

No 3 – 2019] SIXTH SESSION, FIFTH PARLIAMENT

PARLIAMENT OF THE  
REPUBLIC OF SOUTH AFRICA

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NATIONAL COUNCIL OF  
PROVINCES

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ORDER PAPER

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WEDNESDAY, 6 MARCH 2019

Meeting of Council: 14:00

**MOTIONS:**

**ORDERS OF THE DAY:**

1. Consideration of Report of Select Committee on Finance (Announcements, Tablings and Committee Reports, 5 March 2019) **2019 Fiscal framework and revenue proposals.**
2. Consideration of Report of Select Committee on Security and Justice (Announcements, Tablings and Committee Reports, 20 February 2019, p 16) **Draft Amended Regulations made in terms of section 23(1) of Legal Aid South Africa Act, 2014 (Act No. 39 of 2014), tabled in terms of section 23(2) of the Act, dated 19 February 2019.**
3. Consideration of Report of Select Committee on Security and Justice (Announcements, Tablings and Committee Reports, 27 February 2019, p 64) **Provisional Suspension from the Office of Magistrate Mr E S Nzimande, Regional Court President, KwaZulu- Natal, tabled in terms of section 13(3)(b) of the Magistrates Act, 1993 (Act No 90 of 1993).**
4. Consideration of Report of Select Committee on Land and Mineral Resources (Announcements, Tablings and Committee Reports, 5 February 2019, p 4) **Ratification of Minamata**

**Convention on Mercury with its Explanatory Memorandum.**

5. Consideration of **Powers, Privileges and Immunities of Parliament and Provincial Legislatures Amendment Bill** [B 18 - 2018] (National Assembly – sec 75) and Report of Select Committee on Security and Justice thereon (Announcements, Tablings and Committee Reports, 20 February 2019, p 12).
6. Consideration of **National Public Health Institute of South Africa Bill** [B 16D - 2017] (National Assembly – sec 76) and Report of Select Committee on Social Services thereon (Announcements, Tablings and Committee Reports, 26 February 2019, p 33).
7. Consideration of **National Credit Amendment Bill** [B 30 – 2018] (National Assembly – sec 76) and Report of Select Committee on Trade and International Relations thereon (Announcements, Tablings and Committee Reports, 27 February 2019, p 63).

**FURTHER BUSINESS**

**ORDERS**

1. Consideration of **Report of NCOP Local Government Week: 8 – 10 May 2018** (Announcements, Tablings and Committee Reports, 1 June 2018, p 4).

**MOTIONS (Notice previously given):**

*(See also):* Mr F Essack (p 138); Mr G Michalakis (p 140); Mr A S Singh (p140); Ms A B Engelbrecht (p 141); Ms E Prins (p 141); Mr W F Faber (p 141); Mr G Michalakis (p 142); Mr D L Ximbi (p 142); Mr C J de Beer (p 142).

**APPENDIXES**  
**PETITIONS REFERRED TO COMMITTEES**

1. **Submission of a petition from Mr Mnikeli Kawa, Eastern Cape Province regarding the alleged corruption and lack of service delivery in Well's Estate at the Nelson Mandela Metropolitan Municipality** - (Select Committee on Petitions and Executive Undertakings – National Council of Provinces).
2. **Submission of a petition calling for National Council of Province's intervention on alleged failure by the Tumahole Local Municipality in Parys, to provide basic services to the community residing at erf 10012 (From Ms M Khoase on behalf of the Abazimeli Squatters Association)** - (Select Committee on Petitions and Executive Undertakings – National Council of Provinces).
3. **Submission of a petition calling upon the NCOP's assistance in resolving community land use and ownership in the township of Alexandra Township, Gauteng Province (from Mr Jacob Mogoai, Chairman of the Alexandra Land & Property Owners Association)** (Select Committee on Petitions and Executive Undertakings – National Council of Provinces).
4. **Submission of a petition calling upon the NCOP's assistance on the rejection of Mr Wandile Laurence Daku's application for special pension by the Special Pension Appeal Board (from Mr Wandile Laurence Daku)** - (Select Committee on Petitions and Executive Undertakings – National Council of Provinces).
5. **Commitments made by various Ministers in 2012 during visit of the National Council of Provinces to Ngqushwa Local Municipality** - (Select Committee on Petitions and Executive Undertakings – National Council of Provinces).
6. **Submission of a petition calling for Parliament's intervention on alleged unpaid pensions, unpaid leave gratuity and non-payment of the pro-rata bonus by the Eastern Cape Department of Health (From Mr Miyelani Mashaba)** - (Select Committee on Petitions and Executive Undertakings – National Council of Provinces).
7. **Submission of a petition calling for the National Council of Province's intervention on the social impact assessment with regards to the proposed Knysna N2 Toll highway development by Sanral in Knysna, Western Cape. (From Velile Waxa, on behalf of the concerned communities of Phelandaba and Rhobololo)** (Select Committee on Petitions and Executive Undertakings – National Council of Provinces).

8. **Submission of a petition requesting assistance from the National Council of Provinces regarding the alleged failure by the Council of the Eden District Municipality to engage the affected communities in the process of leasing out the ancestral land within the municipality's jurisdiction (From Mr Hermanus Baatjies on behalf of the Ga'ibhaiqua community of Oudtshoorn in the Western Cape) (Select Committee on Petitions and Executive Undertakings – National Council of Provinces).**
9. **Submission of a petition requesting assistance from the National Council of Provinces regarding the normalisation of the process towards pragmatic socio-economic and commercial transformation of the professional hunting and outfitting sector, Western Cape (From Hon C J De Beer, Member of Parliament, on behalf of Dr Johann Kotze, Director of GameTech Hunters Training) (Select Committee on Petitions and Executive Undertakings – National Council of Provinces).**
10. **Submission of a petition calling for National Council of Province's intervention on the dispute relating to the RDP housing subsidy and bond repayments. (From Speaker of the Gauteng Provincial Legislature, on behalf of Mr Adam Khalo, from Vosloorus, Gauteng Province) (Select Committee on Petitions and Executive Undertakings – National Council of Provinces).**
11. **Submission of a petition calling for intervention of the National Council of Province on alleged failure by the Ntabankulu Local Municipality, to provide basic services to the residents of Cacadu village within ward 11 of the Ntabankulu Local Municipality (From Mr Luthando Mvomvo) (Select Committee on Petitions and Executive Undertakings – National Council of Provinces).**
12. **Submission of a petition calling for intervention of the National Council of Provinces (from Ms Zanele Lusithi, a representative of the South African Homeless People's Federation in Blouberg Western Cape). (Select Committee on Petitions and Executive Undertakings – National Council of Provinces).**
13. **Submission of a petition calling for the enactment of legislation that would provide for the establishment of the Government Advertising Agency. (Select Committee on Petitions and Executive Undertakings – National Council of Provinces).**

14. **Submission of a petition calling for the amendment of Section 27 of the Basic Conditions of Employment Act 75 of 1997 (from Mr Hendri Petrus Terblanche).** (Select Committee on Petitions and Executive Undertakings – National Council of Provinces).
15. **Submission of a petition calling for the intervention of the NCOP, in a matter relating to reparations and title deeds from the National Ideal Fulfillment Foundation, which is duly represented by Mr Gordon Ndlovu of Gauteng Province.** (Select Committee on Petitions and Executive Undertakings – National Council of Provinces).

#### **BILLS REFERRED TO JOINT TAGGING MECHANISM (JTM)**

1. **Public Investment Corporation Amendment Bill [B 4 – 2019]** (National Assembly – proposed sec 75).
2. **Division of Revenue Bill [B 5 – 2019]** (National Assembly – proposed sec 76).
3. **Appropriation Bill [B 6 – 2019]** (National Assembly – proposed sec 77).
4. **Public Audit Excess Fee Bill [B 7 – 2019]** (National Assembly – proposed sec 77).
5. **National Health Amendment Bill [B 8 - 2019]** (National Assembly – proposed sec 75).

#### **BILLS REFERRED TO COMMITTEES**

1. **Mineral and Petroleum Resources Development Amendment Bill [B 15D – 2013]** (National Assembly – sec 76) and the President's reservations on constitutionality of Bill as submitted to him (Announcements, Tablings and Committee Reports, 23 January 2015, p 2) – (Select Committee on Land and Mineral Resources – National Council of Provinces).
2. **Public Service Commission Amendment Bill [B 21D - 2015]** (National Assembly – sec 76) (Portfolio Committee on Public Service and Administration – National Assembly).
3. **National Land Transport Amendment Bill [B 7B – 2016]** (National Assembly – sec 76) – (Select Committee on Economic and Business Development – National Council of Provinces).

4. **Border Management Authority Bill** [B 9B – 2016] (National Assembly – sec 75) – (Select Committee on Social Services – National Council of Provinces).
5. **National Forests Amendment Bill** [B 11B – 2016] (National Assembly – sec 76) – (Select Committee on Land and Mineral Resources – National Council of Provinces).
6. **Performers’ Protection Amendment Bill** [B 24B - 2016] (National Assembly – sec 75) (Select Committee on Trade and International Relations – National Council of Provinces).
7. **Traditional Courts Bill** [B 1 – 2017] (National Assembly – sec 76) – (Portfolio Committee on Justice and Correctional Services – National Assembly).
8. **Cybercrimes Bill** [B 6B – 2017] (National Assembly – sec 75) (introduced as Cybercrimes and Cybersecurity Bill [B 6 – 2017]) (Select Committee on Security and Justice – National Council of Provinces).
9. **Copyright Amendment Bill** [B 13B - 2017] (National Assembly – sec 75) (Select Committee on Trade and International Relations – National Council of Provinces).
10. **National Environmental Management Laws Amendment Bill** [B 14D – 2017] (National Assembly – sec 76) (Select Committee on Land and Mineral Resources- National Council of Provinces).
11. **The South African National Roads Agency Limited and National Roads Amendment Bill** [B 20 – 2017] (National Assembly – sec 76) – (Portfolio Committee on Transport – National Assembly).
12. **Electronic Deeds Registration Systems Bill** [B 35B – 2017] (National Assembly – sec 75) (Select Committee on Land and Mineral Resources – National Council of Provinces).
13. **Repeal of the Overvaal Resorts Limited Bill** [B 36 – 2017] (National Assembly – sec 75) (Select Committee on Communications and Public Enterprises – National Council of Provinces).
14. **International Crimes Bill** [B 37 - 2017] (National Assembly – sec 75) – (Portfolio Committee on Justice and Correctional Services – National Assembly).

15. **Animals Protection Amendment Bill** [B 4 – 2018] (National Assembly – sec 76) – (Portfolio Committee on Agriculture, Forestry and Fisheries – National Assembly) [Referred to National House of Traditional Leaders on 5 April 2018].
16. **Air Traffic and Navigation Services Company Amendment Bill** [B 6 – 2018] (National Assembly – sec 75) – (Portfolio Committee on Transport – National Assembly).
17. **Social Assistance Amendment Bill** [B 8 – 2018] (National Assembly – sec 76) – (Portfolio Committee on Social Development – National Assembly).
18. **Prevention and Combating of Hate Crimes and Hate Speech Bill** [B 9 – 2018] (National Assembly – sec 75) – (Portfolio Committee on Justice and Correctional Services – National Assembly).
19. **Civil Union Amendment Bill** [B 11B - 2018] (National Assembly – sec 75) – (Select Committee on Social Services – National Council of Provinces).
20. **Banks Amendment Bill** [B 12 - 2018] (National Assembly – sec 75) – (Standing Committee on Finance – National Assembly).
21. **Small Enterprises Ombud Service Bill** [B 14 - 2018] (National Assembly – sec 75) – (Portfolio Committee on Small Business Development – National Assembly).
22. **State Liability Amendment Bill** [B 16 - 2018] (National Assembly – sec 75) – (Portfolio Committee on Justice and Correctional Services – National Assembly).
23. **Hydrographic Bill** [B 17B – 2018] (National Assembly – sec 75) (Select Committee on Security and Justice – National Council of Provinces – National Council of Provinces).
24. **Local Government: Municipal Structures Amendment Bill** [B 19B - 2018] (National Assembly – sec 76) (Select Committee on Cooperative Governance and Traditional Affairs – National Council of Provinces).
25. **National Qualifications Framework Amendment Bill** [B 20B – 2018] (National Assembly – sec 75) (Select Committee on Education and Recreation – National Council of Provinces).
26. **Property Practitioners Bill** [B 21 - 2018] (National Assembly – sec 76) – (Portfolio Committee on Human Settlements – National Assembly).

27. **Aquaculture Development Bill** [B 22 - 2018] (National Assembly – sec 76) – (Portfolio Committee on Agriculture, Forestry and Fisheries – National Assembly).
28. **Independent Police Investigative Directorate Amendment Bill** [B 25 – 2018] (National Assembly – sec 75) – (Select Committee on Security and Justice – National Council of Provinces).
29. **South African Reserve Bank Amendment Bill** [B 26 - 2018] (National Assembly – sec 75) – (Standing Committee on Finance – National Assembly).
30. **National Gambling Amendment Bill** [B 27B - 2018] (National Assembly – sec 76) (Select Committee on Trade and International Relations – national Council of Provinces).
31. **National Health Amendment Bill** [B 29 - 2018] (National Assembly – sec 76) – (Portfolio Committee on Health – National Assembly).
32. **Electronic Communications Amendment Bill** [B 31 - 2018] (National Assembly – sec 76) – (Portfolio Committee on Telecommunications and Postal Services – National Assembly).
33. **Child Justice Amendment Bill** [B 32B – 2018] (National Assembly – sec 75) (Select Committee on Security and Justice – National Council of Provinces).
34. **Division of Revenue Amendment Bill** [B 34 - 2018] (National Assembly – sec 76) (Select Committee on Appropriations – National Council of Provinces).
35. **Public Finance Management Amendment Bill** [B 41 - 2018] (National Assembly – sec 76) (Standing Committee on Finance – National Assembly).
36. **Science and Technology Laws Amendment Bill** [B 42 – 2018] (National Assembly – sec 75) (Portfolio Committee on Science and Technology – National Assembly).
37. **National Sport and Recreation Amendment Bill** [B 43 – 2018] (National Assembly – sec 75) (Portfolio Committee on Sport and Recreation – National Assembly).
38. **Civil Aviation Amendment Bill** [B 44 - 2018] (National Assembly – proposed sec 75).

39. **Postal Services Amendment Bill** [B 45 - 2018] (National Assembly – sec 75) (Portfolio Committee on Telecommunications and Postal Services – National Assembly).
40. **Carbon Tax Bill** [B 46B – 2018] (National Assembly – sec 77) (Select Committee on Finance – National Assembly).
41. **Regulation of Gatherings Amendment Bill** [B 47 - 2018] (National Assembly – sec 76) (Portfolio Committee on Police – National Assembly).
42. **Financial Matters Amendment Bill** [B 1 - 2019] (National Assembly – sec 75) (Standing Committee on Finance – National Assembly).
43. **Local Government: Municipal Systems Amendment Bill** [B 2 - 2019] (National Assembly – proposed sec 76) (Portfolio Committee on Cooperative Governance and Traditional Affairs – National Assembly).
44. **Customs and Excise Amendment Bill** [B 3 – 2019] (National Assembly – sec 75) (Select Committee on Finance – National Council of Provinces).
45. **Public Investment Corporation Amendment Bill** [B 4 – 2019] (National Assembly – proposed sec 75) (Select Committee on Finance – National Council of Provinces).
46. **Division of Revenue Bill** [B 5 – 2019] (National Assembly – proposed sec 76) (Standing Committee on Appropriations – National Assembly).
47. **Appropriation Bill** [B 6 – 2019] (National Assembly – proposed sec 77) (Standing Committee on Appropriations – National Assembly).
48. **Public Audit Excess Fee Bill** [B 7 – 2019] (National Assembly – proposed sec 77) (Standing Committee on Appropriations – National Assembly).
49. **National Health Amendment Bill** [B 8 - 2019] (National Assembly – proposed sec 75) (Portfolio Committee on Health – National Assembly).

**BILLS RETURNED TO ASSEMBLY FOR  
CONSIDERATION OF PRESIDENT’S RESERVATIONS**

1. **Mineral and Petroleum Resources Development Amendment Bill** [B 15B – 2013] (National Assembly – sec 76).

**BILLS PASSED BY NATIONAL ASSEMBLY AND  
TRANSMITTED TO NATIONAL COUNCIL OF  
PROVINCES FOR CONCURRENCE**

1. **Mineral and Petroleum Resources Development Amendment Bill** [B 15D – 2013] (National Assembly – sec 76).
2. **Public Service Commission Amendment Bill** [B 21B – 2015] (National Assembly – sec 76).
3. **National Land Transport Amendment Bill** [B 7B – 2016] (National Assembly – sec 76).
4. **Border Management Authority Bill** [B 9B – 2016] (National Assembly – sec 75).
5. **National Forests Amendment Bill** [B 11B – 2016] (National Assembly – sec 76).
6. **Performers’ Protection Amendment Bill** [B 24B - 2016] (National Assembly – sec 75).
7. **Copyright Amendment Bill** [B 13B - 2017] (National Assembly – sec 75).
8. **Defence Amendment Bill** [B 18 - 2017] (National Assembly – sec 75).
9. **Civil Union Amendment Bill** [B 11B - 2018] (National Assembly – sec 75)
10. **Independent Police Investigative Directorate Amendment Bill** [B 25 – 2018] (National Assembly – sec 75).
11. **National Credit Amendment Bill** [B 30 – 2018] (National Assembly – sec 76).
12. **Hydrographic Bill** [B 17B – 2018] (National Assembly – sec 75).
13. **Local Government: Municipal Structures Amendment Bill** [B 19B - 2018] (National Assembly – sec 76).

14. **Electronic Deeds Registration Systems Bill** [B 35B – 2017] (National Assembly – sec 75).
15. **Repeal of the Overvaal Resorts Limited Bill** [B 36 – 2017] (National Assembly – sec 75).
16. **Cybercrimes Bill** [B 6B – 2017] (National Assembly – sec 75) (introduced as Cybercrimes and Cybersecurity Bill [B 6 – 2017]).
17. **National Environmental Management Laws Amendment Bill** [B 14D – 2017] (National Assembly – sec 76).
18. **National Qualifications Framework Amendment Bill** [B 20B – 2018] (National Assembly – sec 75).
19. **National Gambling Amendment Bill** [B 27B - 2018] (National Assembly – sec 76)
20. **Child Justice Amendment Bill** [B 32B – 2018] (National Assembly – sec 75).
21. **Carbon Tax Bill** [B 46B - 2018] (National Assembly – sec 77).
22. **Customs and Excise Amendment Bill** [B 3 – 2019] (National Assembly – sec 75).
23. **Public Investment Corporation Amendment Bill** [B 4 – 2019] (National Assembly – proposed sec 75)

**BILLS PASSED BY NATIONAL COUNCIL OF  
PROVINCES AND TRANSMITTED TO NATIONAL  
ASSEMBLY FOR CONCURRENCE**

1. **Administrative Adjudication of Road Traffic Offences Amendment Bill** [B 38D – 2015] (National Assembly – sec 76).
2. **Public Service Commission Amendment Bill** [B 21D - 2015] (National Assembly – sec 76).
3. **Traditional and Khoi-San Leadership Bill** [B 23D - 2015] (National Assembly – sec 76).

**BILLS WITHDRAWN**

1. **Criminal Procedure Amendment Bill** [B 15 - 2018].
  2. **Electronic Communications Amendment Bill** [B 31 - 2018].
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**INTERNATIONAL AGREEMENTS**

1. **Southern African Development Community (SADC) Protocol on Environmental Management for Sustainable Development** (Tabled on 7 February 2018) (NA: Referred to Portfolio Committee on Environmental Affairs on 21 February 2018 – reported on 21 February 2018 – approved on 23 August 2018) (NCOP: Referred on Select Committee on Land and Mineral Resources on 24 January 2019).
2. **Minamata Convention on Mercury** (Tabled on 12 April 2018) (NA: Referred to Portfolio Committee on Environmental Affairs on 18 April 2018 – reported on 13 June 2018 – approved on 23 August 2018)(NCOP: Referred to Select Committee on Land and Mineral Resources on 26 November 2018 – reported on 5 February 2019).
3. **Amendment to the Convention on the Physical Protection of Nuclear Material** (Tabled on 6 September 2018) (NA: Referred to Portfolio Committee on Energy on 11 September 2018).
4. **Charter Establishing the South African Development Community Aviation Safety Organisation (SASO)** (Tabled on 15 October 2018) (NA: Referred to Portfolio Committee on Transport on 15 October 2018- reported on 13 November 2018).
5. **The Kigali Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer** (Tabled on 17 October 2018) (NA: Referred to Portfolio Committee on Environmental Affairs on 19 October 2018- reported on 12 February 2019) (NCOP: Referred on Select Committee on Land and Mineral Resources on 24 January 2019).
6. **Amendment to the Convention on the Physical Protection of Nuclear Material (CPPNM)** (Tabled on 29 October 2018) (NA: Referred to the Portfolio Committee on Energy on 30 October 2018).

7. **World Intellectual Property Organisation Copyright Treaty (“WCT”)** (Tabled on 6 December 2018) (NA: Referred to Portfolio Committee on Trade and Industry on 11 December 2018 – reported on 26 February 2019) (NCOP: Referred to Select Committee on Trade and International Relations on 31 January 2019).
8. **World Intellectual Property Organisation Performances and Phonograms Treaty (“the WPPT”)** (Tabled on 6 December 2018) NA: Referred to Portfolio Committee on Trade and Industry on 11 December 2018- reported on 26 February 2019) (NCOP: Referred to Select Committee on Trade and International Relations on 31 January 2019).
9. **The Beijing Treaty on Audiovisual Performances, 2012 (“the Beijing Treaty”)** (Tabled on 6 December 2018) NA: Referred to Portfolio Committee on Trade and Industry on 11 December 2018- reported on 27 February 2019) (NCOP: Referred to Select Committee on Trade and International Relations on 31 January 2019).
10. **Agreement Amending the SADC Protocol on Gender and Development** (Tabled on 14 February 2019).
11. **Optional Protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (OPCAT)** (Tabled on 28 February 2019) (NA: Referred to Portfolio Committee on Justice and Correctional Services on 4 March 2019) (NCOP: Referred to Select Committee on Security and Justice on 4 March 2019).