

# Limpopo Legislature

## OFFICE OF THE SECRETARY

**Physical Address:**

Lebowakgomo  
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Private Bag X9309  
Polokwane  
0700

17 September 2008

Ref.: 13/7

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The Chairperson  
National Council of Provinces  
Box 85  
CAPE TOWN  
8000

### CONFERRAL OF FINAL MANDATE ON THE SECOND-HAND GOODS AMENDMENT BILL, [B2B-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 Safety, Security and Liaison on Second-Hand Goods Amendment Bill, [B2B-2008].

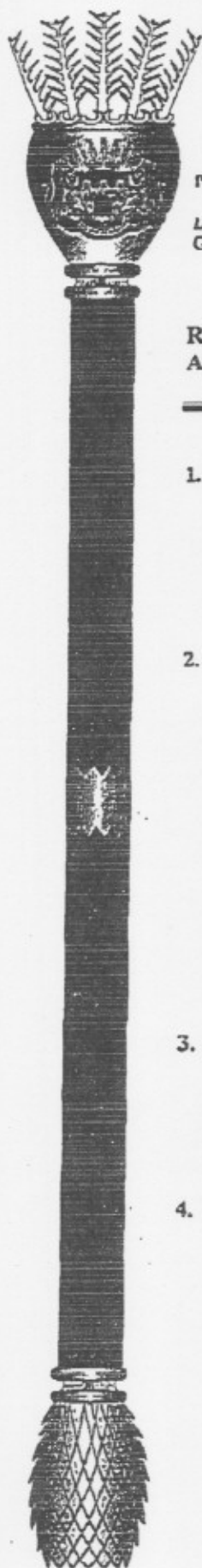
The House further resolved to confer a final mandate to the Provincial NCOP Permanent Delegates to vote in favour of the Bill.

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

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DR. T.S FARISANI  
SPEAKER: LIMPOPO LEGISLATURE

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

#### 1. INTRODUCTION

The Second Hand Goods Amendment Bill [ B 2B- 2008] was introduced in this House in terms of House Rule 115 and the Bill was accordingly referred to the Portfolio Committee on Safety, Security and Liaison for consideration, scrutiny and report to this august House in terms of House Rule 118.

#### 2. PROCEDURE

In considering the Bill the Portfolio Committee met the NCOP on 13 June 2008 to be briefed on principle and the provisions of the above- mentioned Bill. During the briefing, a decision was taken to facilitate public involvement in finalizing the inputs on the Bill. The briefing was done clause by clause. It was during these briefing that the Committee decided to conduct public hearings to solicit inputs and views on the Bill.

These hearings took place on 04 and 06 August 2008 and were conducted in all five (05) districts of the province. Various stakeholders including municipalities, traditional leaders, business, public members and political parties participated in the hearings.

#### 3. OBJECTIVES OF THE BILL

The objectives of the Bill are to regulate the business of dealers in second – hand goods and pawnbrokers and to promote ethical standards in the second – hand goods trade.

#### 4. INPUTS BY STAKEHOLDERS

The following inputs were made by the stakeholders:-

- Looking at the rate of vandalism within the communities more especially on copper and both electrical and wireless cables, the Bill should have the provision to restrict copper and cables to be traded as second hand goods.

- The Bill should have the provision to regulate strictly copper, since most employees on copper industries often steal and sell this materials as second hand goods.
- The police have to strictly monitor and do inspection regularly on pawn and second hand goods business to check compliance with the law, furthermore that they have to keep records and check list on such business.
- A concern was raised 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 the direct impact on Traditional Leaders' subjects.
- While most of the stakeholders appreciated the Bill, they however indicated that proper enforcement should be prioritized, and all those who violate the provision of the legislation should be punished.
- The Bill should have the provision on compensation; that is, in case the item found in the pawn shop being stolen from lawful owner, the victim should be compensated the amount equal to the value of that item.
- Even though the Bill seeks to regulate the second hand goods business, there is a trend in the communities whereby people trade and exchange second hand items on the street. This situation calls for serious engagement in the communities through continuous workshops and training so as to curb this challenge. Training should be compulsory to all dealers and be cascaded to schools and communities.
- The section on *disqualification* should be revised, that a convicted person who served his/her term from correctional service be allowed to register and trade as second hand goods dealer. This was also informed by that fact that such a person might have been rehabilitated by correctional facilities.
- The Bill should provide for mechanism to forbid a convicted person who might attempt to trade to another person's name.
- The Bill should have the provisions to also regulate cell phone shops which sell new and used phones to comply with the provisions of the legislation.
- Years for prohibition of offenders who were rehabilitated in prisons and other relevant institutions should be reduced to two years.
- Emphasis was put on the partnership between Municipalities and SAPS on monitoring and evaluating the businesses.
- Recycling should be regulated to avoid crime.
- Application for registration should not be processed by the office National of the Commissioner but instead an alternative department should be sought. 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.
- In terms of registration, the legislation should consider the nature of the business, its location and affordability thereof.
- The provision of Dealers keeping records of the goods purchased and sold was appreciated since this will limit criminal actions and promote crime awareness.

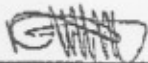
## 5. RECOMMENDATIONS

The Portfolio Committee recommended the following:-

- The 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 legislation should consider the nature of the business, its location and affordability when dealing with registration.
- Disqualification of a person who has committed an offence stipulated on the Bill should serve as a deterrent for criminals to enter the business.
- Keeping records of the goods purchased and sold by dealers of second- hand goods and pawnshops should be done as a matter of must so as to limit criminal acts and promote crime awareness.
- 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.
- State Advisors should have consulted House of Traditional Leaders as stakeholders since the Bill also has a direct impact on the Traditional communities, especially in rural areas. Furthermore, the Portfolio Committee views the organization as a stakeholder representing the legitimate constituency that has to participate on the Bill.

## 6. CONCLUSION

In conclusion Hon Speaker, on behalf of the Committee, I move that this report be adopted as the report of this House and that a mandate be conferred to NCOP delegates to vote in favour of the Bill to pass into law.



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