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## COMMITTEES

Enquiries: Dimakatso Mashego  
Tel: (013) 766 1147



### NEGOTIATING MANDATE

### NATIONAL QUALIFICATIONS FRAMEWORK BILL (B33B-2008)

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The Portfolio Committee on Education, Culture, Sports, Recreation, met on the 28 August 2008 for the briefing by the permanent delegate of the National Council of Provinces on the National Qualifications Framework Bill (the Bill)(B33B-2008).

After consideration of the Bill, the Committee supports the Bill as it stands.

The permanent delegates representing the Province of Mpumalanga in the National Council of provinces are conferred with authority and mandated to vote in favour of the Bill.

**HON SN SIKHOSANA**  
**CHAIRPERSON: PORTFOLIO COMMITTEE ON**  
**EDUCATION, CULTURE, SPORT AND RECREATION**

22/09/2008  
DATE



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## COMMITTEES

Enquiries: Dimakatso Mashego  
Tel: (013) 766 1147

### NEGOTIATING MANDATE

#### **GENERAL AND FURTHER EDUCATION AND TRAINING QUALITY ASSURANCE AMENDMENT BILL (B35B-2008)**

The Portfolio Committee on Education, Culture, Sports, Recreation, met on the 28 August 2008 for the briefing by the permanent delegate of the National Council of Provinces on the General and Further Education and Training Quality Assurance Bill (the Bill)(B35B-2008).

After consideration of the Bill, the Committee supports the Bill as it stands.

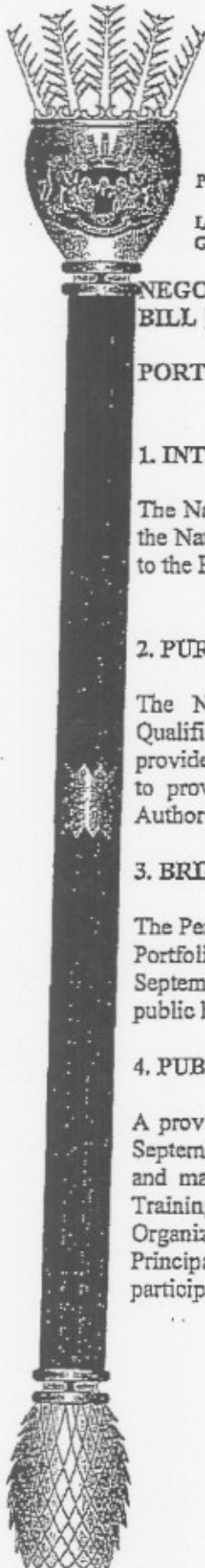
The permanent delegates representing the Province of Mpumalanga in the National Council of provinces are conferred with authority and mandated to vote in favour of the Bill

**HON. S. S. S. S. S.**  
**CHAIRPERSON: PORTFOLIO COMMITTEE ON  
EDUCATION, CULTURE, SPORT AND RECREATION**

22/09/2008  
DATE

# Limpopo Legislature

## OFFICE OF THE SECRETARY



**Physical Address:**

Lebowakgomo  
Government Complex

**Postal Address:**

Private Bag X9309  
Polokwane  
0700

### **NEGOTIATING MANDATE ON NATIONAL QUALIFICATION FRAMEWORK BILL [B33B-2008]**

#### **PORTFOLIO COMMITTEE ON EDUCATION**

##### **1. INTRODUCTION**

The National Qualification Framework-Bill was referred to the Limpopo Legislature by the National Council of Province. Upon receipt of the Bill, the Speaker referred the Bill to the Portfolio Committee on Education for consideration and report to the House.

##### **2. PURPOSE OF THE BILL**

The National Qualification Framework Bill seeks to provide for the National Qualification Framework, to provide for the responsibilities of the Minister of Labour, to provide for the South African Qualifications Authority; to provide for Quality Councils; to provide for transitional arrangements; to repeal the South African Qualifications Authority Act, 1995; and to provide for matters connected therewith

##### **3. BRIEFING BY NCOP DELEGATES**

The Permanent Delegate from the National Council of Provinces briefed Members of the Portfolio Committee on Education on the National Qualifications Framework Bill on 01 September 2008. After being briefed on the Bill, the Committee resolved to conduct a public hearing to solicit inputs from stakeholders.

##### **4. PUBLIC HEARINGS**

A provincial public hearing was conducted in Capricorn District at Oasis Motel on 15 September 2008 to afford provincial stakeholders an opportunity to express their views and make inputs on the Bill. Various stakeholders including Further Education and Training Colleges and Institutions, Institutions of Higher Learning, Business and Political Organized Structures, Teacher's Unions, School Governing Bodies Association, Principals Association, Education Labour Relations Council and members of the public participated in the hearing.

## 5. FINDINGS

After considering the Bill and based on the inputs and views expressed at the public hearing, the Portfolio Committee on Education wishes to make the following recommendations:

- Clause 4, the notice for the nominations for the appointment of members of the board should also be advertised on two local newspapers in addition to the Gazette
- Clause 14 (1)(m) should also provide for the verification of qualifications with respect to foreign qualifications

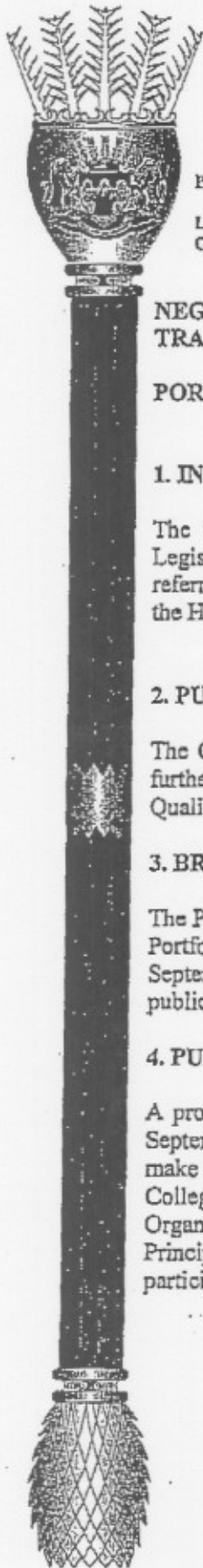
## 6. NEGOTIATING MANDATE

The Committee supports the Bill and confers a mandate to the NCOP delegates to negotiate in favour of the Bill as introduced in the national Assembly.

*TJ Ndimande*  
.....  
COMMITTEE CHAIRPERSON  
HON. T.J. NDI MANDE

# Limpopo Legislature

## OFFICE OF THE SECRETARY



**Physical Address:**

Lebowakgomo  
Government Complex

**Postal Address:**

Private Bag X9389  
Polokwane  
0700

**NEGOTIATING MANDATE ON GENERAL AND FURTHER EDUCATION AND TRAINING QUALITY AMENDMENT BILL (B35B-2008)**

**PORTFOLIO COMMITTEE ON EDUCATION**

### 1. INTRODUCTION

The General and further Education and Training Bill was referred to the Limpopo Legislature by the National Council of Province. Upon receipt of the Bill, the Speaker referred the Bill to the Portfolio Committee on Education for consideration and report to the House.

### 2. PURPOSE OF THE BILL

The General and Further Education and Training Bill seeks to amend the General and further Education and Training Act, 2001; so as to make it consistent with the National Qualifications Framework Act, 2008; and to provide for matter connected therewith

### 3. BRIEFING BY NCOP DELEGATES

The Permanent Delegate from the National Council of Provinces briefed Members of the Portfolio Committee on Education on the National Qualifications Framework Bill on 01 September 2008. After being briefed on the Bill, the Committee resolved to conduct a public hearing to solicit inputs from stakeholders.

### 4. PUBLIC HEARINGS

A provincial public hearing was conducted in Capricorn District at Oasis Motel on 15 September 2008 to afford provincial stakeholders a platform to express their views and make inputs on the Bill. Various stakeholders including Further Education and Training Colleges and Institutions, Institutions of Higher Learning, Business and Political Organized Structures, Teacher's Unions, School Governing Bodies Association, Principals Association, Education Labour Relations Council and members of the public participated in the hearing. All stakeholders supported the Bill.

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#### 5. NEGOTIATING MANDATE

The Committee supports the Bill and confers a mandate to the NCOP delegates to negotiate in favour of the Bill as introduced in the national Assembly.

*T.J. Ndimande*  
.....  
COMMITTEE CHAIRPERSON  
HON. T.J. NDI MANDE

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## FREE STATE LEGISLATURE

### **SAFETY & SECURITY AND AGRICULTURE COMMITTEE**

#### **Report on the negotiating mandate regarding Second Hand Goods Bill [B2B-2008]**

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#### **1. Terms of Reference**

The **Second Hand Goods Bill [B2B-2008]** has been referred to the **Safety & Security and Agriculture Committee** the Speaker on the, 06 May 2008

#### **2. Briefing**

- (1) On the Tuesday, 13 May 2008, Mr. D. Worth, Second Hand Goods, briefed the Committee on the content of the Bill;
- (2) The Committee further met on Wednesday, 27 August 2008 to confer the negotiating mandate on this Bill; and
- (3) The legal advisor, Adv. T Malakoane, briefed the Committee on the legal aspects of the Bill.

#### **3. Consultation**

The Committee considered the scope of consultation on the Bill and resolved that the Public Hearings be conducted as follows:

Date	Town	Venue	Time
14 June 2008	Odendaalsrus	Kutloanong Hall	10:00
14 June 2008	Ficksburg	Ficksburg Town Hall	09:00
14 June 2008	Tweeling	Mafahlaneng Hall	09:00
13 June 2008	Petrus Steyn	Mamafubedu Hall	09:00
14 June 2008	Koffeifontein	Daniel Moepelwa Hall	09:00

#### 4. CONSIDERATION

The Committee considered the Bill, inputs and information received. The Portfolio Committee noted the inputs by the general public and further considered the Bill as follows:

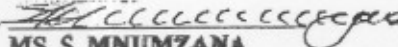
- Contract should be explained thoroughly to the buyer by the seller.
- Bill should make provision for imitation goods.
- Goods from outside South Africa should be covered under the bill.
- On the "scrap metal" issue, the law should be more stringent on that.
- That private security companies should assist the SAPS with crime prevention.

*Dpt*

#### 5. Resolution

The Committee resolved that:

- (a) Authority be conferred to the Free State Delegation, to vote for the adoption of the Bill with the aforementioned inputs and considerations.

  
**MS. S. MNUMZANA**  
 COMMITTEE CHAIRPERS  
 FREE STATE LEGISLATURE

09 September 2008



# Limpopo Legislature

## OFFICE OF THE SECRETARY

**Physical Address:**

Lebowakgomo  
Government Complex

**NEGOTIATING MANDATE OF THE PORTFOLIO COMMITTEE ON SAFETY,  
SECURITY AND LIAISON – SECOND HAND GOODS AMENDMENT BILL [B 2B-  
2008]**

**Postal Address:**

Private Bag X9309  
Polokwane  
0700

### 1. INTRODUCTION

The Second Hand Goods Amendment Bill [B 2B- 2008] was referred to the Legislature of Limpopo Province by the National Council of Provinces (NCOP). Subsequently, Limpopo Legislature referred the above-mentioned Bill to the Committee on Safety, Security and Liaison for consideration and to confer a negotiating mandate to NCOP Permanent Delegates.

### 2. PURPOSE OF THE BILL

The Bill seeks to regulate the business of dealers in Second-Hand Goods and pawnbrokers, in order to limit trade in stolen goods; to promote ethical standards in the second-hand goods trade; and provide for matters connected therewith.

### 3. CONSIDERATION OF THE BILL

The Portfolio Committee met the NCOP on 13 June 2008 to be briefed on principle and the provisions of the above-mentioned Bills. During the briefing, a decision was taken to facilitate public involvement in finalizing the inputs on the Bill.

### 4. PUBLIC HEARINGS

A provincial public hearing was conducted on 04 and 06 August 2008 respectively in Vhembe, Waterberg, Mopani, Sekhukhune, Waterberg and Capricorn were conducted jointly in Waterberg. The public hearings provided provincial stakeholders a platform to express their views on the Bill. The Public hearing was well attended by Stakeholders and the general public. Following inputs are hereby made:

### CHAPTER 2 APPLICATION FOR REGISTRATION

- Clause 3(1) (a): The public felt that application for registration should not be processed by the office of the National Commissioner instead an alternative department should process the application. This was informed by the fact that the office of the National Commissioner would be expected to enforce the legislation.

Therefore, processing of registration and monitoring by the Commissioner might compromise the principle of accountability.

The public felt that in terms of registration, the legislation should consider the nature of the business, its location and affordability thereof.

#### **CHAPTER 2: DISQUALIFICATION**

Clause 14(1) (a) The public supports the clause since it discourages criminal to enter the business.

#### **CHAPTER 4: DEALERS**

Records by dealers

Clause 21(1) The public has noted with appreciation the provision of Dealers keeping records of the goods purchased and sold as it will limit criminal act and promote crime awareness.

#### **CHAPTER 6: CONTROLLED METALS**

Clause 25(1) The public felt that recycling of metals is the cause of high rate of crime on copper cable. Furthermore, selling of second hand cables encourage criminals to steal and the act of stealing contributes on electricity crisis. Therefore, the Bill should have the provision to restrict copper and cables to be traded as second hand goods informed by the fact that most employees on copper industries often steal and sell these materials as second hand goods.

### **MEMORANDUM ON THE OBJECTS OF THE SECOND-HAND GOODS BILL, 2008.**

#### **PARLIAMENTARY PROCEDURE**

The stakeholders raised a concern on section 5.2 on the memorandum that the state law advisor did not refer the Bill to the House of Traditional Leaders. In their view this Bill has a direct impact on Traditional communities, especially in rural areas. The view is that House of Traditional leaders as a stakeholder representing legitimate constituency, should have been consulted.

#### **5. NEGOTIATING MANDATE**

The Portfolio Committee having considered the Bill and taking into consideration the inputs and views of the stakeholders, hereby confer a negotiating mandate to NCOP Permanent Delegates to negotiate in favor of the Bill with the aforementioned inputs.

LIAISON  
AND  
CHAIRPERSON: PORTFOLIO COMMITTEE ON SAFETY, SECURITY  
HON. M. MARUTHA

*M. Marutha*



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## NORTH WEST PROVINCIAL LEGISLATURE

Legislature Building  
Dr James Moroka Drive  
Private Bag X2018  
MMABATHO  
2735

22 August 2008

### Report on Final Mandate on the Second-Hand Goods Bill [B2 – 2008]

#### 1. TERMS OF REFERENCE

The above mentioned Bill was referred to the Portfolio Committee on Transport, Roads and Community Safety for consideration as a matter of priority.

#### 2. BRIEFING

On the 4<sup>th</sup> of June 2008, Mr. L. Moseki- the National Council Of Province Permanent Delegate briefed the Portfolio Committee on Transport Roads and Community Safety on the Second Hand Goods Bill. Present at the briefing the Committee invited the North West Provincial Legislature legal advisor, Mr M. Matli so as to provide a legal opinion on the Bill and advice the committee accordingly.

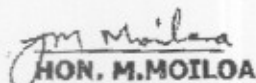
#### 3. CONSIDERATION

There was a need to conduct public hearings and the Committee envisaged conducting public hearings in the four district municipalities across the province (Mafikeng, Potchefstroom, Vryburg and Rustenburg).

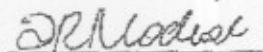
#### 4. RESOLUTION

The Committee resolved to accept and support the Bill. The Committee requests the permanent delegate to support the Bill.

Yours Faithfully,

  
HON. M. MOILOA

CHAIRPERSON: TRANSPORT, ROADS & COMMUNITY SAFETY PORTFOLIO  
COMMITTEE



T. R. MODISE  
SPEAKER: NWPL

Wes-Kaapse Provinsiale Parlement  
Western Cape Provincial Parliament  
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**NEGOTIATING MANDATE OF THE SECOND-HAND GOODS BILL  
[B2B-2008] (NCOP)**

Negotiating mandate of the Western Cape Provincial Parliament on the *Second-Hand Goods Bill [B2B-2008]* (NCOP), as resolved in the House on 2 September 2008.

The Western Cape Provincial Parliament having considered the subject of the *Second Hand-Goods Bill [B2B-2008]* (NCOP) referred to the Provincial Parliament in terms of the rules of the National Council of Provinces (NCOP), begs to report that it confers on the Western Cape's delegation in the NCOP the authority to support the Bill with the following comments:

On 06 August 2008, the Standing Committee conducted public hearings as part of public participation process. Various organizations were in attendance and it was recommended that the following proposals form part of the regulations:

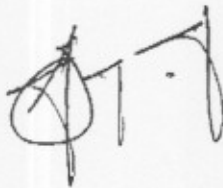
1. Online second-hand goods dealers must allocate a serial number online for any item such as electronic goods and insert that serial number with the advert to enable people to view and search for stolen goods online before they are sold to the public. If it is a vehicle being advertised the VIN number must be placed in the ad.
2. Electronic systems need to be put in place by the associations and be accommodated in the regulations. In essence the law should require the associations to ensure that systems are in place that allow for easy policing of their members.

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3. An overall design must be created for information distribution in the electronic realm. It must be created in such a way that it is easy to plug new components into this massive system and each time a new component is created it must improve the system and reduce unlawful activities.

The Standing Committee wishes to recommend that the oversight function of Parliament in as far as monitoring regulations be strengthened.



**S E BYNEVELDT**  
**SPEAKER**  
**2 SEPTEMBER 2008**



**EASTERN CAPE PROVINCIAL LEGISLATURE**

Independence Avenue  
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5605  
7 August 2008

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**PORTFOLIO COMMITTEE ON SAFETY AND SECURITY**

Negotiating mandate on the Second-Hand Goods Bill [B2B-2008]

1. ***Terms of reference***

The Second-Hand Goods Bill [B2B-2008] hereinafter referred to as the Bill, was referred to the Joint Portfolio Committees on Safety and Security and Economic Affairs, Environment and Tourism by the NCOP Business Committee for consideration.

2. ***Consideration of the Bill***

The Joint Portfolio Committee was briefed on the content and effect of the Bill. The Committee also conducted public hearings on the Bill on 14 to 17 July 2008.

3. ***Negotiating mandate of the Committee***

The Committee supports the spirit and purpose of the Bill but wishes to raise the following concerns:

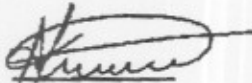


- 3.1 Consideration must be given to extend the period of validity of the certificate from five (5) to (8) eight years, because the time frame of validity is too short. (Section 8 (5) of the Bill)
- 3.2 Consideration must be given to extend the period for application for registration in respect of dealers carrying on business immediately before the commencement of this Act from 3(three) to 6(six) months, as the period for application is too short. [Chapter 10 Section 43(1)]
- 3.3 The Bill must consider making membership to accredited association of choice compulsory.
- 3.4 The SAPS must have a specialised unit dealing specifically with second-hand goods issues in order to strengthen its capacity to enforce compliance with the Act.
- 3.5 The government must assist and support newly formed dealers association with accreditation.
- 3.6 The Bill must make provision to allow for the transfer of registration certificate where the dealer is a juristic person and the business is sold as a going concern.
- 3.7 It is proposed that Clause 15(1)(a) of the Bill be amended to reflect that the disqualification must relate to persons convicted of an offence involving an element of dishonesty.
- 3.8 The time period for the dealer to keep items before selling goods must be 30 days from date of acquisition by the dealer.
- 3.9 The Bill must clearly set out criteria for registration and turnaround time within which application for registration shall be dealt with by the National Commissioner.
- 3.10 Registered charity organisations dealing in second-hand goods must be exempted from the application of the Act.



4. **Resolution**

That Hon M. Nkusile for the Province of the Eastern Cape be mandated to represent the Province at the meeting considering the negotiating mandates and vote for the adoption of the Bill.



**N. KIVIET**

**SPEAKER: EASTERN CAPE PROVINCIAL LEGISLATURE**