



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

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21 February 2013

Ms JL Fubbs MP
Chairperson: Portfolio Committee on Trade and Industry
Parliament of the Republic of South Africa

Dear Ms Fubbs

**RE REFERRAL OF THE INTELLECTUAL PROPERTY LAWS
AMENDMENT BILL [B8B-2010]**


Your letter dated 20 February 2013 refers.


On 19 September 2012, the President recommitted the above Bill back to the National Assembly for reconsideration in terms of section 79(1) of the Constitution. The President is *inter alia* of the view that the Bill was incorrectly tagged as a section 75 Bill and that the Bill was not referred to the National House of Traditional Leaders (NHTL) for comment as required by section 18(1) of the *Traditional Leadership and Governance Framework Act* of 2003.

The Joint Tagging Mechanism (JTM) has considered the above matters. We are in agreement with the President that the IPLAB is a section 76 Bill as it substantially affects certain items listed in Schedule 4 to the Constitution, namely "traditional leadership" and "cultural matters". In this regard, the JTM is of the view that the Bill must be dealt with in terms of the procedure stipulated in section 76 of the Constitution.

With regard to the referral of the IPLAB to the NHTL, we are of the view that as the Portfolio Committee on Trade and Industry actively solicited the views of the NHTL when processing the IPLAB, section 18(1) of the *Traditional Leadership and Governance Framework Act*, 2003, was substantially complied with and as such it is not necessary to resubmit the Bill to the NHTL for comment.

Yours sincerely


MV Sisulu MP
Speaker of the National Assembly


MJ Mahlangu MP
Chairperson of the National
Council of Provinces