



**EASTERN CAPE PROVINCIAL LEGISLATURE**

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Date: 26 Feb. 2009

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**PORTFOLIO COMMITTEE ON LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS**

**Negotiating mandate on the Constitution Sixteenth Amendment Bill [B1-2009]**

**1. *Terms of reference***

The Constitution Sixteenth Amendment Bill [B1-2009] hereinafter referred to as the Bill, was referred to the Portfolio Committee on Local Government and Traditional Affairs, for consideration.

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

In considering the Bill, the Portfolio Committee called for comments and inputs on the Bill by way of advertisements on newspapers circulating in the Province.

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

The Committee supports the purpose and spirit of the Bill and does not propose any amendments to the Bill. The permanent Delegate to represent the Province of the Eastern Cape at the meeting considering the negotiating mandates.

N KIVIET

**SPEAKER: EASTERN CAPE PROVINCIAL LEGISLATURE**





**To:** The Chairperson of the NCOP or a person designated by the Chairperson of the NCOP

**Name of Bill:** Constitution Sixteenth Amendment Bill

**Number of Bill:** B 1-2009

**Date of deliberation:** 19 February 2009

**Vote of Legislature:** The Free State Legislature vote in favour of the Bill.

A handwritten signature in black ink, appearing to read 'Pat Matosa', is written over a horizontal line.

**Pat Matosa**  
**Speaker: Free State Legislature**

02/03/09

20090303SCSecurity



## GAUTENG LEGISLATURE

### LOCAL GOVERNMENT PORTFOLIO COMMITTEE

#### NEGOTIATING MANDATE

ON

#### CONSTITUTION SIXTEENTH AMENDMENT BILL [B1-2009]

##### 1. INTRODUCTION

The Chairperson of the Local Government Portfolio Committee, Ms RS Letsebe, tables the Committee's Negotiating Mandate as adopted by the Portfolio Committee on Friday 27<sup>th</sup> February 2009, of the Constitution Sixteenth Amendment Bill [B1-2009].

##### 2. PROCESS FOLLOWED

On 19<sup>th</sup> February 2009, the Speaker formally referred the Constitution Sixteenth Amendment Bill [B1-2009] – Section 74, to the Local Government Portfolio Committee, in terms of Rule 232(1) (a) read with 235(4) (b) and (7)

The Committee in its meeting of the 20<sup>th</sup> February 2009 received a provincial briefing from the Permanent Delegate to the National Council of Provinces (NCOP), Honourable M Mizi

The views of the Executive Council on the legal, socio-economic, financial implications of the Bill were outstanding at the time of formulating the Negotiating Mandate

The GPL resolved that the legislature engage in a Joint Public Hearing session with the North West Provincial Legislature on the 25<sup>th</sup> February 2009 in Carletonville, in order to receive presentations from the affected communities with regard to the provisions of the Constitution Sixteenth Amendment Bill [B1-2009], and each legislature to process the outcome of the public hearing in their respective legislature in accordance with their Standing Rules

Public Hearings were facilitated as per section 118 of the Constitution, wherein submissions both oral and written were called for and the public extensively engaged with the respective Committee's on their views

Friday, 27<sup>th</sup> February 2009, the Portfolio Committee deliberated and considered the principle and detail of the Constitution Sixteenth Amendment Bill [B1-2009] - Section 74, as well as a report on the analysis and assessment of the views of the "People"<sup>1</sup>

### 3. DETAIL OF THE BILL

The Portfolio Committee considered the detail of the Constitution Sixteenth Amendment Bill [B1-2009] - Section 74 as follows:

- (i) To amend the Constitution of the Republic of South Africa, 1996, in order to re-determine the geographical areas of the provinces of Gauteng and North West, and
- (ii) To provide for matters connected therewith.

### 4. LEGAL FRAMEWORK

#### 4.1 The Constitution

Section 74(3)(b) of the Constitution provides that any provision of the Constitution may be amended by a bill passed by also the NCOP, with a supporting vote of at least six provinces, if the amendment amongst others alters provincial boundaries, powers, functions or institutions; or amends a provision that deals specifically with a provincial matter.

Section 74(8) provides that if a bill referred to in section 74(3)(b), or any part of the bill, concerns only a specific province or provinces, the NCOP may not pass the Bill or the relevant part unless it has been approved by the legislature or legislatures of the province or provinces concerned.

Section 103(3)(a) provides that whenever the geographical area of a province is re-determined by an amendment to the Constitution, an Act of Parliament may provide for measures to regulate, within a reasonable time, the legal, practical and any other consequences of the re-determination.

#### 4.2 The Cross-Boundary Municipalities Laws Repeal and Related Matters Amendment Bill

The Cross-Boundary Municipalities Laws Repeal and Related Matters Amendment Bill provide *inter-alia* for consequential matters as a result of the re-determination of the geographical areas of certain provinces. The Bill is scheduled to take effect on the same date as the commencement of the Constitution Sixteenth Amendment Act of 2009<sup>2</sup>

Section 9 of the Cross-Boundary Municipalities Laws Repeal and Related Matters Amendment Bill gives effect to the Constitution Sixteenth Amendment Act of 2009 and for purposes of section 24 of the Electoral Act, 2008<sup>3</sup>, the voting districts in the Merafong City Local Municipality are

<sup>1</sup> "People" refer to the attendees of the public hearing

<sup>2</sup> Constitution Sixteenth Amendment Bill of 2009

<sup>3</sup> Act 73 of 1998

deemed to be part of the Gauteng provincial segment of the voters' roll, if the Constitution Sixteenth Amendment Act of 2009 comes into operation before the 2009 election date.

## **6. ANALYSIS OF THE LEGAL FRAMEWORK**

The Local Government Portfolio Committee having considered the legal framework and having obtained legal advice on the legality and constitutionality of the Constitution Sixteenth Amendment Bill [B1-2009] is satisfied that the Bill is in line with the legal and constitutional framework.

## **6. OVERVIEW AND ANALYSIS OF THE JOINT PUBLIC HEARING**

### **6.1 Overview**

This is the capturing of the written and oral submissions during the Committee's Public Hearing on the 25<sup>th</sup> February 2009 in Carletonville on the Constitution Sixteenth Amendment Bill [B1-2009].

The following are some of the areas raised as validation in favour of re-incorporating the Merafong City Local Municipality into the Province of Gauteng.

### **6.1.1 Views in support of reincorporation into the Gauteng Province**

#### **1. Social Development Cluster**

Generally, issues raised in this regard covered service delivery in the following areas:

1. Education
2. Health
3. Arts and Culture
4. Local Government

#### **2. Education**

Whilst acknowledging the efforts made by the North West Department of Education in supporting some of the schools in and around Merafong, it was said that the Gauteng Department of Education is doing better on the development and implementation of educational policies. In addition due to demographics in the North West Province some schools do not take other languages into cognizance.

#### **3. Health**

The Treatment Action Campaign (TAC) reported that the ability of the GPG Health system to roll out anti-retroviral in public hospitals is commendable. Furthermore it was reported that health facilities are within reach as compared to those of the North West Province.

#### 4. Arts and Culture

This is one of the areas where strong feelings were observed, it was reported that the North West Province is lacking in artistic development and support e.g. sponsoring of artists; art exhibitions and festivals.

#### 5. Local Government

A comparison was made between the capacity of Local Government in the North West and Gauteng. Generally the feeling pointed to the impressive track record of Municipalities in Gauteng. The general sentiment is that the reincorporation of Merafong into the Gauteng Province would lead to the address of service delivery backlog experienced by the affected communities.

### 6.2 Economic Development Cluster

#### 1. Economic implications for reincorporation

The reincorporation of the Merafong City Local Municipality into Gauteng was seen to be a positive move. Workers from Merafong, Trade Unions and Labour Organizations strongly argued for the reincorporation of Merafong into Gauteng. A large part of the Merafong population is said to be employed in Gauteng. It was argued that there are strong job creation opportunities in Gauteng.

Merafong is said to be linked to Gauteng by an extensive road network and the main economic activities of the area are conducted with the Gauteng Province.

#### 2. Submissions from Political Parties

The African National Congress (ANC), the Pan-African Congress (PAC), the United Democratic Movement (UDM) argued for the reincorporation of the whole of Merafong City Local Municipality into Gauteng.

DA (Fochville), argued for the reincorporation of the Merafong City Local Municipality with exception of Fochville, Kokosi and Green Park. The reincorporation of the aforesaid areas was said to be unconstitutional and unlawful as there had not been proper consultation in the above said areas.

#### 6.2.1 Views against the reincorporation

There were a few submissions arguing against the reincorporation of Fochville, Kokosi and Green Park. The concerns raised were about the state of education in the Gauteng

Province Amongst others, a concern was raised on the availability of learner materials in the Gauteng Province.

#### 7. ANALYSIS OF THE STAKEHOLDER SUBMISSIONS

The Joint Public Hearing was a great success and an overwhelming majority of people and organizations attending the Public Hearing were in support of the *Constitution Sixteenth Amendment Bill* (B1-2009).

People of the whole of the Merafong City Local Municipality which includes Fochville, Kokosi and Green Park in exception of the DA (Fochville) regard themselves as an inseparable part of Gauteng Their position is informed by the socio-economic fibre linkages between their Municipal area of jurisdiction and the Gauteng Province.

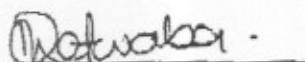
#### 8. COMMITTEE POSITION

The Portfolio Committee on Local Government applied itself to the stakeholder submissions and further considered the legal, socio-economic and financial implications of the *Constitution Sixteenth Amendment Bill* (B1-2009) on the Gauteng Province and concluded as follows

- The Committee supports the Bill in full; however, the Bill requires adjustments to Provincial Budgets of the Provinces concerned in order to address the shifting functions performed from one Province to another
- The National Department of Local Government's intention to establish a Transitional Committee whose main purpose would be to discuss and inform the community about the process of transferring Merafong City Local Municipality to the Gauteng Province and to address transitional arrangements and the financial implications thereof is noted

#### 9. NEGOTIATING POSITION ADOPTED BY THE COMMITTEE

The Local Government Portfolio Committee supports the principle and detail of the *Constitution Sixteenth Amendment Bill* (B1-2009)-Section 74



RS LETWABA

HON. CHAIRPERSON: LOCAL GOVERNMENT PORTFOLIO COMMITTEE



ISISHAYAMTHETHO SAKWAZULU-NATAL

KWAZULU-NATAL WETGEWER

**KWAZULU-NATAL PROVINCIAL LEGISLATURE**

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**TO: THE CHAIRPERSON,  
SECURITY & CONSTITUTIONAL  
AFFAIRS**

**NEGOTIATING MANDATE**

**PROVINCE : KWAZULU-NATAL**

**BILL : CONSTITUTION SIXTEENTH  
AMENDMENT BILL [B1 – 2009]**

**PROVINCIAL PROCESS :**

Provincial Portfolio Committee/s : Local Government & Traditional Affairs  
Portfolio Committee  
meeting date/s : Wednesday, 25<sup>th</sup> of FEBRUARY 2009  
Provincial NCOP meeting date/s : Friday, the 27<sup>th</sup> of FEBRUARY 2009  
Consultation : Parliamentary Legal Advisors, Special &  
Permanent Delegates

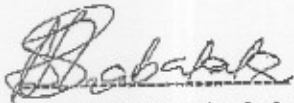
**MANDATE OF THE KWAZULU-NATAL PROVINCIAL LEGISLATURE:**

The Provincial Standing Committee on National Council of Provinces Matters met today, Friday, the 27<sup>th</sup> of FEBRUARY 2009, & agreed to mandate the KwaZulu-Natal delegation to the National Council of Provinces to **support** the **Constitution Sixteenth Amendment Bill [B1-2009]**.

Constitution 16<sup>th</sup> Amendment Bill [B1-2009] Negotiating Mandate – KwaZulu-Natal Legislature  
27 February 2009



PROVINCIAL ENDORSMENT



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

Friday, the 27<sup>th</sup> of FEBRUARY 2009

DATE

20090303 SC Secretary

# Limpopo Legislature

## OFFICE OF THE SECRETARY

**Physical Address:**

Lebowakgomo  
Government Complex

**Postal Address:**

Private Bag X9309  
Polokwane  
0700

### NEGOTIATING MANDATE ON THE CONSTITUTION 16<sup>TH</sup> AMENDMENT BILL, 2009 [B 1-2009]

#### 1. INTRODUCTION

The National Council of Provinces referred the Constitution 16<sup>th</sup> Amendment Bill, 2009[B 1 – 2009] to the Limpopo Legislature. Upon receipt by the Legislature, the Bill was referred to the Portfolio Committee on Local Government and Housing to make further inputs for consideration by the NCOP.

#### 2. THE BILL

The Bill seeks to amend the Constitution of the Republic of South Africa, 1996, in order to re-determine the geographical areas of the provinces of Gauteng and North West; and to provide for matters connected therewith.

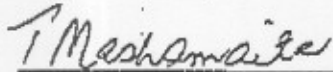
#### 3. CONSIDERATION OF THE BILL

The Committee welcomed the Bill as the re-determination of geographical area for the incorporation of Merafong City Local Municipality (in North West) into Gauteng Province was long overdue and people in the affected area were already losing patience. In considering the Bill, the Committee placed an advertisement in the newspapers calling for written submissions on the Bill. No comments were received from the stakeholders seemingly because the Bill only affects Gauteng and North West provinces. However, the Committee met on 20 February 2009 to consider the principles and provisions of the Bill. Having considered the Bill, the Committee agrees with the principle and provisions of the Bill, but request that the following inputs should be noted:

- 3.1 Public involvement in government decision-making processes should be intensified than it is currently happening.
- 3.2 Noting that Moutse in the Limpopo Province and Matatiele in Kwazulu-Natal are currently demanding a similar government decision to be re-incorporated to their former provinces using violence and damage to property, other areas may follow suit. The implication of this precedent will be that the Constitution of the Republic will always be amended.
- 3.3 There must be public education to teach people that South Africa is a unitary state and moving from one province to another does not make any difference.
- 3.4 The process of re-configuration of the state should be fast-tracked to avoid a similar situation elsewhere in future.

## 2. NEGOTIATING MANDATE

The Committee confers a mandate to the NCOP Delegates to negotiate in favour of the Bill for enactment, taking note of the above inputs.



COMMITTEE CHAIRPERSON

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Enq: Dimakatso Mashogo  
Tel: (013) 766 1399/1147

## Office of the Secretary

### NEGOTIATING MANDATE

#### CONSTITUTION SIXTEENTH AMENDMENT BILL [B1 - 2009]

The Portfolio Committee on Local Government and Housing ("the Committee") met on the 25 February 2009 for the briefing by the NCOP Permanent Delegate and discussion of the Constitution Sixteenth Amendment Bill [B1-2009] ("the Bill").

Whilst the Committee had released a press/media notice on SOWETAN News paper on 11/02/2009 wherein it invited members of the public, interested and affected parties to make written inputs on the Bill, the deadline was on 18/02/2009.

No representations from the public were received by the 18/02/2009.

In the absence of written inputs/submissions, the Committee discussed the Bill thoroughly and compiled a report. In principle the Committee supported the Bill. However, the Committee raised concerns and requests as attached in the report. The Committee report on the Bill is attached hereto for information purposes.

The delegation representing the Province of Mpumalanga in the National Council of Provinces is conferred with authority and mandate to negotiate in favour of the Bill.

  
HON. J. MAHLANGU  
CHAIRPERSON: PORTFOLIO COMMITTEE  
ON LOCAL GOVERNMENT AND HOUSING

25/02/2009  
DATE

**REPORT OF THE PORTFOLIO COMMITTEE ON LOCAL  
GOVERNMENT AND HOUSING ON THE CONSTITUTION  
SIXTEENTH AMENDMENT BILL [B1-2009]**

**1. INTRODUCTION**

The Portfolio Committee on Local Government and Housing was served with the Constitution Sixteenth Amendment Bill ("The Bill") [B1-2009]. Subsequently as part of its law making mandate, the Portfolio Committee resolved to conduct Public Hearings to elicit views, inputs and/or comments from the Members of the Public and stakeholders.

**1.1 OBJECTIVE OF THE BILL:-**

The main objective of the Bill as deduced from the long title is to amend the Constitution of the Republic of South Africa, 1996, in order to re-determine the geographical areas of the provinces of Gauteng and North West; and to provide for matters connected therewith.

**2. METHOD OF WORK**

The Committee met on the 25 February 2009 for briefing and deliberations on the amendments made on the Constitution Sixteenth Amendment Bill [B 1-2009].

The Portfolio Committee had released a press/media notice on the SOWETAN news paper on 11/02/2009 wherein it invited members of the public, interested and affected parties to make written inputs on the Bill.

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### 3. Inputs and Comments

The Members of the Public did not make written Inputs as invited.

The Committee discussed the Bill thoroughly and considered the implications of passing the Bill. The Portfolio Committee supported the Bill and mandated the Permanent Delegates from Mpumalanga Province to vote in favor of the Bill.

However the Portfolio Committee raised the following serious concerns as it had indicated to the Minister of Justice and Constitutional Development that:

- The Bill must not only address the Khutsong/ Merafong areas, but it must also incorporate the areas of Moutse and Matatiele back to their original provinces;
- The Committee was also concerned by the protracted negotiations and consultations with the people of Moutse areas and possibly Matatiele;
- The Committee was further concerned about the public utterances by the Minister of Provincial and Local Government, Honorable Sicelo Shiceka wherein he intimated that referendum might be the option to follow in getting the views of Moutse. As the neighbor province to Moutse, we do not believe that such a cause of action (ie. referendum) will solve the problem because a lot of people from Mpumalanga and Limpopo not residing in Moutse might force themselves to express their views as if they are residents of Moutse despite the existence of the voters' roll of Moutse wherein not the residents of Moutse will appear registered.
- We strongly recommend and suggest that the situation be looked at which regard to the attitude of Moutse people since their incorporation into Limpopo Province in 2005. The same might apply possibly to Matatiele.

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- There has been peace in Moutse before incorporation into Limpopo and there was nobody who demanded to be incorporated into Limpopo before the enactment of the legislation which incorporated Moutse into Limpopo. In our view this is a crucial consideration which should not be overlooked. What the Limpopo and Mpumalanga leadership say, should by no means stand in the way of the WILL of the people of Moutse area.
- The matter of Khutsong/ Merafong; Matatiele and Moutse must not be treated in a piece-meal approach because it might give an impression that the other areas are being neglected and it may consequently exacerbate the volatility of the situation in the other affected areas as indicated *supra*. Currently as neighbor of Moutse area, we are observing unpalatable violent protests which disturb the processes of elections in that area.

Therefore, the Portfolio Committee requests both Parliament and the Minister(s) to take into consideration the historical background as alluded to above.

### 3. RECOMMENDATION

The Portfolio Committee recommends that the Permanent Delegation to the NCOP should vote in favor of the Bill.

However, the concerns of the Committee *vis-à-vis* the incorporation of Khutsong/Merafong into Gauteng Province; maintaining Moutse in Limpopo and maintaining Matatiele into KZN Province should be given serious attention by Parliament.

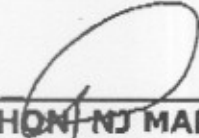
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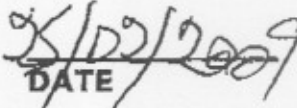
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**4. CONCLUSION**

The Chairperson would like to thank the Members of the Portfolio Committee for their participation during and after the proceedings of the public hearings.

Lastly, on behalf of the Committee, the Chairperson would like to request the House to adopt this Report.

  
\_\_\_\_\_  
**HON. NJ MAHLANGU**  
**CHAIRPERSON: PORTFOLIO COMMITTEE**  
**ON LOCAL GOVERNMENT AND HOUSING**

  
**DATE**



FEB.27.2009 10:37  
FROM :LEGISLATURE

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27 Feb. 2009 10:20AM P 4



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Date: **27 FEB 2009**

The Chairperson  
National Council of Provinces  
Hon MJ Mahlangu

**NEGOTIATING MANDATE FOR THE CONSTITUTION SIXTEENTH AMENDMENT BILL [B1 -2009]**

**1. INTRODUCTION**

The Chairperson of the Standing Committee on Constitutional Affairs, Petitions & Public Participation Hon MH Robertson, tabled the Committee's negotiating mandate on the *Constitution Sixteenth Amendment Bill [B1 - 2009]* as adopted by the Portfolio Committee on 26 February 2009.

**2. PROCESS FOLLOWED**

- 2.1 The Speaker of the Northern Cape Provincial Legislature, on receipt, referred the *Constitution Sixteenth Amendment Bill [B1 - 2009]* to the Standing Committee on Constitutional Affairs, Petitions & Public Participation on 03 February 2009.
- 2.2 The Standing Committee received a briefing on the Bill from the Northern Cape's Senior Manager Legal Services & NCDP on 26 February 2009.
- 2.3 On 26 February 2009, the Standing Committees on Constitutional Affairs, Petitions & Public Participation deliberated and considered the *Constitution Sixteenth Amendment Bill [B1 - 2009]*.
- 2.4 Request for public comment was published on the 10 February 2009 in the Diamond Fields Advertisement (DFA) for inputs on the Bill. No inputs were received.

**3. COMMITTEE INPUTS ON THE BILL**

- The Bill must also address the inclusion of Jan Kempdorp into the Phokwane Municipality in the Northern Cape since there is no outcome on various requests to several stakeholders in this regard. The town is divided between the North West and the Northern Cape Provinces. (Please see correspondence attached relating to these requests.)

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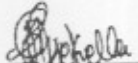
**4. THE STANDING COMMITTEES POSITION ON THE BILL**

After due deliberation, the Standing Committee on Constitutional Affairs, Petitions & Public Participation supports the Bill.

**5. COMMITTEE ADOPTION OF THE BILL**

The Committee adopted this negotiating mandate.

The Committee mandates the Permanent Delegates to participate in deliberations at the negotiating stage and to support the Bill taking note of the comments and recommendations raised by the Committee.

  
\_\_\_\_\_  
HONG CJIEKELLA  
DEPUTY SPEAKER

FEB. 27. 2009 10:38  
FROM :LEGISLATURE

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27 Feb. 2009 10:28AM P 2



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Fax: Admin (053) 839 8094  
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Date: 27 FEB 2009

The Chairperson  
National Council of Provinces  
Hon MJ Mahlangu

### NEGOTIATING MANDATE FOR THE CROSS-BOUNDARY MUNICIPALITIES LAWS REPEAL AND RELATED MATTERS AMENDMENT BILL [B3-2009]

#### 1. INTRODUCTION

The Chairperson of the Portfolio Committee on Housing & Local Government, Hon PG Moipolai, tables the Committee's negotiating mandate on the *Cross-boundary Municipalities Laws Repeal and Related Matters Amendment Bill [B3-2009]* as adopted by the Portfolio Committee on 26 February 2009.

#### 2. PROCESS FOLLOWED

- 2.1 The Speaker of the Northern Cape Provincial Legislature, on receipt, referred the *Cross-boundary Municipalities Laws Repeal and Related Matters Amendment Bill [B3-2009]* to the Portfolio Committee on Housing & Local Government on 18 February 2009.
- 2.2 On 26 February 2009, the Portfolio Committee on Housing & Local Government received a briefing on the Bill from the Snr. Manager: Legal Services & NCOP. The Committee further deliberated and considered Bill.

#### 3. COMMITTEE INPUTS ON THE BILL

- The Bill must also address the inclusion of Jan Kempdorp into the Phokwane Municipality in the Northern Cape since there is no outcome on various requests to several stakeholders in this regard. The town is divided between the North West and the Northern Cape Provinces. (Please see correspondence attached relating to these requests.)

#### 4. PORTFOLIO COMMITTEE POSITION ON THE BILL

After due deliberation, the Portfolio Committee on Housing & Local Government supports the Bill.

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5. COMMITTEE ADOPTION OF THE BILL

The Committee adopted this negotiating mandate duly signed by the Chairperson of the Committee.

The Committee recommends 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 comments and recommendations raised by the Committee.

  
HON G CJIEKELLA  
DEPUTY SPEAKER



## NORTH WEST PROVINCIAL LEGISLATURE

Legislature Building  
Dr James Moroka Drive  
Private Bag X2018  
MMABATHO  
2735

### OFFICE OF THE SPEAKER

Development, Local Government and Housing, Provincial Affairs Portfolio  
Committee

RECEIVED  
2009-03-03

02 February 2009

Report on the Negotiating Mandate of Constitution Sixteenth Amendment Bill [B1-2009] and Cross-Boundary Municipality Laws Repeal and Related Matters Amendment Bill [B3B-2009]

#### 1. TERMS OF REFERENCE

The above mentioned Bills were referred to the Portfolio Committee for consideration as a matter of priority.

#### 2. BRIEFING

On the 23rd February 2009, Hon. L. Moseki, NCOP Permanent Delegate briefed the members of the Portfolio Committee on Developmental Local Government, Housing and Provincial Affairs on the above Bills. Present at the briefing was Committee members, the National Department of Local Government legal advisors and Legislature legal advisors.

#### 3. CONSIDERATION

There was a need for public hearing and it was held on the 25th February 2009 at Merafong Carltonville Civic Centre.

#### 4. RESOLUTION

The Local Government Portfolio Committee supports the principle and detail of the Constitution Sixteenth Amendment Bill [B1-2009] and Cross boundary Municipalities Laws Repeal and Related Matters Amendment Bill [B3B-2009].

Signed

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THE DEPUTY SPEAKER: Hon. B. TSHWENE

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20090303SCSecurity

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



**NEGOTIATING MANDATE OF THE CONSTITUTION SIXTEENTH  
AMENDMENT BILL [B1-2009] (NCOP)**

Negotiating mandate of the Western Cape Provincial Parliament on the *Constitution Sixteenth Amendment Bill [B1-2009] (NCOP)*, as resolved by the Standing Committee Governance on 3 March 2009.

The Western Cape Provincial Parliament having considered the subject of the *Constitution Sixteenth Amendment Bill [B1-2009] ((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 without amendments.

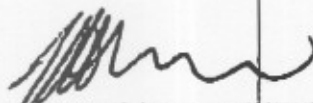
**S E BYNEVELDT  
SPEAKER  
3 MARCH 2009**



**COMMITTEE REPORT**

***(Negotiating Mandate Stage)*** Report of the Standing Committee on Governance on the *Constitution Sixteenth Amendment Bill [B1-2009]* (NCOP) dated, 03 March 2009.

The Standing Committee on Governance having considered the subject of the *Constitution Sixteenth Amendment Bill [B1-2009]* (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 without amendments.



.....  
**Mr K H Morkel**

**Chairperson of the Standing Committee on Governance**

**03 March 2009**