



Wes-Kaapse Provinsiale Parlement Western Cape Provincial Parliament IPalamente yePhondo leNtshona Koloni

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Datum
Date
Umhla
26 January 2024

Verwysing
Reference
Isalathiso
WCPP 11/4/10

Hon. AN Masondo
Chairperson: National Council of Provinces (NCOP)
PO Box 15
Cape Town
8000

Dear Hon Masondo,

REQUEST FOR AN EXTENSION FOR PROCESSING OF THE BASIC EDUCATION LAWS AMENDMENT BILL [B2B-2022], S76 (NCOP)

The Western Cape Provincial Parliament's Standing Committee on Education ('the Committee') reviewed the new programme submitted by the Select Committee on Education and Technology, Sports, Arts, and Culture on 22 January 2024 (see attached).

The Committee notes that the negotiating mandate on the Bill is scheduled to take place on 13 March 2024 and the final mandate on 27 March 2024.

The Committee has scheduled its first briefing on the Bill on 02 February 2024; thereafter, the Bill will need to be advertised for two to three weeks before proceeding to public hearings. The amount of public hearings are to be determined by the Committee and this will depend on the nature, scope, complexity and impact the Bill may have on the province; and the Committee will need to take into consideration various Constitutional Court case law on public participation in this regard. The Committee has already received requests from organisations that wish to make expert submissions on the Bill. On the face of it – given the complexity, nature, scope and possible impact of the Bill, it will most likely require the Committee to extend public hearings far and wide across the province. On the face of it, the Bill has far-reaching implications for the residents of the Western Cape, and is likely to garner significant public interest.

Once the public hearing phase has been completed, it stands to reason that the Committee will need sufficient time to collate all the submissions received during the public participation process.

The current timelines suggested by the Select Committee are too short for the Western Cape Provincial Parliament to facilitate adequate public involvement.

Reasons the Committee could not previously be briefed on the Bill during the November/December period due to consideration that our biggest stakeholder (the education sector, parents and learners) were occupied with Matric Exams; and the Bill arrived right before the Annual Report as well as Budget Adjustment season. The Committee agreed previously that it would be frowned upon to deal with the Bill during a time many of the education stakeholders would not be available as well as that it is frowned upon to advertise during the parliamentary recess period. Further, the Committee agreed to commence its briefing on the Bill towards the end of January 2024, in order to ensure the education sector is able to focus on the opening of schools. Further, the briefing is being scheduled for the 02nd February, due to clashes with legislation before the WCPP where there are permanent membership clashes.

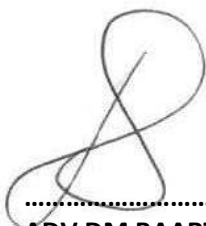
Once the Committee has been briefed on the Bill:

- i. The Committee will need to advertise, and a period of minimum two to three weeks is required to ensure that the public is adequately informed of the Bill and of their opportunity to make inputs on the Bill;
- ii. The Committee will likely undertake a number of public hearings across the province, and these public hearings will likely be scheduled between end February 2024 and end March 2024; and
- iii. Once the public hearings have been concluded, the Committee will need to meaningfully assess all the public inputs received, and may wish to receive inputs from the sponsoring department and other experts. Given the amount of legislation already received from the NCOP to the WCPP, across committees and the possible clash of permanent membership across these committees, this may take a few weeks, in order for all legislation before the WCPP to be processed in a meaningful manner.

Only hereafter, having given proper consideration to the views of the people of the Western Cape, will the Western Cape Provincial Parliament be in a position to express a substantial and informed view in the form of a negotiating mandate.

In this context, the Committee therefore requests that the Select Committee extends the timeline for provinces' negotiating mandates until end of April 2024.

Yours sincerely,



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ADV DM BAARTMAN (MPP)
CHAIRPERSON: STANDING COMMITTEE ON EDUCATION
WESTERN CAPE PROVINCIAL PARLIAMENT