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The Chairperson
National Council of Provinces
Hon MJ Mahlangu

FINAL MANDATE FOR THE SECOND HAND GOODS BILL [B2B - 2008]

INTRODUCTION

The Acting Chairperson of the Portfolio Committee on Economic Affairs & Tourism, Hon FM Sulliman, tabled the Committee's final mandate on the *Second Hand Goods Bill [B2B - 2008]* as adopted by the Portfolio Committee on 01 September 2008.

PROCESS FOLLOWED

The Speaker of the Northern Cape Provincial Legislature, on receipt, referred the *Second Hand Goods Bill [B2B - 2008]* to the Portfolio Committee on Economic Affairs & Tourism on 03 July 2008.

The Portfolio Committee received a briefing on the Bill from the Northern Cape's Permanent Delegate to the NCOP, Hon Van der Merwe on 21 August 2008.

The Portfolio Committee resolved to hold public hearings on the referred Bill in Springbok, Noupoot, Olifantshoek, Upington and Kimberley to solicit the views of the affected beneficiary communities and stakeholders with regard to the *Second Hand Goods Bill [B2B - 2008]*

Five (5) public hearings were held on 25 August 2008 as per Committee resolution and both written and oral submissions were called for. The public engaged with the Members of the Provincial Legislature on their views.

On 01 September 2008, the Portfolio Committees on Economic Affairs & Tourism deliberated and considered the *Second Hand Goods Bill [B2B - 2008]*.

PUBLIC INPUTS ON THE BILL

- The Bill should focus more on dealers in Second-hand goods.
- Concern was raised regarding the R100 limit and the five-year permit as stipulated in the Bill.
- Dealers in scrap-metal products who make use of Agents to store their products should be prosecuted.
- The Bill should specify the word 'register' in terms of second-hand goods.
- Pawn-shop owners who keep goods for cash until they had received payment from clients should be dealt with by the Bill.
- Dealers who alter or tamper with serial and/or other relevant identification numbers of goods should be prosecuted.
- The timeframe for the safekeeping of stolen goods by the Police should be extended to more than the current one-week period.
- People buying stolen second hand goods should also be prosecuted.
- The issue of allowing or recognising only goods above R100 for registration needs to be revisited.
- All goods that are for sale should be registered.
- The majority supported the Bill.
- How does Government regulate the prices of 2nd hand goods?
- Bill should regulate or curb stolen goods from being sold at scrap yards.
- The dealer must keep record of scrap metals sold by individuals and ensure that details such as ID numbers and addresses are recorded.
- The community supports the bill.
- Dealers should not do business with children selling scrap because of the possibility that the scrap could have been stolen from households in the community.
- Dealers should be situated in designated areas and not in residential areas.
- Copper, metal, etc should be bought according to certain regulations or restrictions and not just from anybody on the street to prevent goods stolen from for example Telkom or Eskom receiving entry to the market.
- With reference to definition "Scrap Metal", Government should include an extra clause that excludes free trade and caters only for trade by acquisition from licence holders.
- Clause 4 – Information on application by natural persons, the public felt that there should be an age restriction included in this clause.
- The majority of the public supported the bill.
- The public hearing did not take place in Kimberley.

COMMITTEE INPUTS ON THE BILL

The Bill should make provision for 'built up' vehicles as set out in the National Road Traffic Act.

LEGAL TECHNICAL INPUTS ON THE BILL

General Provisions, Chapter 9 – clause 42 "Application of Act and promotion of Administrative Justice Act, 2000", should preferably be placed in the beginning of the Bill.

Information on Application by natural person, Clause 4(1), to insert the word "Identity" as follows:

4(1) an application by a natural person must on the prescribed form and accompanied by two identity photographs of the applicant and must include the following information:

In schedule 1 and 2, a cross reference to section 1 and 2 respectively, should be inserted.
The role(s) of the Provincial Commissioner is not dealt with in the Bill.

PORTFOLIO COMMITTEE POSITION ON THE BILL

After due deliberation, the Portfolio Committee on Economic Affairs & Tourism supports the Bill with amendments.

PORTFOLIO COMMITTEE POSITION AT THE NEGOTIATING STAGE

The Portfolio Committee on Economic Affairs & Tourism **supports** the Bill.

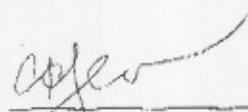
The negotiating mandate was tabled on 01 September 2008 in the House. The Committee recommended to the House to mandate the Permanent Delegates to participate in deliberations at the negotiating stage and to support the Bill, taking note of the concerns raised by the Committee as well as those of the public.

COMMITTEE POSITION AFTER CONSIDERATION OF NEGOTIATING MANDATE BY THE NCOP SELECT COMMITTEE

The Portfolio Committee's Negotiating Mandate indicated that the Northern Cape will support the *Second Hand Goods Bill* [B2B - 2008].

FINAL VOTING MANDATE

In terms of Section 65 of the Constitution, the Portfolio Committee on Economic Affairs & Tourism recommends that the House confer authority on the Head of its delegation to the NCOP to **vote** in support of the *Second Hand Goods Bill* [B2B - 2008] with amendments.


HON C SEOPOSENGWE
SPEAKER