

23 FEBRUARY 2017

PROCEEDINGS OF THE NATIONAL COUNCIL OF PROVINCES

The Council met at 09:03.

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.

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON CO-OPERATIVE
GOVERNANCE AND TRADITIONAL AFFAIRS ON NOTICE OF INTERVENTION ISSUED
IN TERMS OF SECTION 139(1) (c) OF THE CONSTITUTION IN NQUTHU LOCAL
MUNICIPALITY, KWAZULU-NATAL**

Mr M J MOHAPI: Chairperson, special greetings to the leadership and hon members of the institution.

On 12 October 2016, the KwaZulu-Natal Provincial Executive Council resolved to intervene in Nquthu Local Municipality in terms of section 139(1) (b) of the Constitution. The municipality was placed under administration after repeatedly failing to elect its office bearers after the August 2016 local government elections.

This situation resulted in nonperformance with regard to oversight on the day-to-day affairs of the municipality, and this was very concerning, especially since more than six months had passed since the 3 August elections.

Furthermore, the failure by the Nquthu Municipal Council to elect, in line with section 29(2), its five representatives to the uMzinyathi District Municipality became prejudicial to the interests of the latter municipality, as it has prevented uMzinyathi from constituting its own council, thereby negatively affecting governance and service delivery at that district municipality.

The first intervention in terms of section 139(1)(b) of the Constitution in Nquthu Local Municipality was met with ongoing litigation, infighting and political tension within the council, which made it difficult for the standoff to be resolved. This effectively rendered the Nquthu Local Municipality, and by default the Umzinyathi District Municipality, wholly dysfunctional. Hence, on 8 February 2017, the provincial executive council, PEC, in KwaZulu-Natal resolved to intervene in the municipality in terms of section 139(1)(c) of the Constitution.

Section 139(1) reads as follows:

When a municipality cannot or does not fulfil an executive obligation in terms of the Constitution or legislation, the

relevant provincial executive may intervene by taking any appropriate steps to ensure fulfilment of that obligation, including subsection (c) - dissolving the municipal council and appointing an administrator until a newly elected Municipal Council has been declared elected, if exceptional circumstances warrant such a step.

The Constitution further state that If a Municipal Council is dissolved in terms of subsection (1)(c) the provincial executive must immediately submit a written notice of the dissolution to the Cabinet member responsible for local government affairs, the relevant provincial legislature and the National Council of Provinces. The Constitution provides that the dissolution takes effect 14 days from the date of receipt of the notice by the Council, unless set aside by that Cabinet member or the Council before the expiry of those 14 days.

Nquthu residents, like any South Africans citizens, expect and have the right to expect more responsive, accountable, efficient, equitable and affordable government and a better quality of service.

Several attempts to convene a municipal council sitting couldn't not succeed or materialise, either as a result of disruption by councillors, or as a result of litigations brought on by intraparty disputes. The worst part was that even the invocation of section 139(1)(b) - which was instituted during October 2016 - could

not yield any results; to date there are still pending court cases around the legitimacy of council members.

The provincial executive can dissolve a municipal council if exceptional circumstances warrant such a step. The general principle should be that dissolution is an instrument for dealing with a situation in which a municipal council's conduct is the cause of the continued failure to comply with an executive obligation.

The substantive reasons for the decision of the PEC to intervene in terms of section 139(1)(c) of Constitution at Nquthu Municipality are the following: failure by the Nquthu Municipal Council to constitute itself and to elect its chairperson as provided for in sections 29 and 36 of the Structures Act; failure by the Nquthu Municipal Council to elect its executive committee as provided for in section 43 of the Structures Act; failure by the Nquthu Municipal Council to elect its mayor and deputy mayor as provided for in section 48 of the Structures Act; and failure by the Nquthu Municipal Council to elect its representatives to the uMzinyathi District Municipality, as provided for in section 23, read with Part 1 of Schedule 2 of the Structures Act, which is prejudicial to the interests of the uMzinyathi Municipality.

If the municipal council is dissolved in terms of section 139(1)(c), the provincial executive must immediately submit a written notice of the dissolution to the Minister of Co-operative Governance and

Traditional Affairs, to the relevant legislature and NCOP. In this case, the notice of dissolution was received by the NCOP within the window period of 14 days and became effective for 14 days after it was received.

The select committee wishes to applaud the community, various stakeholders in Nquthu, the Department of Co-operative Governance and Traditional Affairs and councillors for their warm reception, and for their participation in finding lasting solutions to the challenges facing the municipality.

In its recommendation to the NCOP, the select committee took into account all relevant factors, including legal challenges and section 139(1)(b). This did not yield any positive results and the select committee decided that the seriousness, extent and cause of the municipality's failure to fulfil its executive obligations constitute exceptional circumstances, thus warranting the dissolution of the municipal council and the appointment of an administrator to ensure fulfilment of those obligations.

The select committee has observed the impact of not constituting the Municipal Council of Nquthu – which is a legislative requirement – in particular, the following: the non-establishment of ward committees. It should be remembered that Ward committees are crucial in the local government system as they are the link between the councillor and the community. Ward committees are just one way to

ensure that citizens give input to the decisions that local governments make.

There are no public participation processes or channels in Nquthu Local Municipality. The Municipal Systems Act sets out the obligations of a municipality with respect to public participation, in particular at section 16(1).

The nonsubmission of an annual report to comply with section 121(1) of the Municipal Finance Management Act and section 46 of the Systems Act also has a bearing.

The failure of the municipality to elect its office bearers – that is, the speaker, mayor, and deputy mayor – has resulted in the inability of the municipal council to exercise its legislative and executive authority as provided for in section 151(2) of the Constitution.

The select committee has also noted that there are still two pending court cases involving two parties in council, with each party member disputing the others' right to occupy one of the seats. No court date has yet been set.

It was also noted that there were security concerns, such as the assassination of the municipality's speaker in 2015.

It is the select committee's view that various attempts were made to convene the sitting of the council, but without success.

The select committee supports any intervention that is necessary, constitutional and procedurally invoked on behalf of the people of South Africa, to ensure that public representatives respect their mandate by making sure that service delivery is not compromised.

Hence, the select committee proposes that a joint task team to be established by the Department of Co-operative Governance and Traditional Affairs to look at possible legislative amendments of the Structures Act, to ensure that where municipal councils are not constituted or municipal councillors are not discharging their responsibilities as mandated by legislation, they should not be remunerated.

It should be remembered that councillors are elected to represent local communities on municipal councils, to ensure that municipalities have structured mechanisms of accountability to local communities, and to meet the priority needs of communities.

These are the recommendations. Having considered the challenges in Nquthu Local Municipality, the select committee recommends the following.

The select committee recommends that the NCOP approves the intervention in Nquthu Local Municipality in terms of section 139(1) (c) of the Constitution.

The select committee recommends that the administrator fast-tracks the process of appointing and filling of section 57 managers and further assists the municipality to ensure that the Service Delivery and the Budget Implementation Plan and the Integrated Development Plan are aligned with the municipality's budget, and has the support and confidence of the whole community.

The select committee recommends that the KwaZulu-Natal MEC for Co-operative Governance and Traditional Affairs tables quarterly progress reports to the NCOP on the status of the intervention in the municipality, including challenges encountered.

The select committee recommends that the SA Local Government Association, Salga, in co-operation with the Local Government Sector Education and Training Authority also comes up with a programme of capacity building for the councillors who will take office just after the elections.

The select committee recommends that the Select Committee on Co-operative Governance and Traditional Affairs, in co-operation with the relevant portfolio committee in the KwaZulu-Natal Provincial Legislature, ensures that a follow-up oversight visit to the

Municipality takes place in order to monitor and evaluate the progress made in this regard.

There is a need for a legislative amendment to regulate the implementation of section 139 in line with section 139(8) of the Constitution.

Lastly, the select committee recommends that both the provincial and national departments should oversee the process of bringing stability to that municipality, in line with section 154(1) of the Constitution. I thank you.

Debate concluded.

Question put.

Declarations of vote:

Ms C LABUSCHAGNE: Chairperson, while the Western Cape Province has cautiously welcomed the decision to dissolve the Nquthu Council, we most strongly object to the role of the KwaZulu-Natal MEC, Nomusa Dube-Ncube, in the chaos that led to the dissolution. Ironically, when faced with a similar scenario in Jozini, where there was also a hung council, the MEC opted to negotiate with all the parties, to ensure that the Jozini Municipality was eventually constituted.

However, in the case of Nquthu, where the outcome meant that the ANC would have to relinquish power, she opted to fan the flames of chaos and then dissolved the council. We state unequivocally that our agreement to the dissolution is made purely in the interests of the people of Nquthu who deserve their municipality to function, and for a new council to urgently start its work.

It is unforgivable that the councillors receive salaries whilst doing nothing. Our agreement to the dissolution is by no means an excuse of the MEC; Nomusa Dube-Ncube's hidden agenda to assist the ANC. The Western Cape supports this report. Thank you.

Mr J M MTHETHWA: Chairperson, the ANC welcomes the dissolution of the Nquthu Municipality. However, we also want to make it very clear in this House that the MEC, Nomusa Dube-Ncube, has done a tremendous work in that municipality. She first sent an administrator to assist the Nquthu Municipality and she instituted Section 139 (b) that was supported by this House.

In all the meetings of the council, the council failed to perform its duties. They failed to elect the office bearers. The EMC, Nomusa Dube consistently tried to help that Municipality and she made some attempts for the municipality to elect their office bearers who were supposed to hold another meeting in another venue at Pietermaritzburg, 200 kilometres away from Nquthu. But the attempts

by the MEC to make sure that the municipality is able to function, failed.

We commend the work of the EMC, Nomusa Dube, and we also support what she has done at Nquthu. I thank you.

Mr M KHAWULA: Chairperson, I'm standing on a point of order to say that the KwaZulu-Natal has got two views. The IFP objects to this report ... [Interjections.] I am addressing the Chairperson on a point of order! I would therefore request an opportunity to also please the other side of the KwaZulu-Natal on this matter because, the IFP objects to the report that is about to be taken, which is removing the power of the people of Nquthu to choose the government of their choice. So, Chairperson, I request through you to be given a chance to make a declaration.

The CHAIRPERSON OF THE NCOP: Please take a seat! I accorded you a chance as a point of order. Hon members, provincial rules are supposed to be cancelled by the provincial delegations. The minority views within the provincial delegations must be dealt with, within that space, outside this House, so that when you come here, you bring a provincial standpoint.

Even though I am sympathetic to the need for the IFP to make a declaration in this particular vote, this is a provincial vote. Unfortunately, our rules do not provide for minority reports when we

come to vote. So, I'm going to urge all the provinces to ensure that you convene your delegations, get your consensus and note your differences. When you come to the House, bring the vote that carries the majority of your province, because you would have dealt with the differences in your delegations. In that regard, therefore, I must say that your point of order cannot be sustained.

Mr M KHAWULA: Chairperson, I totally agree with you. However, I'm pleading with you because according to what you are explaining, I was not given a chance at the KwaZulu-Natal. The province of KwaZulu-Natal has not sat to put together a report where I was going to be given this opportunity to also view this objection. Therefore, this is the reason I'm appealing to you, Chair, to be given a chance to make a declaration. The reason for my appeal is because we were not offered the chance outside this House!

The CHAIRPERSON OF THE NCOP: Hon members, I think we are being unfair on the other provinces. In fact, in the subcommittee on rules' meetings, this problem was brought to our attention that sometimes provinces do not meet as provincial delegations to arrive at a consensus, but that does not mean that this House is now ... [Interjections.] Ngicela ukungakuthathi, Mfundisi, [may I not recognise you, Pastor].

I say this because I have ruled in the matter. Leaders of delegations in the provinces, please ensure that you do the right

thing. Please make sure that you do not avoid calling the provincial delegations' meetings where all delegations' meetings come together for a consensus. At least, let people who might not attend put their apologies, because if people has apologised for not coming, then you have something to say. I therefore request that we move from this matter.

Rev Mthethwa, I do not want to continue with this matter. It is clear. The provincial delegations must meet; they must disagree or agree in the provinces; and whatever it is, we cannot be forced as the House to come and stand in judgement of what should happen. In fact, all the provinces have got different parties. So, this message is cutting across all provinces. Do what is right in a proper way!

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.

Hon Khawula, I think the House has heard what you've said. We have made our message very clear to heads of the delegations. We therefore, can't put this matter any further.

Mr M KHAWULA: Chair, I'm not going back there. I just want it to be recorded that the IFP objects to the matter on the table. Just for the record, Chair, let it be noted that the IFP objects.

The CHAIRPERSON OF THE NATIONAL COUNCIL OF PROVINCES: Hon members, I have ruled on this matter! Hon Khawula, I ruled in this matter! It is a provincial vote. Hon members, this concludes the business of the day. The hon members are requested to remain standing when the procession goes.

CELEBRATIONS OF THE 20 YEARS OF THE CONSTITUTION

(Announcement)

For the hon members who are not rushing for their party caucuses, the administration is prepared to start giving briefings on this year's theme: Celebrating 20 years of the Constitution and the 20 years since the establishment of the NCOP. Thank you very much.

The Council adjourned at 09:24.

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

TUESDAY, 13 DECEMBER 2016

TABLINGS

National Assembly and National Council of Provinces

1. The Minister of Finance

- (a) Report to Parliament on the over- and underspending of municipalities as at 30 June 2016.

2. The Minister of Trade and Industry

- (a) South Africa's Protocol of Accession to the Agreement Establishing the Advisory Centre on World Trade Organisation (WTO) Law (ACWL), tabled in terms of section 231(2) of the Constitution, 1996.
- (b) Explanatory Memorandum to South Africa's Protocol of Accession to the Agreement Establishing the Advisory Centre on World Trade Organisation (WTO) Law (ACWL).

COMMITTEE REPORTS

National Assembly and National Council of Provinces

Please see pages 4-71 of the ATCs.

National Council of Provinces

Please see pages 181-192 of the ATCs.

FRIDAY, 20 JANUARY 2017

ANNOUNCEMENTS

National Assembly and National Council of Provinces

The Speaker and the Chairperson

1. Assent by President in respect of Bills

- (1) **Higher Education Amendment Bill** [B 36B – 2015] – Act No 9 of 2016 (assented to and signed by President on 16 January 2017).
- (2) **Performing Animals Protection Amendment Bill** [B 9B – 2015] – Act No 4 of 2016 (assented to and signed by President on 18 January 2017).
- (3) **Finance Bill** [B 21 – 2016] – Act No 7 of 2016 (assented to and signed by President on 18 January 2017).
- (4) **Unemployment Insurance Amendment Bill** [B 25D – 2015] – Act No 10 of 2016 (assented to and signed by President on 18 January 2017).

- (5) **Division of Revenue Amendment Bill** [B 15 – 2016] – Act No 11 of 2016 (assented to and signed by President on 18 January 2017).
- (6) **Adjustments Appropriation Bill** [B 16 – 2016] – Act No 12 of 2016 (assented to and signed by President on 18 January 2017).
- (7) **Rates and Monetary Amounts and Amendment of Revenue Laws Bill** [B 19 – 2016] – Act No 13 of 2016 (assented to and signed by President on 18 January 2017).
- (8) **Rates and Monetary Amounts and Amendment of Revenue Laws (Administration) Bill** [B 20B – 2016] – Act No 14 of 2016 (assented to and signed by President on 18 January 2017).
- (9) **Taxation Laws Amendment Bill** [B 17B – 2016] – Act No 15 of 2016 (assented to and signed by President on 18 January 2017).
- (10) **Tax Administration Laws Amendment Bill** [B 18 – 2016] – Act No 16 of 2016 (assented to and signed by President on 18 January 2017).
- (11) **Children’s Amendment Bill** [B 13B – 2015] – Act No 17 of 2016 (assented to and signed by President on 18 January 2017).
- (12) **Children’s Second Amendment Bill** [B 14B – 2015] – Act No 18 of 2016 (assented to and signed by President on 18 January 2017).

MONDAY, 23 JANUARY 2017

TABLINGS

National Assembly and National Council of Provinces

1. The Speaker and the Chairperson

- (a) Monthly Financial Statements of Parliament – November 2016, tabled in terms of section 54(1) of the Financial Management of Parliament and Provincial Legislatures Act, 2009 (Act No 10 of 2009).
- (b) Monthly Financial Statements of Parliament – December 2016, tabled in terms of section 54(1) of the Financial Management of Parliament and Provincial Legislatures Act, 2009 (Act No 10 of 2009).

2. The Minister of Justice and Correctional Services

- (a) Proclamation No R53, published in the Government Gazette No 40322, dated 03 October 2016: Commencement of section 1 of the Criminal Procedure Amendment Act, 2008 (Act No 65 of 2008): Alexandra Subdistrict, made terms of section 4 of the Act.
- (b) Government Notice No R1209, published in the Government Gazette No 40322, dated 03 October 2016: Designation of Correctional Facilities in terms of section 159B(2) of the Criminal Procedure Amendment Act, 1977 (Act No 51 of 1977).

3. The Minister of Police

- (a) Civilian Secretariat for Police – 2016 White Paper on Safety and Security.
- (b) Civilian Secretariat for Police – 2016 White Paper on Policing.

National Council of Provinces

1. The Chairperson

- (a) Consolidated Annual Municipal Performance Report for 2014-2015, in terms of Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), KwaZulu-Natal Province.

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

- (b) Notice of Termination of Intervention issued in terms of section 139(5) of the Constitution, 1996 to Kannaland Local Municipality, Western Cape Province.

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

MONDAY, 24 JANUARY 2017

ANNOUNCEMENTS

National Council of Provinces

The Chairperson

1. Referral to Committees of papers tabled

- (1) The following papers are referred to the **Select Committee on Security and Justice** for consideration:
 - (a) Civilian Secretariat for Police – 2016 White Paper on Safety and Security.
 - (b) Civilian Secretariat for Police – 2016 White Paper on Policing.

TABLINGS

National Council of Provinces

1. The Chairperson

Please note: The following entry replaces item 1(b) under Tablings: NCOP in the ATC of 23 January 2017 in the name of the Chairperson on page 3.

- (a) Notice of Intervention issued in terms of section 139(5) of the Constitution, 1996 to Kannaland Local Municipality, Western Cape.

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

WEDNESDAY, 25 JANUARY 2017

TABLINGS

National Council of Provinces

1. The Chairperson

- (a) Draft notice and schedule determining the rate, with effect from 1 April 2016, at which salaries, allowances and benefits are payable to Constitutional Court judges and other judges annually, for approval by Parliament in terms of section 2(4) of the Judges' Remuneration and Conditions of Employment Act, 2001 (Act No 47 of 2001).

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

THURSDAY, 26 JANUARY 2017

ANNOUNCEMENTS

National Council of Provinces

The Chairperson

1. Report from Claassen Board of Inquiry: National Police Commissioner

- (a) A report dated 21 October 2016 was received from the Board of Inquiry into allegations of misconduct against the National Commissioner of Police: Mangwashi Victoria Phiyega.

Referred to the **Select Committee on Security and Justice**.

TABLINGS

National Council of Provinces

1. The Chairperson

- (a) Update of the 20 Year review of the Office of the Chief State Law Adviser.

Referred to the **Select Committee on Security and Justice**.

MONDAY, 30 JANUARY 2017

ANNOUNCEMENTS

National Assembly and National Council of Provinces

The Speaker and the Chairperson

1. Draft Bills submitted in terms of Joint Rule 159

- (1) **Traditional Courts Bill**, submitted by the Minister of Justice and Correctional Services.
- (2) **Criminal Procedure Amendment Bill**, submitted by the Minister of Justice and Correctional Services.
- (3) **Cybercrimes and Cybersecurity Bill**, submitted by the Minister of Justice and Correctional Services.

Referred to the **Portfolio Committee on Justice and Correctional Services** and the **Select Committee on Security and Justice**.

TABLINGS

National Assembly and National Council of Provinces

1. The Minister of Finance

- (a) Government Notice R. 818, published in Government Gazette No 40128, dated 8 July 2016: Amendment of Rules (DAR/158) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (b) Government Notice R. 819, published in Government Gazette No 40128, dated 8 July 2016: Organs of State or Institutions to which a Senior SARS Official may Lawfully Disclose Specified Information, in terms of the Tax Administration Act, 2011 (Act No 28 of 2011).
- (c) Government Notice R. 820, published in Government Gazette No 40128, dated 8 July 2016: Amendment of Schedule No.1 (No.1/1/1544) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (d) Government Notice R. 912, published in Government Gazette No 40204, dated 12 August 2016: Amendment of Schedule No.2 (No.2/1/376) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (e) Government Notice R. 961, published in Government Gazette No 40230, dated 26 August 2016: Amendment of Schedule No.1 (No.1/1/1546) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (f) Government Notice R. 962, published in Government Gazette No 40230,, dated 26 August 2016: Amendment of Schedule No.1 (No.1/2B/162)in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).

- (g) Government Notice R. 963, published in Government Gazette No 40230, dated 26 August 2016: Amendment of Schedule No.6 (No.6/2/1) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (h) Government Notice 947, published in Government Gazette No 40229, dated 26 August 2016: Additional date of transfer of the equitable share for post-election municipalities in terms of Section 38(3)(b) of Division of Revenue Act, 2016 (Act No 3 of 2016).
- (i) Government Notice 1001, published in Government Gazette No 40262, dated 9 September 2016: Convention between the Republic of South Africa and the Republic of Chile for the avoidance of double taxation and prevent of fiscal evasion with respect to taxes on income and on capital in terms of the Income Tax Act, 1962, (Act No 58 of 1962).
- (j) Government Notice R.1149, published in Government Gazette No 40294, dated 23 September 2016: Amendment of Schedule No.3 (No.3/1/718) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (k) Government Notice R.1150, published in Government Gazette No 40294, dated 23 September 2016: Amendment of Schedule No.2 (2/1/377) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (l) Government Notice R.1151, published in Government Gazette No 40294, dated 23 September 2016: Amendment of Schedule No.6 (No.6/1C/43) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).

- (m) Government Notice R.1234, published in Government Gazette No 40335, dated 7 October 2016: Determination of amounts for purposes of the Military Pensions Act, 1976 (Act 84 of 1976).
- (n) Government Notice R.1282, published in Government Gazette No 40356, dated 21 October 2016: Amendment of Rules (DAR/161) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (o) Government Notice R.1283, published in Government Gazette No 40356, dated 21 October 2016: Amendment of Schedule No.1 (No.1/1/1553) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (p) Government Notice R.1284, published in Government Gazette No 40356, dated 21 October 2016: Amendment of Schedule No.1 (1/1/1552) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (q) Government Notice R.1285, published in Government Gazette No 40356, dated 21 October 2016: Amendment of Schedule No.1 (1/1/1550) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (r) Government Notice R.1286, published in Government Gazette No 40356, dated 21 October 2016: Amendment of Schedule No.10 (No.10/14) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).

- (s) Government Notice R.1287, published in Government Gazette No 40356, dated 21 October 2016: Amendment of Schedule No.1 (No.1/1/1549) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (t) Government Notice R.1288, published in Government Gazette No 40356, dated 21 October 2016: Amendment of Rules (DAR/160) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (u) Government Notice R.1289, published in Government Gazette No 40356, dated 21 October 2016: Amendment of Schedule No.1 (1/1/1551) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (v) Government Notice R.1290, published in Government Gazette No 40356, dated 21 October 2016: Amendment of Schedule No.10 (No.1015) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (w) Government Notice R.1369, published in Government Gazette No 40401, dated 4 November 2016: Correction notice: Amendment of Schedule No.1 (No.1/1/1555) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (x) Government Notice R.1370, published in Government Gazette No 40401, dated 4 November 2016: Correction notice: Amendment of Schedule No.1 (No.1/1/1554) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).

- (y) Government Notice R.1405, published in Government Gazette No 40415, dated 11 November 2016: Amendment of Rules (DAR 162) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (z) Government Notice R.1464, published in Government Gazette No 40460, dated 2 December 2016: Amendment of Schedule No.1 (No.1/2B/163) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (aa) Government Notice R.1465, published in Government Gazette No 40460, dated 2 December 2016: Amendment of Schedule No.5 (No.5/3/110) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (bb) Government Notice R.1466, published in Government Gazette No 40460, dated 2 December 2016: Amendment of Schedule No.1 (No.1/1/1561) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (cc) Government Notice R.1467, published in Government Gazette No 40460, dated 2 December 2016: Amendment of Schedule No.1 (No.1/1/1557) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (dd) Government Notice R.1468, published in Government Gazette No 40460, dated 2 December 2016: Amendment of Schedule No.1 (No.1/2A/158) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).

- (ee) Government Notice R.1469, published in Government Gazette No 40460, dated 2 December 2016: Amendment of Schedule No.1 (No.1/1/1558) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (ff) Government Notice R.1470, published in Government Gazette No 40460, dated 2 December 2016: Amendment of Schedule No.1 (No.1/1/1556) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (gg) Government Notice R. 1471, published in Government Gazette No 40460, dated 2 December 2016: Amendment of Schedule No.1 (No.1/1/1559) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (hh) Government Notice R. 1472, published in Government Gazette No 40460, dated 2 December 2016: Amendment of Schedule No.2 (No.2/1/379) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (ii) Government Notice R. 1473, published in Government Gazette No 40460, dated 2 December 2016: Amendment of Schedule No.4 (No.4/1/374) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (jj) Government Notice R.1474, published in Government Gazette No 40460, dated 2 December 2016: Amendment of Schedule No.3 (No.3/1/719) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).

- (kk) Government Notice R.1475, published in Government Gazette No 40460, dated 2 December 2016: Amendment of Schedule No.5 (No.5/5/1) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (ll) Government Notice R.1476, published in Government Gazette No 40460, dated 2 December 2016: Amendment of Schedule No.6 (No.6/2/2) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (mm) Government Notice R.1477, published in Government Gazette No 40460, dated 2 December 2016: Amendment of Schedule No. 6 (No.6/1C/45) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (nn) Government Notice R.1478, published in Government Gazette No 40460, dated 2 December 2016: Amendment of Schedule No.4 (4/2/375) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (oo) Government Notice R.1479, published in Government Gazette No 40460, dated 2 December 2016: Amendment of Schedule No.6 (No.6/1C/44) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (pp) Government Notice R.1536, published in Government Gazette No 40481, dated 9 December 2016: Amendment of Schedule No.1 (No.1/1/1560) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).

- (qq) Government Notice R.1537, published in Government Gazette No 40481, dated 9 December 2016: Amendment of Schedule No.1 (No.1/1/1562) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (rr) Government Notice R.1597, published in Government Gazette No 40516, dated 23 December 2016: Amendment of Rules (DAR163) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (ss) Government Notice R.1598, published in Government Gazette No 40516, dated 23 December 2016: Regulations for purposes of paragraph (b) of the definition of “International Tax Standard” in section 1 of the Tax Administration Act , 2011 (Act No 28 of 2011).
- (tt) Government Notice R.31, published in Government Gazette No 40553, dated 20 January 2017: Amendment of regulations regarding supply chain management in terms of the Local Government: Municipal Finance Management Act, 2003, (Act No 56 of 2003).
- (uu) Government Notice R.32, published in Government Gazette No 40553, dated 20 January 2017: Preferential Procurement Regulations, 2017 in terms of Preferential Procurement Policy Framework Act, 2000 (Act No 5 of 2000).

2. The Minister of Trade and Industry

- (a) General Notice No 958, published in Government Gazette No 40526, dated 30 December 2016: Invitation for the public to comment on the Regulations in terms, of the Protection of Investment Act, 2015 (Act No 22 of 2015).

WEDNESDAY, 1 FEBRUARY 2017

TABLINGS

National Assembly and National Council of Provinces

1. The Minister of Environmental Affairs

- (a) Government Notice No 1373, published in Government Gazette No 40402, dated 4 November 2016: Declaration of certain printing industry activities as controlled emitters and establishment of emission standards, in terms of the National Environmental Management: Air Quality Act, 2004 (Act No 39 of 2004).
- (b) General Notice No 731, published in Government Gazette No 40402, dated 4 November 2016: Norms and standards for the inclusion of private nature reserve in the register of protected areas of South Africa, in terms of the National Environmental Management: Protected Areas Act, 2003 (Act No 57 of 2003).
- (c) General Notice No 727, published in Government Gazette No 40398, dated 3 November 2016: Draft distribution maps for certain indigenous species, in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No 10 of 2004).

- (d) Government Notice No 1314, published in Government Gazette No 40371, dated 26 October 2016: Amendments to Financial Provisioning Regulations, 2015, in terms of the National Environmental Management Act, 1998 (Act No 107 of 1998).
- (e) General Notice No 749, published in Government Gazette No 40412, dated 10 November 2016: Norms and Standards for the Management of Damage-causing Animals in South Africa, in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No 10 of 2004).

2. The Minister of Finance

- (a) Report of the Registrar of Pension Funds for 2015 [RP 364 -2015].

National Council of Provinces

1. The Chairperson

- (a) Final Report on the statement issued in terms of section 106(1)(b) of the Local Government: Municipal Systems Act 2000 (Act No 32 of 2000), on allegations of possible misconduct and maladministration occurring within !Kheis Local Municipality, Northern Cape.

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

THURSDAY, 2 FEBRUARY 2017

TABLINGS

National Assembly and National Council of Provinces

1. The Speaker and the Chairperson

- (a) Third Quarterly Performance Report of Parliament for 2016-17, tabled in terms of section 54(1) of the Financial Management of Parliament and Provincial Legislatures Act, 2009 (Act No 10 of 2009).

2. The Minister of Environmental Affairs

- (a) Draft amended norms and standards for the marking of rhinoceros and rhinoceros horn and for the hunting of rhinoceros for trophy hunting purposes, submitted to Parliament on 01 February 2017, in terms of section 8(3) and section 9 of the National Environmental Management: Biodiversity Act, 2004 (Act No 10 of 2004).

National Council of Provinces

1. The Chairperson

- (a) Notice of intervention issued in terms of section 139(1)(b) of the Constitution, 1996 to Emadlangeni Local Municipality, KwaZulu-Natal.

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

FRIDAY, 3 FEBRUARY 2017

ANNOUNCEMENTS

National Council of Provinces

The Chairperson

1. Referral to Committees of papers tabled

- (1) The following papers are referred to the **Select Committee on Trade and International Relations** for consideration and report:
 - (a) South Africa's Protocol of Accession to the Agreement Establishing the Advisory Centre on World Trade Organisation (WTO) Law (ACWL), tabled in terms of section 231(2)(c) of the Constitution, 1996.
 - (b) Explanatory Memorandum to South Africa's Protocol of Accession to the Agreement Establishing the Advisory Centre on World Trade Organisation (WTO) Law (ACWL), tabled in terms of section 231(2)(c) of the Constitution, 1996.

(2) The following paper is referred to the **Select Committee on Land and Mineral Resources** for consideration and report

(a) Draft amended Norms and Standards for the marking of rhinoceros and rhinoceros horn and for the hunting of rhinoceros for trophy hunting purposes to the National Council of Provinces for approval.

TUESDAY, 7 FEBRUARY 2017

ANNOUNCEMENTS

National Assembly and National Council of Provinces

The Speaker and the Chairperson

1. Draft Bills submitted in terms of Joint Rule 159

(1) **Road Accident Fund Amendment Bill**, submitted by the Minister of Transport.

Referred to the **Portfolio Committee on Transport** and the **Select Committee on Economic and Business Development**.

TABLINGS

National Assembly and National Council of Provinces

1. The Minister of Finance

- (a) Government Notice 46, published in Government Gazette No 40574, dated 26 January 2017: Exemption, in terms of the Public Finance Management Act, 1999 (Act No 1 of 1999).
- (b) Government Notice R. 66, published in Government Gazette No 40578, dated 27 January 2017: Amendment of Schedule No.3 (No.3/1/720), in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (c) Government Notice R. 95, published in Government Gazette No 40594, dated 3 February 2017: Amendment of Rules (DAR/166), in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).

National Council of Provinces

1. The Chairperson

- (a) Consolidated Annual Municipal Performance Report for 2014/2015, in terms of Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), Western Cape Province.

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

- (b) The President of the Republic of South Africa submitted the following letter dated 2 February 2017 to the Chairperson of the National Council of Provinces, informing members of the Council of the employment of the Members of the National Defence Force (SANDF) in cooperation with the South African Police Service (SAPS) during the opening of Parliament in Cape Town.

Please see pages 4-5 of the ATCs.

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

WEDNESDAY, 8 FEBRUARY 2017

TABLINGS

National Assembly and National Council of Provinces

1. The Minister of Justice and Correctional Services

- (a) Proclamation No R. 62, published in Government Gazette No 40469, dated 2 December 2016: Commencement of section 1 of the Criminal Procedure Amendment Act, 2008 (Act No 65 of 2008): New Brighton Subdistrict
- (b) Government Notice No R. 1492, published in Government Gazette No 40469, dated 2 December 2016: Designation of Correctional Facilities in terms of section 159B(2) of the Criminal Procedure Act, 1977 (Act No 51 of 1977).

COMMITTEE REPORTS**National Council of Provinces****1. Report of the Select Committee on Communications and Public Enterprises on the Final Acts of the Plenipotentiary Conference of the International Telecommunications Union – Guadalajara 2010, dated 8 February 2017**

The Select Committee on Communications and Public Enterprises, having considered the request for approval by Parliament of the Final Acts of the Plenipotentiary Conference of the International Telecommunications Union (ITU) – Guadalajara 2010, referred to it, recommends that the Council, in terms of section 231(2) of the Constitution, approve the said agreement.

Report to be considered.

2. Report of the Select Committee on Communications and Public Enterprises on the ratification of the African Telecommunications Union (ATU) Convention of 1999, dated 8 February 2017

The Select Committee on Communications and Public Enterprises, having considered the request for approval by Parliament of the African Telecommunications Union (ATU) Convention of 1999, referred to it, recommends that the Council, in terms of section 231(2) of the Constitution, approve the said Convention.

Report to be considered.

THURSDAY, 9 FEBRUARY 2017

ANNOUNCEMENTS

National Assembly and National Council of Provinces

The Speaker and the Chairperson

1. Calling of Joint Sitting

CALLING OF JOINT SITTING OF PARLIAMENT

The Speaker of the National Assembly, Ms B Mbete, and the Chairperson of the National Council of Provinces, Ms T R Modise, in terms of Joint Rule 7(2), have called a joint sitting of the Houses of Parliament to conduct a debate on the President's State-of-the-nation Address on 14 and 15 February 2017 at 14:00, respectively and the President will reply to the debate on 16 February also at 14:00.

B MBETE, MP

SPEAKER OF THE NATIONAL

T R MODISE, MP

CHAIRPERSON OF THE

ASSEMBLY

**NATIONAL COUNCIL OF
PROVINCES**

FRIDAY, 10 FEBRUARY 2017

ANNOUNCEMENTS

National Assembly and National Council of Provinces

The Speaker and the Chairperson

1. Referral of matter to Joint Rules Committee

- (1) The circumstances of the physical removal of Mr W M Madisha (COPE) and members of the Economic Freedom Fighters (EFF) from the Joint Sitting during the state-of-the-nation address on Thursday, 09 February 2017, together with the unrevised Hansard, minutes and a video recording of the proceedings in question have been referred to the Joint Rules Committee in terms of Joint Rule 14GA (13) for consideration.

MONDAY, 13 FEBRUARY 2017

TABLINGS

National Council of Provinces

1. The Chairperson

- (a) Notice of intervention issued in terms of section 139(1)(c) of the Constitution, 1996 to Nquthu Local Municipality, KwaZulu-Natal.

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

WEDNESDAY, 15 FEBRUARY 2017

ANNOUNCEMENTS

National Council of Provinces

The Chairperson

1. Referral to Committees of papers tabled

- (1) The following paper is referred to the **Select Committee on Cooperative Governance and Traditional Affairs** for consideration and report:

- (a) Notice of intervention issued in terms of section 139(1)(c) of the Constitution, 1996 to Nquthu Local Municipality, KwaZulu-Natal.

COMMITTEE REPORTS

National Assembly and National Council of Provinces

Please see pages 3-9 of the ATCs.

National Council of Provinces

Please see pages 9 of the ATCs.

THURSDAY, 16 FEBRUARY 2017

TABLINGS

National Assembly and National Council of Provinces

1. The Speaker and the Chairperson

- (a) Monthly Financial Statements of Parliament – January 2017, tabled in terms of section 54(1) of the Financial Management of Parliament and Provincial Legislatures Act, 2009 (Act No 10 of 2009).

MONDAY, 20 FEBRUARY 2017

ANNOUNCEMENTS

National Assembly and National Council of Provinces

The Speaker and the Chairperson

1. Referral to Committees of papers tabled

(1) The following paper is referred to the **Joint Standing Committee on Financial Management of Parliament** for consideration:

- (a) Monthly Financial Statements of Parliament – January 2017, tabled in terms of section 54(1) of the Financial Management of Parliament and Provincial Legislatures Act, 2009 (Act No 10 of 2009).

TUESDAY, 21 FEBRUARY 2017

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 **Performers' Protection Amendment Bill** [B 24 – 2016], introduced in the National Assembly, as a section 75 Bill and as a Bill falling within the ambit of section 18(1) of the Traditional Leadership and Governance Framework Act, 2003 (Act No 41 of 2003).

WEDNESDAY, 22 FEBRUARY 2017

ANNOUNCEMENTS

National Assembly and National Council of Provinces

The Speaker and the Chairperson

1. Draft Bills submitted in terms of Joint Rule 159

- (1) **Division of Revenue Amendment Bill, 2017**, submitted by the Minister of Finance.

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

2. Referral of Bill to National House of Traditional Leaders

- (1) The Secretary to Parliament has, in accordance with section 18(1) of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003), referred the **Performers' Protection Amendment Bill [B 24 – 2016]** (National Assembly – sec 75) to the National House of Traditional Leaders, which must, within 30 days from the date of the referral (i.e.23 March 2017), make any comments it wishes to make.

National Council of Provinces

The Chairperson

1. Referral to Committees of papers tabled

(1) The following paper is referred to the **Select Committee on Finance** for consideration and report:

- (a) The Fiscal Framework and Revenue Proposals, 2017, tabled in terms of section 8(1) of the Money Bills Amendment Procedure and Related Matters Act, 2009 (Act No 9 of 2009).

TABLINGS

National Assembly and National Council of Provinces

1. The Minister of Finance

- (a) Budget Speech of the Minister of Finance – 22 February 2017 [RP 11-2017].
- (b) Budget Review 2017 [RP 10-2017], including the –
- fiscal framework;
 - revenue proposals, including customs and excise duties;
 - replies to Budgetary Review and Recommendation Reports.
- (c) Estimates of National Expenditure 2017 [RP 09-2017].

- (d) Division of Revenue Bill [B 4 – 2017], tabled in terms of section 10(1) of the Intergovernmental Fiscal Relations Act, 1997 (Act No 97 of 1997).
- (e) Appropriation Bill [B 5 – 2017].

COMMITTEE REPORTS

National Council of Provinces

Please see pages 4-11 of the ATCs.

THURSDAY, 23 FEBRUARY 2017

ANNOUNCEMENTS

National Assembly and National Council of Provinces

The Speaker and the Chairperson

1. Draft Bills submitted in terms of Joint Rule 159

- (1) **Division of Revenue Bill, 2017**, submitted by the Minister of Finance.

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

Correction: The ATC of 22 February incorrectly referred to “Division of Revenue Amendment Bill”.

- (2) **Agricultural Product Standards Amendment Bill, 2017**, submitted by the Minister of Agriculture, Forestry and Fisheries.

Referred to the **Portfolio Committee on Agriculture, Forestry and Fisheries** and the **Select Committee on Land and Mineral Resources**.

TABLINGS

National Assembly and National Council of Provinces

1. The Minister of Environmental Affairs

- (a) Government Notice No 1555, published in Government Gazette No 40490, dated 12 December 2016: Notice of intention to require any person or category of persons who transport waste for gain to register with the department, in terms of the National Environmental Management: Waste Act, 2008 (Act No 59 of 2008).
- (b) Government Notice No 1556, published in Government Gazette No 40490, dated 12 December 2016: Proposed amendments to the national waste information regulations, in terms of the National Environmental Management: Waste Act, 2008 (Act No 59 of 2008).

- (c) Government Notice No 1440, published in Government Gazette No 40447, dated 25 November 2016: Proposed amendments to the regulations regarding the planning and management of residue stockpiles and residue deposits, 2015, in terms of the National Environmental Management: Waste Act, 2008 (Act No 59 of 2008).
- (d) Government Notice No R.1493, published in Government Gazette No 40470, dated 2 December 2016: Amendments to the Waste Tyre Regulations, 2009, in terms of the National Environmental Management: Waste Act, 2008 (Act No 59 of 2008).
- (e) Government Notice No 1483, published in Government Gazette No 40464, dated 2 December 2016: Biodiversity Management Plan for Cape Mountain Zebra (*Equus zebra zebra*), in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No 10 of 2004).

COMMITTEE REPORTS

National Council of Provinces

- 1. Report of the Select Committee on Security and Justice on the Draft Notice and Schedule submitted in terms of section 2(3) of the Judges' Remuneration and Conditions of Employment Act, 2001 (Act No 47 of 2001), determining the rate at which salaries are payable to Constitutional Court Judges and Judges annually, dated 22 February 2017.**

The Select Committee met with the Office of the Chief Justice who briefed the Select Committee on the President of the Republic of South Africa's (the President) determination of remuneration

increase for Constitutional Court Judges and Other Judges annually. The President, after consultation with the Independent Commission for the Remuneration of Public Office Bearers, determined that the annual increase for Constitutional Court Judges and Other Judges would be set at 0% with effect from 1 April 2016.

The Select Committee on Security and Justice, having considered the Draft Notice and Schedule submitted in terms of section 2(3) of the Judges' Remuneration and Conditions of Employment Act, 2001 (Act No 47 of 2001), determining the rate at which salaries are payable to Constitutional Court Judges and Judges annually with effect from 1 April 2016, referred to it, recommends that the Council approve the said Draft Notice and Schedule.

Report to be considered.