

PARLIAMENT
OF THE
REPUBLIC OF SOUTH AFRICA

**ANNOUNCEMENTS,
TABLINGS AND
COMMITTEE REPORTS**

TUESDAY, 4 DECEMBER 2018

TABLE OF CONTENTS

ANNOUNCEMENTS

National Assembly and National Council of Provinces

1. Bills passed – to be submitted to President for assent..... 2

National Assembly

1. Return of Bills for concurrence 2

National Council of Provinces

1. Transmission of Bills for concurrence..... 3

TABLINGS

National Assembly and National Council of Provinces

1. Minister of Justice and Correctional Services 4

COMMITTEE REPORTS

National Council of Provinces

1. Cooperative Governance and Traditional Affairs 5
2. Cooperative Governance and Traditional Affairs 7

ANNOUNCEMENTS

National Assembly and National Council of Provinces

The Speaker and the Chairperson

1. Bills passed by Houses – to be submitted to President for assent

- (1) Bills passed by National Council of Provinces on 4 December 2018:
 - (a) **Marine Spatial Planning Bill** [B 9D – 2017] (National Assembly – sec 76).
 - (b) **Communal Property Associations Amendment Bill** [B 12B – 2017] (National Assembly – sec 76).
 - (c) **National Research Foundation Amendment Bill** [B 23B – 2017] (National Assembly – sec 75).
 - (d) **Competition Amendment Bill** [B 23B – 2018] (National Assembly – sec 75).
 - (e) **Adjustments Appropriation Bill** [B 35 – 2018] (National Assembly – sec 77).
 - (f) **Special Appropriation Bill** [B 36 – 2018] (National Assembly – sec 77).
 - (g) **Rates and Monetary Amounts and Amendment of Revenue Laws Bill** [B 37 – 2018] (National Assembly – sec 77).
 - (h) **Taxation Laws Amendment Bill** [B 38 – 2018] (National Assembly – sec 77).
 - (i) **Tax Administration Laws Amendment Bill** [B 39B – 2018] (National Assembly – sec 75).

National Assembly

The Speaker

1. Message from National Council of Provinces to National Assembly in respect of Bills passed by Council and returned to Assembly

- (1) Bills amended by Council and returned for concurrence on 4 December 2018:

- (a) **Protection, Promotion, Development and Management of Indigenous Knowledge Bill** [B 6D - 2016] (National Assembly – sec 76).

The Bill has been referred to the **Portfolio Committee on Science and Technology** of the National Assembly.

- (b) **Traditional Leadership and Governance Framework Amendment Bill** [B 8D - 2017] (National Assembly – sec 76).

The Bill has been referred to the **Portfolio Committee on Cooperative Governance and Traditional Affairs** of the National Assembly.

- (2) Bills, subject to proposed amendments, passed by Council on 4 December 2018 and returned for consideration of Council's proposed amendments:

- (a) **Films and Publications Amendment Bill** [B 37B - 2015] (National Assembly – sec 75) (for proposed amendments, see Announcements, Tablings and Committee Reports, 22 November 2018, p 59).

The Bill has been referred to the **Portfolio Committee on Communications** of the National Assembly.

- (b) **Critical Infrastructure Protection Bill** [B 22B - 2017] (National Assembly – sec 75) (for proposed amendments, see Announcements, Tablings and Committee Reports, 27 November 2018, p 149).

The Bill has been referred to the **Portfolio Committee on Police** of the National Assembly.

National Council of Provinces

The Chairperson

1. Message from National Assembly to National Council of Provinces in respect of Bills passed by Assembly and transmitted to Council

- (1) Bills passed by National Assembly and transmitted for concurrence on 4 December 2018:

- (a) **Foreign Service Bill** [B 35B - 2015] (National Assembly – sec 75).

The Bill has been referred to the **Select Committee on Trade and International Relations** of the National Council of Provinces.

- (b) **Customary Initiation Bill** [B 7B - 2018] (National Assembly – sec 76).

The Bill has been referred to the **Select Committee on Cooperative Governance and Traditional Affairs** of the National Council of Provinces.

- (c) **iKamva Digital Skills Institute Bill** [B 10B – 2018] (National Assembly – sec 75) (introduced as **iKamva National e-Skills Institute Bill** [B 10 – 2018]).

The Bill has been referred to the **Select Committee on Communications and Public Enterprises** of the National Council of Provinces.

- (d) **Property Practitioners Bill** [B 21B - 2018] (National Assembly – sec 76).

The Bill has been referred to the **Select Committee on Social Services** of the National Council of Provinces.

TABLINGS

National Assembly and National Council of Provinces

1. The Minister of Justice and Correctional Services

- (a) Government Notice No R. 1330, published in the Government Gazette No 42074, dated 30 November 2018: Amendment of Regulations relating to Sheriffs, 1990, made in terms of section 62 of the Sheriffs Act, 1986 (Act No 90 of 1968).

COMMITTEE REPORTS

National Council of Provinces

1. Report of the Select Committee on Cooperative Governance and Traditional Affairs on the Public Service Commission Amendment Bill [B 21B-2015] (National Assembly – Section 76), dated 4 December 2018:

The Select Committee on Cooperative Governance and Traditional Affairs having considered the **Public Service Commission Amendment Bill [B 21B-2015]**, classified as section 76, reports that it has agreed to an amended Bill [B21D-2015]. The Select Committee agreed to the following amendments:

1. Amendments agreed to

Public Service Commission Amendment Bill

[B 21B-2015]

CLAUSE 1

1. On page 2, from line 16, to substitute the following subsection for subsection (7):

“(7) The renewal of term of a commissioner must be based on the commissioner—

(a) remaining a fit and proper person as required by section 196(10) of the Constitution; and

(b) having maintained a satisfactory level of performance in relation to his or her duties.”.

CLAUSE 2

1. On page 2, in line 23, after “Commission” to insert “for a period not exceeding 30 days”.

2. Certification of the Bill

The Select Committee certifies that –

- a. all amendments are constitutionally and procedurally in order within the meaning of Joint Rule 161; and
- b. no amendments affect the classification of the Bill.

3. Consensus on the Bill

- a. Support for the adoption of the Bill was unanimous.

Report to be considered.

2. Report of the Select Committee on Cooperative Governance and Traditional Affairs on the Traditional and Khoi-San Leadership Bill [B 23B-2015] (National Assembly – Section 76), dated 4 December 2018:

The Select Committee on Cooperative Governance and Traditional Affairs having considered the **Traditional and Khoi-San Leadership Bill [B 23B-2015]**, classified as section 76, reports that it has agreed to an amended Bill **[B23D-2015]**. The Select Committee agreed to the following amendments:

1. Amendments agreed to

TRADITIONAL AND KHOI-SAN LEADERSHIP BILL
[B 23B—2015]

CLAUSE 5

1. On page 10, in line 38, to omit “coherent”.

CLAUSE 24

1. On page 33, in line 52, after “and” to insert “, notwithstanding the provisions of any other law,”.
2. On page 33, from line 57, to omit paragraph (c) and to substitute:
“(c) is subject to—
 - (i) a prior consultation with the relevant community represented by such council;
 - (ii) a decision in support of the partnership or agreement taken by a majority of the community members present at the consultation contemplated in subparagraph (i); and
 - (iii) a prior decision of such council indicating in writing the support of the council for the particular partnership or agreement;”.

CLAUSE 33

1. On page 37, from line 52, to omit “during the sitting of Parliament”.

CLAUSE 34

1. On page 38, in line 40, to omit “consecutive”.

CLAUSE 63

1. On page 51, from line 12, to omit subsection (4) and to substitute:

“(4) (a) A tribal authority that, immediately before 24 September 2004, had been established and was still recognised as such, is deemed to be a traditional council contemplated in section 16 of this Act and must perform the functions referred to in section 20:

Provided that such a tribal authority must be reconstituted to comply with the provisions of section 16(2) within two years from the date of commencement of this Act.

(b) If, prior to the commencement of this Act, any tribal authority was reconstituted as contemplated in paragraph (a), but such reconstitution did not comply with all the requirements of section 16(2), such tribal authority is deemed to be a traditional council and must, within two years of the commencement of this Act, be reconstituted in full compliance with the provisions of section 16(2).

(c) If the timeframes contemplated in paragraph (a) or (b) are not met, the Minister may, within one year after the timeframes have lapsed and after consultation with the relevant Premier, apply the provisions of section 16(2) to ensure that such tribal authority or traditional council is constituted or reconstituted in accordance with the provisions of section 16(2).

(d) The provisions of section 16(5) apply to any constitution or reconstitution contemplated in this subsection.”

2. On page 53, in line 62, to omit “amend” and to substitute “either amend or re-enter into”.
3. On page 54, after line 2, to insert:

“(d) The provisions of this subsection do not apply to any partnership or agreement which, at the commencement of this Act, has been entered into in accordance with any enabling provisions of any other law.”

4. On page 54, in line 3, to omit “section” and to substitute “chapter”.

MEMORANDUM ON THE OBJECTS

1. From page 73, to amend paragraph 2.5 as follows:

“Clause 5 of the Bill makes provision for the recognition of Khoi-San communities and branches (please also see clauses 56 and 58 of the Bill). As mentioned earlier, this is the first time that statutory provision is made for the Khoi-San and therefore this provision and others in the Bill relating to the Khoi-San are all new. A community may apply to the relevant Premier to be recognised as a Khoi-San community if it meets certain criteria. The community must have a history of self-identification by members of the community as belonging to a unique community distinct from all other communities. It must observe distinctive established Khoi-San customary law and customs and has to be subject to a system of hereditary or elected Khoi-San leadership. Furthermore, the community must have existing distinctive cultural heritage manifestations and a proven history of **[coherent]** existence of the community from a particular point in time up to the present. The relevant community must also occupy a specific geographical area or various geographical areas together with other non-community members. These criteria differ slightly from the criteria for traditional communities mainly due to the unique circumstances and history of the Khoi-San. However, the criteria are necessary to ensure that only legitimate Khoi-San communities in terms of customary law and customs are considered for recognition.”

2. On page 79, to add the following to paragraph 2.26:

“2.26 As far as partnerships and agreements are concerned, clause 24 determines with who a council may enter into a partnership or agreement. It also contains specific requirements and makes provision for monitoring by the provinces. A council may only enter into a partnership or agreement if the relevant community has been consulted and the majority of community members present at such consultation has taken a decision in support of the partnership or agreement.”

3. On page 84, to add the following to paragraph 2.54(g):

“(g) Since the Bill introduces certain requirements for partnerships and agreements (see clause 24), it is important that existing partnerships and agreements be tested against such requirements. Therefore, clause 63(22) determines that such partnerships and agreements must be reviewed by the relevant Premier within a period of three years from the date of commencement of this Bill. This will however not apply in respect of partnerships and agreements that, prior to the commencement of this Bill, has been entered into in accordance with enabling provisions contained in any other legislation.”

2. Certification of the Bill

The Select Committee certifies that –

- a. all amendments are constitutionally and procedurally in order within the meaning of Joint Rule 161; and
- b. no amendments affect the classification of the Bill.

3. Consensus on the Bill

- a. Support for the adoption of the Bill was not unanimous. The Western Cape Legislature did not support the Bill.

Report to be considered.