



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

**FINAL MANDATES
TOBACCO PRODUCTS CONTROL AMENDMENT BILL [B 7B – 2008]**

- 1. EASTERN CAPE**
- 2. FREE STATE**
- 3. GAUTENG**
- 4. KWAZULU-NATAL**
- 5. LIMPOPO**
- 6. MPUMALANGA**
- 7. NORTHERN CAPE**
- 8. NORTH-WEST**
- 9. WESTERN CAPE**



EASTERN CAPE PROVINCIAL LEGISLATURE

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Date: 17 September 2008

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PORTFOLIO COMMITTEE ON HEALTH

Final Mandate on the Tobacco Products Control Amendments Bill (B7B-2008)

1. *Terms of reference*

The Tobacco Products Control Amendments Bill (B7B-2008), hereinafter referred to as the Bill, was referred to the Portfolio Committee on Health by the NCOP Business Committee for consideration.

2. *Consideration of the Bill*

The Portfolio Committee was briefed on the content and effect of the Bill by the special delegate, Hon. H Malgas and the officials from the Department of Health. The Committee also conducted public hearings in all the districts in the Province from the 11th to the 15th of August 2008. The Committee considered the response of the Department on the negotiating mandate of the Province and was of the view that tobacco industry should at least be allowed contact with individual consenting adults.

3. *Resolutions*

The Committee resolved that the following final mandate be conferred:

- (1) Vote for the adoption of the Bill (B7B-2008) without amendments that will alter the principle of the Bill.
- (2) The Eastern Cape Special Delegate, Hon Basopu represents the Province of the Eastern Cape at the meeting of the final mandates.

N KIVIËT

SPEAKER: EASTERN CAPE PROVINCIAL LEGISLATURE





**HEALTH COMMITTEE
FINAL VOTING MANDATE
ON THE**

**TOBACCO PRODUCTS CONTROL AMENDMENT BILL [B7B-2008]
(Section 76)**

16 September 2008,

1. INTRODUCTION

The Chairperson of the Health Committee, Dr R A M Saloojee, tables the Committee's Final Voting Mandate on the Tobacco Products Control Amendment Bill [B7B-2008], a Section 76 Bill, as follows

2. PROCESS FOLLOWED

The Speaker formally referred the Tobacco Products Control Amendment Bill [B7B-2008] Section 76 Bill to the Portfolio Committee on Health, in terms of the Gauteng Provincial Legislature Standing Rule 232 (1) for consideration and report on Friday, 27 June 2008

On Thursday, 07 August 2008, the Health Portfolio Committee was briefed by the Honourable Permanent Delegate, Ms Faith Mazibuko from the National Council of Provinces on the intentions of the Bill, and Mr Tsopane Monyemgangene, a Legal Assistant from the Gauteng Department of Health on the legalities of the bill. The Committee had an opportunity to make deliberations on the Tobacco Products Control Amendment Bill [B7B-2008]

On 29 August 2008, the Legal Advisor, Mr Shakespear Ncube from the GPL NCOP unit presented the legal opinion to the Committee. Subsequently, the Committee considered a draft report on public hearings on the Tobacco Products Control Amendment Bill [B7B-2008], Section 76 Bill.

On Tuesday 16 September 2008, the Committee considered and adopted the Final Voting Mandate on Tobacco Products Control Amendment Bill [B7B-2008]

3. **INTERACTION WITH STAKEHOLDERS**

The Committee held a public on 19 August 2008 at the Johannesburg City Hall, Gauteng Provincial Legislature. Five hundred and twenty five (525) people who included the general public and various stakeholders attended the hearing.

Key stakeholders who attended includes Tobacco Institute of South Africa (TISA), British American Tobacco South Africa (BATSA), Japan Tobacco Industry (JTI), National Council Against Smoking (NCAS), Cancer Association of South Africa (CANSA).

A majority of the responses supported the Bill.

4. **IMPLICATIONS OF THE AMENDMENTS ON THE PROVINCE**

4.1 **FINANCIAL IMPACT**

The Committee noted positive financial implications for the state, in terms of an additional revenue that will be generated as a result of the prohibition of duty-free and tax free sales of tobacco.

With regards to the assessment of the social impact of the Bill the Committee envisaged, and as confirmed by the Department, that the Bill will serve to protect the health of the public through Departmental health promotion activities that aims to discourage people from smoking.

5. **FINAL POSITION ADOPTED BY THE COMMITTEE**

In terms of Section 65 of the Constitution the Health Portfolio Committee recommends that, the House confer authority on the Gauteng Provincial Delegate/s to NCOP to vote in favour of the Tobacco Products Control Amendment Bill [B7B-2008].



ISISHAYAMTHETHO SAKWAZULU-NATAL

KWAZULU-NATAL WETGEWER

KWAZULU-NATAL PROVINCIAL LEGISLATURE

**TO: THE CHAIRPERSON,
SELECT COMMITTEE ON SOCIAL
SERVICES**

FINAL MANDATE

PROVINCE : KWAZULU-NATAL
**BILL : TOBACCO PRODUCTS CONTROL
AMENDMENT BILL
[B7B – 2008]**

PROVINCIAL PROCESS :

Provincial Portfolio Committee/s : Health Portfolio Committee
Portfolio Committee :
meeting date/s : Friday, the 19th of SEPTEMBER 2008
Provincial NCOP meeting date/s : Friday, the 19th of SEPTEMBER 2008
Consultation : Parliamentary Legal Advisors, Special &
Permanent Delegates

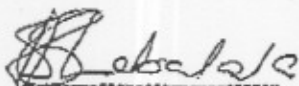
MANDATE OF THE KWAZULU-NATAL PROVINCIAL LEGISLATURE:

The Provincial Standing Committee on National Council of Provinces Matters met today, Friday, the 19th of SEPTEMBER 2008, to consider their final mandate on the Tobacco Products Control Amendment Bill [B7B-2008].

The Committee noted the agreed amendments in the draft minutes of the Select Committee of the 9 September 2008, and that no amended Bill containing these amendments had been received for their consideration.

Therefore, the Committee unanimously agreed not to confer its final voting mandate until the Bill is amended in accordance with the agreed amendments as presented to the Committee.

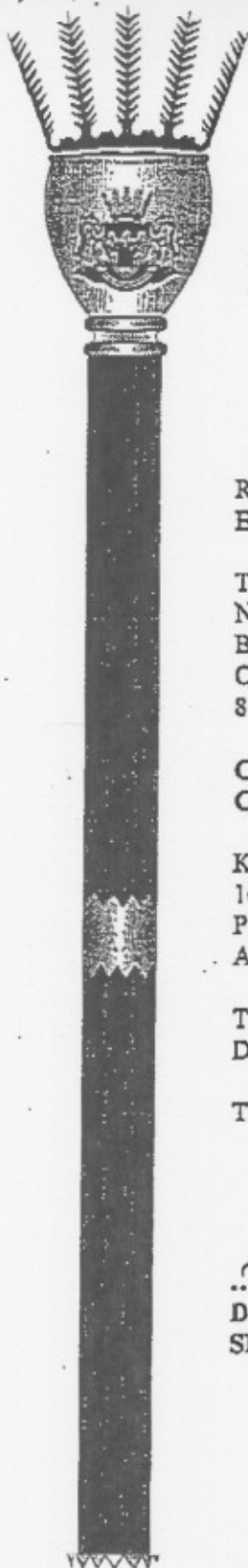
PROVINCIAL ENDORSMENT



Ms L F Shabalala
CHAIRPERSON :
KWAZULU-NATAL STANDING COMMITTEE ON
NATIONAL COUNCIL OF PROVINCES MATTERS

Friday, the 19th September 2008

DATE



Limpopo Legislature

OFFICE OF THE SECRETARY

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Postal Address:

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0700

17 September 2008

Ref.: 13/7
Enquiries: NCOP Officer

The Chairperson
National Council of Provinces
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CONFERRAL OF FINAL MANDATE ON THE TOBACCO PRODUCTS CONTROL AMENDMENT BILL, [B7B-2008]

Kindly be informed that the Limpopo Legislature has at its sitting held on Tuesday, 16 September 2008 at the Lebowakgomo Legislative Chamber, adopted the Report of the Portfolio Committee on Health and Social Development on the Tobacco Products Control Amendment Bill, [B7B-2008].

The House further resolved to confer a final mandate to the Provincial NCOP Permanent Delegates to vote in favour of the Bill.

The Report of the Portfolio Committee is forwarded herewith, for your easy reference.


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DR. T.S FARISANI
SPEAKER: LIMPOPO LEGISLATURE