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### EASTERN CAPE PROVINCIAL LEGISLATURE

**OFFICE OF THE CHAIRPERSON OF THE PORTFOLIO COMMITTEE ON  
FINANCE AND PROVINCIAL EXPENDITURE**

**TEL:** (040) 608 0061  
**FAX:** (040) 636 4922  
lnelshlumbu@eleg.gov.za  
17 March 2014

**PHYSICAL ADDRESS**  
PARLIAMENTARY BLDG  
INDEPENDENCE AVENUE  
BISHO, SOUTH AFRICA

**POSTAL ADDRESS**  
P/Bag X0051  
BISHO, SOUTH AFRICA  
5405

#### **NEGOTIATING MANDATE**

**To:** The Chairperson:  
Select Committee on Appropriations


**Name of Bill:** DIVISION OF REVENUE BILL

**Number of Bill:** [B5-2014]

**Date of Deliberation** 17 March 2014

#### **Vote of the Legislature**

The province votes in favour of the Bill and mandates the Eastern Cape delegate to the NCOP to negotiate in favour of the Bill.

  
\_\_\_\_\_  
**HON. P NKAYI (MPL)**  
**CHAIRPERSON OF THE PORTFOLIO COMMITTEE ON FINANCE**

17-03-2014  
**DATE**



**FREE STATE LEGISLATURE**

**PORTFOLIO COMMITTEE ON PUBLIC ACCOUNTS, FINANCE, OFFICE OF THE  
PREMIER AND THE LEGISLATURE  
Negotiating Mandate**

**TO:** Chairperson of the Select Committee on Appropriations

**NAME OF BILL: DIVISION OF REVENUE BILL**

**NUMBER OF BILL: B5 - 2014**

**DATE OF DELIBERATION: 14 MARCH 2014**

**VOTE OF THE LEGISLATURE:**

The Portfolio Committee on Public Accounts, Finance, Office of the Premier and the Legislature, as designated by the Free State Legislature: Votes in favour of the Bill

**C.J. VAN ROOYEN**  
**CHAIRPERSON: PORTFOLIO COMMITTEE ON PUBLIC ACCOUNTS, FINANCE, OFFICE**  
**OF THE PREMIER AND LEGISLATURE**  
**FREE STATE LEGISLATURE**  
**Date: 18 MARCH 2014**



## FINANCE PORTFOLIO COMMITTEE

### NEGOTIATING MANDATE ON THE DIVISION OF REVENUE BILL [B5-2014] - Section 76

The Chairperson of the Finance Portfolio Committee ("Portfolio Committee"), Mr S Khumalo tabled the Negotiating Mandate of the Division of Revenue Bill [B5-2014] ("the DOR Bill/Bill") as follows:

#### **1. INTRODUCTION**

The Bill is introduced in terms of section 76 of the Constitution of the Republic of South Africa, 1996 ("the Constitution") and it is widely referred to as a section 76 Bill.

The Bill is introduced annually to give effect to section 214(1) of the Constitution and the Intergovernmental Fiscal Relations Act, 1990 ("IGFRA"). The Bill provides for the equitable Division of Revenue raised nationally among the National, Provincial and Local spheres of Government for the 2014/2015 financial year and the responsibilities of all three spheres pursuant to such division and allocations; and further provide for matters connected therewith.

#### **2. PROCESS FOLLOWED**

The Speaker of the Gauteng Provincial Legislature Hon. L Maseko formally referred the Bill to the Finance Portfolio Committee ("portfolio committee") for consideration in terms of Gauteng Provincial Legislature Standing Rule 227(2) (3).

Each financial year when the annual budget is introduced, the Minister of Finance must in terms of Section 9 and 10 of the IGFRA, introduce in the National Assembly a Division of Revenue Bill for the financial year to which that budget relates.

In considering the Bill, the Portfolio Committee took into account the Recommendations of the Financial and Fiscal Commission to the Division of Revenue for the 2013/14 financial year (FY) as well as other related financial frameworks.

The Chairperson of the Portfolio Committee was invited by the Finance Select Committee to the presentation on the Bill by National Treasury led by the Minister of Finance, Hon. P Gordhan.

On Friday, 14<sup>th</sup> March 2014, the Portfolio Committee deliberated on the Bill after the briefing by the NCOP Gauteng Permanent Delegate Hon.DS Montsitsi who was supported by officials from National Treasury. After deliberations, the Portfolio Committee adopted its report on the Bill to be tabled at the NCOP plenary

In line with the requirements of the Constitution of the Republic of South Africa, the Portfolio Committee invited key stakeholders to make submissions; however, no written submissions were received from the invited stakeholders in this regard.

### **3. PRINCIPLE OF THE BILL AND GOVERNMENT'S POLICY PRIORITIES FOR THE 2014/15 MTEF**

The Bill seeks to provide for the equitable division of revenue raised nationally among the three spheres of government for the 2014/2015 financial year and the responsibilities of all three spheres pursuant to such divisions; and to provide for matters connected therewith.

The allocations to the three spheres of government for the 2014/15 financial year and Medium Term Expenditure Framework are mainly informed by the outcome-based planning and budgeting process adopted by the national government. Over the years, government has adopted a policy of changing the composition of spending to focus on promoting economic development, investing in infrastructure, creating jobs and enhancing local government capacity.

**The Portfolio Committee notes that the expenditure in the 2014 MTEF will remain within the limits set out in the 2013 Budget. This was achieved through the implementation of savings measures and reprioritised spending by National and provincial departments to make additional resources available to fund government priorities in the 2014 Budget.**

Following the saving exercise highlighted above, additional resources are allocated to provinces to subsidise the carry-through costs of higher than projected inflation on wage agreements; construct facilities for the treatment of substance abuse; roll out a new vaccine for the human papillomavirus; accelerate housing programmes in mining towns, repair infrastructure damaged by floods; and cover the increase costs of provincial bus services.

**The Portfolio Committee further notes that the additional funds for local government are mainly to accelerate the provision of bulk water**

**and sanitation; promote more integrated and efficient cities; and build capacity for the development of human settlements.**

National Treasury during the process of developing the Division of Revenue Bill for the 2014/15 financial year consulted and engaged the Financial and Fiscal Commission ("FFC") which is mandated by Section 220 of the Constitution to provide information to all organs of state in order to make informed decisions about complex fiscal matters.

#### **4. CONSTITUTIONAL AND STATUTORY FRAMEWORK**

**Section 214 of the Constitution of the Republic of South Africa requires that an Act of Parliament to provide for:**

- The equitable division of revenue raised nationally among national, provincial and local spheres of government;
- The determination of each province's equitable share of the provincial share of that revenue; and
- Any other allocations to provinces, local government or municipalities from the national government's share of that revenue, and any conditions on which those allocations may be made.

Further than this, section 7(3) of the Money Bills Amendment Procedure and Related Matters Act, 2009, requires the introduction of the Division of Revenue Bill at the same time as the Appropriation Bill is introduced.

The Bill seeks to among others, give effect to the provisions of Section 214 of the Constitution. It is noted in this regard that the bill is in sync with the Constitution and other relevant statutory frameworks.

#### **5. OPINION OF THE GAUTENG PROVINCIAL EXECUTIVE COUNCIL ON THE BILL**

Before the Bill is tabled in Parliament, all Provincial Treasuries are afforded an opportunity to comment. As such, inputs of the Provincial Executive Council are captured in the Bill. The Gauteng Provincial Treasury ("the Department") concurs with the Bill as tabled.

#### **6. SOCIO-ECONOMIC IMPACT**

The Portfolio Committee notes that the revisions to baseline equitable share allocations provide for personnel and policy adjustments to fund urgent government priorities in health and social development.

The Portfolio Committee also notes that the personnel adjustments provide for carry-through costs of higher than anticipation inflation on personnel budgets, the upgrade of clerical positions in all sector and the costs of occupation-specific-dispensation agreements for therapists in the education sector.

## **7. FINANCIAL IMPLICATIONS OF THE BILL**

The financial implication with regard to the provincial equitable share is as follows: the proposed revisions of R2.5 billion in 2014/15, R4.3 billion in 2015/16 and R5.1 billion in 2016/17 bring the equitable share allocations to R362.5 billion, R388 billion and R412 billion respectively for each year of MTEF.

Table 1: Total transfers to provinces for 2014/15

| R million       | Equitable Share | Conditional Grants | Total transfers |
|-----------------|-----------------|--------------------|-----------------|
| Eastern Cape    | 52 154          | 9 846              | 62 000          |
| Free State      | 20 883          | 6 158              | 27 041          |
| Gauteng         | 68 673          | 16 935             | 85 608          |
| Kwazulu - Natal | 78 138          | 15 941             | 94 080          |
| Limpopo         | 43 274          | 7 580              | 50 854          |
| Mpumalanga      | 29 355          | 6 352              | 35 707          |
| Northern Cape   | 9 652           | 3 406              | 13 057          |
| North West      | 24 707          | 5 621              | 30 328          |
| Western Cape    | 35 631          | 9 917              | 45 549          |
| Unallocated     | -               | 197                | 197             |
| <b>Total</b>    | <b>362 468</b>  | <b>81 955</b>      | <b>444 423</b>  |

Source: Division of Revenue Bill:2014.

For the 2014/15 FY, it is noteworthy that the Gauteng Province receives an amount of R85,6 billion comprising of the equitable share and conditional grants.

It is worth noting that the allocated expenditure shared between the three spheres amounts to R1.1 trillion, R1.2 trillion and R1.3 trillion over each of the MTEF years. The Portfolio Committee notes that these allocations take into account government's spending priorities, the revenue raising capacity and responsibility of each sphere, and input from various intergovernmental forums and the FFC. Furthermore, the provincial and local equitable share formulas are designed to ensure fair, stable and predictable revenue shares, and to address economic and fiscal disparities.

## **8. CONDITIONAL GRANTS TO PROVINCES**

The Portfolio Committee notes that large part of the Bill remains the same annually, however, due to challenging economic environment and fiscal constraints, government decided to reduce some underspending grants to fund key priorities. Consequently, the baselines of certain conditional grants have been revised downward. Noting that the reduced grants have a history of underspending, the impact of these reductions on service delivery should be minimised.

The Portfolio Committee should note the following significant changes, among others, as reported by National Treasury,

- **New substance Abuse Treatment Grant**

This grant is mainly for creating public substance abuse treatment centres in 4 provinces (R124 over 3 years)

- **OSD for Education Sector Therapists Grant**

The OSD for Education Sector Therapists Grant will run for 2 years at a cost of R280 million and from 2016/17 will form part of equitable share.

- **Further Education and Training Colleges Grant**

In the case of FET grant, R160 million is added for wage increases due to inflation.

- **Health Facility Revitalisation Grant**

The health facility revitalisation grant funds the construction and maintenance of health infrastructure. This grant was created in 2013/14 through the merger of three previous grants: the health infrastructure grant, the hospital revitalisation grant and the nursing colleges and school grant.

- **National Health Grant: HPV vaccine component**

The HPV vaccine prevents cervical cancer. For 2 years it will be indirect grant, then afterwards it will form part of equitable share.

- **Comprehensive HIV and Aids Grant**

This grant enables the health sector respond to HIV/AIDS.

- **Public Transport Operations Grant**

In this grant R150 million has been added to assist provinces with impact of rising fuel and labour costs.

- **Human Settlement Development Grant**

The Human settlement grant seeks to establish habitable, stable and

sustainable settlements in which all citizens have access to social and economic amenities.

- **Disaster Recovery Funds**

The amount of R670 million is allocated to this grant in 2014/15 and R374 million in 2015/16 financial year.

## **9. GENERAL COMMENTS ON THE DIVISION OF REVENUE BILL**

A large part of the Division of Revenue Bill remains the same annually, however due to continuous change in the economic environment revisions are mainly to take into account specific policy adjustments.

**The Portfolio Committee notes the policy issues that inform changes to 2014 Division of Revenue Bill:**

- Institutionalising better planning in provincial infrastructure programmes
- Laying the foundation for faster and more inclusive growth city economies
- The growing role of indirect grants in a differentiated system
- Efforts across all spheres to prioritise the eradication of bucket sanitation

An addition made to the DORB was to increased transparency, accountability and ease of administration of grants and technical refinements. **The Portfolio Committee welcomes the policy issues informing changes to 2014 DORB as this is addressing challenges associated with poor planning and slow implementation of the provincial infrastructure projects.**

**The Portfolio Committee commend the move by National Treasury to encourage all spheres of government to prioritise the eradication of bucket sanitation.**

It is worth noting that the provincial share formula is reviewed and updated with new data annually. The Portfolio Committee notes that for the 2014 MTEF, the formula has been updated, amongst others, with data from the 2013 mid – year population estimates published by Statistics South Africa, data from the 2012 General Household Survey for medical aid coverage and the 2013 preliminary data published by the Department of Basic Education on school enrolment. **However, the Portfolio Committee notes that the formula falls short in addressing the huge influx of learners who require space in Gauteng schools annually.**

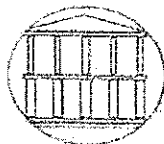
The Portfolio Committee also notes the increase of allocations to local government as detailed in the Bill. It is the view of the Portfolio Committee



that this increase will assist municipalities in dealing with service delivery demands.

**11. COMMITTEE RECOMMENDATIONS ON THE DIVISION OF REVENUE BILL, 2013**

- 11.1** Whilst the Portfolio Committee notes the encouragement and allocations by National Treasury to all spheres of government to eradicate bucket sanitation, it recommends that this should be clearly monitored and funds allocated for this purpose be ring fenced.
- 11.2** The Portfolio Committee recommends that National Treasury in collaboration with Provincial Treasuries should plan, budget and cater for the yearly influx of learners to the (Gauteng) province.



IPHALAMENDE LAKWAZULU-NATALI

KWAZULU-NATAL PROVINSIALE PARLEMENT

KWAZULU-NATAL PROVINCIAL PARLIAMENT

## NEGOTIATING MANDATE

**TO:** HON TE CHAANE, MP  
CHAIRPERSON OF SELECT COMMITTEE ON  
APPROPRIATIONS

**NAME OF BILL:** DIVISION OF REVENUE BILL

**NUMBER OF BILL:** B5 – 2014

**DATE OF DELIBERATION:** THURSDAY, 13 MARCH 2014

**VOTE OF THE LEGISLATURE:**

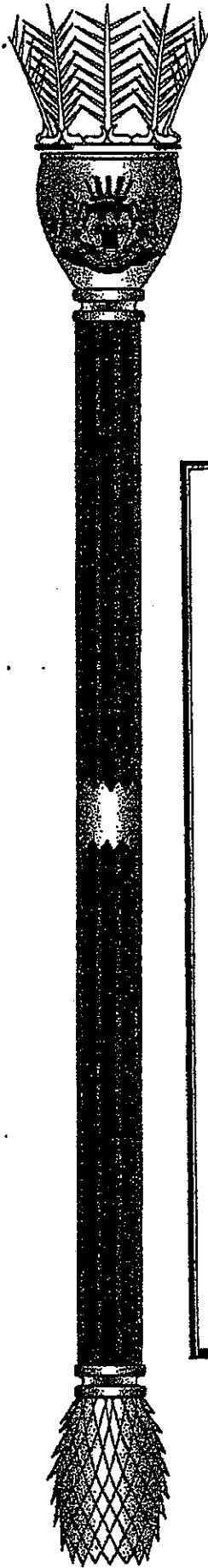
The Portfolio Committee on Finance met today, Thursday the 13<sup>th</sup> of March 2014, and agreed to mandate the KwaZulu-Natal delegation to support the **Division of Revenue Bill [B5-2014]**.



HON BF SCOTT, MPL  
CHAIRPERSON: PORTFOLIO COMMITTEE  
ON FINANCE

13. 3. 2014  
DATE

# LIMPOPO LEGISLATURE



**Physical Address:**  
Lebowakgomo  
Government Complex

**Postal Address:**  
Private Bag X9306  
Polokwane  
0700

## NEGOTIATING MANDATE

**To** : The Chairperson: Select Committee on  
Appropriations

**Name of Bill** : Division of Revenue Bill

**Number of the Bill** : [B5 - 2014]

**Date of Deliberation** : 18 March 2014

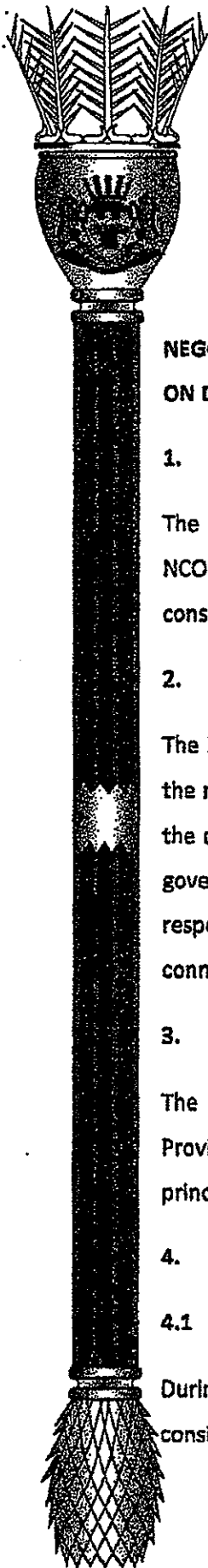
**Vote of the Legislature** : Provincial NCOP Permanent Delegates  
to negotiate in favour of the Bill.

*M. Nemadzivhanani*  
.....  
HON. M. NEMADZIVHANANI  
COMMITTEE CHAIRPERSON

*19/ March 2014*  
.....  
DATE

Tel: 015 633 5071 / 8000 - Fax: 015 633 8185 / 015 633 8658

# LIMPOPO LEGISLATURE



**Physical Address:**

Lebowakgomo  
Government Complex

**Postal Address:**  
Private Bag X9306  
Polokwane  
0700

**NEGOTIATING MANDATE OF THE PORTFOLIO COMMITTEE ON PROVINCIAL TREASURY  
ON DIVISION OF REVENUE BILL, 2014 [B5-2014]**

**1. INTRODUCTION**

The Division of Revenue Bill 2014, [B5-2014] was referred to the Legislature by the NCOP. The Legislature referred it to the Portfolio Committee on Provincial Treasury for consideration and to confer a negotiating mandate to NCOP Permanent Delegates.

**2. PURPOSE OF THE BILL**

The Bill seeks to provide for the equitable division of revenue raised nationally among the national, provincial and local spheres of government for the 2014/15 financial year, the determination of each province' equitable share and allocations to provinces, local government and municipalities from national government's share and the responsibilities of all three spheres pursuant to such division; and to provide for matters connected therewith.

**3. CONSIDERATION OF THE BILL**

The NCOP Permanent Delegate together with National Treasury, in the presence of Provincial Treasury; briefed the Portfolio Committee on Provincial Treasury on the principle and provisions of the Bill during a meeting held on 14 March 2014.

**4. FINDINGS**

**4.1 BRIEFING BY NCOP AND NATIONAL TREASURY**

During the briefing by NCOP and National Treasury, the Committee found that the Bill consists of 40 sections and 7 Schedules.

1

**Tel: 015 633 5071 / 8000 - Fax: 015 633 8185 / 015 633 8658**

The following policy issues informed changes to 2014 Division of Revenue Bill:

- Institutionalising better planning in provincial infrastructure programmes
- Laying the foundations for faster and more inclusive growth in city economies
- The growing role of indirect grants in a differentiated system
- Supporting devolution of the housing function
- Efforts across all spheres to prioritise the eradication of bucket sanitation
- Increased transparency, accountability and ease of administration of grants and technical refinements

The Bill made the following changes to Provincial Conditional Grants:

- New Substance Abuse Treatment grant for creating public substance abuse treatment centres in four provinces
- OSD for Education Sector Therapists grant as a new grant
- FET Colleges grant gets an increase due to inflation
- National Health grant for vaccine component – as an indirect grant to prevent cervical cancer
- Health Facility Revitalisation grant no longer need gazette to shift funds
- Comprehensive HIV and AIDS grant gets R1 billion in 2016/17 for additional patient take up
- Public Transport Operations grant gets R150 million to assist provinces with impact of rising fuel and labour costs
- Disaster recovery funds amounting to R670 million in 2014/15 and R374 million in 2015/16
- Human Settlements Development grant for informal settlement upgrading in mining towns

The Bill also made the following changes to the structure of Local Government Conditional Grants:

- Provisions were added to section 21 to allow for more conversions between direct and indirect grants and vice versa. It was found that integrated National Electrification Programme, Municipal Water Infrastructure grant and Rural Households Infrastructure grant have shifted to indirect grants.

The Committee found that equitable share accounts for 81% of transfers to provinces. That is, provinces shared R444 423 billion. Limpopo Province received R43 274 billion of the equitable share and R7, 580 billion as conditional grants.

#### **4.2 COMMENTS ON THE BILL**

The Committee made the following comments:

- Ability to attract capacity is a challenge on conditional grants expenditure. Lack of capacity to spend on grants has been and continues to be annually raised as a concern. Skills audit as an initiative towards addressing capacity challenge has become a feutal exercise by government as more often than not; it does not yield positive results.
- Empowerment is necessary particularly on financial management units. It is the responsibility of all HODs and CFOs to ensure that they perform their functions and not only look up to Provincial Treasury for such functions.
- The budget is credible and appreciated to cater for some of the provincial needs.

#### **5. RECOMMENDATIONS**


Informed by discussions held with NCOP and National Treasury, the Committee recommends that:

- 5.1 Parliament and Provincial Legislatures should continuously monitor the expenditure on conditional grants.

5.2 National Departments and Provincial Treasuries should continuously empower provincial departments and municipalities to efficiently spend on their allocations. Furthermore, HODs and CFOs should effectively perform their functions.

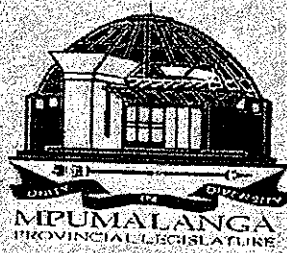
**6. NEGOTIATING MANDATE**

The Portfolio Committee having considered the Bill hereby confer a negotiating mandate to the National Council of Provinces' Permanent Delegates to negotiate in favour of the Bill.



**HON M. NEMADZIVHANANI**

**CHAIRPERSON: PORTFOLIO COMMITTEE ON PROVINCIAL TREASURY**



## Office of the Chairperson

Portfolio Committee on Legislature Oversight, Premier's Office  
and Finance

Enquiries: Hon VVZ Windvoël

Tel. No: 013 766 1039/1378

### NEGOTIATING MANDATE

**To** : The Chairperson: Select Committee on Appropriations

**Name of the Bill** : Division of Revenue Bill

**Number of the Bill** : [B5 - 2014]

**Date of Deliberation** : 14 March 2014

**Vote of the Legislature** :

The Portfolio Committee on Legislature Oversight, Premier's Office and Finance (the Committee) supports the Division of Revenue Bill [B5-2014], and confers on the permanent delegate representing the Province of Mpumalanga in the National Council of Provinces, the mandate to vote in favour of the Bill; taking into account the recommendation proposed below.

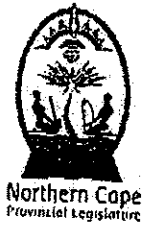
1. The Moloto Rail Corridor project must be fast tracked and the next Division of Revenue Bill must reflect an actual budget to commence with the project since this matter is long overdue and implementation is imperative.

  
HON VVZ WINDVOËL (MPL)

14/03/14  
DATE

CHAIRPERSON: PORTFOLIO COMMITTEE ON  
LEGISLATURE OVERSIGHT, PREMIER'S OFFICE AND FINANCE





Private Bag X5066  
Kimberley 8300

Nobengula Ext  
Galeshewe  
8300

Fax: Admin (053) 839 8094  
Tel: (053) 839 8083  
jbabuseng@ncpg.gov.za

**PORTFOLIO COMMITTEE ON FINANCE, ECONOMIC DEVELOPMENT & TOURISM**

Ref 16.6.2.3.8

Hon TE Chaane  
Chairperson: Select Committee on Appropriations

**NEGOTIATING MANDATE**

Name of the Bill: Division of Revenue Bill 2014

Number of the Bill: [B5-2014]

Date of deliberation: 18 March 2014

Vote of the Legislature: The Portfolio Committee on Finance, Economic Development & Tourism votes in favour of the Bill

A handwritten signature in black ink, appearing to read "G Parker", written over a horizontal line.

Hon G Parker

Chairperson: Portfolio Committee on Finance, Economic Development & Tourism

2014-03-18



## PORTFOLIO COMMITTEE ON FINANCE, ECONOMIC DEVELOPMENT & TOURISM

### NEGOTIATING MANDATE ON THE DIVISION OF REVENUE BILL [B5- 2014]

#### 1. INTRODUCTION

The Chairperson of the Portfolio Committee on Finance, Economic Development & Tourism Hon GD Parker hereby tables the Committee Report on the *Division of Revenue Bill [B5-2014]*, as adopted by the Portfolio Committee on the 18<sup>th</sup> March 2014.

#### 2. PROCESS FOLLOWED

- 2.1 The Speaker of the Northern Cape Provincial Legislature on receipt of the *Bill*, referred the *Division of Revenue Bill, 2014* to the Portfolio Committee on Finance, Economic Development & Tourism.
- 2.2 On the 14<sup>th</sup> March 2014, the Portfolio Committee received a briefing on the *Bill* by the Northern Cape Permanent Delegate to the NCOP, Hon C De Beer together with Mr. W Voigt, Mr. Greg Gardner and Mr E Pillay from the National Treasury.
- 2.3 The Portfolio Committee resolved at its meeting held on the 14<sup>th</sup> March 2014 to hold a public hearing on the referred *Bill* at the Legislature in the Ruth First Auditorium, Kimberley, to solicit the views of the stakeholders with regard to the *Division of Revenue Bill, 2014*. Different stakeholders were invited but not all responded to the invite.
- 2.4 The public hearing was held on the 17<sup>th</sup> March 2014 as per the Committee resolution and both written and oral submissions were called for. The stakeholders engaged with the Members of the Provincial Legislature on their views. Mr. E Pillay from the National Treasury was invited to brief the public hearing, and responded on the possible technical questions.

**3. INPUTS FROM THE STAKEHOLDERS**

There were no inputs but rather questions of clarity by the public but were adequately responded to by Mr. Pillay.

**4. WRITTEN INPUTS ON THE BILL**

No written input was received.

**5. COMMITTEE INPUTS ON THE BILL**

The Committee considered questions raised during the public hearing.

**The Committee concerns:**

After due deliberation the Portfolio Committee on Finance, Economic Development & Tourism supports the bill.

**6. COMMITTEE ADOPTION OF THE BILL**

The Committee adopted this negotiating mandate duly signed by the Chairperson of the Committee, Hon GD Parker.

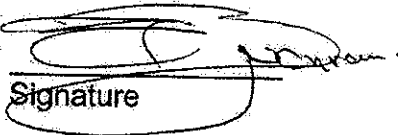
The Committee recommends to the House to mandate the Permanent Delegates to participate in deliberations at the negotiating stage and to support the Bill.

  
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**COMMITTEE CHAIRPERSON  
HON GD PARKER**

2014-03-18



**NEGOTIATING MANDATE**

|  |  |
|--|--|
| To:  | Hon TE Chaane<br>Chairperson: Select Committee on Appropriations   |
| Name of Bill:  | Division of Revenue Bill   |
| Number of Bill:                                      | [B5 – 2014]  |
| Date of deliberation:                                | 17 March 2014  |
| Vote of Legislature:                                 | The Budget Committee reports that it confers on the Western Cape Permanent Delegate in the NCOP the authority to support the Bill. |
| Signature  |   |
| Date   | <u>18/3/2014</u>   |
| Hon. EJ Von Brandis<br>Chairperson: Budget Committee |  |

## COMMITTEE REPORT

**(Negotiating Mandate stage)** Report of the Budget Committee on the *Division of Revenue Bill* [B 5 – 2014] (NCOP), dated 17 March 2014, as follows:

The Budget Committee, having considered the subject of the *Division of Revenue Bill* [B 5 – 2014] (NCOP) referred to the Committee in terms of Standing Rule 220, confers on the Western Cape's delegation in the NCOP the authority to support the Bill.



**MR. E. J. VON BRANDIS, MPP**  
**CHAIRPERSON: BUDGET COMMITTEE**  
17 March 2014