

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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TUESDAY, 26 NOVEMBER 2019

Meeting of Council: 14:00

**MOTIONS:**

**ORDERS OF THE DAY:**

1. Consideration of **Child Justice Amendment Bill** [B32B - 2018] (National Assembly – sec 75) and Report of Select Committee on Security and Justice thereon (Announcements, Tablings and Committee Reports, 20 November 2019, p 9).
2. Consideration of **Independent Police Investigative Directorate Amendment Bill** [B25-2018] (National Assembly – sec 75) and Report of Select Committee on Security and Justice thereon (Announcements, Tablings and Committee Reports, 20 November 2019, p 17)
3. Consideration of Report of Select Committee on Co-operative Governance and Traditional Affairs, Water and Sanitation and Human Settlements (Announcements, Tablings and Committee Reports, 5 November 2019, p 4) **Notice of Intervention issued in terms of section 139(1)(b) of the Constitution, 1996 in Fetakgomo Tubase Local Municipality, Limpopo Province.**
4. Consideration of Report of Select Committee on Finance (Announcements, Tablings and Committee Reports, 13 November 2019, p 5) **State of local government finances and financial management.**

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## FURTHER BUSINESS

### MOTIONS (Notices given on 13 November 2019):

1. Draft resolution (Mr AB Cloete): That the Council-
  - (1) debates the end of the brain drain through race-based policies such as Broad Based Black Empowerment and Affirmative Action in South Africa in order to save the South African economy and service delivery. 19dc 44
2. Draft resolution (Mr CFB Smit): That the Council-
  - (1) debates the review of the Agriparks approach to research and develop a model of sustainable, cost-effective support to small-scale and subsistence farmers in South Africa. 19dc 45
3. Draft resolution (Mr SE Mfayela): That the Council-
  - (1) debates the need for a stricter regulations and controls within the gambling industry, whereby people can set personal limits on amounts they wish to gamble either daily or monthly. 19dc 46
4. Draft resolution (Mr K Motsamai): That the Council-
  - (1) debates with the Minister of Defence and Military Veterans, Nosiviwe Nqakula about Military Veterans, the situation the forces are finding themselves in as the festive session is approaching and they are not working, some are ill and they sleep without food and they have children; and
  - (2) whether the department will be doing anything for them as there is no SRD (Social Relief of Distress) this year, which was one of their benefits. 19dc 47
5. Draft resolution (Mr CFB Smit): That the Council-
  - (1) notes the water crisis in most Municipalities, and more specifically in the largest towns and the provincial capital of Limpopo;
  - (2) further notes that some towns like Mokopane, Polokwane and Tzaneen are upon their various day zeros with no concrete emergency plans in place to deal with a day zero;

- (3) also notes that various local municipalities are failing to implement and enforce water restrictions and in turn are failing to prevent a day zero scenario; and
- (4) calls on the Select Committee for Co-operative Governance and Traditional Affairs, Human Settlements, Water and Sanitation to investigate the state of this crisis as well as action plans to deal with any day zero as a matter of urgency. 19dc 48

6. Draft resolution (Mr E Z Njalu): That the Council-

- (1) notes that Hon Madikizela withdrew from the race of becoming interim party leader of the DA after being instructed to do so by the liberal faction of the DA in fear of splitting the votes meant for Hon Steenhuisen;
- (2) further notes that the classical liberal faction has promised Madikizela their support in the 2020 elective conference, in return for his withdrawal from the elections this weekend, in support of Steenhuisen; and
- (3) finally notes that this all happen following the election of Helen Zille as federal chairperson and the resignation of Maimane as party leader .19dc 49

7. Draft resolution (Ms TC Modise): That the Council-

- (1) notes that a senior manager at the world renowned Kruger National Park has been suspended following the completion of a probe into allegations of racism and the torture of black people;
- (2) also notes that SANParks hired Analytical Forensic Investigation Services (Afis) to probe the matter after black rangers began speaking out about their suffering in the hands of white colleagues;
- (3) also notes that in sworn statements made to Afis the rangers painted a gruesome picture of how they were assaulted in an attempt to force them to confess to crimes they did not commit; and
- (4) takes this opportunity to call on SANParks to finalise the disciplinary processes against those that have been charged and make sure that justice is served.19dc 50

## 8. Draft resolution (Ms M P Mmola): That the Council-

- (1) notes that the President of the Republic officially opened the Mpumalanga High Court on Friday 8 November, following the commencement of its function in May this year;
- (2) also notes that this is a milestone towards enhancing access to justice, and will provide relief to Mpumalanga residents who will no longer have to make long trips to the Pretoria High Court for all serious criminal offences and civil claims;
- (3) further notes that the court which cost the state R1,4bn is a four story building with 12 court rooms for civil and criminal cases; and
- (4) takes this opportunity to congratulate the ANC-led government for ensuring that it continues on its historic task of bringing justice closer to the people. 19dc 51

## 9. Draft resolution (Mr K M Mmoiemang): That the Council-

- (1) notes that this coming Sunday, 17 November marks the World Day of Remembrance for Road Traffic Victims, which is a day commemorated on the third Sunday of November each year to remember the many millions who are killed and injured on the world's roads, together with their families, friends and many others who are also affected by road accidents;
- (2) further notes that the World Day of Remembrance for Road Traffic Victims is also a Day on which we thank the emergency services and reflect on the tremendous burden and cost of this daily continuing disaster to families, communities and countries, and on ways to halt the carnage on our roads; and
- (3) takes this opportunity to remember and pay homage to the millions of our people who were killed in road accidents and those who were injured, together with their families, friends and many others who are also affected by road accidents.19dc 52

## 10. Draft resolution (Mr E R Landsman): That the Council-

- (1) notes that 16 November marks International Day for Tolerance, which is geared towards raising awareness about the negative effects of intolerance and how various forms of injustice, oppression, racism, tribalism,

- homophobia and unfair discrimination continues to divide individuals and communities around the globe;
- (2) further notes that International Day of Tolerance also seeks to promote tolerance, respect, appreciation and cooperation amongst the world's different cultures, ethnic communities and racial groups to continue to work together in peace and united in their diversity; and
  - (3) takes this opportunity to join the rest of the world to call on the people of South Africa to build on our rich cultural diversity and the positivity that has been reignited by the Springboks win of the 2019 Rugby World Cup in Japan and the sterling performance of the South African Netball Team's performance in the 2019 Africa Netball Cup championship at the Bellville Velodrome in Cape Town and use these great accomplishments to recommit ourselves to work tirelessly and without any rest to advance our national goal of building a democratic South Africa that is united in our diversity. 19dc 53

11. Draft resolution (Mr E M Nchabeleng): That the Council-

- (1) notes that 14 November marks World Diabetes Day, which is part of the campaign that is led by the International Diabetes Federation and its member associations around the world, including the American Diabetes Association, Diabetes UK, Diabetes Australia, the Canadian Diabetes Association, Diabetes South Africa, Diabetes New Zealand and the Diabetic Association of India to raise awareness about the deadly effect of diabetes;
- (2) further notes that statistics from the International Diabetes Federation, the World Health Organisation and the Centre for Disease Control reveal that Worldwide over 415 million are diabetic, every six seconds a person dies from diabetes-related causes, every 10 seconds two people develop diabetes and every 30 seconds a lower limb is amputated worldwide due to diabetes; and
- (3) debates the deadly impact of diabetes in South Africa and measures that are geared towards raising awareness about this silent killer. 19dc 54

### PETITIONS REFERRED TO COMMITTEES

1. **Submission of a petition calling for the intervention of National Council of Provinces in relation to the alleged failure by the Limpopo Department of Health to honour its undertaking of building a health care centre for the community of Dichoeung in Jane Furse, Limpopo (Mr Elcourt Matlala)-** (Select Committee on Petitions and Executive Undertakings – National Council of Provinces and Select Committee on Health and Social Services - The Select Committee on Petitions and Executive Undertakings is instructed in terms of rule 105(2) of the Council Rules to consult the Select Committee on Health and Social Services when it considers the matter).
  
2. **Submission of a petition calling for the intervention of National Council of Provinces in relation to the alleged disagreement between the Department of Higher Education and Training, Sector Education and Training Authority (SETA), EOH Abantu (Pty) Ltd and the disgruntled former learners of EOH Abantu (Pty)[Speaker of Gauteng Provincial Legislature, on behalf of disgruntled former learners of EOH Abantu (Pty) Ltd]** (Select Committee on Petitions and Executive Undertakings and the Select Committee on Education and Technology, Sports, Arts and Culture for consideration and report. The Select Committee on Petitions and Executive Undertakings is instructed in terms of rule 105(2) of the Council Rules to consult the Select Committee on Education and Technology, Sports, Arts and Culture when it considers the matter).

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

1. **Military Discipline Bill** [B 21 - 2019] (National Assembly – proposed sec 75).

### BILLS REFERRED TO COMMITTEES

1. **National Land Transport Amendment Bill** [B 7D – 2016] (National Assembly – sec 76) – (Portfolio Committee on Transport – National Assembly).
  
2. **Border Management Authority Bill** [B 9B – 2016] (National Assembly – sec 75) – (Select Committee on Health and Social Services – National Council of Provinces).
  
3. **Traditional Courts Bill** [B 1B – 2017] (National Assembly – sec 76) – (Select Committee on Security and Justice – National Council of Provinces).

4. **Cybercrimes Bill** [B 6B – 2017] (National Assembly – sec 75) – (Select Committee on Security and Justice – National Council of Provinces).
5. **Road Accident Benefit Scheme Bill** [B 17B – 2017] (National Assembly – sec 75) – (Portfolio Committee on Transport – National Assembly).
6. **Defence Amendment Bill** [B 18 – 2017] (National Assembly – sec 75) – (Portfolio Committee on Defence and Military Veterans – National Assembly).
7. **International Crimes Bill** [B 37 – 2017] (National Assembly – sec 75) – (Portfolio Committee on Justice and Correctional Services – National Assembly).
8. **Airports Company Amendment Bill** [B 5B – 2018] (National Assembly – sec 75) – (Portfolio Committee on Transport – National Assembly).
9. **Air Traffic and Navigation Services Amendment Bill** [B 6B – 2018] (National Assembly – sec 75) – (Portfolio Committee on Transport – National Assembly).
10. **Social Assistance Amendment Bill** [B 8 – 2018] (National Assembly – sec 76) – (Portfolio Committee on Social Development – National Assembly).
11. **Prevention of Hate Crimes and Hate Speech Bill** [B 9 – 2018] (National Assembly – sec 75) – (Portfolio Committee on Justice and Correctional Services – National Assembly).
12. **Civil Union Amendment Bill** [B 11B – 2018] (National Assembly – sec 75) – (Select Committee on Health and Social Services – National Council of Provinces).
13. **State Liability Amendment Bill** [B 16 – 2018] (National Assembly – sec 75) – (Portfolio Committee on Justice and Correctional Services – National Assembly).
14. **Hydrographic Bill** [B 17B – 2018] (National Assembly – sec 75) – (Select Committee on Security and Justice – National Council of Provinces).
15. **Local Government: Municipal Structures Amendment Bill** [B 19B – 2018] (National Assembly – sec 76) – (Select Committee on Cooperative Governance and Traditional Affairs, Water and Sanitation and Human Settlements – National Council of Provinces).

16. **South African Reserve Bank Bill** [B 26 – 2018] (National Assembly – sec 75) – (Standing Committee on Finance – National Assembly).
17. **National Gambling Amendment Bill** [B 27B – 2018] (National Assembly – sec 76) – (Select Committee on Trade and Industry, Economic Development, Small Business Development, Tourism, Labour and Employment – National Council of Provinces).
18. **National Health Amendment Bill** [B 29 – 2018] (National Assembly – sec 76) – (Portfolio Committee on Health – National Assembly).
19. **Child Justice Amendment Bill** [B 32B – 2018] (National Assembly – sec 75) – (Select Committee on Security and Justice – National Council of Provinces).
20. **Science and Technology Laws Amendment Bill** [B 42B - 2018] (National Assembly – sec 75) – (Portfolio Committee on Higher Education and Science and Technology– National Assembly).
21. **Civil Aviation Amendment Bill** [B 44 – 2018] (National Assembly – sec 75) – (Portfolio Committee on Transport – National Assembly).
22. **Local Government: Municipal Systems Amendment Bill** [B 2 – 2019] (National Assembly – sec 76) – (Portfolio Committee Cooperative Government and Traditional Affairs – National Assembly).
23. **National Health Insurance Bill** [B 11 - 2019] (National Assembly – sec 76) – (Portfolio Committee on Health – National Assembly).
24. **Recognition of Customary Marriages Amendment Bill** [B 12 - 2019] (National Assembly – sec 76) – (Portfolio Committee on Justice and Correctional Services – National Assembly) [Referred to the National House of Traditional Leaders].
25. **Judicial Matters Amendment Bill** [B 13 - 2019] (National Assembly –sec 75) – (Portfolio Committee on Justice and Correctional Services – National Assembly).
26. **Division of Revenue Amendment Bill** [B 15 – 2019] (National Assembly – proposed sec 76) (Select Committee on Appropriations- National Council of Provinces).

27. **Adjustments Appropriation Bill** [B 16 – 2019] (National Assembly – sec 77) (Standing Committee on Appropriations - National Assembly).
28. **Independent Electricity Management Operator Bill** [B 14 - 2019] (National Assembly – sec 76) – (Portfolio Committee on Mineral Resources and Energy – National Assembly).
29. **Taxation Laws Amendment Bill** [B 18 – 2019] (National Assembly – sec 77) – (Standing Committee on Finance– National Assembly).
30. **Promotion of Access to Information Amendment Bill** [B 20 - 2019] (National Assembly – sec 75) (Select Committee on Security and Justice – National Council of Provinces).
31. **Military Discipline Bill** [B 21 - 2019] (National Assembly – proposed sec 75) (Portfolio Committee on Defence and Military Veterans – National Assembly).

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

1. **Border Management Authority Bill** [B 9B – 2016] (National Assembly – sec 75).
2. **National Forests Amendment Bill** [B 11B – 2016] (National Assembly – sec 76).
3. **Traditional Courts Bill** [B 1B – 2017] (National Assembly – sec 76).
4. **Cybercrimes Bill** [B 6B – 2017] (National Assembly – sec 75) (introduced as **Cybercrimes and Cybersecurity Bill** [B 6 – 2017]).
5. **National Environmental Management Laws Amendment Bill** [B 14D – 2017] (National Assembly – sec 76).
6. **Customary Initiation Bill** [B 7B - 2018] (National Assembly – sec 76).
7. **iKamva Digital Skills Institute Bill** [B 10B – 2018] (National Assembly – sec 75).
8. **Civil Union Amendment Bill** [B 11B - 2018] (National Assembly – sec 75).

9. **Hydrographic Bill** [B 17B – 2018] (National Assembly – sec 75).
10. **Local Government: Municipal Structures Amendment Bill** [B 19B – 2018] (National Assembly – sec 76).
11. **Independent Police Investigative Directorate Amendment Bill** [B 25 – 2018] (National Assembly – sec 75).
12. **National Gambling Amendment Bill** [B 27B – 2018] (National Assembly – sec 76).
13. **Child Justice Amendment Bill** [B 32B – 2018] (National Assembly – sec 75).
14. **National Minimum Wage Amendment Bill** [B 9 - 2019] (National Assembly – sec 75).
15. **Division of Revenue Amendment Bill** [B 15 – 2019] (National Assembly – proposed sec 76)
16. **Promotion of Access to Information Amendment Bill** [B 20 - 2019] (National Assembly – sec 75).

#### INTERNATIONAL AGREEMENTS

1. **Convention establishing the Square Kilometre Array (SKA) Observatory** (Tabled on 18 September 2019) (Referred to Portfolio Committee on Higher Education, Science and Technology on 19 September 2019 – reported on 8 October 2019).
2. **Agreement between the Government of the Republic of South Africa and the International Centre for Genetic Engineering and Biotechnology (ICGEB) on the Establishment of an International Centre for Genetic Engineering and Biotechnology (ICGEB) Component in the Republic of South Africa** (Tabled on 18 September 2019) (Referred to Portfolio Committee on Higher Education, Science and Technology on 19 September 2019).
3. **Ratification of the Agreement between the Government of the Republic of India, the Government of the Federative Republic of Brazil and the Government of the Republic of South Africa on the IBSA Fund for the Alleviation of Poverty and Hunger (signed 17 October 2017)** (Tabled on 18 October 2019) (Referred to Portfolio Committee on International Relations and Cooperation on 22 October 2019)

(NCOP: Referred to Select Committee on Security and Justice on 24 October 2019).

4. **Economic Partnership Agreement (EPA) between the Southern African Customs Union and Mozambique (SACUM), and the United Kingdom (UK)** (Tabled on 22 October 2019) (NCOP: Referred to Select Committee on Trade and Industry, Economic Development, Small Business Development, Tourism, Employment and Labour on 22 October 2019-reported on 5 November 2019) (NA: Referred to Portfolio Committee on Trade and Industry on 22 October 2019 – reported on 29 October 2019).
  
5. **Treaty between the Government of the Republic of South Africa and the Government of the Republic of Bangladesh on Extradition** (Tabled on 14 November 2019).
  
6. **Treaty between the Government of the Republic of South Africa and the Government of the Republic of Bangladesh on Mutual Legal Assistance in Criminal Matters** (Tabled on 14 November 2019).
  
7. **Agreement between the Government of the Republic of South Africa and the European Atomic Energy Community (EURATOM) for Co-operation in the Peaceful Uses of Nuclear Energy** (Tabled on 14 November 2019).