

Tuesday, 31 January 2023]

No 7—2023] FIFTH SESSION, SIXTH PARLIAMENT

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

**ANNOUNCEMENTS,
TABLINGS AND
COMMITTEE REPORTS**

TUESDAY, 31 JANUARY 2023

TABLE OF CONTENTS

ANNOUNCEMENTS

National Assembly and National Council of Provinces

1. Classification of Bills by JTM 2

National Assembly

1. Referral to Committees of papers tabled..... 2

TABLINGS

National Assembly and National Council of Provinces

1. Speaker and Chairperson..... 3

National Assembly

1. Speaker..... 3

COMMITTEE REPORTS

National Assembly

1. Agriculture, Land Reform and Rural Development..... 36
 2. Forestry, Fisheries and Environment 39
-

ANNOUNCEMENTS

National Assembly and National Council of Provinces

The Speaker and the Chairperson

1. Classification of Bills by Joint Tagging Mechanism (JTM)

- (1) The JTM in terms of Joint Rule 160(6) classified the following Bill as a section 75 Bill:
 - (a) **Repeal of the Transkeian Penal Code Bill [B34-2022]** (National Assembly – sec 75).
- (2) The JTM in terms of Joint Rule 160(6) classified the following Bill as a section 74 Bill:
 - (a) **Constitution Eighteenth Amendment Bill [B1-2023]** (National Assembly – sec 74).

National Assembly

The Speaker

1. Referral to Committees of papers tabled

- (1) The following paper is referred to the **National Assembly Rules Committee, Joint Rules Committee, Portfolio Committee on Home Affairs, Joint Standing Committee on Intelligence, Joint Standing Committee on Financial Management of Parliament, Portfolio Committee on Justice and Correctional Services, Standing Committee on Public Accounts, Standing Committee on Finance, Portfolio Committee on Police, Portfolio Committee on Public Enterprises, Portfolio Committee on Mineral Resources and Energy, Portfolio Committee on Trade, Industry and Competition, Portfolio Committee on Small Business Development, Portfolio Committee on Public Service and Administration, Joint Constitutional Review Committee, Standing Committee on Auditor-General and Joint Committee on Ethics and Members' Interests** for consideration and report.

- (a) Parliament's Implementation Plan to give effect to the Recommendations in the Report of the Judicial Commission of Inquiry into allegations of State Capture, Corruption and Fraud in the Public Sector, including Organs of State.
-

TABLINGS

National Assembly and National Council of Provinces

1. The Speaker and the Chairperson

- (a) Third Quarterly Performance Report of Parliament for 2022-23, tabled in terms of section 54(1) of the Financial Management of Parliament and Provincial Legislatures Act, 2009 (Act No 10 of 2009).

Please Note: The following entry replaces the entry in the name of the Speaker and Chairperson under Tablings in the ATC (Announcements, Tablings and Committee Reports) for 27 January 2023, on page 3.

- (b) Report and Financial Statements of the Electoral Commission on the Political Party Funding for 2021-22, including the Report of the Auditor-General on the Financial Statements for 2021-22, in terms of section 22 of the Political Party Funding Act, 2018 (Act No 6 of 2018)

National Assembly

1. The Speaker

- (a) Parliament's Implementation Plan to give effect to the Recommendations in the Report of the Judicial Commission of Inquiry into allegations of State Capture, Corruption and Fraud in the Public Sector, including Organs of State.



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

**CONSIDERATION OF THE REPORT OF THE JUDICIAL COMMISSION
OF INQUIRY INTO ALLEGATIONS OF STATE CAPTURE, CORRUPTION
AND FRAUD IN THE PUBLIC SECTOR INCLUDING ORGANS OF STATE
AND THE PRESIDENT'S RESPONSE TO THE COMMISSION'S
RECOMMENDATIONS**

Parliament's Implementation Plan

03 NOVEMBER 2022

Contents

1. EXECUTIVE SUMMARY	4
1.1. Recommendations on Parliamentary Oversight and Accountability	4
1.2. Overseeing the Implementation of the President’s Response Plan	5
1.3. Monitoring Parliament’s Implementation Plan.....	5
1.4. Parliamentary Reforms to Strengthen Carrying out Parliament’s Constitutional Mandate	6
2. INTRODUCTION	6
3. OVERVIEW	7
3.1. Overall finding by the Commission	7
3.2. Legal Status of the Commission and its findings	7
4. RECOMMENDATIONS ON PARLIAMENTARY OVERSIGHT AND ACCOUNTABILITY ROLE	8
5. OVERSEEING THE IMPLEMENTATION PLAN OF THE EXECUTIVE BRANCH	17
5.1. Dealing with Perpetrators of State Capture	17
5.1.1. Criminal Investigations and Prosecutions.....	17
5.1.2. Asset Recoveries	18
5.1.3. Referrals to Other State Entities, Agencies and Executive Authorities	18
5.1.4. Referrals to Professional, Regulatory and Other Bodies	19
5.1.5. Investigations by the Independent Police Investigative Directorate	20
5.1.6. Companies Implicated in State Capture	20
5.1.7. Building the Capacity of the Criminal Justice System	20
5.2. Reforms to Prevent Future Occurrence of State Capture	21
5.2.1. Creation of a Permanent Anti-Corruption Commission and a Public Procurement Anti-Corruption Agency	21
5.2.2. Procurement Reforms	22
5.2.3. Stabilising and Reforming State-Owned Enterprises.....	22
5.2.4. Response to Abuses by the Private Sector	23
5.2.5. Reforming Intelligence Agencies	24
5.2.6. Protection and Incentives for Whistle-Blowers.....	24
5.2.7. Restoring the South African Revenue Service	25
5.2.8. Improving Measures to Combat Money Laundering.....	25
5.2.9. Reforms to the Electoral System	26
5.2.10. Creating a Criminal Offence of Abuse of Power and Constitutional or Political Malpractice	26
5.2.11. Responsibility of President and Premiers for Actions of Ministers and MECs	27
5.2.12. Interface Between the Executive and Parliament	27
5.3. Broader Systemic Reforms Arising from the Work of the Commission	28

6. MONITORING PARLIAMENT’S IMPLEMENTATION PLAN	28
7. PARLIAMENTARY REFORMS TO STRENGTHEN CARRYING OUT PARLIAMENT’S MANDATE	29
8. CONCLUSION	30
9. Annexures	31
9.1. Special Research Bulletin on Zondo Commission Report.....	31

1. EXECUTIVE SUMMARY

President Cyril Ramaphosa submitted parts of the report of the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State (Zondo Commission) to Parliament between March and July 2022¹. Revised sections of the Report were published in October 2022 followed by President Ramaphosa's response to the Commission's recommendations, submitted to the Executive Authority of Parliament on 22 October 2022.

This plan proposes the manner in which Parliament could process the Zondo Commission Report and the President's response to the Commission's recommendations. The plan is structured along four focus areas: Recommendations on parliamentary oversight and accountability, Parliamentary oversight of the President's [Executive] response plan, Monitoring Parliament's implementation plan and Parliamentary reforms to strengthen exercising Parliament's Constitutional mandate.

1.1. Recommendations on Parliamentary Oversight and Accountability

While the Commission made various references to the extent, timeliness and effectiveness, of Parliamentary oversight pertaining to allegations of State Capture, it advanced sixteen (16) recommendations relating specifically to Parliament. In the main, these pertained to Parliament's oversight and accountability mandate. These included Parliament's consideration of:

- The establishment of a committee to oversee the President and the Presidency
- Enhancing the capacity of Members of Parliament to hold the Executive Accountable, through introduction of a constituency-based electoral system
- Protecting Members of Parliament from losing Party membership and their seats in Parliament, by law
- Improved reporting of the Joint Standing Committee on Intelligence at the end of term of each Parliament
- Adequate resourcing for parliamentary oversight, including enhancing research and technical assistance to committees and the establishment of an Oversight and Advisory Section
- Improved attendance and reporting of the Executive at parliamentary committees, including appropriate consequence management

¹ ATC N 100-2022, 1 July 2022

- A system to track and monitor performance of the Executive on resolutions of [the Houses of Parliament] where corrective action is proposed
- The principle of “amendatory accountability” and possible legislation or amendment to Parliament’s rules in this regard
- Appointment of Chairpersons of committees to include more Members of opposition parties
- Amendment to Parliament’s rules regarding appointments by Parliament.

1.2 Overseeing the Implementation of the President’s Response Plan

The President’s response to the recommendations of the Commission represents an account of the outcomes of the Commission’s work and the implications for the Executive arm of State. It is presented as a “response plan”, indicating current initiatives pertaining to the Commission’s recommendations, where plans should be developed to implement the Commission’s recommendations or where the Commission’s recommendations would not be implemented, with considerations informing such decisions.

This implementation plan proposes the parliamentary committees that should oversee Executive action in respect of the Commission’s recommendations.

1.3 Monitoring Parliament’s Implementation Plan

The recommendations contained in the Commission’s report span across various government departments and state entities. This necessitates referral to several portfolio and select committees. It would be important for Parliament to identify the appropriate structure(s) in Parliament to oversee Parliament’s work to ensure that the Houses have regular updates and account publicly on the progress of the various parliamentary committees in overseeing Executive action in terms of the Commission’s recommendations, the President’s [Executive] response to the recommendations and Parliament’s own consideration and implementation of recommendations specific to Parliament.

While the Rules Committees of the Houses, including the Joint Rules Committee, will have specific roles to play in relation to those matters with policy or rule implications for the operations of Parliament, the House Chairpersons for Committees in both Houses are proposed as the office-bearers to monitor progress in respect of matters to be referred to portfolio, select and joint committees.

In this regard the fora of Chairpersons of Committees in the National Assembly and the National Council of Provinces and the Joint Chairpersons' Forum will also have an important role to play in support of the House Chairpersons.

1.4 Parliamentary Reforms to Strengthen Carrying out Parliament's Constitutional Mandate

Regarding the role of Parliament, the Zondo Commission deliberated, pronounced and made recommendations, in the main, on Parliament's oversight and accountability mandate. However, various testimonies and submissions to the Commission spoke to the role of Parliament more broadly. This points to the need for parliamentary reform to strengthen the core mandates of Parliament, including law-making and public involvement. This plan briefly records some of the initiatives underway, in this regard.

2. INTRODUCTION

The Executive Authority of Parliament, the Speaker of the National Assembly, Hon Nosiviwe Mapisa-Nqakula and the Chairperson of the NCOP, Hon Amos Masondo, received and published in the Announcements, Tablings and Committee Reports, the report of the Zondo Commission and the response of President Cyril Matamela Ramaphosa to the Commission's recommendations on 24 October 2022.

Parliament monitored the progress of the Commission since its inception in January 2018 and welcomed the conclusion of its work in October 2022.

Whilst the Commission acknowledged the progress and good work of some committees and individual Members of Parliament, the overall picture highlighted significant room for improvement. The Commission's report and recommendations, particularly those concerning Parliament's oversight role during the Fourth and Fifth Parliaments, require Parliament to put measures in place to strengthen its mechanisms.

3. OVERVIEW

3.1. Overall finding by the Commission

The overall finding made by the Zondo Commission was that state capture undoubtedly occurred in South Africa.²

Chief Justice Zondo concluded that “In the final analysis, much of the evidence presented to the Commission indicates that state capture in the South African context evolved as a project by which a relatively small group of actors, together with their network of collaborators inside and outside of the state, conspired systematically (criminally and in defiance of the Constitution) to redirect resources from the state for their own gain. This was facilitated by a deliberate effort to exploit or weaken key state institutions and public entities, but also including law enforcement institutions and the intelligence services.”³

The report concludes, “The process involved the undermining of oversight mechanisms and the manipulation of the public narrative in favour of those who sought to capture the state.”⁴

3.2. Legal Status of the Commission and its findings

The Commission was appointed under s84(2)(f) of the Constitution by President Jacob Zuma in 2018. Section 84 deals with the powers of the President, and subsection (2)(f) states that the President is responsible for appointing commissions of inquiry. The Zondo Commission is, therefore, a creature of statute. The Commission derives its investigative powers from the Commissions Act, 8 of 1947.

The findings of an inquiry are only subject to administrative review in terms of the Promotion of Administrative Justice Act 3 of 2000 (“PAJA”) if and when they directly affect a party. Commissions of inquiry exercise public powers.⁵

² State Capture Commission Report, Part 6, Vol 2, 298

³ State Capture Commission Report, Part 6, Vol 2, 298

⁴ State Capture Commission Report, Part 6, Vol 2, 296

⁵ *Corruption Watch and Another v Arms Procurement Commission and Others* (81368/2016) [2019] ZAGPPHC 351; [2019] 4 All SA 53 (GP)

4. RECOMMENDATIONS ON PARLIAMENTARY OVERSIGHT AND ACCOUNTABILITY ROLE

The Commission made 16 recommendations on Parliament’s role, mainly in relation to its oversight mandate.

No.	RECOMMENDATION	STATUS	DESIGNATED AUTHORITY	TIMELINE
1	It is recommended that Parliament should consider whether it would be desirable for it to establish a committee whose function is, or includes, oversight over acts or omissions by the President and Presidency, which are not overseen by existing portfolio committees.	This matter was referred to a subcommittee of the Rules Committee and a report hereon is expected shortly	National Assembly: Rules Committee	
2	It is recommended that Parliament should consider whether introducing a constituency-based (but still proportionally representative) electoral system would enhance the capacity of Members of Parliament to hold the executive accountable. If Parliament considers that introducing a constituency-based system have this advantage, it is recommended that it should consider whether, when	Parliament is currently processing the Electoral Laws Amendment Bill (B1-2022). The Bill is currently under consideration by the NCOP. Given the constitutional court deadline of 10 December 2022 to finalise this Bill, Parliament will embark on an exercise with the Department of Home Affairs to consider the implications of this recommendation, its impact on applicable policy provisions, financial implications and the	National Assembly: Portfolio Committee on Home Affairs and the NCOP: Select Committee on Security and Justice	

No.	RECOMMENDATION	STATUS	DESIGNATED AUTHORITY	TIMELINE
	weighed against any possible disadvantages of, this advantage justifies amending the existing electoral system.	attendant changes to our electoral system. This will require time and dedicated resources.		
3	It is recommended that Parliament should consider whether it would be desirable to enact legislation which protects Members of Parliament from losing their party membership (and therefore their seats in Parliament) merely for exercising their oversight duties reasonably and in good faith.	<p>This recommendation relates to the recommendation for electoral reform in in the context of proportional representation in Parliament. Political parties appoint Members from their party lists according to the proportion of seats won in an election.</p> <p>The constitutional oath of office for all Members of Parliament should serve as a guideline for executing Members’ constitutionally-mandated functions.</p>	<p>National Assembly: Portfolio Committee on Home Affairs and the</p> <p>NCOP: Select Committee on Security and Justice</p> <p>Joint Rules Committee</p>	
4	It is recommended that Parliament should consider amending section 6(1) of the Intelligence Services Oversight Act 40 of 1994, so as to ensure that, before an election, the outgoing JSCI is required to report to Parliament on as much as possible of the period preceding the election.	All Committees of Parliament are required to prepare a Legacy report at the end of a five-year term of Parliament, which is handed over to the next Parliament for consideration, and follow through, mainly on the work of committees of the previous term of Parliament.	JSCI	

No.	RECOMMENDATION	STATUS	DESIGNATED AUTHORITY	TIMELINE
		<p>The JSCI has been capacitated with administrative appointments that are now able to take this practice forward.</p> <p>The proposal is for the JSCI to be tasked to determine whether legislative changes are required to strengthen its reporting obligations.</p>		
5	<p>It is recommended that Parliament ensures that adequate funds are allocated, particularly to portfolio committees, to enable effective parliamentary oversight.</p>	<p>Parliament has consistently made submissions for more funds to National Treasury to improve the execution of all its core mandates: law-making, oversight, public participation, co-operative government and international engagement. These found expression in the engagements between the Executive Authority and the Minister of Finance as well as the Accounting Officer and the Director General and other Senior Officials in National Treasury.</p> <p>Parliament has requested more funding to resource all committees of Parliament, including select committees of the NCOP and portfolio committees of the NA.</p> <p>Select Committees, in particular, due to the clustering of portfolios require more resource</p>	<p>Executive Authority Accounting Officer</p> <p>Joint Standing Committee on Financial Management of Parliament</p>	

No.	RECOMMENDATION	STATUS	DESIGNATED AUTHORITY	TIMELINE
		allocations to ensure that permanent delegates are able to execute their functions effectively.		
6	It is recommended that, subject to budgetary restraints, the scale and skills of the research and technical assistance made available to the portfolio committees be enhanced.	<p>Parliament is seized with this matter, having recognized in its Strategic Plan and APP that the support to all committees (portfolio and select committees) requires professional expertise. Parliament’s 2022/2023 APP recognizes that in the future, 80% of its staff complement will comprise knowledge workers, as the core mandates of Parliament are largely driven through the generation, sharing and analysis of knowledge and evidence-based decision-making and recommendations.</p> <p>An increase in Parliament’s baseline will be required to augment the CoE budget to ensure that the parliamentary administration possesses the necessary skills and competencies to support Members and committees effectively. The current Organisational Realignment Project focuses on this objective.</p>	Secretary to Parliament	

No.	RECOMMENDATION	STATUS	DESIGNATED AUTHORITY	TIMELINE
7	It is recommended that Parliament needs to make it clear that the practice of late submissions to portfolio committees will not be tolerated.	Parliament will review the current rules applicable to this with a view to strengthen them, where applicable.	Joint Rules Committee and Rules Committees of the NA and NCOP	
8	It is recommended that Parliament should consider whether there is a need to legislate on the issue of reports by representatives of the executive to Parliament.	This recommendation is linked to recommendation 7 above.	Joint Rules Committee and Rules Committees of the NA and NCOP	
9	It is recommended that Parliament needs to make clear that non-attendance by ministers and others scheduled to attend portfolio committee meetings will not be tolerated and to ensure that consequences are visited on those who offend without adequate cause. Parliament should consider whether there is a need to legislate on this issue.	This recommendation is linked to recommendations 7 and 8 above, and the same considerations will be taken into account.	Joint Rules Committee and Rules Committees of the NA and NCOP	
10	It is recommended that Parliament implement a system to “track and	This should be common practice across all committees of Parliament as well as the Houses in	Presiding Officers	

No.	RECOMMENDATION	STATUS	DESIGNATED AUTHORITY	TIMELINE
	monitor” implementation (or non-implementation) by the executive of corrective action proposed in reports adopted by Parliament.	relation to resolutions of each House. Most committees have a “recommendation tracking tool” in place to follow up on actions to be taken by the Executive. The Houses too have manual systems in place and Parliament ICT is developing an e-system to address this matter. This system is currently being piloted in the National Assembly.	House Chairpersons for Committees in the NA and the NCOP Secretary to Parliament	
11	It is recommended that Parliament establish an Oversight and Advisory Section to provide advice, technical support, co-ordination, and tracking and monitoring mechanisms on issues arising from oversight and accountability activities of Members of Parliament and the committees to which they belong.	This recommendation will be considered with the Organisational Realignment Project currently under way (see status in recommendation 6, above).	Secretary to Parliament	
12	It is recommended that Parliament should consider whether it supports the principle of “amendatory accountability” and, if it does, whether it would be desirable to give detailed substance to this principle in an Act of	The Fifth Parliament commenced a process to review its core mandates. This included a review of the Oversight and Accountability (OVAC) model of 2009 and international best practice on	Joint Rules Committee	

No.	RECOMMENDATION	STATUS	DESIGNATED AUTHORITY	TIMELINE
	<p>Parliament, along the lines suggested in the Corder report.</p>	<p>oversight, law-making, public participation and co-operative government.</p> <p>Further research will be conducted to consider new approaches and tools to strengthen the oversight mandate of Parliament. Consideration has and will be given to past research conducted by Parliament on all its core mandates.</p> <p>In addition, the need to legislate or bolster the applicable rules, will be considered</p>		
13	<p>If Parliament should not be minded to enact legislation of the above type, the Commission is of the view that consideration should be given by Parliament to amendments its own rules, with a view to addressing the problem of ministers who fail to report back to Parliament on what if anything has been done in respect of remedial measures proposed by Parliament or on alternative methods preferred by them to address defective performance highlighted by Parliament.</p>	<p>The response to recommendation 12, apply here <i>mutatis mutandis</i>.</p>	<p>Rules Committees of the NA and NCOP</p>	

No.	RECOMMENDATION	STATUS	DESIGNATED AUTHORITY	TIMELINE
14	The Commission supports the recommendation that, with the support of a majority of members of a portfolio committee, a portfolio committee could put a minister to terms in respect of remedial action, and could thereafter, through the Speaker intercede with the President, as head of the national executive, in the event of non-compliance. The Leader of Government Business could also play a role in such a process.	It has become practice for non-compliance by the Executive to be escalated to the Speaker of the NA and the Chairperson of the NCOP, as the case may be, and for the latter to engage the Leader of Government Business hereon.	Rules Committees of the NA and NCOP	
15	It is recommended that Parliament should consider whether more representatives of opposition parties should be appointed as chairs of portfolio committees.		NA and NCOP Rules Committees	
16	It is recommended that Parliament consider whether it is desirable to amend its rules to give effect to the proposals by	This recommendation will be referred to the Joint Rules Committee for consideration.	Joint Rules Committee and Rules Committees of the NA and NCOP	

No.	RECOMMENDATION	STATUS	DESIGNATED AUTHORITY	TIMELINE
	Corruption Watch on appointments by Parliament			

5. OVERSEEING THE IMPLEMENTATION PLAN OF THE EXECUTIVE BRANCH

Cognizance has been taken of the recommendation to make provision for an Anti-State Capture and Corruption Commission to oversee Parliament and the Executive. Whilst this recommendation is not repeated under the section relating to parliamentary recommendations, the constitutionality of this approach will be investigated, in relation to the Separation of Powers doctrine as well as the constitutional provisions dealing with Parliament and the Executive.

The President's response to the recommendations of the Zondo Commission include the implementation of recommendations as set out in the report, outlines the implementation of aspects of recommendations, and details a decision to take a recommendation on further consideration. Some responses are a decision not to implement a recommendation setting out reasons, and also inform and advise Parliament that a recommendation overlaps with existing work underway within Government.

The greatest number of recommendations are directed to the law enforcement agencies for investigation and possible prosecution. While these agencies are within the Executive arm of the state, they are constitutionally and legislatively mandated to exercise their responsibilities independently.

The President's response focuses on the recommendations that are directed to the Executive and those that affect its work. Committees of Parliament will be tasked with oversight of the Executive implementation plan. Where necessary and consistent with the principle of coordinated oversight, committees will confer with each other and joint undertakings will be encouraged, as applicable.

5.1. Dealing with Perpetrators of State Capture

5.1.1. Criminal Investigations and Prosecutions

RECOMMENDATIONS	ACTIVITIES	COMMITTEE/ STRUCTURE
Recommendations on criminal investigations and prosecutions are currently receiving attention from law enforcement agencies,	Investigating Directorate of the NPA has: <ul style="list-style-type: none"> • Enrolled 26 cases; 	Portfolio Committee on Justice and Correctional Services

RECOMMENDATIONS	ACTIVITIES	COMMITTEE/ STRUCTURE
through a Joint Task Force, working in collaboration with other agencies, including SARS and FIC.	<ul style="list-style-type: none"> Declared 89 investigations; and Charged 165 persons for alleged state capture-related offences 	Select Committee on Security and Justice

5.1.2. Asset Recoveries

RECOMMENDATIONS	ACTIVITIES	COMMITTEE/ STRUCTURE
27 recommendations regarding the recovery of proceeds of crime are receiving priority attention from the NPA's Asset Forfeiture Unit (AFU), the Special Investigating Unit (SIU) and the South African Revenue Service (SARS).	<ul style="list-style-type: none"> Freezing or preservation orders to the value of R12.9 billion have been granted; a total of R2.9 billion has been recovered by the AFU and returned to the affected entities; the SIU has instituted four High Court cases in relation to contracts worth R62.1 billion; and SARS investigations arising from the Commission's findings and evidence have resulted in collections of R4.8 billion in unpaid taxes. 	<p>Portfolio Committee on Justice and Correctional Services</p> <p>Select Committee on Security and Justice</p> <p>Standing Committee on Public Accounts</p>

5.1.3. Referrals to Other State Entities, Agencies and Executive Authorities

RECOMMENDATIONS	ACTIVITIES	COMMITTEE/ STRUCTURE
The Commission made 15 recommendations with respect to further investigation of and possible action against individuals and entities for disciplinary offences, tax offences, delinquency of directors and other activities.	<ul style="list-style-type: none"> SARS actioned all recommendations for tax related investigations. The Reserve Bank has actioned investigations against officials and other persons identified as transferring illegally-acquired funds to overseas jurisdictions. 	<p>Standing Committee on Finance</p> <p>Select Committee on Finance</p> <p>Standing Committee on Public Accounts</p> <p>Portfolio Committee on Police.</p>

RECOMMENDATIONS	ACTIVITIES	COMMITTEE/ STRUCTURE
		Select Committee on Security and Justice
	<ul style="list-style-type: none"> The Department of Public Enterprises is working to identify and launch delinquency proceedings against former board members of SOEs which fall under its mandate, including Eskom, Transnet, Denel and Alexkor. 	Portfolio Committee on Public Enterprises Select Committee on Public Enterprises and Communications

5.1.4. Referrals to Professional, Regulatory and Other Bodies

RECOMMENDATIONS	ACTIVITIES	COMMITTEE/ STRUCTURE
11 recommendations with respect to further investigation of and possible action against individuals and entities for alleged violation of relevant statutory or professional prescripts	The recommendations were directed to the following bodies:	Standing Committee on Finance
	<ul style="list-style-type: none"> SA Institute of Tax Practitioners (SAIT) 	Select Committee on Finance
	<ul style="list-style-type: none"> Legal Practice Council (LPC); 	Portfolio Committee on Justice and Correctional Services Select Committee on Security and Justice
	<ul style="list-style-type: none"> South African Institute of Chartered Accountants (SAICA); 	Standing Committee on Finance Select Committee on Finance
	<ul style="list-style-type: none"> Independent Regulatory Board for Auditors (IRBA); 	Standing Committee on Finance Select Committee on Finance
	<ul style="list-style-type: none"> South African Diamond and Precious Metals Regulator (SADMR). 	Portfolio Committee on Mineral Resources and Energy Select Committee on Land Reform, Environment, Mineral Resources and Energy

5.1.5. Investigations by the Independent Police Investigative Directorate

RECOMMENDATIONS	ACTIVITIES	COMMITTEE/ STRUCTURE
Three recommendations into the Vrede Dairy Project in the Free State have been referred to the Independent Police Investigative Directorate (IPID)	IPID has assigned a team of investigators to deal with the allegations	Portfolio Committee on Police Select Committee on Security and Justice

5.1.6. Companies Implicated in State Capture

RECOMMENDATIONS	ACTIVITIES	COMMITTEE/ STRUCTURE
The Commission also made broader adverse findings with respect to the conduct of a number of private entities	The Companies and Intellectual Property Commission (CIPC) has begun reviewing the compliance of such companies with CIPC requirements. The National Treasury has imposed a 10-year ban on Bain & Co doing business with the South African state. Similar action against other companies implicated in the Commission's report is also being considered.	Portfolio Committee on Trade and Industry Portfolio Committee on Small Business Select Committee on Trade and Industry, Economic Development, Small Business Development, Tourism, Employment and Labour Standing Committee on Finance

5.1.7. Building the Capacity of the Criminal Justice System

RECOMMENDATIONS	ACTIVITIES	COMMITTEE/ STRUCTURE
Government has, since 2018, embarked on far-reaching measures to restore the integrity and rebuild the capability of the country's law enforcement agencies and criminal justice system more broadly.	This includes: <ul style="list-style-type: none"> • building the capacity of the NPA, • establishment of the NPA Investigating Directorate; • establishment of a dedicated Task Force to investigate and 	Portfolio Committee on Justice and Correctional Services Select Committee on Security and Justice

RECOMMENDATIONS	ACTIVITIES	COMMITTEE/ STRUCTURE
	<p>prosecute state capture matters;</p> <ul style="list-style-type: none"> consideration of specialised courts and dedicated court rolls; and tracking disciplinary cases across government spheres and public enterprises 	<p>Standing Committee on Public Accounts</p>

5.2. Reforms to Prevent Future Occurrence of State Capture

5.2.1. Creation of a Permanent Anti-Corruption Commission and a Public Procurement Anti-Corruption Agency

RECOMMENDATIONS	ACTIVITIES	COMMITTEE/ STRUCTURES
These recommendations need further consideration to review and redesign South Africa's anti-corruption architecture, including by the National Anti-Corruption Advisory Council (NACAC) and the Department of Justice	Processes already underway	<p>Portfolio Committee on Justice and Correctional Services</p> <p>Select Committee on Security and Justice</p> <p>Standing Committee on Public Accounts</p>
To further strengthen the current anti-corruption capabilities, the Investigating Directorate will be established as a permanent entity within the NPA		<p>Portfolio Committee on Justice and Correctional Services</p> <p>Standing Committee on Public Accounts</p> <p>Select Committee on Security and Justice</p>
Legislative amendments will introduce greater transparency and consultation in the process for selection and appointment of the NDPP, drawing on the process adopted for the selection of the current NDPP		<p>Portfolio Committee on Justice and Correctional Services</p> <p>Select Committee on Security and Justice</p>

5.2.2. Procurement Reforms

RECOMMENDATIONS	ACTIVITIES	COMMITTEE/ STRUCTURE
Reform Procurement processes	Commission's proposals are already reflected to varying degrees in the draft Public Procurement Bill, which has been consulted on with the social partners at NEDLAC	Portfolio Committee on Public Enterprises Select Committee on Public Enterprises and Communications Portfolio Committee on Public Service and Administration Portfolio and Select Committees on Finance
Implementation of lifestyle audits for members of the National Executive	To be undertaken by an independent external service provider and will be managed by the Office of the Director-General in the Presidency	Portfolio Committee on Public Service and Administration Select Committee on Transport, Public Service and Administration, Public Works and Infrastructure

5.2.3. Stabilising and Reforming State-Owned Enterprises

RECOMMENDATIONS	ACTIVITIES	COMMITTEE/ STRUCTURE
Recommendations on the need for a process for the appointment of SOE boards that is not open to manipulation, including the involvement of independent panels with appropriate technical expertise to recommend suitable candidates to the relevant executive authority	<ul style="list-style-type: none"> no board member will be allowed to be operationally involved in procurement processes beyond playing an oversight role Ministers will be prohibited from playing any role in procurement within SOEs Provision will be made in the final 'Guide for the Appointment of Persons to Boards and Chief Executive Officers of State-Owned and State-Controlled Institutions' 	Portfolio Committee on Public Enterprises Select Committee on Public Enterprises and Communications

RECOMMENDATIONS	ACTIVITIES	COMMITTEE/ STRUCTURE
	for independent panels of relevant stakeholders and experts to play a role in nominating suitable candidates to the relevant minister	

5.2.4. Response to Abuses by the Private Sector

RECOMMENDATIONS	ACTIVITIES	COMMITTEE/ STRUCTURE
Amend the Companies Act so as to permit applications for a director to be declared delinquent to be brought even two years after the end of their directorship	To form part of a broad review of the Companies Act, which is currently underway	Portfolio Committee on Trade and Industry Select Committee on Trade and Industry, Economic Development, Small Business Development, Tourism, Employment and Labour
Amend the Prevention and Combating of Corrupt Activities Act on the failure of persons or entities to prevent bribery	To be included in the Judicial Matters Amendment Bill which will be submitted to Cabinet in the latter half of 2022	Portfolio Committee on Justice and Correctional Services Select Committee on Security and Justice
Amend the Political Party Funding Act to criminalise donations to political parties in the expectation of access to contracts	To be made alongside other consequential amendments that will be required following the approval of the Electoral Amendment Bill	Joint Rules Committee
Recommendations on deferred prosecution agreements	South African Law Reform Commission (SALRC) is considering the recommendation as part of its review of the criminal justice system	Portfolio Committee on Justice and Correctional Services Select Committee on Security and Justice

5.2.5. Reforming Intelligence Agencies

RECOMMENDATIONS	ACTIVITIES	COMMITTEE/ STRUCTURE
Reform State intelligence agencies	<p>A new General Intelligence Laws Amendment Bill has been drafted to disestablish the SSA and establish a domestic intelligence service and foreign intelligence service, and strengthen oversight by the Inspector General of Intelligence, the Joint Standing Committee on Intelligence and the Auditor-General of South Africa.</p> <p>The review of the Intelligence Services Act currently underway will give practical effect to the principle that no member of the Executive responsible for intelligence may be involved in the operational matters of the SSA.</p> <p>The new leadership at the State Security Agency is implementing a comprehensive response plan to address the Commission's recommendations.</p> <p>New National Security Policy and Strategy documents have been presented to the National Security Council, and <u>will be recommended to Parliament for the commencement of public consultations before the end of this financial year.</u></p>	Joint Standing Committee on Intelligence

5.2.6. Protection and Incentives for Whistle-Blowers

RECOMMENDATIONS	ACTIVITIES	COMMITTEE/ STRUCTURE
Recommendation on the protection and incentives for whistle-blowers	<p>Department of Justice has commenced a review of the Protected Disclosures Act and Witness Protection Act to:</p> <ul style="list-style-type: none"> ensure whistle-blowers receive the protections afforded by 	Portfolio Committee on Justice and Correctional Services

RECOMMENDATIONS	ACTIVITIES	COMMITTEE/ STRUCTURE
	<p>section 32(2) of the UN Convention Against Corruption;</p> <ul style="list-style-type: none"> the possible award of a proportion of funds recovered to the whistle-blower provided that the information disclosed has been material in recovering funds; and whistle-blowers be afforded immunity from criminal or civil action arising from honest disclosures. <p>The review will be <u>completed by the end of April 2023</u>.</p>	Select Committee on Security and Justice

5.2.7. Restoring the South African Revenue Service

RECOMMENDATIONS	ACTIVITIES	COMMITTEE/ STRUCTURE
Restoring SARS	National Treasury has initiated the process to amend the SARS Act to implement the recommendations of the Nugent Commission	<p>Standing Committee on Finance</p> <p>Select Committee on Finance</p>

5.2.8. Improving Measures to Combat Money Laundering

RECOMMENDATIONS	ACTIVITIES	COMMITTEE/ STRUCTURE
Recommendations on improving measures to combat money laundering	<p>The matter of statutory frameworks for financial information-sharing partnerships has been included in the General Laws (Anti-Money Laundering and Combating Terrorism Financing) Amendment Bill.</p> <p>The Financial Intelligence Centre (FIC) has appointed attorneys to conduct an</p>	<p>Standing Committee on Finance</p> <p>Select Committee on Finance</p>

RECOMMENDATIONS	ACTIVITIES	COMMITTEE/ STRUCTURE
	urgent independent review of the effectiveness of the current regulatory reporting regime under the FICA.	

5.2.9. Reforms to the Electoral System

RECOMMENDATIONS	ACTIVITIES	COMMITTEE/ STRUCTURE
Reform of the electoral system	<p>Currently under consideration in Parliament in relation to the Electoral Laws Amendment Bill.</p> <p>Awaiting the finalisation of the Bill before determining whether it satisfies the concerns raised by the Commission.</p>	<p>Portfolio Committee on Home Affairs</p> <p>Select Committee on Security and Justice</p>
Direct election of the President	<p>It is a matter that should be considered by the various</p> <p>political parties represented in Parliament and by Parliament's Joint Constitutional Review Committee</p>	<p>Joint Constitutional Review Committee</p> <p>Portfolio Committee on Justice and Correctional Services</p> <p>Select Committee on Security and Justice</p>

5.2.10. Creating a Criminal Offence of Abuse of Power and Constitutional or Political Malpractice

RECOMMENDATIONS	ACTIVITIES	COMMITTEE/ STRUCTURE
Creation of a criminal offence of abuse of power	<p>The Department of Justice and Constitutional Development will research possible</p> <p>legislative provisions for the creation of a statutory offence for the abuse of public power.</p> <p>This work will be finalised by December 2023.</p>	<p>Portfolio Committee on Justice and Correctional Services</p> <p>Select Committee on Security and Justice</p>

RECOMMENDATIONS	ACTIVITIES	COMMITTEE/ STRUCTURE
Creation of a criminal offence of constitutional or political malpractice	<p>The Department of Justice and Constitutional Development has been directed to</p> <p>undertake research of the creation of an offence of political or constitutional malpractice.</p> <p>It will be completed by December 2023.</p>	<p>Portfolio Committee on Justice and Correctional Services</p> <p>Select Committee on Security and Justice</p>

5.2.11. Responsibility of President and Premiers for Actions of Ministers and MECs

RECOMMENDATIONS	ACTIVITIES	COMMITTEE/ STRUCTURE
Responsibility of President and Premiers for actions of Ministers and MECs	<p>The President will undertake a review of the positions of those members of his Executive implicated in wrongdoing in the report and determine, on a case by case basis, in line with his discretion in this regard and his obligation to observe the principle of legality and to act rationally, whether or not any action ought to be taken.</p>	<p>Joint Rules Committee to consider recommendations affecting Members of Parliament</p>

5.2.12. Interface Between the Executive and Parliament

RECOMMENDATIONS	ACTIVITIES	COMMITTEE/ STRUCTURES
Interactions between the National Executive and Parliament	<p>The Leader of Government Business will interact with Parliament's Presiding Officers on the recommendations that relate to the interface between Parliament and the Executive.</p> <p>The National Treasury will engage with Parliament to determine the most appropriate way to give effect to the Commission's recommendations on the resourcing of Parliament, specifically with respect to its capacity to hold the Executive to account.</p>	<p>Joint Rules Committee</p> <p>Secretary to Parliament / Joint Standing Committee on the Financial Management of Parliament</p>

5.3. Broader Systemic Reforms Arising from the Work of the Commission

RECOMMENDATIONS	ACTIVITIES	COMMITTEE/ STRUCTURE
Strengthening the auditing system	The AGSA has developed a detailed response plan to the work of the Commission	Standing Committee on the Auditor-General
Professionalization of the public administration	<p>All public sector legislation governing professionalization will be reviewed and, where necessary, amended to align with the National Framework towards the Implementation of Professionalization of the Public Sector.</p> <p>To clarify the relationship between political authority and the institutions they oversee, the induction for new Ministers will be revisited.</p> <p>Relevant sections of the Ministerial Handbook will be reformulated; and a code of conduct for special advisers will be developed.</p>	<p>Portfolio Committee on Public Service and Administration</p> <p>Select Committee on Transport, Public Service and Administration, Public Works and Infrastructure</p> <p>Joint Rules Committee</p> <p>Joint Committee on Ethics and Members' Interests</p>

6. MONITORING PARLIAMENT'S IMPLEMENTATION PLAN

To ensure that these recommendations achieve the required outcomes, it is proposed that the structures identified must report to House Chairpersons for Committees in the two Houses of Parliament, on a quarterly basis. Progress reports on those matters that relate directly to the mandates of the respective Rules Committees will be submitted to these committees on a bi-annual basis.

The parliamentary administration, led by the Secretary to Parliament, will ensure the requisite support to the respective governance structures for the successful implementation of this Plan.

7. PARLIAMENTARY REFORMS TO STRENGTHEN CARRYING OUT PARLIAMENT'S MANDATE

Apart from the recommendations made by the Commission on Parliament's oversight work and holding the Executive to account, the various testimonies by members, witnesses, and the presiding officers at the time, have laid bare gaps in the parliamentary ecosystem.

These gaps have, wittingly or unwittingly, contributed to the conclusion arrived by the Commission, that is, despite elaborate oversight machinery spanning within departments and entities, external oversight and assurance providers, Parliament as the ultimate overseer has been found wanting in the exercise of this critical mandate.

A need for parliamentary reform to strengthen the core mandates of Parliament, particularly the oversight function is evident. The Sixth Parliament will need to review its interpretation of the constitutional mandates. In particular, the need to focus on how to give effect to these mandates.

Some work on this parliamentary reform has already commenced. This includes:

- 7.1 A review of the 2009 Oversight and Accountability model commenced in the 5th Parliament. This considered which parts of the Model were implemented and which were not.
- 7.2 An Oversight and Accountability Programme (OAP) was developed to capture the interrelatedness and interdependencies between the core mandates of Parliament. There were extensive engagements on the OAP with various political parties and the parliamentary administration.
- 7.3 Further tools to measure the efficacy of Parliament's oversight and public participation functions were developed in the form of a draft Accountability Index and a draft Public Involvement Index.
- 7.4 The development of strategic initiatives underpinning the single strategic outcome of the Sixth Parliament to increase government accountability and responsiveness, will further enhance the capacity of Parliament to operate more effectively.
- 7.5 Regular engagement with Chapter 9 institutions and the reports generated by these institutions, serve to complement parliamentary oversight. The Sixth Parliament has monitored and tracked committee consideration of these reports to ensure that maximum benefit is leveraged out of the work done by these institutions in support of the oversight mandate of Parliament.
- 7.6 The Organisational Review of the Parliament Administration (ORP) commenced to look at the functional support available to Committees and the Houses to execute their functions more

effectively. This ORP is at an advanced stage and will take into account the recommendations made by the Commission on the need for an Oversight and Advisory Section.

- 7.7 Whilst the Commission commented on Members' capacity building, it has not made any recommendations in this regard. Parliament, through the NA and NCOP, is seized with this matter. In addition, the launch of the Sector Parliamentary Institute with a focus on Member and staff capacity building, has already commenced with a series of structured training programs, which we are sure to yield positive outcomes in the future.
- 7.8 The import of research conducted by the structures such as the Independent Panel Assessment of Parliament chaired by Pregs Govender, the Asmal Ad hoc Committee on the review of Chapter Nine and Associated Institutions, the Independent Panel on Review of Implementation of Key Legislation, chaired by former President Kgalema Motlanthe, as well as the work done by Parliament's Task Team on Oversight and Accountability which culminated in the development of the 2009 Oversight and Accountability Model, will be assessed.

This assessment needs to consider the extent to which Parliament ensures that there is accountability, responsiveness and openness regarding the implementation of matters enshrined but not limited to Chapter 4 and 5 of the Constitution.

- 7.9. Introducing qualitative indicators to measure the outcomes and impact of Parliament in terms of its core Constitutional mandate, is receiving consideration. This will improve Parliament's in-year and annual reporting on performance and by extension Parliament's accountability to the public.

8. CONCLUSION

Given the depth and breadth of the work emanating from the Zondo Commission's report, including some far-reaching and complex recommendations, every effort will be made to ensure that the relevant structures are indeed provided with the requisite capacity to carry out their mandate.

Where it is not possible to conclude tasks within the remaining time of the Sixth Parliament, proper and detailed reports and documentation will be maintained to ensure seamless continuity in the Seventh Parliament.

9. Annexures

9.1. Special Research Bulletin on Zondo Commission Report

The Parliamentary Research Unit produced a Special Bulletin on the Report of the Judicial Commission of Inquiry into State Capture, Corruption and Fraud in the Public Sector including Organs of State. The Bulletin contains a series of papers for each Part of the Six-Part Report. These papers do not provide an analysis or an assessment of the findings or recommendations of the reports but are intended to assist Members work through and engage with the content of the Report.

The papers, in table form, extract and contextualise the recommendations made on the findings of the Commission. In most cases, detailed context is provided, alleviating the need to read the voluminous Report. All recommendations have been cross referenced with the recommendations contained in Part 6 Volume 4. For the most part, the wording contained in the Report is retained. Detailed referencing, to page and paragraph numbers in the Report, is provided.

The tables also identify the relevant investigatory or other body responsible for implementation of each recommendation. In addition, for each recommendation, a proposal is made as to the most appropriate sector (Parliamentary Committees) to conduct oversight and hold the Executive accountable.

To access the research Bulletin, including links to the full research papers (summary tables), click on the icon below:



Special Bulletin -
State Capture - Octol

COMMITTEE REPORTS

National Assembly



Report of the Portfolio Committee on Agriculture, Land Reform and Rural Development on the Agricultural Product Standards Amendment Bill [B15 – 2021] (National Assembly–Section 76), dated 22 November 2022

The Portfolio Committee on Agriculture, Land Reform and Rural Development (“the Portfolio Committee”), having considered the Agricultural Product Standards Amendment Bill (National Assembly – section 76), referred to it and classified by the Joint Tagging Mechanism as a section 76 Bill, reports the Bill with amendments [B15A – 2021] as follows:

The Agricultural Product Standards Amendment Bill [B15 – 2021] (“the Bill”) was introduced in the National Assembly and referred to the Portfolio Committee on 05 August 2021. The Bill seeks to amend the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990), so as to –

- insert definitions and substitute others;
- provide for auditing of a product for management control systems;
- make provision for the setting of tariffs by assignees on a cost-recovery basis;
- make further provisions for the Minister to make regulations pertaining to audit and management control systems; and
- provide for matters connected therewith.

Having called for public submissions on the Bill and considered the public submissions received, and further having determined a need for the amendments during the deliberation of the Motion of Desirability (MOD) of the Bill, the Committee identified the need for some of the clauses to be amended in order to align the content of the Bill with the plain language approach to legislation. Consequently, the following amendments were agreed to:

CLAUSE 1

1. On page 2, from line 7, to omit paragraph (a).
2. On page 2, in line 12, to omit “a systematic and functionally independent” and to substitute: “an”.

3. On page 3, in line 1, to omit “manner or” and to substitute: “prescribed”.
4. On page 3, from line 4, to omit “in respect of the sale or export of a product”.
5. On page 3, in line 12, after “for” to insert “[any]” and to omit “or otherwise”.

CLAUSE 2

1. Clause rejected.

NEW CLAUSE

1. That the following be a new Clause:

Amendment of section 2 of Act 119 of 1990, as amended by section 2 of Act 63 of 1998

2. Section 2 of the principal Act is hereby amended by the substitution in subsection (3) for paragraph (a) of the following paragraph:

“(a) The Minister may, for the purposes of the application of this Act or certain provisions thereof [with regard to a particular product, designate any person, undertaking, body, institution, association or board having particular knowledge in respect of the product concerned, as an assignee in respect of that product] designate as assignee a person, undertaking, body, institution, association, or board - (i) having a particular knowledge of the product concerned; or (ii) having a particular knowledge of the relevant management control systems, with no direct or indirect personal or financial interest.”

CLAUSE 3

1. On page 3, in line 35, after “concerned” to insert “, within a specified period,”.
2. On page 3, from line 41, to omit “, in the opinion of the executive officer,”.
3. On page 3, in line 45, after “period” to insert “, not exceeding 12 months,”.

CLAUSE 4

1. On page 3, from line 52, to omit paragraph (b).
2. On page 4, from line 4, to omit paragraph (c) and to substitute:

“(c) [In the case of action under subsection (1)(d), the] The relevant person referred to in subsection (1) may [inspect] audit the management control system [in connection with any action referred to in subsection (1)(d),] and demand from the owner or custodian of the product, material, substance or other article in question, or from the person supervising such management

control system, any formation or an explanation regarding the management control system, product, material, substance or other article in question.”; and

3. On page 4, after line 12, to insert the following paragraph:

“(c)by the substitution in subsection (4) for the following subsection: ‘(4) In the case of action under subsection (1)(b), (c), (d) or (e), or subsection (2)(c) by the relevant person referred to in subsection (1), the owner of the product in question shall pay the prescribed fees or the amount determined by the assignee, as the case may be, for such action.’.”

CLAUSE 5

1. On page 4, in line 18, after “management control systems” to insert “;”.

Report to be considered

2. Report of the Portfolio Committee on Forestry, Fisheries and Environment on the National Veld and Forest Fire Amendment Bill [B24-2021], dated 31 January 2023

The Portfolio Committee on Forestry, Fisheries and Environment (the Committee), having considered the National Veld and Forest Fire Amendment Bill [B24 - 2021] (National Assembly – section 76), referred to it and classified by the Joint Tagging Mechanism (JTM) as a section 76 Bill, reports the Bill with amendments [B24B-2021], as follows:

The National Veld and Forest Fire Amendment Bill was referred to the Committee on 20 December 2021 (ATC No. 173) for consideration and adoption. The Committee received the first briefing on the Bill on 11 February 2022. This was followed by the publication of an advert on 25 February 2022 calling for written submissions. A total of nine written submissions were received by the closing date of 18 March 2022. Thereafter, the Committee held 27 public hearings in all nine provinces of South Africa. Within each province, three district municipalities were visited. The public hearings were held from 27 May to 23 October 2022. Additional written submissions were received during or after each public hearing, which supplemented oral submissions. The Committee received responses from the Department of Forestry, Fisheries and the Environment on the issues raised regarding the Bill during the public hearings on 01 and 22 November 2022.

The objectives of the Bill are to amend the National Veld and Forest Fire Act, 1998, to amend and insert certain definitions; to provide for the facilitation of the formation of fire protection associations by a municipality or a traditional council; to compel a municipality, state-owned enterprise, public entity or other organs of the state that own land to join the fire protection associations; to extend the powers of entry, search, seizure and arrest to peace officers and traditional leaders; to amend the title of the Act to the National Veldfire Act; and to provide for matter connected therewith.

The Committee held its deliberations (clause by clause) on 22 November 2022. During its deliberations on the Bill, the committee was of the view that the proposed clauses did not include all the issues raised during the public hearings. Thus, the Committee requested a legal opinion

regarding the process to be followed if the Committee wished to extend the scope and make further amendments to the Bill, in terms of Section 268 (4).

On 29 November 2022, the Committee received a presentation from the Parliamentary Legal Advisor on the legal opinion. The legal opinion stated that if the Committee wished to extend the scope of the Bill, that process will delay the finalisation of the Bill in the 2022/23 financial year. In that case, the Committee will need to embark on a further public participation process on the new additional clauses. It was then agreed that additional clauses may be better placed in the regulations. The Committee met on 24 January 2023 and unanimously agreed to the following amendments to the Bill:

"Amendment of section 1 of Act 101 of 1998

1. Section 1 of the National Veld and Forest Fire Act, 1998 (Act No. 101 of 1998) (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) The purpose of this Act is to prevent and combat [**veld, forest and mountain fires**] veldfires throughout the Republic."

CLAUSE 1

1. On page 2, from line 4, to omit "National Veld and Forest Fire Act, 1998 (Act No. 101 of 1998) (hereinafter referred to as the principal Act)," and to substitute "principal Act".
2. On page 2, from line 6, to omit the definition of "communal land".
3. On page 2, in line 10, to omit "(b)" and to substitute "(a)".
4. On page 2, from line 12, to omit the definition of "fire in the open air" and to substitute the following definition:

" **'fire in the open air'** means any fire not within a building or structure, but does not include a fire in an area specifically designated for such fire, protected against wind and spreading, and maintained by the owner;";
5. On page 2, in line 15, to omit "(c)" and to substitute "(b)".
6. On page 2, in line 19, to omit "(d)" and to substitute "(c)".
7. On page 2, in line 22, to omit "(e)" and to substitute "(d)".
8. On page 3, in line 1, to omit "(f)" and to substitute "(e)".

9. On page 3, in line 4, after "the" to omit "Traditional Leadership and Governance Framework Act" and to substitute "Traditional and Khoi-San Leadership Act".
10. On page 3, from line 5, to omit the definition of "Traditional Leadership and Governance Framework Act" and to substitute the following definition:

" 'Traditional and Khoi-San Leadership Act' means the Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019)."
11. On page 3, in line 8, to omit "(g)" and to substitute "(f)".
12. On page 3, from line 10, after "area", to insert "including any vegetation along any rural-urban fringe of a city, town, and its adjoining industrial or residential area boundaries;".

CLAUSE 2

1. On page 3, from line 14, to omit subsection (3A) and to substitute the following subsection:

"(3A) The municipality concerned, and a traditional council established in terms of section 16 of the Traditional and Khoi-San Leadership Act, if any, may facilitate the formation of a fire protection association process as contemplated in subsection (3), if the Minister is of the opinion that a fire protection association is required."

CLAUSE 4

1. On page 3, in line 41, to omit "chief fire officer" and to substitute "fire protection officer".

CLAUSE 6

1. On page 4, in line 2, to omit "Traditional Leadership and Governance Framework Act" and to substitute "Traditional and Khoi-San Leadership Act".

LONG TITLE

1. On page 2, in line 3 of the long title, to omit "or" and to substitute "and".

The Portfolio Committee on Forestry, Fisheries and Environment recommends that the House adopts this report and approves the second reading of the National Veld and Forest Fire Amendment Bill [B24B-2021].

Report to be considered.