28C(1), (3), (6), (7)(c), (11), (12), (13), (16), (17
* Section 28I(5)
* Section 28M(b)
* Sections 43B(4) and (5)
* Sections 43D(4)(c), (11), (12), (14)(a), 14(b), 14(c), (15), (16), (17)
* Section 43J
* Section 53C(2), (3), (5), (11), (12), (15), (16), (17), (18)
* Section 53E(3)
* Section 2.1(d) of the memorandum page 37.

**Report to be considered.**