

Education and Recreation and to the Select Committee on Labour and Public Enterprises:

Rider Number Three to the Financing Agreement between the Government of the Republic of South Africa and the European Commission concerning the Non-grid Electrification Programme, tabled in terms of section 231(3) of the Constitution, 1996.

- (8) **The following paper is referred to the Portfolio Committee on Water Affairs and Forestry and to the Portfolio Committee on Provincial and Local Government. It is also referred to the Select Committee on Land and Environmental Affairs and to the Select Committee on Local Government and Administration:**

Rider Number Three to the Financing Agreement between the Government of the Republic of South Africa and the European Commission concerning the Rural Water Supply and Sanitation in the Eastern Cape, tabled in terms of section 231(3) of the Constitution, 1996.

- (9) **The following paper is referred to the Portfolio Committee on Arts, Culture, Science and Technology and to the Select Committee on Education and Recreation:**

Rider Number One to the Financing Agreement between the Government of the Republic of South Africa and the European Commission concerning the Conference, Workshop and Cultural Initiatives (CWCI) Fund, tabled in terms of section 231(3) of the Constitution, 1996.

- (10) **The following paper is referred to the Portfolio Committee on Health, Portfolio Committee on Water Affairs and Forestry, Portfolio Committee on Housing, Portfolio Committee on Trade and Industry and to the Portfolio Committee on Justice and Constitutional Development. It is also referred to the Select Committee on Social Services, the Select Committee on Land and Environmental Affairs, Select Committee on Public Services, Select Committee on Economic Affairs and to the Select Committee on Security and Constitutional Affairs:**

Multi-Annual Indicative Programme: A Framework for Co-operation between South Africa and the European Community, tabled in terms of section 231(3) of the Constitution, 1996.

- (11) **The following paper is referred to the Portfolio Committee on Education and to the Select Committee on Education and Recreation:**

Agreement between the Government of the Republic of South Africa and the Government of the Republic of Finland on Finnish Assistance to the Education Sector, tabled in terms of section 231(3) of the Constitution, 1996.

- (12) **The following papers are referred to the Portfolio Committee on Provincial and Local Government and to the Select Committee on Local Government and Administration:**

- (a) Agreement between the Government of the Republic of South Africa and the Government of the Federal Republic

of Germany concerning Financial Co-operation for Municipal Infrastructure, tabled in terms of section 231(3) of the Constitution, 1996.

- (b) Specific Agreement between the Government of the Republic of South Africa and the Government of Sweden on support for a project on a Partnership between the Municipalities of Port Elizabeth and Goteborg, tabled in terms of section 231(3) of the Constitution, 1996.

(13) The following papers are referred to the Portfolio Committee on Foreign Affairs and to the Select Committee on Economic Affairs:

- (a) Agreement between the Government of the Republic of South Africa and the Government of Spain on Grant Assistance for Protocol Training in the Office of the President and the Department of Foreign Affairs, tabled in terms of section 231(3) of the Constitution, 1996.
- (b) Co-operation Accord between the Government of the Republic of South Africa and the Government of the United States of America, tabled in terms of section 231(3) of the Constitution, 1996.

National Council of Provinces:

I. The Chairperson:

The following members have been appointed to serve on the Mediation Committee, viz:

NAME	PARTY	PROVINCE
Ackermann, C	New NP	Western Cape
Bhiabha, M	ANC	Mpumalanga
Dlulane, B N	ANC	Eastern Cape
Fenyane, S L E	ANC	Northern Province
Marais, A	ANC	Free State
Ndzanga, R A	ANC	Gauteng
Sulliman, M A	ANC	Northern Cape
Surty, M E	ANC	North West
Thomson, B	ANC	KwaZulu-Natal

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

I. The Minister of Finance:

Explanatory Memorandum on the Revenue Laws Amendment Bill, 2000 [WP 2-2000].

COMMITTEE REPORTS:

National Assembly:

- 1. Report of the Portfolio Committee on Finance on the *Second Adjustments Appropriation Bill* [B 67—2000] (National Assembly—sec 77), dated 27 October 2000:

The Portfolio Committee on Finance, having considered and examined the *Second Adjustments Appropriation Bill* [B 67—

2000] (National Assembly—sec 77), referred to it and classified by the Joint Tagging Mechanism as a money bill, reports that it has concluded its deliberations thereon.

2. Report of the Portfolio Committee on Provincial and Local Government on the *Redetermination of the Boundaries of Cross-Boundary Municipalities Bill* [B 69—2000] (National Assembly—sec 75), dated 31 October 2000:

The Portfolio Committee on Provincial and Local Government, having considered the subject of the *Redetermination of the Boundaries of Cross-Boundary Municipalities Bill* [B 69—2000] (National Assembly—sec 75), referred to it and classified by the Joint Tagging Mechanism as a section 75 Bill, reports the Bill without amendment.

National Council of Provinces:

1. Report of the Select Committee on Land and Environmental Affairs on *Deciduous Fruit Industry*, dated 31 October 2000:

The Select Committee on Land and Environmental Affairs, having considered the application by the National Agricultural Marketing Council for the implementation of proposed statutory measures in the deciduous fruit industry, reports, in terms of section 15 of the Marketing of Agricultural Products Act, 1996, that it has approved the recommendation of the Council.

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS OF NATIONAL ASSEMBLY

WEDNESDAY, 1 NOVEMBER 2000

1. The House met at 14:02.
2. The Speaker took the Chair and requested members to observe a moment of silence for prayers or meditation.
3. [14:03] Questions.
4. [16:04] Notices of motion.
5. [16:20] Mr J H Momberg (for the Chief Whip of the Majority Party) moved: That the House, in accordance with section 193(5) of the Constitution, appoints an *ad hoc* committee to nominate persons to fill the existing and pending vacancies on the Commission for Gender Equality, the committee—
 - (1) to consist of 27 members in the following proportions: ANC 14, DP 2, all other parties 1;
 - (2) to exercise those powers in Rule 138 that may assist it in carrying out its task;
 - (3) to take into consideration the list of candidates proposed by interested parties which will be referred to the committee; and
 - (4) to complete its task by 15 February 2001.
6. FIRST ORDER [16:21]
First Reading debate—*Second Adjustments Appropriation Bill* [B 67—2000] (National Assembly—sec 77).
Debate concluded.
Question put: That the Bill be read a first time.
Division demanded.
The House divided:

AYES—247: Abrahams, T; Abram, S; Arendse, J D; Balfour, B M N; Baloi, G E; Baloyi, M R; Baloyi, S F; Belot, S T; Bhengu, F; Bhengu, N R; Bloem, D V; Bogopane, H I; Booï, M S; Buthelezi, M G; Buthelezi, M N; Capa, R Z N; Carrim, Y I; Cassim, M F; Chalmers, J; Chiba, L; Chikane, M M; Chohan, F I; Cindi, N V; Coetzee-Kasper, M P; Cronin, J P; Cwele, S C; Davies, R H; De Beer, S J; De Lange, J H; Diale, L N; Didiza, A T; Dithebe, S L; Ditshetelo, P H K; Dlamini, B O; Dlamini-Zuma, N C; Du Toit, D C; Dudley, C; Duma, N M; Dyani, M M Z; Erwin, A; Fankomo, F C; Fazzie, M H; Feinstein, A J; Ferreira, E T; Fihla, N B; Fraser-Moleketi, G J; Frolick, C T; Gandhi, E; Gcina, C I; George, M E; Gerber, P-J A; Gillwald, C E; Gininda, M S; Gomomo, P J; Govender, P; Green, L M; Grove, S; Gumede, D M; Gxowa, N B; Hajaig, F; Hanekom, D A; Hangan, N E; Hendrickse, P A C; Hlangwana, N L; Hlengwa, M W; Hogan, B A; Holomisa, S P; Jana, D P S; Jassat, E E; Jeffery, J H; Joemat, R R; Jordan, Z P; Kannemeyer, B W; Kasienyane, O R; Kasrils, R; Kekana, N N; Kgarimetsa, J J; Kgauwe, Q J; Kgwele, L M; Koomhof, G W; Kota, Z A; Kotwal, Z; Landers, L T; Leeuw, S J; Lekgoro, M K; Lobe, M C; Louw, J T; Louw, S K; Lucas, E J; Lyle, A G; Mabeta, M E; Madasa, Z L; Magashule, E S; Magazi, M N; Magwanishe, G; Mahlangu, G L; Mahomed, F; Maimane, D S; Maine, M S; Makasi, X C; Makunyane, T L; Makwetla, S P; Malebane, H F; Maloney, L; Maluleke-Hlaneki, C J; Manuel, T A; Maphalala, M A; Maphoto, L I; Marshoff, F B; Martins, B A D; Masala, M M; Maserumule, F T; Mashimbye, J N; Masithela, N H; Masutha, M T; Mathebe, P M; Matsepe-Casaburri, I F; Maunye, M M; Mayatula, S M; Maziya, A M; Mbadi, L M; Mbombo, N D; Mbulawa-Hans, B G; Mbuyazi, L R; Meshoe, K R J; Mgidi, J S; Middleton, N S; Mlambo-Ngcuka, P G; Mlangeni, A; Mnandi, P N; Mngomezulu, G P; Mnumzana, S K; Modise, T R; Modisenyane, L J; Mofokeng, T R; Mogale, E P; Mohai, S J; Mohamed, I J; Mohlala, R J B; Mokoena, D A; Molebatsi, M A; Molewa, B G; Momberg, J H; Montsitsi, S D; Moonsamy, K; Moosa, M V; Moropa, R M; Morwamoche, K W; Moss, M I; Mothoagae, P K; Motubatse, S D; Mpahlwa, M; Mpaka, H M; Mpontshane, A M; Mshudulu, S A; Msomi, M D; Mthembi-Mahanyele, S D; Mthembu, B; Mtsweni, N S; Mufamadi, F S; Mzizi, M A; Mzondeki, M J G; Naidoo, S; Nair, B; Nash, J H; Ncube, N Z; Ndou, R S; Nel, A C; Nene, N M; Ngcengwane, N D; Ngculu, L V; Ngubane, B S; Ngubane, H; Ngubeni, J M; Ngwane, L B; Njobe, M A A; Nkomo, A S; Nkosi, D M; Nonkonyana, M; Nqakula, N N; Ntshangase, I B; Ntuli, B M; Ntuli, S B; Nzimande, L P M; Olifant, D A A; Oliphant, G G; Omar, A M; Pahad, A G H; Phala, M J; Phantsi, E; Pheko, S E M; Pieterse, R D; Radebe, B A; Radebe, J T; Ramakaba-Lesiea, M M; Ramgobin, M; Ramotsamai, C M P; Rasmeni, S M; Ripinga, S S; Routledge, N C; Saloojee, E C; Scott, M I; Seaton, S A; September, C C; September, R K; Shilubana, T P; Shope, N R; Sibiya, M S M; Sigcau, S N; Sigcawu, A N; Sigwela, E M; Sikakane, M R; Sithole, D J; Skhosana, W M; Skosana, M B; Skweyiya, Z S T; Slabbert, J H; Smith, V G; Solo, B M; Solomon, G; Sonjica, B P; Sosibo, J E; Sotyu, M M; Southgate, R M; Swart, S N; Thabethe, E; Tinto, B; Tolo, L J; Tshabalala-Msimang, M E; Tsheole, N M; Tshwete, S V; Turok, B; Twala, N M; Vadi, I; Van den Heever, R P Z; Van der Merwe, S C; Van Wyk, A (Annelize); Van Wyk, J F; Van Wyk, N; Verwoerd, M; Vos, S C; Woods, G; Xingwana, L M T; Yengeni, T S; Zondo, R P; Zulu, N E; Zuma, J G.

NOES—46: Andrew, K M; Aucamp, C; Bakker, D M; Bell, B G; Blaas, A; Botha, A J; Bruce, N S; Camerer, S M; Da Camara, M L; Davidson, I O; Delport, J T; Dowry, J J; Durand, J; Ellis, M J; Farrow, S B; Gaum, A H; Gore, V C; Gous, S J; Grobler, G A J; Jankielsohn, R; Kalyan, S V; Le Roux, J W; Lee, T D; Maluleke, D K; Morkel, C M; Mulder, C P; Mulder, P W A; Olckers, M E; Opperman, S E; Rabie, P J; Schalkwyk, P J; Schippers, J; Schmidt, H C; Schoeman, R S; Selfe, J; Semple, J A; Seremane, W J; Simmons, S; Singh, A; Smit, H A; Smuts, M; Sono, B N;

Swart, P S; Van Deventer, F J; Van Niekerk, A I; Waters, M.

Question accordingly agreed to.

Bill read a first time.

7. SECOND ORDER [16:57]

Decision of Question on Votes and Schedule—*Second Adjustments Appropriation Bill* [B 67—2000] (National Assembly—sec 77).

Vote No 1 agreed to (Democratic Party and New National Party dissenting).

Votes Nos 2 to 5 agreed to.

Vote No 6 agreed to (Democratic Party and New National Party dissenting).

Vote No 7 agreed to.

Vote No 8 agreed to (Democratic Party, New National Party and Freedom Front dissenting).

Vote No 9 agreed to.

Vote No 10 agreed to (Democratic Party and New National Party dissenting).

Votes Nos 11 and 12 agreed to.

Vote No 13 agreed to (Democratic Party, New National Party, United Democratic Movement and Afrikaner Eenheidsbeweging dissenting).

Vote No 14 agreed to (Democratic Party, New National Party and United Democratic Movement dissenting).

Vote No 15 agreed to (Democratic Party and New National Party dissenting).

Vote No 17 agreed to.

Vote No 18 agreed to (Democratic Party, New National Party and Afrikaner Eenheidsbeweging dissenting).

Vote No 19 agreed to (Democratic Party and New National Party dissenting).

Votes Nos 20 to 31 agreed to.

Vote No 32 agreed to (Democratic Party and New National Party dissenting).

Votes Nos 33 to 35 agreed to.

Vote No 36 agreed to (Democratic Party and New National Party dissenting).

Schedule agreed to (Democratic Party and New National Party dissenting).

8. THIRD ORDER [18:01]

Second Reading debate—*Second Adjustments Appropriation Bill* [B 67—2000] (National Assembly—sec 77).

There was no debate.

Bill read a second time (Democratic Party and New National Party dissenting).

9. FOURTH ORDER [18:02]

Second Reading debate—*Redetermination of the Boundaries of Cross-Boundary Municipalities Bill* [B 69—2000] (National Assembly—sec 75).

There was no debate.

Bill read a second time.

10. The House adjourned at 18:03.

C J P LUCAS,

Acting Secretary to Parliament.

No 138—2000] SECOND SESSION, SECOND PARLIAMENT

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

WEDNESDAY, 1 NOVEMBER 2000

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

(1) Assent by the President of the Republic in respect of the following Bills:

- (i) *Finance Bill* [B 40—2000]—Act No 35 of 2000 (assented to and signed by President on 27 October 2000);
- (ii) *Meat Safety Bill* [B 29D—2000]—Act No 40 of 2000 (assented to and signed by President on 27 October 2000); and
- (iii) *Transnet Pension Fund Amendment Bill* [B 57B—2000]—Act No 41 of 2000 (assented to and signed by President on 27 October 2000).

2. The Speaker and the Chairperson:

The following paper was tabled on 31 October 2000 and is now referred to the Portfolio Committee on Finance and the Select Committee on Finance:

Explanatory Memorandum on the Revenue Laws Amendment Bill, 2000 [WP 2-2000].

National Assembly:

1. The Speaker:

- (1) In response to a resolution adopted by the House on 26 May 2000 recommending that a code of conduct for Local Government Employees be put in place by January 2001, the Minister for Provincial and Local Government has included as Schedule 1 to the Local Government: Municipal Systems Bill, 2000 a code of conduct for municipal officials.

(2) The following papers were tabled on 30 October 2000 and are now referred to the Portfolio Committee on Foreign Affairs, the Portfolio Committee on Finance and the Portfolio Committee on Justice and Constitutional Development for consideration and report;

(a) the committees to confer; and

(b) the Portfolio Committee on Foreign Affairs to submit an interim report by not later than 16 February 2001 and a final report by 15 March 2001:

(i) *The Constitutive Act of the African Union, tabled in terms of section 231(2) of the Constitution, 1996.*

(ii) *Explanatory Memorandum on the Constitutive Act of the African Union.*

2. The Speaker:

(1) Mr M U Kalako has been elected co-chairperson of the Mediation Committee with effect from 1 November 2000.

(2) The following changes have been made to the membership of Committees, viz:

Agriculture and Land Affairs:

Appointed: Van der Merwe, A S; Le Roux, J W (Alt); Zita, L (Alt).

Discharged: Schoeman, E A.

Home Affairs:

Appointed: Mathebe, P H (Alt).

Discharged: Zita, L.

Joint Standing Committee on Defence:

Discharged: Mathebe, P H.

Labour:

Appointed: Maphalala, M A (Alt).

National Council of Provinces:

1. The Chairperson:

The following papers were tabled on 30 October 2000 and are now referred to the Select Committee on Economic Affairs, the Select Committee on Finance and the Select Committee on Security and Constitutional Affairs for consideration and report:

(a) the committees to confer; and

(b) the Select Committee on Economic Affairs to report:

(i) *The Constitutive Act of the African Union, tabled in terms of section 231(2) of the Constitution, 1996.*

(ii) *Explanatory Memorandum on the Constitutive Act of the African Union.*

2. The Chairperson:

Message from National Assembly to National Council of Provinces:

Bill passed by National Assembly on 30 October 2000 and transmitted for concurrence:

- (1) *Marine Living Resources Amendment Bill* [B 68B—2000] (National Assembly—sec 75)—(Select Committee on Land and Environmental Affairs—National Council of Provinces).

Bills passed by National Assembly on 31 October 2000 and transmitted for concurrence:

- (1) *National Prosecuting Authority Amendment Bill* [B 39B—2000] (National Assembly—sec 75) (introduced as *Directorate of Special Operations Bill* [B 39—2000] (National Assembly—sec 75)—(Select Committee on Security and Constitutional Affairs—National Council of Provinces).

- (2) *Judicial Matters Amendment Bill* [B 63B—2000] (National Assembly—sec 75)—(Select Committee on Security and Constitutional Affairs—National Council of Provinces).

Bills passed by National Assembly on 1 November 2000 and transmitted for concurrence:

- (1) *Second Adjustments Appropriation Bill* [B 67—2000] (National Assembly—sec 77)—(Select Committee on Finance—National Council of Provinces).

- (2) *Redetermination of the Boundaries of Cross-boundary Municipalities Bill* [B 69—2000] (National Assembly—sec 75)—(Select Committee on Local Government and Administration).

3. The Chairperson:

- (1) Mr M E Surty has been elected co-chairperson of the Mediation Committee with effect from 1 November 2000.

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Minister of Trade and Industry:

Report and Financial Statements of the Competition Tribunal for 1999-2000, including the Report of the Auditor-General on the Financial Statements for 1999-2000.

2. The Minister of Health:

Memorandum of Understanding between the Department of Health of the Government of the Republic of South Africa and the Ministry of Health of the People's Republic of China on Public Health and Medical Sciences, tabled in terms of section 231(3) of the Constitution, 1996.

National Assembly:

Bills:

1. The Minister of Health:

- (1) *Tweede Wysigingswetsontwerp op Chiropraktisyns, Homeopate en Verwante Gesondheidsdiensberoepe* [W 66—2000].

The *Chiropractors, Homeopaths and Allied Health Service Professions Second Amendment Bill* [B 66B—2000] (National Council of Provinces—sec 76) was introduced by the Minister of Health on 22 September 2000 and referred to the Select Committee on Social Services.

COMMITTEE REPORTS:

National Assembly:

1. Report of the Portfolio Committee on Finance on the *Revenue Laws Amendment Bill* [B 70—2000] (National Assembly—sec 77), dated 1 November 2000:

The Portfolio Committee on Finance, having considered and examined the *Revenue Laws Amendment Bill* [B 70—2000] (National Assembly—sec 77), referred to it and classified by the Joint Tagging Mechanism as a money bill, reports that it has concluded its deliberations thereon.

2. Report of the Portfolio Committee on Health on the *Chiropractors, Homeopaths and Allied Health Service Professions Second Amendment Bill* [B 66B—2000] (National Council of Provinces—sec 76), dated 1 November 2000:

The Portfolio Committee on Health, having considered the subject of the *Chiropractors, Homeopaths and Allied Health Service Professions Second Amendment Bill* [B 66B—2000] (National Council of Provinces—sec 76), referred to it and classified by the Joint Tagging Mechanism as a section 76 Bill, reports the Bill without amendment.

3. Report of the Portfolio Committee on Foreign Affairs on the *African Renaissance and International Co-operation Fund Bill* [B 65B—2000] (National Assembly—sec 75), dated 1 November 2000:

The Portfolio Committee on Foreign Affairs, having considered the *African Renaissance and International Co-operation Fund Bill* [B 65B—2000] (National Assembly—sec 75) and proposed amendments of the National Council of Provinces (Announcements, Tablings and Committee Reports, p 927), referred to the Committee, reports the Bill with amendments [B 65C—2000].

4. Report of the Portfolio Committee on Minerals and Energy on the *Abolition of Lebowa Mineral Trust Bill* [B 49—2000] (National Assembly—sec 75), dated 1 November 2000:

The Portfolio Committee on Minerals and Energy, having considered the subject of the *Lebowa Mineral Trust Bill* [B 49—2000] (National Assembly—sec 75), referred to it and classified by the Joint Tagging Mechanism as a section 75 Bill, reports the Bill with amendments [B 49A—2000].

The Committee further reports as follows:

1. During its deliberations on the Bill, the Committee received extensive briefings from the Department of Minerals and Energy

(the Department) detailing the reasons for the abolition of the Lebowa Mineral Trust (LMT). When the Bill was still in draft form, the Committee also received a request from the Beneficiaries Forum of the LMT to brief the Committee on its concerns with the Bill. The Committee afforded the Forum an opportunity to address it in Cape Town on 8 March 2000. Subsequent to this meeting, the Committee requested that the Department continue with its consultations with the affected communities to ensure that a lack of information regarding the content of the Bill would not create confusion or misunderstanding. To this end, the Department also published the draft Bill on 17 March 2000 and invited comments thereon.

2. On 17 August, the Bill was introduced in the National Assembly and referred to the Committee. The Committee, together with the Select Committee on Economic Affairs of the National Council of Provinces, held public hearings on the Bill in the Northern Province on 21 September. These public hearings were advertised nationally and locally, in the Northern Review Newspaper and on Radio Thobela. In addition, an invitation was also extended to the provincial governments, as well as to the relevant provincial committees, of the Northern Province and Mpumalanga to attend the public hearings and to give their views on the Bill, should they deem it necessary. This was done as most of the former Lebowa falls within these two Provinces, and there are also a few areas which now form part of the North-West Province.

3. The following persons made oral presentations during the public hearings:

- * Mr Dennis Nkosi, on behalf of the Mpumalanga Provincial Government;
- * Mr M G Ratlabala, on behalf of the LMT Board;
- * Mr I W Modisha, on behalf of the staff of the LMT;
- * Kgoshi M Lehwelere, on behalf of the LMT Beneficiaries Forum;
- * Kgsohigadi M R Mothapo;
- * Ms M M Ramoraswi, on behalf of Sefagafaga Mining Investments;
- * Adv T P Moloto, on behalf of the Mineral Rights Association of Indigenous People of South Africa;
- * Mr M H Malaza, on behalf of the Dilokong Land and Minerals Forum;
- * Mr V Majolopa, on behalf of the Leolo Mining Corporation;
- * Mr P G Betz;
- * Adv T P Moloto, on behalf of the Bopedi Kingdom;
- * Kgoshi T Setlamorago, on behalf of CONTRALESA;
- * Mr T Boya, on behalf of NAFCOC (Northern Province);

- * Mr M Mphalele, on behalf of Northern Resource Management and Maaparanke Holdings.

4. The Committee also received the following written submissions:

- * Mr C Corser;
- * Ms A Makhubedu;
- * Mphalele Traditional Authority.

5. A key area of concern for the Committee during its deliberations was that the LMT is currently duplicating functions falling within the ambit of the Department. Many of the issues raised with the Committee during the public hearings were rooted in concerns of benefitting groups and individuals that they would lose the benefits accruing from the LMT. The Committee understands that the projects currently funded by the LMT Board will be taken over by the Department.

6. The ANC and the IFP agreed that the Bill constitutes an administrative adjustment intended to bring the administration of mineral rights in line with the Constitution, which declares mining and mineral matters an area of national competency.

The Committee is of the opinion that a careful investigation into the matter of mineral rights ownership in the region should be undertaken. To this end, it should be noted that the Committee amended the Bill to the effect that the regulations to be prescribed by the Minister in respect of the nature of proof required when claiming ownership of mineral rights will only be made after consultation with the Committee. Furthermore, based on discussions with the Ministry of Minerals and Energy during deliberations on the Bill, the Committee was assured that this proof will not be confined to the presentation of title deeds. The various lists given to the Committee during its deliberations will also have to be consolidated before being used as a basis to verify the authenticity of claims.

7. It was also noted that the genuine concerns among the communities of the region about job creation, sustainable development, community input into the development process, poverty alleviation and the future of joint venture agreements, which were raised with the Committee during the public hearings, must be viewed in a serious light when decisions around the Bill are taken.

8. The DP and the New NP were opposed to the Bill. The basis of their opposition was one of principle. The following points were noted:

- (1) Section 14 of the Lebowa Mineral Trust Act states: "The Trust shall, in respect of mineral rights and for the purpose of any legislation governing mineral rights and the exploitation of mineral resources be in the same position as a private holder of mineral rights". The Bill before Parliament seeks to take those rights currently vested in the LMT and vest them in the State. No compensation is offered. This

was viewed as an infringement of the property rights of private mineral rights holders and therefore renders the Bill subject to a constitutional challenge, as the objective of the Bill is contrary to the property rights provision of the Constitution.

- (2) Prior to the formation of the self-governing state of Lesotho, four categories of land owners existed in the area, namely land owned by—
- (a) the Government of the Republic of South Africa;
 - (b) the South African Development Trust (SADT);
 - (c) the provincial administration; and
 - (d) private individuals.

The Department advised the Committee that land held in these four categories was transferred to the former Lesotho and the mineral rights attached were under the jurisdiction of the LMT. These rights were to be administered for the material benefit and moral welfare of the people of Lesotho.

Two points in this regard need to be made:

- (i) There is a factual dispute as to whether there are private holders of land rights, and therefore of mineral rights in the first three categories mentioned above. Documentation in this regard was supplied to the Committee, citing title deed numbers evidencing private ownership of land by individuals and mines.
- (ii) Land restitution claims in the three categories mentioned are still outstanding. These land claims could well have mineral rights attached thereto. Should any of the above land have mineral rights attached thereto, the vesting of such rights in the State would infringe the property rights provisions of the Constitution.

9. The DP and the New NP had two further points of opposition related to process:

- (1) Clause 3(1)(c) of the Bill empowers the Minister, on application by any person who claims any rights to minerals, to grant such rights to the person on production of appropriate proof. During the course of its consultation on the Bill, the DP and the New NP expressed concern at the way in which the Department had investigated claims of ownership. It could not be established whether the land cited in the title deeds had mineral rights attached. The DP and the New NP felt that an impartial tribunal should be established to facilitate the process and adjudicate ownership.
- (2) Lastly, the DP and the New NP were of the opinion that the Bill was premature. It was felt that this Bill should have been presented to Parliament after the Minerals Development Bill, which is due to come before Parliament next year. This latter Bill will translate the White Paper policy

into law. More specifically, that Bill will deal with the vesting of mineral rights in the State.

The DP and the New NP accepted the fact that the LMT was an anachronism, and therefore believed that it should be transformed into a mineral development agency. This agency would be in a position to develop minerals in the Northern Province for and on behalf of its inhabitants, either collectively or individually, if rights are established.

10. The UDM rejected the abolition of the LMT. It adopted this stance mainly for the following reasons:

- (1) The Minister of Minerals and Energy is the champion of this course of action, whilst she holds office as a delegated trustee of the LMT. Her essential duty in this capacity is to protect and further the rights of the inhabitants of the former Lebowa, not to deprive them of their rights and assets.
- (2) The Bill effectively abolishes the LMT and thus deprives the inhabitants of the former Lebowa of the benefits accruing from the trust.
- (3) The Bill has the effect of arbitrary confiscation of property and/or rights without compensation by the State.

The UDM supported the inhabitants of the former Lebowa and their traditional authorities in seeking for a redress in a high court and the Constitutional court. The UDM did, however, support the restructuring of the LMT in order to make it compatible with the present Constitutional arrangements in the country.

11. The ACDP is, in principle, against State ownership of property, and on these grounds opposed the Bill. In addition, it felt that it was evident from the submissions made during the public hearings that the people in the area and those benefitting from the LMT are concerned that the Northern Province, despite its enormous mineral wealth, is one of the poorest provinces in South Africa and that it will be further deprived of what little hope it has of development and wealth creation. The ACDP did not see the Bill as giving any assurances to the people of the area that they would not be further disadvantaged. The ACDP supports restructuring and reformation of the LMT. The ACDP proposed that a new Bill, guided by the recommendations in the detailed submissions, be drafted and presented to the Committee. A primary objective of the new Bill must be to ensure that those who should rightly benefit, in fact do benefit.

12. The Committee will support the provincial Finance MECs in ensuring that further economic development through mining occurs in the region. The Northern Province Development Corporation, National steering committee programmes on mineral development and the integrated rural development programme should receive the necessary resources to continue to build the local economy.

Whereas the majority of the members of the Committee are satisfied that it has ensured the rights of communities and individuals to claim those mineral rights to which they are legitimately entitled, it will continue to monitor the status of joint venture agreements in the former Lebowa and progress with regard to integrated rural development. In this regard, the Committee recommends that the Department of Minerals and Energy be requested to keep it informed on these matters.

The Committee wishes to express its appreciation to all those stakeholders who made submissions to and interacted with the Committee during its deliberations on the Bill.

Report to be considered.

5. Report of the Portfolio Committee on Justice and Constitutional Development on the *Rome Statute*, dated 1 November 2000:

The Portfolio Committee on Justice and Constitutional Development, having considered the request for approval by Parliament of the *Rome Statute of the International Court of Justice*, referred to it, recommends that the House, in terms of section 231(2) of the Constitution, approve the said Statute.

Report to be considered.

6. Report of the Portfolio Committee on Justice and Constitutional Development on the *RSA/USA Extradition Treaty*, dated 1 November 2000:

The Portfolio Committee on Justice and Constitutional Development, having considered the request for approval by Parliament of the *Extradition Treaty between the Government of the Republic of South Africa and the Government of the United States of America*, referred to it, recommends that the House, in terms of section 231(2) of the Constitution, approve the said Treaty.

Report to be considered.

7. Report of the Portfolio Committee on Justice and Constitutional Development on the *RSA/USA Mutual Legal Assistance Treaty*, dated 1 November 2000:

The Portfolio Committee on Justice and Constitutional Development, having considered the request for approval by Parliament of the *Treaty between the Government of the Republic of South Africa and the Government of the United States of America on Mutual Legal Assistance in Criminal Matters*, referred to it, recommends that the House, in terms of section 231(2) of the Constitution, approve the said Treaty.

Report to be considered.

8. Report of the Portfolio Committee on Justice and Constitutional Development on the *RSA/Australia Extradition Treaty*, dated 1 November 2000:

The Portfolio Committee on Justice and Constitutional Development, having considered the request for approval by Parliament

of the *Treaty on Extradition between the Government of the Republic of South Africa and the Government of Australia*, referred to it, recommends that the House, in terms of section 231(2) of the Constitution, approve the said Treaty.

Report to be considered.

9. Report of the Portfolio Committee on Justice and Constitutional Development on the *Public Protector Office Conditions of Service*, dated 1 November 2000:

The Portfolio Committee on Justice and Constitutional Development, having considered the *Documents, in terms of section 3(11)(a) of the Public Protector Act, 1994*, on remuneration, allowances and other conditions of employment determined by the Public Protector for staff in his office, referred to it, recommends that the House approve the determination by the Public Protector as set out in the said document.

Report to be considered.

10. Report of the Portfolio Committee on Agriculture and Land Affairs on *Illegal Farm Evictions*, dated 1 November 2000:

The Portfolio Committee on Agriculture and Land Affairs, having considered the extent and nature of illegal farm evictions in KwaZulu-Natal, the Free State, Mpumalanga and North-West, reports as follows:

1. Introduction

During June 2000 the Committee visited KwaZulu-Natal, the Free State, Mpumalanga and North-West. The primary objective was to investigate reported incidents of unfair evictions in these four provinces. The four delegations were led by Mr N Masithela, Adv S P Holomisa, Mrs B M Ntuli and Mr D Hanekom, respectively.

In the Free State the delegation met with the MEC for Agriculture, the Free State department of land affairs, members of the provincial select committee on agriculture and land affairs, the South African Plantation and Allied Workers Union (SAPAWU), Agri-SA (Free State), the constituency office of the national Member of Parliament, members of the Transitional Local Council, the SAPS, farmers, farm-workers, magistrates and lawyers.

In Mpumalanga the delegation met with farmers, farm-workers and the SAPS.

In KwaZulu-Natal the delegation met with the MEC for Agriculture and Land Affairs, members of the provincial portfolio committee on agriculture, the regional office of the department of land affairs, AFRA, SAPAWU, the Esta monitoring project, farm-workers, farmers, the SAPS and attorneys.

In the North-West the delegation met with officials of the regional department of land affairs, the MEC for Agriculture, the Mayor of Coligny, farm-workers, NAFU, Agri-SA (North West), the Transvaal Agricultural Union, farmers, farm communities, the SAPS, the Department of Justice, the Law Clinic, the Transvaal

Rural Action Committee (TRAC) and the Association for Community and Rural Advancement (ANCRA).

The multiparty delegations to the provinces would use the visits to—

- (1) determine the extent and nature of the problem (i.e. on what scale evictions are occurring and under what circumstances);
- (2) investigate the impact of the evictions;
- (3) establish whether legal processes are being followed properly;
- (4) establish whether the magistrates' courts are applying the laws properly;
- (5) determine whether there are loopholes in the relevant laws which leave people vulnerable; and
- (6) investigate any other matters related to the reported evictions which have occurred in some parts of our country.

This is a consolidated Report from the delegations, and it highlights the commonalities in each province with regard to unfair evictions, whilst also including recommendations. For details of specific cases, kindly refer to individual delegations' reports.

2. *Extent and nature of problem*

It is nearly impossible to attach a figure to the total number of evictions taking place throughout these provinces. This is due to the fact that only some provinces do data capturing of eviction cases. The monitoring of evictions is also hampered by human resource shortages, as well as the failure by evictees to report their cases to the police because of the perception that the police is favouring the farmers in eviction cases.

A number of reported eviction cases in the four provinces were to an extent labour-related. Labour disputes between farm-workers and farm-owners were often used by the latter as a mechanism to evict workers. A large majority of farm-workers are not unionised because farm-owners often refuse union representatives access to their workers.

3. *Shortcomings/loopholes in relevant laws*

Many of the problems that came to the fore during the provincial visits were implementation issues rather than loopholes in the law. Basic necessities, like access to drinking water, are often denied to farm-workers, as a form of punishment. This is clearly in contravention of the Extension of Security of Tenure Act, 1997 (ESTA). Section 1(1)(vi) of ESTA defines eviction as depriving a person against his or her will of his or her right to "residence on land or the use of land or access to water which is linked to a right of residence".

ESTA gives special rights to occupiers who are 60 years or older and who have lived on the land for longer than 10 years. The same rights are given to disabled people who were employed by the owner and who lived on the land for 10 years or longer (section 8(4)(a) and (b)). Despite the special rights for long-term

occupiers, many cases reported concerned persons older than 60 years and who had lived on a specific farm for longer than 10 years.

The eviction cases which were reported to the delegations, whether contested or not, showed that the biggest flaw in respect of ESTA is that it merely regulates tenure rights, without actually providing security of tenure.

Investigations have also revealed that ESTA does not provide clarity on the rights of farm-workers and occupiers to bury their dead on the farms on which they live. Section 6(4) of ESTA simply states:

“Any person shall have the right to visit and maintain his or her family graves on land which belongs to another person, subject to any reasonable condition imposed by the owner or person in charge of such land in order to safeguard life and property or to prevent undue disruption of work on the land.”

In spite of the above provision, certain farmers were reported to have barred persons, who had been evicted from their farms, from visiting or maintaining their family graves. In some cases graves were demolished by owners, who ploughed them over.

4. *Impact of evictions*

Communication and trust between the police, prosecutors and magistrates, on the one hand, and farm-worker communities, on the other, have reached breaking point in some areas—as a result of a perception of those communities that the said State officials are siding with the farm-owners instead of implementing the law in an impartial manner.

Squatter camps, which are an urban phenomenon in and around rural towns, are mushrooming due to the influx of evictees from neighbouring farms. This places a burden on state resources such as housing, water, health services, electricity, education, common land, etc. The evictions, legal and illegal, result in the disruption of children's schooling, a breakdown in the social fabric of the effected communities and deterioration in race relations.

5. *Legal processes and magistrates' courts*

One of the impediments to the successful implementation of land laws such as ESTA and the Land Reform (Labour Tenants) Act, 1996, is the fact that most police officers are not familiar with them. This is evident from statements made by the SAPS personnel in the four provinces. The situation is further exacerbated by a lack of understanding on the part of farm-workers and some farm-owners regarding their respective rights and obligations, as provided for in ESTA and other related laws. Some farmers were reported to have displayed a tendency to call on the police to carry out evictions even when there were no court orders requiring them to do so.

The position of the occupiers is worsened by the fact that, due to poverty and illiteracy, they are unable to gain access to legal assistance and the courts so as to either institute legal action or defend themselves.

6. *General remarks*

Various forums, consisting of all major stakeholders, including the police, farm-workers, labour unions, agricultural unions and the Department of Land Affairs, have been established in the respective provinces to deal with eviction problems. These have proved successful in many instances.

Evictions tend to take place when there is a change in ownership of farms. Some evictions are said to be racially motivated because of pressure applied by white farmers on colleagues who seek to make their land available to farm-workers.

The delegations were also told of the confiscation of livestock and household properties during the course of evictions of farm-workers by land-owners. This happened illegally, and without any recourse to the law.

7. *Recommendations*

The Committee wishes to make the following recommendations, for consideration by the House and appropriate action by the Executive:

- (1) The role of commando's, the police and deputy sheriffs in respect of farm evictions must be investigated and brought in line with the law and the Constitution.
- (2) The Department of Safety and Security must ensure that the police conduct thorough investigations of eviction and assault cases on farms in order to ensure proper and impartial implementation of the law.
- (3) The Directorate of Public Prosecutions must pursue all cases of farm-worker abuse and victimisation which, though reported to the police, were not followed by investigations and criminal trials.
- (4) The Department of Labour, and possibly the Department of Social Development, must continue to carry out regular farm inspections to ensure that the law is complied with and that the working and living conditions of farm-workers are being improved.
- (5) Land reform programmes, including restitution and redistribution, must give priority to the land needs of farm-workers, labour tenants and occupiers.
- (6) More land-owners must be encouraged to make more land available to the government for distribution to the landless occupiers.
- (7) The government must ensure that the different organs and agencies of state, particularly those involved in the investigation, prosecution and trial of eviction cases, are given on-going special training on land-related laws.

- (8) The State must provide adequate resources to ensure that the laws and policies aimed at the poor and the vulnerable are speedily and meaningfully implemented, and that legal assistance is provided for victims of eviction.
- (9) The Departments of Agriculture and Land Affairs, of Justice and Constitutional Development, of Safety and Security and of Labour and relevant stakeholders must continue to run information campaigns throughout the country for both farmers and occupiers, and co-ordinate their efforts to ensure that illegal and/or unfair evictions do not take place.
- (10) The Extension of Security of Tenure Act, the Land Reform (Labour Tenants) Act and other related laws must be reviewed and, if necessary, relevant amendments must be effected as a matter of urgency.

Report to be considered.

National Council of Provinces:

- 1. Report of the Select Committee on Security and Constitutional Affairs on the *Cross-Border Insolvency Bill* [B 4B—2000] (National Assembly—sec 75), dated 31 October 2000:

The Select Committee on Security and Constitutional Affairs, having considered the subject of the *Cross-Border Insolvency Bill* [B 4B—2000] (National Assembly—sec 75), referred to it, reports that it has agreed to the Bill.

The Committee wishes to report further, as follows:

- 1. During its deliberations on the Bill, the Committee noted that in terms of—
 - (1) Clause 2(2), the Act will only apply in respect of States designated by the Minister for Justice and Constitutional Development by notice in the *Gazette*; and
 - (2) Clause 2(3), the said Minister may at any time withdraw such notice, whereupon the State referred to in that notice ceases to be a foreign State for the purposes of the Act.
- 2. The Committee further noted that the Bill does not provide for a mechanism in terms of which pending proceedings could be dealt with upon the withdrawal of a notice referred to in Clause 2(2). The Committee expresses the concern that the lack of such a mechanism could possibly create uncertainty regarding the manner in which such proceedings should be dealt with.

Due to insufficient time, the Committee was not in a position to have this matter thoroughly investigated. The Committee therefore recommends that the Minister for Justice and Constitutional Development be requested to direct his Department to investigate this matter and, if necessary, to submit an appropriate amendment to Parliament. The Committee further requests the Department of Justice and Constitutional Development to submit a report to the Committee on its progress regarding the above

investigation within six months after the adoption of this Report by the National Council of Provinces.
Report to be considered.

2. Report of the *Ad Hoc* Select Committee on Pan-African Parliament, dated 1 November 2000:

1. The *Ad Hoc* Select Committee on Pan African Parliament was established by resolution of the National Council of Provinces on 19 September 2000, to consider the proposed formation of a Pan-African Parliament. The Committee was formally constituted on 10 October 2000.

2. The Committee considered a draft Protocol to the Treaty establishing the African Economic Community relating to the Pan-African Parliament, limited its discussions to issues of principle, and agreed on the following guidelines:

- (1) The Pan-African Parliament should be a deliberative body, without any law-making powers.
- (2) The Pan-African Parliament should be composed of eight members from each Member State, appointed by each national Parliament from its ranks, on the basis of broad representivity, with a minimum of three women members.
- (3) Members of the Pan-African Parliament should represent the views of their respective Parliaments.
- (4) The term of each Pan-African parliamentarian should run with his or her term in the national Parliament concerned.
- (5) Some general objectives of the Pan-African Parliament should be inserted in the draft Protocol.
- (6) The seat of the Pan-African Parliament should be determined by the Assembly of the Heads of State of the African Union.
- (7) Direct elections of members of the Pan-African Parliament would not be appropriate.
- (8) The procedure for the election of the President and the Vice-Presidents should be specifically stated in the Protocol.
- (9) The Protocol should be reviewed at intervals of not less than five years.

Report to be considered.

3. Report of the Select Committee on Security and Constitutional Affairs on the *Rome Statute*, dated 1 November 2000:

The Select Committee on Security and Constitutional Affairs, having considered the request for approval by Parliament of the *Rome Statute of the International Court of Justice*, referred to it,

recommends that the Council, in terms of section 231(2) of the Constitution, approve the said Statute.

Report to be considered.

4. Report of the Select Committee on Security and Constitutional Affairs on the *RSA/USA Extradition Treaty*, dated 1 November 2000:

The Select Committee on Security and Constitutional Affairs, having considered the request for approval by Parliament of the *Extradition Treaty between the Government of the Republic of South Africa and the Government of the United States of America*, referred to it, recommends that the Council, in terms of section 231(2) of the Constitution, approve the said Treaty.

Report to be considered.

5. Report of the Select Committee on Security and Constitutional Affairs on the *RSA/USA Mutual Legal Assistance Treaty*, dated 1 November 2000:

The Select Committee on Security and Constitutional Affairs, having considered the request for approval by Parliament of the *Treaty between the Government of the Republic of South Africa and the Government of the United States of America on Mutual Legal Assistance in Criminal Matters*, referred to it, recommends that the Council, in terms of section 231(2) of the Constitution, approve the said Treaty.

Report to be considered.

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS OF NATIONAL ASSEMBLY

THURSDAY, 2 NOVEMBER 2000

1. The House met at 14:03.
2. The Speaker took the Chair and requested members to observe a moment of silence for prayers or meditation.
3. [14:04] Notices of motion.
4. [14:21] The Chief Whip of the Majority Party moved: That, notwithstanding the resolutions adopted by the House on 21 June 2000 and 13 October 2000, the period for the trial run of questions for oral reply be extended until 14 February 2001.

Agreed to.

5. [14:22] The House, at the request of the Chief Whip of the Majority Party, discussed the following subject: Ongoing violence in Palestine and prospects for the peace process in the Middle East region.

A moment of silence was observed in memory of those who had died in the conflict in the Middle East, all members standing.

Debate concluded.

6. FIRST ORDER [15:56]

Consideration of Report of Portfolio Committee on Agriculture and Land Affairs (Announcements, Tablings and Committee Reports, p 1032—*Illegal farm evictions*).

Debate concluded.

Report adopted (Democratic Party, New National Party, Freedom Front, Federal Alliance and Afrikaner Eenheidsbeweging dissenting).

7. [17:17] The House, at the request of the Minister of Finance, discussed the following subject: *Medium-Term Budget Policy Statement 2000*.

Debate concluded.

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS OF NATIONAL COUNCIL OF PROVINCES

THURSDAY, 2 NOVEMBER 2000

1. The Council met at 14:05.
 2. The Deputy Chairperson took the Chair and requested members to observe a moment of silence for prayers or meditation.
 3. [14:06] Notices of motion.
 4. [14:18] Mr N M Raju moved without notice: That the Council congratulates—
 - (1) our participants at the Paralympics in Sydney on their splendid haul of medals, thereby bringing pride and glory to the Republic;
 - (2) the new shooting star emerging in our rugby firmament, Breyton Paulse, who has just been voted the South African Rugby Player of the Year—no mean achievement when considering that he comes from across the tracks; and
 - (3) the Proteas under the dominance of another batting star Nicky Bojé, master blaster Lance Klusener and, of course, the ever reliable world class all-rounder Jacques Kallis for their complete annihilation of the much-vaunted I.C.C. World Champions, the Black Caps, the Kiwis of New Zealand.
- Motion agreed to in accordance with section 65 of the Constitution.
5. [14:22] Ms B Thompson moved without notice: That the Council—
 - (1) notes that the Minister of Social Development, Dr Zola Skweyiya, has visibly put the needs of the elderly as a priority on his ministerial agenda, by visiting almost all of the provinces during the public hearings on the elderly, held from May to August this year;
 - (2) further notes that the hearings gave older people from most districts an opportunity to add their voices to the growing public outcry against the ill-treatment and abuse of older persons by, amongst others, their

children and grandchildren, supposed care-givers, the Government and officials and others who are supposed to look after their interests;

- (3) also notes that hundreds of older people in provinces such as Mpumalanga, through the participation of leaders like King Mayisha, helped focus Government's attention on the plight of older people by reminding everyone that old age was a blessing, especially in these days of the HIV/Aids pandemic which has drastically affected the life-span of communities; and
- (4) supports and encourages the Minister of Social Development in his efforts to empower women, the elderly, children and the disabled to know their constitutional rights and to address the plight in respect of social security and grants.

Motion agreed to in accordance with section 65 of the Constitution.

6. [14:27] Mr T S Setona moved without notice: That the Council—

- (1) notes—
 - (a) the untimely passing away of Comrade Parks Mankahlana on Thursday, 26 October 2000; and
 - (b) the heroic and selfless role that he played in the struggle for the liberation of this country;
- (2) recognises the role that Parks played beyond being a Presidential spokesperson on various levels and in various capacities, which amongst others include—
 - (a) leadership in the student movement in the early eighties, in particular, the Azanian Student Organisation (Azaso) at the University of Fort Hare;
 - (b) Regional Secretary of the UDF in the former Eastern Transvaal (now Mpumalanga); and
 - (c) distinguished leadership role in the SA Youth Congress until 1990 where he rose to become a Media and Publicity Secretary of the ANC Youth League until 1998;
- (3) therefore resolves to join the nation in mourning the death of this gallant hero;
- (4) expresses its heartfelt condolences to the bereaved family, children and friends; and
- (5) regrets the pressure exerted by the media on the family for the disclosure of his illness.

Motion agreed to in accordance with section 65 of the Constitution.

7. [14:29] Prince B Z Zulu moved without notice: That the Council—

- (1) expresses its total shock and rejection of a mother and her husband from North West who allowed her daughters, aged 12 and 16, to be prostituted over the years from 1993 to 1998 for as little as R5;
- (2) notes that the husband who was a stepfather, kept a mattress in his office at his work on which he raped an 8 year old girl;

- (3) commends the Pretoria Regional Court for sentencing the mother to 39 years and the husband to 50 years;
- (4) is of the belief that monsters like these have no place in our communities and that they must rot in jail; and
- (5) supports the initiative by the SAPS of declaring war against child abusers in this country.

Dr E A Conroy moved as an amendment: That the words "for as little as R5" in paragraph (1) be deleted.

Amendment agreed to in accordance with section 65 of the Constitution.

Motion, as amended, agreed to in accordance with section 65 of the Constitution, namely: That the Council—

- (1) expresses its total shock and rejection of a mother and her husband from North West who allowed her daughters, aged 12 and 16, to be prostituted over the years from 1993 to 1998;
- (2) notes that the husband who was a stepfather, kept a mattress in his office at his work on which he raped an 8 year old girl;
- (3) commends the Pretoria Regional Court for sentencing the mother to 39 years and the husband to 50 years;
- (4) is of the belief that monsters like these have no place in our communities and that they must rot in jail; and
- (5) supports the initiative by the SAPS of declaring war against child abusers in this country.

8. FIRST ORDER [14:32]

Consideration of Report of Select Committee on Security and Constitutional Affairs (Announcements, Tablings and Committee Reports, p 1038—*RSA/USA Extradition Treaty*).

Debate concluded.

Report adopted in accordance with section 65 of the Constitution.

9. SECOND ORDER [14:42]

Consideration of Report of Select Committee on Security and Constitutional Affairs (Announcements, Tablings and Committee Reports, p 1038—*RSA/USA Mutual Legal Assistance Treaty*).

Debate concluded.

Report adopted in accordance with section 65 of the Constitution.

10. THIRD ORDER [14:44]

Consideration of *Cross-Border Insolvency Bill* [B 4B—2000] (National Assembly—sec 75) and of Report of Select Committee on Security and Constitutional Affairs thereon (Announcements, Tablings and Committee Reports, p 1036).

Debate concluded.

Declaration of vote made on behalf of the African National Congress.

Bill agreed to in accordance with section 75 of the Constitution.

17. TENTH ORDER [14:52]

Consideration of *Quantity Surveying Profession Bill* [B 22B—2000] (National Assembly—sec 75) and of Report of Select Committee on Public Services thereon (Announcements, Tablings and Committee Reports, p 1009).

Debate concluded.

Bill agreed to in accordance with section 75 of the Constitution.

18. ELEVENTH ORDER [15:19]

Consideration of Report of Select Committee on Economic Affairs (Announcements, Tablings and Committee Reports, p 927—*Abuja Treaty*).

Debate concluded.

Report adopted in accordance with section 65 of the Constitution.

19. TWELFTH ORDER [16:20]

Consideration of Report of *Ad Hoc* Select Committee on Pan-African Parliament (Announcements, Tablings and Committee Reports, p 1037).

Debate concluded.

Declaration of vote made on behalf of the Western Cape.

Report adopted in accordance with section 65 of the Constitution.

20. The Council adjourned at 16:35.

C J P LUCAS,

Acting Secretary to Parliament.

PARLIAMENT
OF THE
REPUBLIC OF SOUTH AFRICA

**ANNOUNCEMENTS,
TABLINGS AND
COMMITTEE REPORTS**

THURSDAY, 2 NOVEMBER 2000

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

On 13 October 2000 the National Assembly rejected the *Tourism Amendment Bill* [B 50D—99] (National Assembly—sec 76(1)). Consequently that Bill, as well as the *Tourism Amendment Bill* [B 50B—99] (National Assembly—sec 76(1)) (ie the version agreed to by the National Assembly on 19 May 2000), was referred to the Mediation Committee. On 2 November 2000 the Secretary to Parliament, in accordance with Joint Rule 188(3), submitted the *Tourism Amendment Bill* [B 50F—99] (National Assembly—sec 76(1)), as agreed to by the Mediation Committee, to the Speaker of the National Assembly and Chairperson of the National Council of Provinces for consideration by the Houses. (For report of Mediation Committee, see “Committee Reports”.)

2. The Speaker and the Chairperson:

The following papers have been tabled and are now referred to the relevant committee as mentioned below:

(1) **The following paper is referred to the Portfolio Committee on Health and to the Select Committee on Social Services:**

Memorandum of Understanding between the Department of Health of the Government of the Republic of South Africa and the Ministry of Health of the People's Republic of China on Public Health and Medical Sciences, tabled in terms of section 231(3) of the Constitution, 1996.

(2) **The following paper is referred to the Portfolio Committee on Trade and Industry and to the Select Committee on Economic Affairs. The report of the Auditor-General contained**

in the report of the Competition Tribunal is referred to the Standing Committee on Public Accounts for consideration and report:

Report and Financial Statements of the Competition Tribunal for 1999-2000, including the Report of the Auditor-General on the Financial Statements for 1999-2000.

National Assembly:

1. The Speaker:

The following changes have been made to the membership of Committees, viz:

Constitutional Review:

Discharged: Luyt, L.

Finance:

Discharged: Luyt, L.

Justice and Constitutional Development:

Discharged: Luyt, L.

Public Accounts:

Discharged: Luyt, L.

Report 13 of Public Protector:

Discharged: Luyt, L.

Trade and Industry:

Discharged: Luyt, L.

National Council of Provinces:

1. The Chairperson:

Message from National Assembly to National Council of Provinces:

Bill passed by National Assembly on 2 November 2000 and transmitted for concurrence:

- (1) *General Intelligence Law Amendment Bill* [B 36B—2000] (National Assembly—sec 75)—(Select Committee on Security and Constitutional Affairs—National Council of Provinces).

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Speaker and the Chairperson:

REPORT OF THE SOUTH AFRICAN DELEGATION TO THE CONFERENCE OF PRESIDING OFFICERS OF PARLIAMENTS

United Nations General Assembly Hall, New York, United States of America—30 August—1 September

Delegation:

Members:

Dr F N Ginwala, Speaker of the National Assembly Ms N Pandor, Chairperson of the National Council of Provinces Ms B Mbete, Deputy Speaker of the National Assembly Mr M L Mushwana, Permanent Deputy Chairperson of the National Council of Provinces Mr D H M Gibson, MP

Staff:

N Mgaiya
K Christians

Report:

The IPU convened the Conference of Presiding Officers of National Parliaments at United Nations Headquarters in New York. The Conference was held in conjunction with the Millennium Assembly and took place in the United Nations General Assembly Hall from 30 August to 1 September 2000.

The aims of the Conference were to express support for international cooperation and to enshrine a commitment at the highest level by parliaments to work much more closely with the UN system and other major international negotiating fora both nationally and globally through their world organisation, the IPU. The Conference is part of the IPU's efforts to strengthen its cooperation with the UN, as envisaged in the Agreement of Cooperation concluded between the two Organisations in 1996.

In order to prepare the Conference, the IPU set up a Preparatory Committee composed of the President of the IPU Council, several Presiding Officers, including the Speaker of the National Assembly, and other MPs. The Committee met in Vienna (January 1999), in Rabat (September 1999) and in Geneva (January 2000) to draw up the practical arrangements for the Conference, to draft the Rules of the Conference, and to prepare a Declaration for the Conference.

The Declaration, entitled the "Parliamentary vision for international cooperation at the dawn of the third millennium", highlights the main challenges facing the world community and the United Nations in the twenty-first century, describes changes in international relations and outlines the national, regional and international parliamentary dimension of international cooperation. The first drafts were prepared by a Working Group. The IPU geopolitical groups and the national parliaments represented in the IPU were given an opportunity to study the text and make proposals prior to its finalisation at the third and last meeting of the Preparatory Committee. Presiding Officers of national parliaments provided their perspective on the Declaration in their speeches and adopted it by consensus.

The Conference was opened with a welcoming address by the United Nations Secretary-General, Mr. Kofi Annan and an opening statement by the President of the IPU Council, Mrs. Najma Heptulla. The keynote address was given by the President of the United Nations General Assembly, Mr. Theo Ben Gurirab.

Introducing the Declaration for its adoption, Mr M Traoré, Speaker of the National Assembly of Burkina Faso, stated that the presiding officers intended to "convey this document to our parliaments, as appropriate, and to urge them to do everything possible to ensure that it is followed up in a practical and effective manner. We also request our governments to bring this declaration to the attention of the United Nations General Assembly for debate. Finally, we call upon the United Nations and the Inter-Parliamentary Union to seek ways of strengthening their institutional links and practical cooperation."

CONFERENCE OF PRESIDING OFFICERS OF NATIONAL PARLIAMENTS

U.N. Headquarters, New York, 30 August—1st September 2000
*Organised by the Inter-Parliamentary Union
 in cooperation with the United Nations*

The parliamentary vision for international cooperation at the dawn of the third millennium

Declaration adopted by consensus

We, Speakers and Presiding Officers of Parliaments, are meeting at the United Nations in New York on the eve of the Millennium Assembly to pledge our commitment to international cooperation, with a stronger United Nations at its core. We resolve to ensure that our parliaments contribute more substantively to this cooperation by making the voice of the peoples heard, thereby introducing a more manifestly democratic dimension into international decision-making and cooperation. To help impart fresh momentum to the United Nations, parliaments must be more closely associated with its work so as to give real meaning to the opening words of the United Nations Charter: "*We, the peoples of the United Nations*".

Main challenges at the dawn of the third millennium

As we enter the new millennium, we must pursue together the ideals enshrined in the Charter and work to address the main challenges facing the world community: the achievement of international peace and security, democracy, respect for human rights, sustainable development and the ensuing social progress.

We reaffirm the principles of the *Universal Declaration on Democracy* adopted by the Inter-Parliamentary Union and pledge to work towards the establishment of a culture of democracy. An elected parliament that represents all components of society and has the requisite powers and means to express the will of the people by adopting legislation and by continuously overseeing the action of the government is indispensable for guaranteeing the people's rights and liberties and securing civil peace and harmonious development.

Democracy is founded on the rule of law and on respect for human rights, which are themselves based on the precept that nothing must infringe upon human dignity. We reaffirm the need to ensure the equal rights and opportunities of men and women, thus promoting a genuine partnership between them in all spheres. We also reaffirm the need to promote a climate of tolerance and to safeguard diversity, pluralism and the right to be different, which implies protecting the rights of

persons belonging to minorities. The principle according to which no one is above the law and all are equal before it must also hold true for relations between sovereign States, which are equal in terms of rights and whose peoples have the right to self-determination and to choose their political system freely and democratically.

We reaffirm our determination to see to it that our States honour their commitments under the United Nations Charter. States must ensure that their conduct conforms to international law, especially human rights and international humanitarian law. Respect for the instruments of international humanitarian law is essential and we will continue to work for the establishment of an International Criminal Court that is non-discriminatory and universal.

We reiterate our commitment to general and complete disarmament under effective international control, in particular nuclear disarmament and the elimination of weapons of mass destruction, including chemical and biological weapons, and of "smart" weapons and anti-personnel mines. We remain equally committed to cooperation in the fight against terrorism, drug trafficking and organised crime.

Peace based on solid and sincere foundations requires a more just world, and we firmly believe that all future action must seek to ensure sustainable economic and social development that is people-centred. We must work to create national and international conditions conducive to social development, social integration, the eradication of poverty and the reduction of unemployment. Preserving and making the best use of the environment are essential prerequisites for sustainable development. Accordingly, we must not meet our own needs at the expense of future generations. In conformity with the conclusions of the Earth Summit, the world must pay particular attention to water, energy and transport issues, to ways of integrating environmental costs and benefits into business, and to the impact of the state of the environment on the overall economy.

Globalisation is creating a new situation. Increased trade, new technology, growing foreign investment and expanding information-sharing are fuelling economic growth and human progress. However, these developments have benefited the developed nations more than developing countries and the latter are experiencing serious problems in implementing international trade agreements. There is a need to ensure that the opportunities and benefits of globalisation are shared more widely and that the right to development is respected. Here, the World Trade Organization must seek to ensure both free and fair trade producing long-term sustainable benefits.

In the poorest countries of the world, debt is a major constraint and a very real impediment to development. We urge the international community to seize the momentum generated by the transition to a new millennium to reduce substantially the debt of these countries and to cancel the public debt of the heavily indebted poor countries. These measures should be carried out in such a way as to avoid shifting the burden to other developing countries. Debtor countries must, for their part, introduce transparent mechanisms of control in order to ensure

the 1990s, the number of people in the world who are under 15 years of age is expected to increase from 1.1 billion to 1.5 billion. The number of people aged 65 and over is expected to increase from 200 million to 400 million. The number of people aged 15 and over is expected to increase from 3.5 billion to 4.5 billion. The number of people aged 15 and over is expected to increase from 3.5 billion to 4.5 billion. The number of people aged 15 and over is expected to increase from 3.5 billion to 4.5 billion.

political processes and the link between citizens and their representatives. Under these circumstances, it is also crucial to reinforce the role of parliament and its members as intermediaries between a complex international decision-making process and citizens.

The parliamentary dimension of international cooperation

We call upon all parliaments and their world organisation—the Inter-Parliamentary Union—to provide a parliamentary dimension to international cooperation. Parliament is made up of men and women elected by the people to represent them and express their aspirations. It is the organ of State that allows society in all its diversity to participate in the political process. Parliaments embody the sovereignty of the people and can, in all legitimacy, contribute to expressing the will of the State internationally.

To provide the parliamentary dimension, parliaments and their members must assume increased responsibility in international relations, play a more active role at the national, regional and global levels, and generally reinforce parliamentary diplomacy.

The parliamentary dimension must be provided by parliaments themselves first of all at the national level in four distinct but interconnected ways:

- (i) Influencing their respective countries' policy on matters dealt with in the United Nations and other international negotiating forums;
- (ii) Keeping themselves informed of the progress and outcome of these negotiations;
- (iii) Deciding on ratification, where the Constitution so foresees, of texts and treaties signed by governments; and
- (iv) Contributing actively to the subsequent implementation process.

To achieve this objective, we undertake to review within our respective parliaments how best to make use of current parliamentary procedures so that parliament, with an active input by all parties and members, can make an appropriate contribution to governmental negotiations at the international level. Information-gathering should be reinforced to enable parliament to keep abreast of developments on international issues. Parliaments should also play a more proactive role in processes relating to the ratification of and compliance with international agreements. Throughout, parliament has a particular responsibility to engage the public in a continuous dialogue and facilitate its input into the decision-making process.

At the regional level, parliaments should make the best possible use of regional inter-parliamentary organisations and through them seek to influence the corresponding intergovernmental bodies. Parliaments should examine closely the work of such organisations in order to increase their efficiency and avoid duplication. They should also exchange experiences with a view to improving and simplifying national legislation.

At the international level, concurrently with the reinforcement of the political input of national parliaments into the process of inter-State

cooperation, the Inter-Parliamentary Union should be consolidated as a world organisation for inter-parliamentary cooperation and for relaying the vision and will of its members to intergovernmental organisations.

Thus, we hereby solemnly confirm our support for the Inter-Parliamentary Union and our determination to participate in its work with renewed vigour, thus giving the IPU the means to discharge to the full the mission entrusted to it. In this process we also call upon the IPU to undertake such statutory and structural reforms as may be required to strengthen the organisation and its institutional links with parliaments.

By implementing this declaration, we propose to contribute substantively to international cooperation and to make the voice of the peoples heard within the United Nations, thereby pursuing the lofty ideals enshrined in the Charter and meeting the challenges facing the world community in terms of achieving peace, democracy, sustainable development and social progress.

We decide to convey this document to our parliaments, as appropriate, and to urge them to do everything possible to ensure that it is followed up in a practical and effective manner. We also request our governments to bring this declaration to the attention of the United Nations General Assembly for debate. Finally, we call upon the United Nations and the Inter-Parliamentary Union to seek ways of strengthening their institutional links and practical cooperation.

COMMITTEE REPORTS:

National Assembly and National Council of Provinces:

1. Report of the Mediation Committee on the *Tourism Amendment Bill* [B 50B and B 50D—99] (National Assembly—sec 76), dated 1 November 2000:

The Mediation Committee, having considered the *Tourism Amendment Bill* [B 50B and B 50D—99] (National Assembly—sec 76), as well as the papers referred to it, reports as follows:

1. The *Tourism Amendment Bill* [B 50B—99] (National Assembly—sec 76) was passed by the National Assembly on 19 May 2000 and submitted to the National Council of Provinces for approval.
2. The National Council of Provinces passed the *Tourism Amendment Bill* [B 50D—99] (National Assembly—sec 76) on 3 October 2000, containing a number of amendments agreed to by the Select Committee on Land and Environmental Affairs.
3. Upon referral of the latter amended Bill to the National Assembly, that House accepted some of the amendments passed by the National Council of Provinces, with the exception of five amendments to Clauses 3, 4 and 5 of the Bill. Consequently, the National Assembly rejected the Bill.

4. The Bill was referred to the Mediation Committee on 13 October 2000 in terms of Joint Rule 186(1)(b) of the Joint Rules of Parliament. The Mediation Committee met on 1 November 2000, and, after deliberation, agreed to submit another version of the Bill.
5. The effect of this decision is that the Secretary to Parliament is required to submit the latter version of the Bill to both the Speaker and the Chairperson of the Council in terms of Joint Rule 188(3), for consideration by the House and the Council.
6. The Committee therefore submits the *Tourism Amendment Bill* [B 50F—99] (National Assembly—sec 76), and recommends that the House and the Council pass this mediated version.

2. Fourteenth Report of the Standing Committee on Public Accounts, dated 30 October 2000:

The Standing Committee on Public Accounts, having considered the Special Review of the Auditor-General of the Selection Process of Strategic Defence Packages for the Acquisition of Armaments at the Department of Defence [RP 161—2000], as well as certain papers referred to it, and having heard evidence, reports as follows:

1. *Introductory Comment*

By many accounts the international arms trade industry experiences a high incidence of malpractice, with purchasing countries often having been the victims of very costly exploitation. With this in mind, the Committee has considered the transactions and the broader financial and fiscal implications pertaining to the recent South African arms purchases. These have been considered through the Auditor-General's special review [RP 161-2000] and the Committee's subsequent public hearing concerning these acquisitions and through the substantial quantity of solicited and unsolicited information it has gathered. The Committee's resultant observations and findings provide the basis for the following Report and its accompanying recommendations.

2. *Cost to State*

On 15 September 1999, when announcing its decision to contract for the strategic arms packages, Cabinet presented the total cost thereof to be R29,9 billion. Two months later this was adjusted to R30,3 billion. The Committee has looked into both the validity of this amount and the State's attention to the full financial and fiscal implications of the purchases.

Regarding the first issue, it has become clear to the Committee that the Cabinet's announcement omitted to mention certain other cost implications which, it would seem, will significantly add to the State's commitment. These factors included the cost of servicing the loan portion of the payment obligations (i.e. the interest charged), the price escalation conditions contained in the supplier contracts and the cost effects of negative foreign exchange movements.

In September 2000, the cost at current foreign exchange rates, together with contractual price escalations, had risen to R43,8 billion. This figure, which was quoted by the Department of Defence at the Committee's hearing of the Department on 11 October 2000 and which was later acknowledged by the National Treasury and Industry in writing, excluded the interest obligations which would arise from the associated loans. The Committee expresses its concern at the possibility of the overall cost of the arms packages increasing further over the term of the contracts concerned. As all this is hugely material to the public interest, the Committee believes that the public should have been informed of these possibilities.

The Committee's scrutiny of the documentation presented to it by the various departments, and from which the Cabinet made its ultimate decision, indicates that the Cabinet was sufficiently informed to have made the public aware of the fuller cost possibilities of the deal.

Concerning the second issue, the Committee is satisfied that the National Treasury, in its 1999 "affordability study", did address the foreign exchange, price escalation and interest considerations and that it attempted to estimate and project these considerations into its long-term budget and cash-flow thinking. The National Treasury's submissions to the Cabinet were also careful to point out the risks associated with these factors. The National Treasury is commended for the comprehensive approach used by its study.

Nonetheless, the Committee will remain anxious about the movements within certain major currency markets and the realism of the macro-economic assumptions used. In this regard, it intends meeting with the Minister of Finance, together with the Portfolio Committee of Finance, to discuss the ongoing assessment of the economic and financial fundamentals of the defence packages.

It must be pointed out that the Committee does note the partial neutralisation of foreign exchange and balance of payment effects, through the currency-linked arrangements of the anticipated offset-related inflows.

The Committee has at this stage not obtained all the information necessary for it to complete its evaluation of the cost make-up of the prices to be paid for the Gripen and Hawk deals, where there is a doubling of the basic unit prices—apparently for necessary extra features. The Committee will pursue this detail, with the assistance of the Auditor-General, in order to satisfy itself that there was no loading of the price—to cover Industrial Participation guarantees or to offset the cost of any other Industrial Participation obligation.

3. Offsets arrangements—Defence industrial participation programmes and national industrial participation programmes (DIPs/NIPs)

Concern has also been expressed, through the Auditor-General's review, about the government's announcement of the R104 billion in offsets (investment and counter-trade).

A subsequent government press release indicated that this amount represented the nominal value of the offset transactions and that the economic benefit that would flow from this for the country, would be in the region of R70 billion. The government also estimated that this activity would create 65 000 new jobs in South Africa. The Committee has thus directed its attention towards verifying the make-up of both these amounts, their credibility and evaluating the possibility of their realisation.

Also of interest to the Committee is the difference in opinion regarding the essential purpose of the industrial participation contracts which make up the R104 billion. While the government argued mainly from the point of the industrial participation arrangement contribution to economic development, the negotiating team which secured the arrangements and the Department of Trade and Industry say these arrangements are rather about countering the negative economic and fiscal effects of the arms deals.

The Committee acknowledges that substantial thought and effort has been put into the establishing of these arrangements and to secure their certainty.

Of the R104 billion the Committee is advised that R14,7 billion relates to DIPs and R89,4 billion to NIPs. The DIPs would appear to be fairly assured as these projects are directly connected to the production of the armament purchases in question, and therefore payment would only be made once these deals were completed. The uncertainties therefore relate more to the enforcement of the NIPs.

The Committee's considerations therefore focus strongly on the attainment of these vitally necessary offset projects, particularly bearing in mind experience of developing countries. The exceptionally high industrial participation demands on the suppliers and the seemingly low penalties should they default (10% of the contract price in the case of NIPs), are also noted in this regard.

It is this last issue, in particular, raised by the Auditor-General, which is of most concern to the Committee. The NIPs contractual arrangements appear to allow for a supplier, once having supplied the arms and having received payment therefor, to pay over a relatively modest sum of money and be unconditionally excused from all offset obligations. Notwithstanding the Departments of Defence and of Trade and Industry believing that this is not likely, the Committee remains concerned.

The Committee observes that these deals were negotiated at a time when the international arms industry was in a situational downturn. With international armament markets having since recovered, the Committee fears that the large commitments by suppliers might now be resisted and even reneged upon. With South Africa unlikely to be a serious arms purchaser over the next few decades, this possibility needs to be watched closely.

Notwithstanding explanations by members of the government's negotiating team, the Committee is reluctant to accept that

suppliers whose intentions are honourable, would refuse to agree to guarantees of more than 10%. Given that these are essentially business arrangements that are only as good as their viability, two questions arise: Firstly, does the resistance to a higher than 10% guarantee (which need not be limited to bank type guarantees) suggest a lack of confidence in the business viability of the offsets proposed? Secondly, if these business deals are sufficiently competitive to be viable, why then are they only explored via arms procurement deals?

The Committee notes that there is sufficient flexibility for suppliers to respond to changing market and business conditions by proposing alternative ventures, if necessary.

The government-to-government agreements, which make references to NIPs commitments, while noble in intent and of some influence in official international communications, have questionable contractual or legal standing.

The Committee sees the economic benefit of these NIPs as a significant part of the bigger "value-for-money" composition of the arms deals, and as such sees a strong responsibility on the part of the government to enforce them. In addition to an effective monitoring system, the Committee wishes to see the government assertively pursuing delivery of these benefits. Any possibilities for the tightening up of these arrangements should be investigated—especially the proportionately large British Aerospace obligations. The Committee would wish to receive biannual reports on the progressive realisation of these commitments—both at their overall value and the economic benefit value. This is necessary to assure the public on the social payback from this major diversion of public resources (i.e. the matter of the opportunity costs).

Relatedly, the Committee expresses concern at the possibly optimistic estimations of jobs to be created, and advises of its intention to request the Portfolio Committee on Trade and Industry to express its opinion on this.

Finally, the actual written contracts do not appear well prepared, with instances of clumsy language, missing annexures and incorrect references. One of the more important indiscretions is the reference to the use of two different foreign currencies in one of the contracts. The Committee will assess whether these important contracts were subjected to appropriate legal scrutiny during preparation.

4. *Selection of prime contractors*

The Committee has noted the processes employed for the selection of the prime contractors. Because of the possibilities of improper influence having been exerted in certain of these selections, further investigation is considered necessary.

In the case of the Lead In Fighter Trainer (LIFT) contract, the Committee is concerned as to the reason why the evaluation system, which was accepted in April 1998, was changed at a

combined Arms Acquisition Council and Arms Acquisition Steering Board meeting in June 1998.

A special ministerial briefing concerning the two options were presented to the subcommittee concerned on 31 August 1998, where it was decided to go with the non-costed option. This would appear to have led to the choice of a contractor who otherwise would not have been awarded the contract. The Committee remains unconvinced as to why the change in evaluation method took place (after submission of tenders), and why such change was only introduced in this particular programme. A further unanswered question is whether only the non-costed option was presented to the Cabinet.

These matters should also be included in the investigation recommended below.

5. *Selection of subcontractors*

The Committee is concerned about the possible role played by influential parties in determining the choice of subcontractors by prime contractors. What further concerns the Committee is that the government had no influence in the appointment of subcontractors. The Committee refers to this in its recommendation for further investigation, mentioned below.

The instance concerning the Integrated Management Systems (IMS) of Corvettes should be included in such an investigation, not only because it was included in the review of the Auditor-General, but also because of the large volume of information made available to the Committee on the matter. One aspect that the Committee will particularly examine, is the basis for comparisons of the respective products and the basis upon which the risk for the South African product was loaded.

6. *Acquisition policies (Ministry of Defence; Armscor)*

The Auditor-General's review raises a number of questions concerning the arms procurement policies and procedures used in the deals in question. This not only relates to their all-round appropriateness, but also to their application. One example was the Armscor tendering processes followed, where conflict-of-interest provisions are clearly weak.

The Committee also questions whether there was not too great a concentration of influence—from documentation through to decision-making. This is to be a part of the investigation recommended below.

There should be a thorough *post mortem* and review of the arms procurement processes. It is recommended that the Auditor-General assist in the conduct of this further review.

7. *Special forensic investigation*

After the National Assembly had referred the Auditor-General's report to this Committee, the Committee received a large amount of unsolicited evidence, of varying plausibility, from a number of

different sources. Amongst the numerous allegations and assertions were those which reflected common ground to a significant degree. It is on the basis of this, and the Committee's perception of the other issues raised in this Report, as well as the need to prove or disprove once and for all the allegations which cause damage to perceptions of the government, that the Committee recommends an independent and expert forensic investigation.

In this regard, the Committee will prepare a brief for such an investigation, which stipulates particular assertions that ought to be investigated, while placing no limitation on the scope of the investigation.

In noting the complex and cross-cutting nature of the areas to be investigated, the Committee feels that the investigation would be best served by combining a number of areas of investigative expertise and a number of differing areas of legal competence and authority. It therefore recommends that an exploratory meeting, convened by the Committee, be held within two weeks of the tabling of this Report in National Assembly. The Auditor-General, the Heath Special Investigating Unit, the Public Protector, the Investigating Directorate of Serious Economic Offences and any other appropriate investigative body should be invited, so that the best combination of skills, legal mandates and resources can be found for such an investigation. Once this is established, the Committee will issue an investigation brief to the team for its input. Also, the chosen investigating body will be requested to report on its progress to the Committee at regular intervals, as well as at the conclusion of its work, so that this can be included in the Committee's final report to the National Assembly on the matter.

In more fully developing its brief for the proposed meeting, the Committee will continue to complete a few areas of its own investigation, and this could well include a meeting with certain Cabinet Ministers. In this regard, the Committee acknowledges the Cabinet's commitment to co-operate fully with the Committee and with any other investigations into the procurement Deals.

8. *Concluding comments*

As the Committee is still finalising certain aspects of its investigations, a second report will be issued early in 2001, followed by a final report, which will incorporate the report of the investigating body, once its work has been completed.

In conclusion, the Committee acknowledges the extent to which the Department of Defence, Armscor, the National Treasury and the Department of Trade and Industry, with the agreement of their respective Ministers, have met their accountability commitments to Parliament in the course of the Committee's enquiry.

Report to be considered.

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS OF NATIONAL ASSEMBLY

FRIDAY, 3 NOVEMBER 2000

1. The House met at 09:03.
2. The Chairperson of Committees took the Chair and requested members to observe a moment of silence for prayers or meditation.
3. The Chief Whip of the Majority Party moved: That notwithstanding the report adopted by the House on 9 June 2000, the deadline for the completion of the work of the *Ad Hoc* Committee on Report 13 of the Public Protector be extended until 28 February 2001.

Agreed to (Democratic Party dissenting).

4. FIRST ORDER [09:04]

First Reading debate—*Revenue Laws Amendment Bill* [B 70—2000] (National Assembly—sec 77).

Debate concluded.

Bill read a first time.

5. SECOND ORDER [09:47]

Second Reading debate—*Revenue Laws Amendment Bill* [B 70—2000] (National Assembly—sec 77).

There was no debate.

Bill read a second time.

6. THIRD ORDER [09:47]

Consideration of Report of Portfolio Committee on Minerals and Energy on *Abolition of Lebowa Mineral Trust Bill* [B 49 and B 49A—2000] (National Assembly—sec 75) (Announcements, Tablings and Committee Reports, p 1026).

Report adopted without debate.

7. FOURTH ORDER [09:48]

Second Reading debate—*Abolition of Lebowa Mineral Trust Bill* [B 49B—2000] (National Assembly—sec 75).

Debate concluded.

Question put: That the Bill be read a second time.

Division demanded.

The House divided:

AYES—219: Ainslie, A R; Arendse, J D; Balfour, B M N; Baloyi, M R; Baloyi, S F; Belot, S T; Benjamin, J; Bhengu, F; Bhengu, N R; Bloem, D V; Bogopane, H I; Booie, M S; Botha, N G W; Buthelezi, M N; Capa, R Z N; Carrim, Y I; Chalmers, J; Chiba, L; Chikane, M M; Chohan, F I; Cindi, N V; Coetzee-Kasper, M P; Cronin, J P; Cwele, S C; Davies, R H; De Lange, J H; Didiza, A T; Dithebe, S L; Dlamini, B O; Dlamini-Zuma, N C; Doidge, G Q M; Du Toit, D C; Duma, N M; Dyani, M M Z; Ebrahim, E I; Fankomo, F C; Fazzie, M H; Feinstein, A J; Ferreira, E T; Fihla, N B; Fraser-Moleketi, G J; Gandhi, E; Gcina, C I; George, M E; Gerber, P-J A; Gininda, M S; Gogotya, N J; Gomomo, P J; Goniwe, T M; Goosen, A D; Govender, P; Grove, S; Gumede, D M; Gxowa, N B; Hanekom, D A; Hangana, N E; Hendrickse, P A C; Hlangwana, N L; Hogan, B A; Holomisa, S P; Jana, D P S; Jassat, E E; Jeffery, J H; Joemat, R R; Jordan, Z P; Kalako, M U; Kannemeyer, B W; Kasiennyane, O R; Kgarimetsa, J J; Kgauwe, Q J; Kgwele, L M; Kota, Z A; Kotwal, Z; Landers, L T; Leeuw, S J; Lekgoro, M K; Lobe, M C; Louw, J T; Louw, S K; Lucas, E J; Lyle, A G; Magashule, E S; Magazi, M N; Magwanishe, G B; Mahlangu, G L; Mahomed, F; Maimane, D S; Maine, M S; Makasi, X C; Makwetla, S P; Malebane, H F; Maloney, L; Maluleke-Hlaneki, C J; Malumise, M M; Manie, M S; Maphalala, M A; Maphoto, L I; Marshoff, F B; Martins, B A D; Masala, M M; Maserumule, F T; Mashimbye, J N; Masutha, M T; Mathebe, P M; Maunye, M M; Maziya, A M; Mbombo, N D; Mbuyazi, L R; Mgidi, J S; Middleton, N S; Mlangeni, A; Mnandi, P N; Mngomezulu, G P; Mnumzana, S K; Modise, T R; Modisenyane, L J; Mofokeng, T R; Mogale, E P; Mohai, S J; Mohamed, I J; Mohlala, R J B; Mokoena, D A; Molebatsi, M A; Molewa, B G; Momberg, J H; Montsitsi, S D; Moonsamy, K; Moosa, M V; Moropa, R M; Morwamoche, K W; Mothoagae, P K; Motubatse, S D; Mpaka, H M; Mpehle, M; Mpontshane, A M; Mshudulu, S A; Msomi, M D; Mthembu, B; Mtsweni, N S; Mzizi, M A; Mzondeki, M J G; Nair, B; Nash, J H; Ncube, N Z; Ndou, R S; Nel, A C; Nene, N M; Ngcengwane, N D; Ngculu, L V; Ngubane, H; Ngubeni, J M; Nhlengethwa, D G; Njobe, M A A; Nkomo, A S; Nkosi, D M; Nqakula, C; Nqakula, N N; Ntuli, B M; Ntuli, M B; Ntuli, S B; Nzimande, L P M; Olifant, D A A; Oliphant, G G; Omar, A M; Pahad, A G H; Phala, M J; Phantsi, E; Pieterse, R D; Rabinowitz, R; Radebe, B A; Rajbally, S; Ramakaba-Lesiea, M M; Ramgobin, M; Ramotsamai, C M P; Rasmeni, S M; Ripinga, S S; Routledge, N C; Saloojee, E C; Schneemann, G D; Scott, M I; Seaton, S A; September, C C; Shabangu, S; Shilubana, T P; Shope, N R; Sigcawu, A N; Sigwela, E M; Sikakane, M R; Sithole, D J; Skhosana, W M; Skosana, M B; Skweyiya, Z S T; Slabbert, J H; Smith, V G; Solo, B M; Solomon, G; Sonjica, B P; Sosibo, J E; Sotyu, M M; Thabethe, E; Tinto, B; Tolo, L J; Tshabalala-Msimang, M E; Tsheole, N M; Turok, B; Twala, N M; Vadi, I; Van den Heever, R P Z; Van der Merwe, J H; Van der Merwe, S C; Van Wyk, J F; Van Wyk, N; Verwoerd, M; Vos, S C; Woods, G; Xingwana, L M T; Yengeni, T S; Zondo, R P; Zulu, N E.

NOES—54: Abrahams, T; Abram, S; Andrew, K M; Aucamp, C; Bakker, D M; Baloi, G E; Bell, B G; Blaas, A; Botha, A J; Bruce, N S; Cupido, P W; Da Camara, M L; Davidson, I O; De Beer, S J; Ditshetelo, P H K; Dowry, J J; Dudley, C; Durand, J; Frolick, C T; Geldenhuys, B L; Gibson, D H M; Gore, V C; Gous, S J; Green, L M; Grobler, G A J; Heine, R J; Jankielsohn, R; Kalyan, S V; Koornhof, G W; Le Roux, J W; Lee, T D; Madasa, Z L; Mbadi, L M; Mogoba, M S; Moorcroft, E K; Mtirara, N Z; Mulder, C P;

Nel, A H; Odendaal, W A; Olckers, M E; Opperman, S E; Rabie, P J; Rhoda, R T; Schalkwyk, P J; Schippers, J; Semple, J A; Simmons, S; Sono, B N; Swart, P S; Swart, S N; Van Niekerk, A I; Van Wyk, A (Anna); Van Wyk, A (Annelize); Viljoen, C L.

Question agreed to.

Bill accordingly read a second time.

8. [10:55] The Speaker made the following announcement: "The Joint Programme Subcommittee has decided today, in accordance with Joint Rule 216, that the *Local Government: Municipal Structures Second Amendment Bill* be introduced and fast-tracked to make it possible for the Bill to be passed by 24 November 2000. In accordance with Joint Rule 216(4) this decision must be tabled in the House for ratification, and I hereby do so.

Decision ratified.

9. FIFTH ORDER [10:55]

Second Reading debate—*Chiropractors, Homeopaths and Allied Health Service Professions Second Amendment Bill* [B 66B—2000] (National Council of Provinces—sec 76).

Debate concluded.

Amendments to the Bill put, as printed on the Order Paper (p 826), namely:

1. On page 6, in line 6, to omit "ten" and to substitute "14".
2. On page 6, in line 11, to omit "one is" and to substitute "three are".
3. On page 6, in line 11, to omit "has" and to substitute "have".
4. On page 6, in line 13, to omit "one is" and to substitute "three are".
5. On page 6, in line 13, to omit "has" and to substitute "have".

Division demanded.

The House divided:

AYES—61: Abrahams, T; Abram, S; Andrew, K M; Bakker, D M; Bell, B G; Blaas, A; Botha, A J; Bruce, N S; Da Camara, M L; Cupido, P W; Davidson, I O; De Beer, S J; Dowry, J J; Dudley, C; Durand, J; Ferreira, E T; Frolick, C T; Geldenhuys, B L; Gibson, D H M; Goosen, A D; Gore, V C; Gous, S J; Green, L M; Grobler, G A J; Heine, R J; Jankielsohn, R; Kalyan, S V; Le Roux, J W; Lee, T D; Madasa, Z L; Mbadi, L M; Mbuyazi, L R; Meshoe, K R J; Middleton, N S; Moorcroft, E K; Mpontshane, A M; Msomi, M D; Mzizi, M A; Ndabandaba, L B G; Nel, A H; Ngubane, H; Ngubeni, J M; Odendaal, W A; Opperman, S E; Rabinowitz, R; Schalkwyk, P J; Schippers, J; Schoeman, R S; Seaton, S A; Semple, J A; Seremane, W J; Slabbert, J H; Sono, B N; Southgate, R M; Swart, P S; Van Wyk, A (Anna); Van Wyk, A (Annelize); Viljoen, C L; Vos, S C; Woods, G; Zulu, N E.

NOES—199: Ainslie, A R; Arendse, J D; Baloi, G E; Baloyi, M R; Baloyi, S F; Belot, S T; Benjamin, J; Bhengu, F; Bhengu, N R; Bloem, D V; Bogopane, H I; Booi, M S; Botha, N G W; Buthelezi, M N; Capa, R Z N; Carrim, Y I; Chalmers, J; Chiba, L; Chikane, M M; Chohan, F I; Cindi,

N V; Coetzee-Kasper, M P; Cronin, J P; Cwele, S C; Davies, R H; De Lange, J H; Didiza, A T; Dithebe, S L; Ditshetelo, P H K; Dlamini, B O; Doidge, G Q M; Du Toit, D C; Duma, N M; Ebrahim, E I; Fankomo, F C; Fazzie, M H; Feinstein, A J; Fihla, N B; Fraser-Moleketi, G J; Gandhi, E; Gcina, C I; Gerber, P-J A; Gogotya, N J; Gomomo, P J; Goniwe, T M; Goosen, A D; Govender, P; Grove, S; Gumede, D M; Gxowa, N B; Hajaig, F; Hanekom, D A; Hangana, N E; Hendrickse, P A C; Hlangwana, N L; Hogan, B A; Holomisa, S P; Jana, D P S; Jassat, E E; Jeffery, J H; Joemat, R R; Jordan, Z P; Kalako, M U; Kannemeyer, B W; Kasiennyane, O R; Kgarimetsa, J J; Kgauwe, Q J; Kgwele, L M; Kota, Z A; Kotwal, Z; Landers, L T; Leeuw, S J; Lekgoro, M K; Lobe, M C; Louw, J T; Louw, S K; Lyle, A G; Magashule, E S; Magazi, M N; Magwanishe, G; Mahlangu, G L; Mahlangu, M J; Mahomed, F; Maimane, D S; Maine, M S; Makasi, X C; Makwetla, S P; Malebane, H F; Maloney, L; Maluleke-Hlaneki, C J; Malumise, M M; Manie, M S; Maphalala, M A; Marshoff, F B; Martins, B A D; Masala, M M; Maserumule, F T; Mashimbye, J N; Masutha, M T; Mathebe, P M; Maunye, M M; Maziya, A M; Mbombo, N D; Mgidi, J S; Mlangeni, A; Mnandi, P N; Mngomezulu, G P; Mnumzana, S K; Modise, T R; Modisenyane, L J; Mofokeng, T R; Mogale, E P; Mogoba, M S; Mohai, S J; Mohamed, I J; Mohlala, R J B; Mokoena, D A; Molebatsi, M A; Momberg, J H; Montsitsi, S D; Moonsamy, K; Moosa, M V; Moropa, R M; Morwamoche, K W; Moss, M I; Mothoagae, P K; Motubatse, S D; Mpaka, H M; Mpehle, M; Mshudulu, S A; Mthembu, B; Mtsweni, N S; Mzondeki, M J G; Nair, B; Nash, J H; Ncube, N Z; Ndou, R S; Nel, A C; Nene, N M; Ngcengwane, N D; Ngculu, L V; Ngubeni, J M; Nhlengethwa, D G; Njobe, M A A; Nkomo, A S; Nkosi, D M; Nqakula, C; Nqakula, N N; Ntuli, B M; Ntuli, M B; Ntuli, S B; Nzimande, L P M; Olifant, D A A; Oliphant, G G; Omar, A M; Phala, M J; Phantsi, E; Pieterse, R D; Radebe, B A; Rajbally, S; Ramakaba-Lesiea, M M; Ramgobin, M; Ramotsamai, C M P; Rasmeni, S M; Ripinga, S S; Saloojee, E C; Schneemann, G D; Scott, M I; September, C C; Shabangu, S; Shilubana, T P; Shope, N R; Sigcawu, A N; Sigwela, E M; Sikakane, M R; Sithole, D J; Skhosana, W M; Skweyiya, Z S T; Smith, V G; Solo, B M; Solomon, G; Sonjica, B P; Soty, M M; Thabethe, E; Tinto, B; Tolo, L J; Tshabalala-Msimang, M E; Tsheole, N M; Turok, B; Twala, N M; Vadi, I; Van den Heever, R P Z; Van der Merwe, S C; Van Wyk, J F; Van Wyk, N; Verwoerd, M; Xingwana, L M T; Yengeni, T S; Zondo, R P.

Amendments accordingly negatived.

Question put: That the Bill be read a second time.

Division demanded.

The House divided:

AYES—199: Ainslie, A R; Arendse, J D; Baloi, G E; Baloyi, M R; Baloyi, S F; Belot, S T; Benjamin, J; Bhengu, F; Bhengu, N R; Bloem, D V; Bogopane, H I; Booi, M S; Botha, N G W; Buthelezi, M N; Capa, R Z N; Carrim, Y I; Chalmers, J; Chiba, L; Chikane, M M; Chohan, F I; Cindi, N V; Coetzee-Kasper, M P; Cronin, J P; Cwele, S C; Davies, R H; De Lange, J H; Didiza, A T; Dithebe, S L; Ditshetelo, P H K; Dlamini, B O; Doidge, G Q M; Duma, N M; Du Toit, D C; Ebrahim, E I; Fankomo, F C; Fazzie, M H; Feinstein, A J; Fihla, N B; Fraser-Moleketi, G J; Gandhi, E; Gcina, C I; Gerber, P-J A; Gogotya, N J; Gomomo, P J; Goniwe, T M; Goosen, A D; Govender, P; Grove, S; Gumede, D M; Gxowa, N B; Hajaig, F; Hanekom, D A; Hangana, N E; Hendrickse, P A C; Hlangwana, N L; Hogan, B A; Holomisa, S P; Jana, D P S; Jassat, E E; Jeffery, J H; Joemat, R R; Jordan, Z P; Kalako, M U; Kannemeyer, B W; Kasiennyane, O R; Kgarimetsa, J J; Kgauwe, Q J; Kgwele, L M; Kota, Z A; Kotwal, Z; Landers, L T; Leeuw, S J; Lekgoro, M K; Lobe, M C; Louw, J T; Louw,

S K; Lyle, A G; Magashule, E S; Magazi, M N; Magwanishe, G; Mahlangu, G L; Mahlangu, M J; Mahomed, F; Maimane, D S; Maine, M S; Makasi, X C; Makwetla, S P; Malebane, H F; Maloney, L; Maluleke-Hlaneki, C J; Malumise, M M; Manie, M S; Maphalala, M A; Marshoff, F B; Martins, B A D; Masala, M M; Maserumule, F T; Mashimbye, J N; Masutha, M T; Mathebe, P M; Maunye, M M; Maziya, A M; Mbombo, N D; Mgidi, J S; Mlangeni, A; Mnandi, P N; Mngomezulu, G P; Mnumzana, S K; Modise, T R; Modisenyane, L J; Mofokeng, T R; Mogale, E P; Mogoba, M S; Mohai, S J; Mohamed, I J; Mohlala, R J B; Mokoena, D A; Molebatsi, M A; Momberg, J H; Montsitsi, S D; Moonsamy, K; Moosa, M V; Moropa, R M; Morwamoche, K W; Moss, M I; Mothoagae, P K; Motubatse, S D; Mpaka, H M; Mpehle, M; Mshudulu, S A; Mthembu, B; Mtsweni, N S; Mzondeki, M J G; Nair, B; Nash, J H; Ncube, N Z; Ndou, R S; Nel, A C; Nene, N M; Ngcengwane, N D; Ngculu, L V; Ngubeni, J M; Nhlengethwa, D G; Njobe, M A A; Nkomo, A S; Nkosi, D M; Nqakula, C; Nqakula, N N; Ntuli, B M; Ntuli, M B; Ntuli, S B; Nzimande, L P M; Olifant, D A A; Oliphant, G G; Omar, A M; Phala, M J; Phantsi, E; Pieterse, R D; Radebe, B A; Rajbally, S; Ramakaba-Lesiea, M M; Ramgobin, M; Ramotsamai, C M P; Rasmeni, S M; Ripinga, S S; Saloojee, E C; Schneemann, G D; Scott, M I; September, C C; Shabangu, S; Shilubana, T P; Shope, N R; Sigcawu, A N; Sigwela, E M; Sikakane, M R; Sithole, D J; Skhosana, W M; Skweyiya, Z S T; Smith, V G; Solo, B M; Solomon, G; Sonjica, B P; Sotyu, M M; Thabethe, E; Tinto, B; Tolo, L J; Tshabalala-Msimang, M E; Tsheole, N M; Turok, B; Twala, N M; Vadi, I; Van den Heever, R P Z; Van der Merwe, S C; Van Wyk, J F; Van Wyk, N; Verwoerd, M; Xingwana, L M T; Yengeni, T S; Zondo, R P.

NOES—61: Abrahams, T; Abram, S; Andrew, K M; Bakker, D M; Bell, B G; Blaas, A; Botha, A J; Bruce, N S; Cupido, P W; Da Camara, M L; Davidson, I O; De Beer, S J; Dowry, J J; Dudley, C; Durand, J; Ferreira, E T; Frolick, C T; Geldenhuys, B L; Gibson, D H M; Gore, V C; Gous, S J; Green, L M; Grobler, G A J; Heine, R J; Jankielsohn, R; Kalyan, S V; Le Roux, J W; Lee, T D; Madasa, Z L; Mbadi, L M; Mbuyazi, L R; Meshoe, K R J; Middleton, N S; Moorcroft, E K; Mpontshane, A M; Msomi, M D; Mzizi, M A; Ndabandaba, L B G; Nel, A H; Ngubane, H; Odendaal, W A; Olckers, M E; Opperman, S E; Rabinowitz, R; Schalkwyk, P J; Schippers, J; Schoeman, R S; Seaton, S A; Semple, J A; Seremane, W J; Slabbert, J H; Smuts, M; Sono, B N; Southgate, R M; Swart, P S; Van Wyk, A (Anna); Van Wyk, A (Annelize); Viljoen, C L; Vos, S C; Woods, G; Zulu, N E.

Question agreed to.

Bill accordingly read a second time.

10. SIXTH ORDER [12:06]

Consideration of *African Renaissance and International Co-operation Fund Bill* [B 65B and B 65C—2000] (National Assembly—sec 75) and of Report of Portfolio Committee on Foreign Affairs thereon (Announcements, Tablings and Committee Reports, p 1026).

There was no debate.

Report adopted and Bill, as amended, agreed to.

11. SEVENTH ORDER [12:07]

Consideration of *Tourism Amendment Bill* [B 50F—99] (National Assembly—sec 76) (Report of Mediation Committee, see Announcements, Tablings and Committee Reports, p 1053).

There was no debate.

Bill agreed to.

12. EIGHTH ORDER [12:07]

Consideration of Report of Portfolio Committee on Justice and Constitutional Development (Announcements, Tablings and Committee Reports, p 1031—*Rome Statute*).

Report adopted without debate.

13. NINTH ORDER [12:07]

Consideration of Report of Portfolio Committee on Justice and Constitutional Development (Announcements, Tablings and Committee Reports, p 1031—*RSA/USA Extradition Treaty*).

Report adopted without debate.

14. TENTH ORDER [12:07]

Consideration of Report of Portfolio Committee on Justice and Constitutional Development (Announcements, Tablings and Committee Reports, p 1031—*RSA/USA Mutual Legal Assistance Treaty*).

Report adopted without debate.

15. ELEVENTH ORDER [12:08]

Consideration of Report of Portfolio Committee on Justice and Constitutional Development (Announcements, Tablings and Committee Reports, p 1031—*RSA/Australia Extradition Treaty*).

Report adopted without debate.

16. TWELFTH ORDER [12:08]

Consideration of Report of Portfolio Committee on Justice and Constitutional Development (Announcements, Tablings and Committee Reports, p 1032—*Public Protector Office Conditions of Service*).

Report adopted without debate.

17. THIRTEENTH ORDER [12:08]

Consideration of Report of Portfolio Committee on Arts, Culture, Science and Technology (Announcements, Tablings and Committee Reports, p 976—*Indigenous Knowledge Systems*).

Report adopted without debate.

18. FOURTEENTH ORDER [12:08]

Consideration of Fourteenth Report of Standing Committee on Public Accounts (Announcements, Tablings and Committee Reports, p 1054).

The report was adopted without debate.

19. FIFTEENTH ORDER [12:09]

Debate and Decision on *Adult Basic Education and Training Bill* [B 42D—2000] (National Assembly—sec 76).

There was no debate.

Bill agreed to.

20. The House adjourned at 12:11.

C J P LUCAS,

Acting Secretary to Parliament.

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS OF NATIONAL COUNCIL OF PROVINCES

FRIDAY, 3 NOVEMBER 2000

1. The Council met at 09:30.
2. The Deputy Chairperson took the Chair and requested members to observe a moment of silence for prayers or meditation.

3. FIRST ORDER [09:33]

Consideration of *Adult Basic Education and Training Bill* [B 42D—2000] (National Assembly—sec 76) and of Report of Select Committee on Education and Recreation thereon (Announcements, Tablings and Committee Reports, p 927).

Debate concluded.

Bill agreed to in accordance with section 65 of the Constitution.

4. SECOND ORDER [09:33]

Consideration of *Education Laws Amendment Bill* [B 48B—2000] (National Assembly—sec 76) and of Report of Select Committee on Education and Recreation thereon (Announcements, Tablings and Committee Reports, p 927).

Debate concluded.

Bill agreed to in accordance with section 65 of the Constitution.

5. The Deputy Chairperson of Committees gave a ruling on the debates on the Abuja Treaty and the Pan-African Parliament which took place on 2 November 2000.

6. THIRD ORDER [11:25]

Consideration of *Higher Education Amendment Bill* [B 55B—2000] (National Assembly—sec 75) and of Report of Select Committee on Education and Recreation thereon (Announcements, Tablings and Committee Reports, p 927).

Debate concluded.

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

FRIDAY, 3 NOVEMBER 2000

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

- (1) The Joint Programme Subcommittee on 3 November 2000 took a decision, in accordance with Joint Rule 216(2), that the *Local Government: Municipal Structures Second Amendment Bill*, 2000, be fast-tracked by, where necessary, dispensing with any House Rule or Joint Rule and shortening any period within which any step in the legislative process relating to the Bill must be completed in order to make it possible for the Bill to be passed by 24 November 2000.

In terms of Joint Rule 216(4) this decision must be tabled in both Houses for ratification.

National Council of Provinces:

1. The Chairperson:

Message from National Assembly to National Council of Provinces:

Bills passed by National Assembly on 3 November 2000 and transmitted for concurrence:

- (1) *Revenue Laws Amendment Bill* [B 70—2000] (National Assembly—sec 77)—(Select Committee on Finance—National Council of Provinces).
- (2) *Abolition of Lebowa Mineral Trust Bill* [B 49B—2000] (National Assembly—sec 75)—(Select Committee on Economic Affairs—National Council of Provinces).

COMMITTEE REPORTS:***National Assembly and National Council of Provinces:***

1. Report of the Joint Monitoring Committee on Improvement of Quality of Life and Status of Women, dated 3 November 2000:

The Joint Monitoring Committee on Improvement of Quality of Life and Status of Women (hereafter referred to as the Joint Committee) reports as follows:

Banks Amendment Bill

One of the tasks of the Committee is to ensure that legislation passed by Parliament is gender-sensitive.

The Chairperson of the Select Committee on Finance of the National Council of Provinces, Ms Q D Mahlangu, informed the Chairperson of the Joint Committee, Ms P Govender, that the *Banks Amendment Bill* [B 56B—2000] was drafted in gender-insensitive language. An example of this is on page 8, in line 30, of the Bill, under Clause 4:

“If before or during any review under subsection (1) it transpires that any member of the board of review has any direct or indirect personal interest in the outcome of that review, such member shall recuse himself and he shall be replaced by—”.

Another example is on page 16, in line 7, under Clause 10:

“(a) If, in the opinion of the Registrar, any bank will be unable to repay, when legally obliged to do so, deposits made with it or will probably be unable to meet any other of its obligations, the Minister may, if he deems it desirable in the public interest, with the written consent of the chief executive officer or the chairman of the board of directors of that bank, appoint a curator to the bank.”.

The implication of this is the assumption that all these positions are held by men.

The Joint Committee obtained a legal opinion from the Women’s Legal Centre, stating that it was possible to change the Bill and suggesting ways in which it could be changed, which it forwarded to the Chairperson of the Select Committee.

On 3 October, the Select Committee had a discussion with State Law Advisers and Parliamentary Law Advisers, who indicated that the Bill, under the prevailing circumstances, could not be amended by the Select Committee. The Select Committee unanimously felt that the Bill had to be made gender-sensitive, but passed it, stating in their report that it—

“... notes with concern that the principle Act (the Banks Act, 1990) and the *Banks Amendment Bill* [B 56B—2000] are gender-insensitive, and recommends that the National Treasury correct this within 12 months of the adoption of this Report by the Council”.

The Select Committee also noted the urgency of amending the Interpretation Act to facilitate gender-sensitive drafting.

The Joint Committee is aware of the fact that Parliament has passed many Bills amending principal Acts which are not drafted in a gender-sensitive manner.

The Joint Committee is of the opinion that legislation must be drafted in a gender-sensitive manner. We therefore support the call to the National Treasury to correct the principal Act, the Banks Act of 1990, within 12 months of adoption of the Select Committee's Report. This Act must then be brought to Parliament. We further call on the Justice Ministry to table an amended Interpretation Act in Parliament as a matter of urgency.

The policy and practice of this Parliament has been to draft the Constitution and all Bills in a gender-sensitive manner. Therefore, the Joint Monitoring Committee on Improvement of Quality of Life and Status of Women calls on the Finance Ministry to ensure that its drafters draft all Finance Bills in a gender-sensitive manner, in line with the Constitution.

National Council of Provinces:

1. Report of the *Ad Hoc* Select Committee on General Intelligence Law Amendment Bill on the *General Intelligence Law Amendment Bill* [B 36B—2000] (National Assembly—sec 75), dated 3 November 2000:

The *Ad Hoc* Select Committee on General Intelligence Law Amendment Bill, having considered the subject of the *General Intelligence Law Amendment Bill* [B 36B—2000] (National Assembly—sec 75), referred to it and classified by the Joint Tagging Mechanism as a section 75 Bill, reports that it has agreed to the Bill.

PARLIAMENT
OF THE
REPUBLIC OF SOUTH AFRICA

**ANNOUNCEMENTS,
TABLINGS AND
COMMITTEE REPORTS**

TUESDAY, 7 NOVEMBER 2000

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Speaker and the Chairperson:
 - (1) Reports of the Auditor-General on the—
 - (a) Summary of Statements of Moneys kept in Trust in the Guardians' Funds for 1998-99 [RP 162—2000].
 - (b) Financial Statements of the Health Donations Fund for 1999—2000 [RP 164—2000].
 - (c) Financial Statements of the Council on Higher Education for 1999—2000 [RP 165—2000].
 - (2) Reports of the Public Service Commission on—
 - (a) Management of Probationary Appointments within Public Service Departments at National Level [RP 153—2000].
 - (b) The State of Representativeness in the Public Service [RP 154—2000].
 - (c) Career Management in the Public Service [RP 152—2000].

2. The Minister of Finance:

Government Notice No R.1025 published in the Government Gazette No 21671 dated 27 October 2000, Amendment of the Regulation 5 of the Regulations under the Associated Institutions Pension Fund Act, 1963, made in terms of section 2 of the Associated Institutions Pension Fund Act, 1963 (Act No 41 of 1963).

National Assembly:

Bills:

1. The Minister of Education:

- (1) *Wetsontwerp op Basiese Onderwys en Opleiding vir Volwassenes* [W 42—2000].

The *Adult Basic Education and Training Bill* [B 42—2000] (National Assembly—sec 76) was introduced by the Minister of Education on 15 August 2000 and referred to the Portfolio Committee on Education.

2. The Minister of Environmental Affairs and Tourism:

- (1) *Wysigingswetsontwerp op Lewende Mariene Hulpbronne* [W 68—2000].

The *Marine Living Resources Amendment Bill* [B 68—2000] (National Assembly—sec 75) was introduced by the Minister of Environmental Affairs and Tourism on 12 October 2000 and referred to the Portfolio Committee on Environmental Affairs and Tourism.

COMMITTEE REPORTS:

National Council of Provinces:

1. Report of the Select Committee on Security and Constitutional Affairs on the *National Prosecuting Authority Amendment Bill* [B 39B—2000] (National Assembly—sec 75), dated 6 November 2000:

The Select Committee on Security and Constitutional Affairs, having considered the subject of the *National Prosecuting Authority Amendment Bill* [B 39B—2000] (National Assembly—sec 75), referred to it, reports that it has agreed to the Bill.

The Committee wishes to report further, as follows:

The Committee noted that Clauses 8 and 11 of the Bill, respectively, make provision for the determination of salaries and the making of regulations, by the Minister (for Justice and Constitutional Development), in consultation with the National Director of Public Prosecutions. The Committee is of the opinion that, in the circumstances in question, it may possibly be inappropriate for these powers to be exercised only with the concurrence of the National Director of Public Prosecutions. It might be more expedient for these powers to be exercised after consultation with the National Director of Public Prosecutions. The Committee therefore recommends that the Minister for Justice and Constitutional Development be requested to consider this matter and, if necessary, submit an appropriate amendment to Parliament for consideration.

2. Report of the Select Committee on Security and Constitutional Affairs on the *Judicial Matters Amendment Bill* [B 63B—2000] (National Assembly—sec 75), dated 6 November 2000:

The Select Committee on Security and Constitutional Affairs, having considered the subject of the *Judicial Matters Amendment Bill* [B 63B—2000] (National Assembly—sec 75), referred to it, reports that it has agreed to the Bill.

3. Report of the Select Committee on Security and Constitutional Affairs on the *RSA/Australia Extradition Treaty*, dated 6 November 2000:

The Select Committee on Security and Constitutional Affairs, having considered the request for approval by Parliament of the *Treaty on Extradition between the Government of the Republic of South Africa and the Government of Australia*, referred to it, recommends that the Council, in terms of section 231(2) of the Constitution, approve the said Treaty.

Report to be considered.

4. Report of the Select Committee on Social Services on the *Council for Medical Schemes Levies Bill* [B 61—2000] (National Assembly—sec 77), dated 7 November 2000:

The Select Committee on Social Services, having considered and examined the *Council for Medical Schemes Levies Bill* [B 61—2000] (National Assembly—sec 77), referred to it, and having conferred with the Select Committee on Finance, reports that it has concluded its deliberations thereon and that it has agreed to the Bill.

5. Report of the Select Committee on Land and Environmental Affairs on the *Marine Living Resources Amendment Bill* [B 68B—2000] (National Assembly—sec 75), dated 7 November 2000:

The Select Committee on Land and Environmental Affairs, having considered the subject of the *Marine Living Resources Amendment Bill* [B 68B—2000] (National Assembly—sec 75), referred to it, reports that it has agreed to the Bill.

6. Report of the Select Committee on Public Services on the *Home Loan and Mortgage Disclosure Bill* [B 53B—2000] (National Assembly—sec 75), dated 7 November 2000:

The Select Committee on Public Services, having considered the subject of the *Home Loan and Mortgage Disclosure Bill* [B 53B—2000] (National Assembly—sec 75), referred to it, reports that it has agreed to the Bill.

7. Report of the Select Committee on Public Services on the *South African Rail Commuter Corporation Limited Financial Arrangements Bill* [B 64—2000] (National Assembly—sec 75), dated 7 November 2000:

The Select Committee on Public Services, having considered the subject of the *South African Rail Commuter Corporation Limited Financial Arrangements Bill* [B 64—2000] (National Assembly—sec 75), referred to it, reports that it has agreed to the Bill.

No 142—2000] SECOND SESSION, SECOND PARLIAMENT

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

WEDNESDAY, 8 NOVEMBER 2000

COMMITTEE REPORTS:

National Assembly:

1. Report of the Portfolio Committee on Agriculture and Land Affairs on *Fresh Deciduous Fruit Industry*, dated 1 November 2000:

The Portfolio Committee on Agriculture and Land Affairs, having considered the application by the National Agricultural Marketing Council for the implementation of proposed statutory measures in the fresh deciduous fruit industry, reports, in terms of section 15 of the Marketing of Agricultural Products Act, 1996, that it has approved the recommendation of the Council, provided that the levy collected be paid to a statutory trust or body that has ministerial representation.

2. Report of the Portfolio Committee on Agriculture and Land Affairs on *Dried Deciduous Fruit Industry*, dated 1 November 2000:

The Portfolio Committee on Agriculture and Land Affairs, having considered the application by the National Agricultural Marketing Council for the implementation of proposed statutory measures in the dried deciduous fruit industry, reports, in terms of section 15 of the Marketing of Agricultural Products Act, 1996, that it has approved the recommendation of the Council, provided that the levy collected be paid to a statutory trust or body that has ministerial representation.

National Council of Provinces:

1. Report of the Select Committee on Finance on the *South African Reserve Bank Amendment Bill* [B 62—2000] (National Assembly—sec 75), dated 7 November 2000:

agree to the Bill and to make recommendations, set out in paragraph 2. below, on regulations to be made and implementation of the Bill. The Committee also urges that the implementation of the Bill be monitored by the Ministry.

2. The Committee therefore recommends as follows:

(1) *Clause 8*

Provision should be made for participation by the firearms industry in oversight of the accreditation of institutions.

(2) *Clause 9*

The regulations should impose an obligation on the Registrar to give due consideration to the effect of the granting of a final protection order in terms of the Domestic Violence Act, 1998 (Act No. 116 of 1998), against a person who applies for a competency certificate on the question of whether he or she is a fit and proper person to possess a firearm, to trade in firearms, to manufacture firearms or to conduct business as a gunsmith, as the case may be. This obligation should relate to all final protection orders granted within a period of five years before receipt of the application for a competency certificate by the Designated Firearms Officer.

(3) *Clauses 24, 35 and 63*

The Registrar should be empowered by regulation to consider the granting of condonation for late applications for the renewal of licences in appropriate circumstances.

(4) *Clause 98*

Provision should be made for review, at least every two years, of the competency of employees of official institutions who are allowed to possess firearms under the control of such institutions.

(5) *Clause 103*

A person who has been convicted of a crime or an offence disqualifying that person from obtaining a competency certificate, should be allowed to apply to the court for a declaratory order that he or she is not unfit to possess a firearm, if the court did not exercise a discretion in this regard at the trial. If the court would not allow such an application without explicit authorisation, consideration should be given to an amendment which would allow it.

(6) *Clause 107*

The Department should direct its attention to the implementation of measures to protect citizens from persons pretending to be police officials.

(7) *Clause 108*

A person should not be prosecuted simply for refusing to give information to a police official upon request therefor in

terms of this Clause. In due course, Schedule 4 should be amended by the deletion of the reference to section 108(1) and the corresponding penalty of one year's imprisonment.

(8) *Clause 128*

The Department should closely monitor the efficiency of the Appeal Board to ensure that no substantial backlog develops. If it cannot cope with its workload, consideration should be given to an amendment allowing for more members. Provision could then be made for a number of smaller appeal committees to exercise the appeal function.

(9) *Clause 151*

Consideration should be given to the appropriateness of allowing magistrates to impose all the maximum penalties provided for in the Bill. This must be done with due regard to the current jurisdiction of magistrates and regional court magistrates.

Report to be considered.

7. Report of the Select Committee on Economic Affairs on the *SADC Trade Protocol*, dated 7 November 2000:

The Select Committee on Economic Affairs, having considered the request for approval by Parliament of the *Amendment Protocol on Trade in the Southern African Development Community*, referred to it, recommends that the Council, in terms of section 231(2) of the Constitution, approve the said Protocol.

Report to be considered.

8. Report of the Select Committee on Finance on the *Intergovernmental Fiscal Review*, dated 7 November 2000:

The Select Committee on Finance, having considered and examined the Intergovernmental Fiscal Review, reports as follows:

A. *Introduction*

1. On 6 November, the Committee held a meeting to consider the Intergovernmental Fiscal Review (IGFR), during which the National Treasury and the Deputy Minister of Finance made presentations. The Committee also invited IDASA to make a presentation.

2. *Executive summary*

The Committee was guided by the input from the National Treasury and the submission by IDASA:

(1) The presentation by the National Treasury was on each of the chapters contained in the IGFR.

(2) The submission by IDASA focused on financial shortfalls not reflected in the IGFR.

B. Meeting on IGFR on 6 November

1. National Treasury and Committee discussion

The IGFR is a document that seeks to provide a snapshot of how IGF relations are currently evolving, highlighting the successes and shortcomings and indicating the variances that exist between provinces and municipalities.

The Provincial Equitable Share has declined as a result of Defence acquisitions. This will be corrected and reflected in the Budget Policy Statement. However, a healthy picture is emerging: The budgetary overspending incurred during 1996-97 and 1997-98 has been turned into a budget surplus, which will assist provinces in dealing with debt incurred by way of overdrafts. This will assist provinces to deal with macro aspects like quality and effectiveness of spending and improving quality of delivery. A balance has to be struck between social services and capital/infrastructure spending in the provinces.

As regards Health, conditional grants seem to be a big problem, due to a large portion of the Health budget being dominated by conditional grants. Problems range from non-transfers by national departments to stringent conditions that national departments place on provinces as a condition to transfer funds, as well as underspending by provinces or local authorities.

Provincial revenue seems to register a decline as a result of a lack of capacity. A good example is the inability of provinces to manage licence fees. There are, however, initiatives to improve this. The quality of infrastructure at provincial level seems to be better than at local level.

A range of reform mechanisms is under way to improve local government finances. These include a local government version of the Public Finance Management Act, known as the Municipal Finance Management Bill, and a range of other initiatives.

Surpluses should not be viewed as unspent money, but as funds to be used to pay off deficits which provinces have incurred during the first few years since their establishment. Provinces that are using surpluses to their benefit should be commended, and those that are lagging behind in this regard should start following suit. The problem seems to be that provinces are not classifying their deficits in a uniform way.

Provinces still face the challenge of reducing classroom backlogs, increasing quality of teaching, expanding early learning opportunities and furthering literacy programmes. On average, provinces spend 40% of their budgets on education. Poorer provinces usually have a higher proportion of children than richer provinces, and have inherited an

As regards Health, AIDS is the primary cause of concern. The other is the Basic Conditions of Employment Act, which will have implications for personnel expenditure.

The Welfare budget is undergoing a decline of 7%, and unemployment has also risen, so social security payments should not be below 7%. Only 27% of children eligible for the child support grant have applied for it. What would happen if the other 73% were to apply? In respect of the disability grant, only about one third receive it. What would happen if all others participants apply for it? Linking these grants to inflation is another problem. HIV/AIDS victims will also have to be allocated certain grants as the AIDS crisis unfolds.

The report does not say to whom provinces owe money and at what interest rates funds are allocated, who the creditors are and what the maturity structure is or when they have to repay the money. These are some of the questions that undermine the credibility of the figures contained in the IGFR.

C. Recommendations

1. A study tour should be undertaken to start to understand what the provinces are facing and what they are experiencing. They should look at the following:
 - (1) Monitoring the trends and ensuring that they reflect the policy commitment.
 - (2) Monitoring the flow of funds to provinces, in particular the conditional grants, through mechanisms such as quarterly reports submitted by accounting officers.
 - (3) The impact of social spending on HIV/AIDS.
 - (4) Revenue collection and its lack of capacity.
 - (5) Infrastructure development.
 - (6) Capacity problems.
2. The IGFR should be tabled at a more appropriate time, to place the Committee and the provinces in a much better position to peruse it.

D. Conclusion

The Committee commends the National Treasury for instituting the second IGFR. It reflects their commitment to be transparent in the way that provincial and local finances are dealt with. The document is a clear indication that we are heading in the right direction. As much as the National Treasury is not obligated to produce this information, it serves as an important tool to execute oversight in the National Council of Provinces.

The Committee expresses its appreciation to the Deputy Minister and Mr Mommonioat (Chief Director: Intergovernmental Fiscal



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2. *Expenditure on delivery of services versus personnel*

The Committee argues that the FFC is silent on the dilemma between spending on delivery of services and/or personnel costs. The costed-norms approach does not offer a solution in resolving this dilemma.

3. *Data Collection*

The Committee fully appreciates the extent to which the FFC raises questions around the quality of data in the provinces. The Committee is aware that planning is adversely affected, and therefore it needs to interact with the relevant authorities with a view to devising ways of improving financial data at provincial level. The Committee also notes that this was also a concern of the IMF when it last briefed the Committee.

4. *Unfunded mandates*

While the FFC argued that the costed-norms method imposes desirable constraints on both national and provincial governments, unfunded mandates are less likely to occur. However, the public hearing was informed that the National Treasury feared that the reintroduction of unfunded mandates would be a likely outcome of the costed-norms approach. It also emerged that section 35 of the Public Finance Management Act (PFMA) goes a long way towards dealing with the problems of unfunded mandates, and all concerns arising from adoption of the costed-norms approach in relation to unfunded mandates would be addressed by the PFMA.

5. *Performance based budgeting*

Since the PFMA refers to performance-based budgeting, the Committee is yet to witness the implementation of such performance-based budgeting. In our view, the essence of performance-based budgeting is to allocate resources in line with policy and in terms of objectives to be met and to correlate results. It is hoped that this form of budgeting would result in more effective monitoring of allocative and delivery efficiency. Service delivery becomes more transparent and accountable. In other words, performance budgeting measures the economic effectiveness and efficiency of converting input-mix to outputs. Performance-based budgeting makes a further distinction between outputs and outcomes. This is best understood by way of a hypothetical example: If X amount of financial resources is used to immunise children, then output would be a Y number of children immunised. However, outcome would be to reduce the infant mortality rate in respect of immunisable conditions.

The Committee would like to see this form of budgeting being used increasingly in South Africa, since it is relevant

for attaining our national priorities. The FFC and other stakeholders should continue with their explorations of performance budgeting.

6. *Macro-economic constraint*

The FFC has not taken the rationale of the costed-norms approach to its logical conclusion. The identified norms and standards are based on the Constitution and does not ignore the need for progressive implementation. The costed-norms approach developed by the allocative protocols of the National Treasury does not conflict with current macro-economic parameters. Key constituencies, such as Cosatu, may renew their call for expansion of the macro-economic parameters with regard to the budget deficit and greater flexibility in macro-economic policy to accommodate meaningful implementation of the costs and norms approach. The Committee should devise means of addressing any calls for adjustment to the existing macro-economic parameters.

7. *Unconditional/conditional grants*

The FFC argues that conditional grants should be squeezed out or removed, thereby implying that the provincial share of nationally-raised revenue will increase. This perspective is not correct, because if we make available additional resources, simultaneously financial sacrifices or compromises will occur elsewhere.

8. *Infrastructure and capital backlogs*

The key proposal is to supplement provincial capital spending through the use of a conditional grant. At present there is an allowance system, which makes it possible for provinces, when under duress, to use resources, designated for capital expenditure, for the social sector. The FFC's proposal allows and ensures that provinces are allocated an amount for capital expenditure. The FFC needs to continue exploring possibilities in this regard and share their findings with the Committee.

9. *Validity of using one province as proxy in costing analysis*

The Committee questions the validity of using the Northern Cape as a benchmark to determine the cost of providing a legislative institution and the administration of government. The Committee would recommend that similar studies be conducted for each province.

In addition, there is an urban bias in the report in respect of service delivery. The FFC does not deal with the urban/rural bias by adopting the Northern Cape as a proxy. The Committee argues that the Northern Cape cannot be used as a proxy because it is not classified as a rural province.

Moreover, spending on Health, Education and Welfare squeezes out other forms of spending, which further aggravates the bias in respect of urban versus rural development. The FFC's approach does not help us in resolving these complex development issues.

10. *Social Service sector*

The Committee takes the strong view that much more research is required in the social service sector. The beneficial effects of the costed-norms approach will be recognised only if there are tangible improvements in the social service sector. The social service sector provides the terrain for testing the usefulness of the costs and norms approach.

While the National Treasury allocates the welfare component on the basis of the need of recipients of three grants, the FFC takes six grants into account. This refinement allows a more equitable distribution of revenue. The foster care grant in the calculation of the welfare component is to be commended, since the demand for this grant is likely to increase commensurate with the increase in HIV/AIDS-related deaths. As a result, the FFC's proposal would reflect new demands on provincial service delivery. Moreover, the welfare-costed norms, as proposed by the FFC, adopt a different strategy with the national Department of Social Development, which is considering restructuring the definition of recipients of social welfare in order to give consideration to the extended family. The provinces also argue that it is still unclear whether primary health care is a provincial or a local government competency. This component of basic service is difficult to cost.

With regard to the other social sector, Education, which has been disaggregated into nine distinct components, both IDASA and the FFC support the suggestion to distribute education resources according to nine different learner groups. Each group will have its own needs and cost implications. The Committee also wishes to remind the FFC that it does not incorporate adult basic education and early childhood education, although providing such services is an extension of human rights.

The cost implication of disaggregating the social service sector is still not clear, and more research is required.

11. *Relationship between FFC, Parliament, provincial legislatures and local government*

In future relations with the FFC, it may be necessary to establish and design appropriate protocols for the Committee and the FFC. Since the Constitution also expects provincial legislatures to receive reports from the FFC, the question arises whether the National Council of Provinces (via the Select Committee of Finance) should co-ordinate

interaction between the provinces and the FFC, or whether the FFC should report directly to each individual province. These mechanisms remain to be resolved.

However, in the case of local government financing, the Committee would propose that the FFC interface jointly with the parliamentary committees on finance and local government as well as with Salga. A series of meetings should be set up, involving the four parliamentary committees and the FFC, on the recommendations on local government financing.

C. Recommendations

The Committee recommends as follows:

1. Public hearings on the implications of an expanding budget deficit should be hosted.
2. The National Treasury should be engaged on developing nationally-determined norms and standards which will guide service delivery.
3. Workshop should be held with provinces to scrutinise the recommendations of the FFC.
4. The FFC should continue with its work on the implication of the costs and norms approach for local government.

D. Conclusion

The Committee congratulates the FFC on changing the mindset in respect of the budgeting process. The FFC has been extremely innovative in its budgetary analysis, and has laid the basis for doing things differently. It has worked extremely hard on developing the costs and norms approach, and the Committee would like to engage with them on an on-going basis. The Committee, together with the FFC, has to draft a schedule of meetings according to which time-frames can be attached to all outstanding issues on a formal and agreed basis.

The Committee expresses appreciation to all the participants for their contributions, and looks forward to a long and lasting association with them.

Report to be considered.

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS OF NATIONAL COUNCIL OF PROVINCES

THURSDAY, 9 NOVEMBER 2000

1. The Council met at 10:07.
2. The Deputy Chairperson took the Chair and requested members to observe a moment of silence for prayers or meditation.
3. [10:08] Mr A E van Niekerk moved without notice: That the Council—
 - (1) takes note of the shocking train accident that occurred on Tuesday, 7 November 2000, in which four people were killed and at least 109 injured;
 - (2) expresses its sympathy with the next of kin of the deceased and expresses the hope that they will soon be comforted and find consolation;
 - (3) encourages these families and the injured to institute claims with the SA Rail Commuter Corporation as offered by the Corporation;
 - (4) expresses its shock about the claim that the safety measures that were in place, were at the request of the SA Footplate Association to be inspected on the same day that the accident occurred, and about the fact that members of the Association are concerned that profit margins were accorded preference over safety standards; and
 - (5) requests a copy of the report from Metrorail once the investigation has been completed.

Motion agreed to in accordance with section 65 of the Constitution.

4. [10:09] The Chief Whip of the Council moved: That the Council ratifies the decision the Joint Programme Subcommittee took on 3 November 2000 in accordance with Joint Rule 216(2), namely that the *Local Government: Municipal Structures Second Amendment Bill, 2000*, be fast-tracked by, where necessary, shortening any period within which any step in the legislative process relating to the Bill must be completed, in order to make it possible for the Bill to be passed by both Houses of Parliament by 24 November 2000 (*see Announcements, Tablings and Committee Reports, p 1068*).

Motion agreed to in accordance with section 65 of the Constitution.

5. [10:12] The Council discussed the following matter in terms of Rule 74: Unlawful racial and brutal assault by police officers tarnish the good image of the SAPS and impedes progress towards reconciliation and nation-building.

Debate concluded.

The Chief Whip of the Council moved without notice: That the Council—

- (1) supports Minister Steve Tshwete and the National Commissioner of Police, Mr J Selebi, for their swift and decisive action in directing the immediate arrest, suspension and prosecution of the perpetrators;
- (2) urges that collectively as a nation across the political spectrum, we unequivocally and categorically condemn the brutal and barbaric acts of racism—in this way we can articulate our contempt against acts of racism and abuse of authority;
- (3) empathises with the victims of the assault who were injured, tortured and traumatised;
- (4) condemns racist elements that exist in pockets within the security forces;
- (5) acknowledges and recognises the good work and commitment of the vast majority of white members within the ranks of the SA Police Service and SA National Defence Force;
- (6) resolves that we must not let this incident, as repugnant as it is, detract us from the course of nation-building and reconciliation that we have embarked on; and
- (7) appeals to the Ministers responsible for safety and security to intensify their campaign of developing a sound human rights culture and urges the nation to take active steps to uproot the demon of racism and brutality wherever it rears its ugly head.

Motion agreed to in accordance with section 65 of the Constitution.

6. FIRST ORDER [10:51]

Consideration of *Second Adjustments Appropriation Bill* [B 67—2000] (National Assembly—sec 77) and of Report of Select Committee on Finance thereon (Announcements, Tablings and Committee Reports, p 1075).

Debate concluded.

Vote No 1 agreed to in accordance with section 75 of the Constitution (Democratic Party dissenting).

Votes Nos 2 to 5 agreed to in accordance with section 75 of the Constitution.

Vote No 6 agreed to in accordance with section 75 of the Constitution (Democratic Party, New National Party and African Christian Democratic Party dissenting).

Vote No 7 agreed to in accordance with section 75 of the Constitution.

Vote No 8 agreed to in accordance with section 75 of the Constitution (Democratic Party, New National Party and African Christian Democratic Party dissenting).

Vote No 9 agreed to in accordance with section 75 of the Constitution.

Votes Nos 11 and 12 agreed to in accordance with section 75 of the Constitution.

Vote No 13 agreed to in accordance with section 75 of the Constitution (Democratic Party, New National Party and African Christian Democratic Party dissenting).

Vote No 14 agreed to in accordance with section 75 of the Constitution (Democratic Party, New National Party and African Christian Democratic Party dissenting).

Vote No 15 agreed to in accordance with section 75 of the Constitution (Democratic Party, New National Party and African Christian Democratic Party dissenting).

Vote No 17 agreed to in accordance with section 75 of the Constitution.

Vote No 18 agreed to in accordance with section 75 of the Constitution (Democratic Party, New National Party and African Christian Democratic Party dissenting).

Vote No 19 agreed to in accordance with section 75 of the Constitution (Democratic Party, New National Party and African Christian Democratic Party dissenting).

Votes Nos 20 to 31 agreed to in accordance with section 75 of the Constitution.

Vote No 32 agreed to in accordance with section 75 of the Constitution (Democratic Party, New National Party and African Christian Democratic Party dissenting).

Votes Nos 33 to 35 agreed to in accordance with section 75 of the Constitution.

Vote No 36 agreed to in accordance with section 75 of the Constitution (Democratic Party and New National Party dissenting).

Schedule agreed to in accordance with section 75 of the Constitution.

Bill agreed to in accordance with section 75 of the Constitution (Democratic Party dissenting).

7. SECOND ORDER [11:42]

Consideration of *Bills of Exchange Amendment Bill* [B 47B—2000] (National Assembly—sec 75) and of Report of Select Committee on Finance thereon (Announcements, Tablings and Committee Reports, p 1075).

Debate concluded.

Bill agreed to in accordance with section 75 of the Constitution.

8. THIRD ORDER [11:45]

Consideration of *South African Reserve Bank Amendment Bill* [B 62—2000] (National Assembly—sec 75) and of Report of Select Committee on

Finance thereon (Announcements, Tablings and Committee Reports, p 1074).

Debate concluded.

Bill agreed to in accordance with section 75 of the Constitution.

9. FOURTH ORDER [11:50]

Consideration of *Council for Medical Schemes Levies Bill* [B 61—2000] (National Assembly—sec 77) and of Report of Select Committee on Social Services thereon (Announcements, Tablings and Committee Reports, p 1073).

Order disposed of without debate.

Bill agreed to in accordance with section 75 of the Constitution.

10. PRECEDENCE GIVEN TO ORDER NO 6.

11. SIXTH ORDER [11:52]

Consideration of *Revenue Laws Amendment Bill* [B 70—2000] (National Assembly—sec 77) and of Report of Select Committee on Finance thereon (Announcements, Tablings and Committee Reports, p 1075).

Debate concluded.

Bill agreed to in accordance with section 75 of the Constitution.

12. BUSINESS SUSPENDED AT 12:37 AND RESUMED AT 14:05.

13. FIFTH ORDER [14:05]

Consideration of Medium-term Budget Policy Statement.

Debate concluded.

14. SEVENTH ORDER [15:27]

Consideration of Report of Select Committee on Finance (Announcements, Tablings and Committee Reports, p 1077—*Intergovernmental Fiscal Review*).

Debate concluded.

Report adopted in accordance with section 65 of the Constitution.

15. EIGHTH ORDER [16:06]

Consideration of Report of Select Committee on Finance (Announcements, Tablings and Committee Reports, p 1081—*FFC recommendations*).

Debate concluded.

Declaration of vote made on behalf of the Free State.

Report adopted in accordance with section 65 of the Constitution.

16. NINTH ORDER [16:47]

Consideration of *Firearms Control Bill* [B 34D—2000] (National Assembly—sec 75) and of Report of Select Committee on Security and Constitutional Affairs thereon (Announcements, Tablings and Committee Reports, p 1075).

Debate concluded.

Bill agreed to in accordance with section 75 of the Constitution (Democratic Party, New National Party and African Christian Democratic Party dissenting).

17. The Council adjourned at 18:26.

S MFENYANA,

Secretary to Parliament

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS OF NATIONAL COUNCIL OF PROVINCES

FRIDAY, 10 NOVEMBER 2000

1. The Council met at 09:36.
2. The Deputy Chairperson took the Chair and requested members to observe a moment of silence for prayers or meditation.
3. [09:37] Notices of motion.
4. [09:39] Dr E A Conroy moved without notice: That the Council—
 - (1) expresses its appreciation to the Minister of Trade and Industry and the National Gambling Board for the prompt and decisive action taken to prevent further neglect of children by parents while using gambling facilities, by launching an investigation into problem gambling and initiating a process of formulating a national policy in this regard, which will be aimed at encompassing all forms of gambling and not only the casino-based types of gambling;
 - (2) notes that the issue of child neglect at casinos is a symptom of problem gambling in that parents who are obsessed with gambling, neglect their parental obligations; and
 - (3) further notes that the youth of South Africa is our biggest asset and that the early steps taken by the Department of Trade and Industry to stamp out this problem, deserves our praise and support.

Motion agreed to in accordance with section 65 of the Constitution.

5. [09:43] The Chief Whip of the Council moved without notice: That the Council—
 - (1) recognises the presence of the National Director of Public Prosecutions, Mr Bulelani Ngcuka, in the Council;
 - (2) acknowledges, affirms and recognises his contribution in the past as Chief Whip of the Council, as well as Deputy Chairperson, and his wonderful contribution to the development of this institution;
 - (3) further recognises his sterling contribution as National Director of Public Prosecutions; and

(4) therefore extends a warm welcome to him.

Motion agreed to in accordance with section 65 of the Constitution.

6. FIRST ORDER [09:47]

Consideration of *National Prosecuting Authority Amendment Bill* [B 39B—2000] (National Assembly—sec 75) and of Report of Select Committee on Security and Constitutional Affairs thereon (Announcements, Tablings and Committee Reports, p 1072).

Debate concluded.

Bill agreed to in accordance with section 75 of the Constitution.

7. SECOND ORDER [10:19]

Consideration of *Judicial Matters Amendment Bill* [B 63B—2000] (National Assembly—sec 75) and of Report of Select Committee on Security and Constitutional Affairs thereon (Announcements, Tablings and Committee Reports, p 1072).

Debate concluded.

Bill agreed to in accordance with section 75 of the Constitution.

8. THIRD ORDER [10:24]

Consideration of Report of Select Committee on Security and Constitutional Affairs (Announcements, Tablings and Committee Reports, p 1073—*RSA/Australia Extradition Treaty*).

Debate concluded.

Report adopted in accordance with section 65 of the Constitution.

9. FOURTH ORDER [10:29]

Consideration of Report of Select Committee on Security and Constitutional Affairs (Announcements, Tablings and Committee Reports, p 1037—*Rome Statute*).

Debate concluded.

Report adopted in accordance with section 65 of the Constitution.

10. The Council adjourned at 10:37.

S MFENYANA,

Secretary to Parliament

PARLIAMENT
OF THE
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**ANNOUNCEMENTS,
TABLINGS AND
COMMITTEE REPORTS**

FRIDAY, 10 NOVEMBER 2000

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Minister of Home Affairs:

Reports and Financial Statements of the Film and Publication Board for 1998-99 and 1999-2000, including the Reports of the Auditor-General on the Financial Statements for 1998-99 and 1999-2000.

COMMITTEE REPORTS:

National Council of Provinces:

1. Report of the Select Committee on Economic Affairs on the *Abolition of Lebowa Mineral Trust Bill* [B 49B—2000] (National Assembly—sec 75), dated 8 November 2000:

The Select Committee on Economic Affairs, having considered the subject of the *Abolition of Lebowa Mineral Trust Bill* [B 49B—2000] (National Assembly—sec 75), referred to it, reports that it has agreed to the Bill.

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS OF NATIONAL COUNCIL OF PROVINCES

MONDAY 13 NOVEMBER 2000

1. The Council met at 14:00.

2. The Chairperson took the Chair and requested members to observe a moment of silence for prayers or meditation.

3. [14:04] Notices of motion.

4. [14:08] Mr N M Raju moved without notice That the Council—

(1) congratulates the new Springboks on their winning performance in the one-off test against the Pumas of Argentina last night;

(2) is of the view that the score of 37-33 in favour of the Springboks, though decisive, was not convincing and that this should be a reminder that the Springboks must not take their superiority for granted; and

(3) further expresses the view that a more concerted effort is called for in the next part of their tour of Europe, especially in the matches against Ireland and England.

Motion agreed to in accordance with section 55 of the Constitution.

5. [14:11] Mr K D S Durr moved without notice That the Council—

(1) congratulates the governments of South Africa, Mozambique and Zimbabwe on the agreement signed on Friday 3 November 2000, to establish a huge trans-frontier park linking the Kruger National Park, the Comrade 16 Park in Mozambique and the Gonarezhou National Park in Zimbabwe, which together will become the largest protected wilderness area in the world;

(2) notes that the benefits to conservation, tourism and regional growth and stability are far reaching and great; and

(3) congratulates Dr Simon Rupert and the Peace Parks Foundation for their sterling work, vision and finance over 15 years in help bring this outstanding project into being.

Motion agreed to in accordance with section 55 of the Constitution.

6. [14:11] Mr J L Theron moved without notice: That the Council—

- (1) congratulates the SA Chamber of Business (Sacob) and the National African Federated Chamber of Commerce (Nafcoc) on the signing of a memorandum of understanding as a precursor to the unification of South Africa's divided organised business community;
- (2) is of the view that a unified non-racial business chamber will certainly enhance the development of private enterprise, stimulate job creation and attract foreign business investment;
- (3) notes that the new organisation is expected to be called New Company or Newco and that executives of Sacob and Nafcoc will serve in Newco; and
- (4) expresses the view that this is a move in the right direction and applauds those involved in responding so swiftly to Minister Erwin's plea for a united chamber of commerce.

Motion agreed to in accordance with section 65 of the Constitution.

7. [14:12] Mr J L Mahlangu moved without notice: That the Council—

- (1) notes with shock the incident during which two Libyan diplomats were kidnapped in Sunnyside, Pretoria, over the weekend;
- (2) notes that the diplomats were held in Hammanskraal and R50 000 was demanded for their release;
- (3) congratulates the South African Police Service for acting swiftly and with due care in times of need, which resulted in six men being arrested and four firearms and three vehicles confiscated;
- (4) calls upon the prosecution authorities to diligently use all the evidence at their disposal so as to show the perpetrators of this heinous act, that crime does not pay; and
- (5) reaffirms the fact that the government of this country will not tolerate any form of criminal behaviour.

Motion agreed to in accordance with section 65 of the Constitution.

8. [14:14] Prince B Z Zulu moved without notice: That the Council—

- (1) notes with a great sense of regret and shock the incident in which 170 people, many of them teenagers, were killed after a fire swept through a funicular train carrying skiers through a tunnel in the Austrian Alps early on Saturday;
- (2) expresses its heart-felt condolences to the families of the deceased and wishes a speedy recovery for those injured in the incident; and
- (3) welcomes the efforts of the volunteers and the rescue teams who risked their lives in order to save others.

Motion agreed to in accordance with section 65 of the Constitution.

9. [14:15] Rev M Chabaku moved without notice: That the Council—

- (1) notes with concern that the 6 police dog officers were speedily taken to court to apply for free bail, whereas many other prisoners languish for months in jail before their bail applications are considered;

- (2) urges that the same speed of process be extended to all other prisoners equally and speedily;
- (3) commends all the agencies that brought the victims of this horrific experience to the notice of the public; and
- (4) requests that practical ways of compassion be shown to these brothers of ours even though there may be many similar or worse incidents.

Motion agreed to in accordance with section 65 of the Constitution.

10. FIRST ORDER [14:19]

Consideration of *Home Loan and Mortgage Disclosure Bill* [B 55B—2000] (National Assembly—sec 75) and of Report of Select Committee on Public Services thereon (Announcements, Tablings and Committee Reports, p 1073).

Debate concluded.

Declaration of vote made on behalf of the New National Party.

Bill agreed to in accordance with section 75 of the Constitution (Democratic Party and New National Party dissenting).

11. SECOND ORDER [14:29]

Consideration of *South African Rail Commuter Corporation Limited Financial Arrangements Bill* [B 64—2000] (National Assembly—sec 75) and of Report of Select Committee on Public Services thereon (Announcements, Tablings and Committee Reports, p 1073).

Debate concluded.

Declaration of vote made on behalf of the New National Party.

Bill agreed to in accordance with section 75 of the Constitution.

12. THIRD ORDER [14:50]

Consideration of *Sea Transport Documents Bill* [B 28B—2000] (National Assembly—sec 75) and of Report of Select Committee on Public Services thereon (Announcements, Tablings and Committee Reports, p 926).

Debate concluded.

Bill agreed to in accordance with section 75 of the Constitution.

13. FOURTH ORDER [15:05]

Consideration of *General Intelligence Law Amendment Bill* [B 36B—2000] (National Assembly—sec 75) and of Report of Ad Hoc Select Committee on General Intelligence Law Amendment Bill thereon (Announcements, Tablings and Committee Reports, p 1070).

Debate concluded.

Declaration of vote made on behalf of the New National Party.

Bill agreed to in accordance with section 75 of the Constitution.

14. FIFTH ORDER [15:20]

Consideration of *Abolition of Lebowa Mineral Trust Bill* [B 49B—2000] (National Assembly—sec 75) and of Report of Select Committee on Economic Affairs thereon (Announcements, Tablings and Committee Reports, p 1093).

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS OF NATIONAL COUNCIL OF PROVINCES

TUESDAY, 14 NOVEMBER 2000

1. The Council met at 14:03.
2. The Chairperson took the Chair and requested members to observe a moment of silence for prayers or meditation.
3. [14:04] Notices of motion.
4. [14:11] Ms E N Lubidla moved without notice: That the Council—
 - (1) notes the serious racist allegations made by a father and his 18 year old daughter against black judicial officers, as reported in the *Cape Times* of 13 November 2000;
 - (2) deplores once more such blatant racist remarks;
 - (3) believes that attitudes which tend to undermine black persons who are in responsible positions, should not be tolerated; and
 - (4) welcomes and supports the initiative by the Judge President of the Cape in requesting the Director of Public Prosecutions to institute an investigation into the matter.

Motion agreed to in accordance with section 65 of the Constitution.

5. [14:12] Dr P J C Nel moved without notice: That the Council—
 - (1) notes that today has been declared World Awareness Day for Diabetes by the World Health Organisation;
 - (2) expresses its thanks and appreciation to all the doctors and nursing personnel and other health care workers who are taking a lot of trouble today at most of the diabetic clinics in our country with the presentation of awareness programmes and with screening tests on patients;
 - (3) notes that diabetes is a very common disease today and one of the main causes of arterial diseases, heart diseases, hypertension and blindness and that many diabetes sufferers are undiagnosed;

- (4) encourages its members to go for testing themselves and to make the members of the communities they serve aware of the dangers of the disease and also to encourage them to go for early testing; and
- (5) requests the Department of Health to give attention to the fact that certain clinics do not always have sufficient insulin supplies at their disposal.

Motion agreed to in accordance with section 65 of the Constitution.

6. [14:14] Dr E A Conroy moved without notice: That the Council—

- (1) expresses its thanks to the KwaZulu-Natal MEC and his Department of Agriculture for their action in regard to the outbreak of foot-and-mouth disease in the province;
- (2) further pays tribute to the commercial farmers for their cooperation;
- (3) calls on the whole agricultural and business community of KwaZulu-Natal and the adjoining provinces of Mpumalanga, the Eastern Cape and the Free State, however, to cooperate to ensure that the control of the virus by the inoculation which is about to begin, the cordoning off of the relevant areas and any other measures are successful;
- (4) calls on the Government to focus its attention on this disaster, to fight this natural disaster with minimum bureaucracy, to help address the damages and to assist the farmers in this crisis; and
- (5) notes that the impact of the outbreak is already serious, but that if it is not swiftly brought under control, it will be catastrophic for all the people of South Africa.

Motion agreed to in accordance with section 65 of the Constitution.

7. [14:16] Ms B N Dlulane moved without notice: That the Council—

- (1) notes the dismissal of 12 Land Bank officials after a broad cleaning-up operation;
- (2) further notes that the cleaning-up operation has saved the institution R30 million;
- (3) commends the Land Bank for its swift action in exposing these corrupt elements; and
- (4) believes it reaffirms the commitment of government to clamp down on corrupt elements in all State and semi-State institutions.

Motion agreed to in accordance with section 65 of the Constitution.

8. [14:17] Mr C Ackermann moved without notice: That the Council—

- (1) expresses itself in favour of free and fair local government elections on 5 December 2000;
- (2) expresses the wish that all participating political parties and individuals will closely comply with the electoral regulations as prescribed; and
- (3) notes with concern the nameless posters on which a bloodied Israeli flag is depicted and which are being used as part of the election campaign.

Motion agreed to in accordance with section 65 of the Constitution.

9. [14:24] Mr B J Mkhalihi moved without notice: That the Council—

- (1) notes with shock and dismay the failure by the Johannesburg Stock Exchange to send a representative to the African Stock Exchange Association's annual conference held in Abuja, Nigeria, last month;
- (2) recognises the institutional independence of the Johannesburg Stock Exchange, but is of the opinion that its non-attendance might be interpreted as a display of contempt for economic initiatives pioneered by the African continent;
- (3) recognises and applauds the positive gesture shown by Mr Mark Shuttleworth by attending the said conference at his own expense; and
- (4) calls upon all influential institutions like the JSE to display support and commitment to the upliftment of the African continent so as to accelerate the realisation of the African Renaissance.

Motion agreed to in accordance with section 65 of the Constitution.

10. [14:26] Mr N M Raju moved without notice: That the Council—

- (1) requests the South African Football Association (Safa) to speedily clarify the position regarding Bafana-Bafana star Benni McCarthy's suspension from international matches for allegedly having provoked the fans in Zimbabwe in a recent international match, resulting in unfortunate deaths and injuries;
- (2) regrets the fact that Fifa hastened to condemn Benni McCarthy on inconclusive evidence, especially in the light of the subsequent denial by Benni and his assertion that it was clearly a case of mistaken identity; and
- (3) notes that our super star deserves unqualified support in his moment of agony and embarrassment, and pleads with Safa to resolve the issue with speedy resolve.

Motion agreed to in accordance with section 65 of the Constitution.

11. The Chairperson gave a ruling on a point of order raised by Mr A E van Niekerk on 13 November 2000.

12. [14:30] Address by the Deputy President of the Republic of South Africa.
Debate concluded.

13. FIRST ORDER [18:30]

Consideration of *Tourism Amendment Bill* [B 50F—99] (National Assembly—sec 76) (Report of Mediation Committee, see Announcements, Tablings and Committee Reports, p 1053).

Debate concluded.

Bill agreed to in accordance with section 65 of the Constitution (Eastern Cape and KwaZulu-Natal abstaining).

14. The Council adjourned at 18:40.

S MFENYANA,

Secretary to Parliament.

PARLIAMENT
OF THE
REPUBLIC OF SOUTH AFRICA

**ANNOUNCEMENTS,
TABLINGS AND
COMMITTEE REPORTS**

THURSDAY, 16 NOVEMBER 2000

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

(1) The following Bill was introduced in the National Assembly on 16 November 2000 and referred to the Joint Tagging Mechanism (JTM) for classification in terms of Joint Rule 160:

(i) *Local Government: Municipal Structures Second Amendment Bill* [B 71—2000] (National Assembly—sec 76)—(Portfolio Committee on Provincial and Local Government—National Assembly).

2. The Speaker and the Chairperson:

(1) Pursuant to an appeal having been received against the outcome of a disciplinary hearing which resulted in the dismissal of the former Head: Institutional Services Division in the Administration of Parliament, the Speaker and the Chairperson have appointed a committee to consider the appeal and make a recommendation thereon to both Houses, the committee to make its recommendation by 20 November 2000.

(2) The committee consists of:

National Assembly:

Cassim, M F
Doidge, G Q M
Selfe, J
September, C C

National Council of Provinces:

Surty, E

TABLINGS:***National Assembly:******Bills:***

1. The Minister of Finance:

(1) *Wisselwysigingswetsontwerp* [W 47—2000].

The *Bills of Exchange Amendment Bill* [B 47—2000] (National Assembly—sec 75) was introduced by the Minister of Finance on 16 August 2000 and referred to the Portfolio Committee on Finance.

PARLIAMENT
OF THE
REPUBLIC OF SOUTH AFRICA

**ANNOUNCEMENTS,
TABLINGS AND
COMMITTEE REPORTS**

FRIDAY, 17 NOVEMBER 2000

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

The announcement on 16 November 2000 that the *Local Government: Municipal Structures Second Amendment Bill* [B 71—2000] (National Assembly—sec 76) had been introduced in the National Assembly was incorrect: The Bill could not be introduced as section 154 of the Constitution had not been complied with in respect of the Bill.

2. The Speaker and the Chairperson:

(1) Assent by the President of the Republic in respect of the following Bills:

(i) *Local Government: Municipal Systems Bill* [B 27B—2000]—Act No 32 of 2000 (assented to and signed by President on 14 November 2000); and

(ii) *Construction Industry Development Board Bill* [B 59B—2000]—Act No 38 of 2000 (assented to and signed by President on 13 November 2000).

3. The Speaker and the Chairperson:

The following papers have been tabled and are now referred to the relevant committees as mentioned below:

(1) The following paper is referred to the Standing Committee on Public Accounts for consideration and report. It is also referred to the Portfolio Committee on Justice and Constitutional Development and the Select Committee on Security and Constitutional Affairs for information:

Report of the Auditor-General on the Summary of Statements of Moneys kept in Trust in the Guardians' Funds for 1998-99 [RP 162-2000].

- (2) **The following paper is referred to the Standing Committee on Public Accounts for consideration and report. It is also referred to the Portfolio Committee on Health and the Select Committee on Social Services for information:**

Report of the Auditor-General on the Financial Statements of the Health Donations Fund for 1999-2000 [RP 164-2000].

- (3) **The following paper is referred to the Standing Committee on Public Accounts for consideration and report. It is also referred to the Portfolio Committee on Education and the Select Committee on Education and Recreation for information:**

Report of the Auditor-General on the Financial Statements of the Council on Higher Education for 1999-2000 [RP 165-2000].

- (4) **The following papers are referred to the Portfolio Committee on Public Service and Administration and the Select Committee on Local Government and Administration:**

(a) Report of the Public Service Commission on Career Management in the Public Service [RP 152-2000].

(b) Report of the Public Service Commission on Management of Probationary Appointments within Public Service Departments at National Level [RP 153-2000].

- (5) **The following paper is referred to the Portfolio Committee on Public Service and Administration and the Select Committee on Local Government and Administration. It is also referred to the Joint Monitoring Committee on Improvement of Quality of Life and Status of Women and the Joint Monitoring Committee on Improvement of Quality of Life and Status of Children, Youth and Disabled Persons:**

Report of the Public Service Commission on the State of Representativeness in the Public Service [RP 154-2000].

- (6) **The following paper is referred to the Portfolio Committee on Finance and the Select Committee on Finance:**

Government Notice No R.1025 published in Government Gazette No 21671 dated 27 October 2000, Amendment of Regulation 5 of the Regulations under the Associated Institutions Pension Fund Act, 1963, made in terms of section 2 of the Associated Institutions Pension Fund Act, 1963 (Act No 41 of 1963).

- (7) **The following paper is referred to the Portfolio Committee on Home Affairs and the Select Committee on Social Services. The report of the Auditor-General contained in the following paper is referred to the Standing Committee on Public Accounts for consideration and report.**

Reports and Financial Statements of the Film and Publication Board for 1998-99 and 1999-2000, including the Reports of the Auditor-General on the Financial Statements for 1998-99 and 1999-2000.

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Speaker and the Chairperson:

Members of African Parliaments at a meeting in Pretoria, from 7 to 10 November 2000, agreed on a Draft Protocol to the African Economic Community (AEC) Treaty relating to the Pan-African Parliament.

The Protocol will be submitted to the Council of Ministers and thereafter to the Organisation of African Unity (OAU) Heads of States for adoption in 2001.

DRAFT PROTOCOL TO THE TREATY ESTABLISHING THE AFRICAN ECONOMIC COMMUNITY RELATING TO THE PAN-AFRICAN PARLIAMENT

PREAMBLE

The Member States of the Organization of African Unity State Parties to the Treaty Establishing the African Economic Community:

Bearing in mind the Sirte Declaration adopted at the Fourth Extraordinary Session of the Assembly of Heads of State and Government held in the Great Socialist People's Libyan Arab Jamahiriya on 9.9.99 establishing the African Union and calling for the speedy establishment of the institutions provided for in the Treaty establishing the African Economic Community signed in Abuja, Nigeria, on 3 June, 1991 and the establishment of the Pan-African Parliament by the year 2000;

Noting, in particular, the adoption by the Assembly of Heads of State and Government meeting in its 36th Ordinary Session in Lome, Togo, from 10 to 12 July, 2000, of the Constitutive Act of the African Union, thereby giving concrete expression to the common vision of a united, integrated and strong Africa;

Further noting that the establishment of the Pan-African Parliament is informed by a vision to provide a common platform for African peoples and their grass-roots organisations to be more involved in discussions and decision-making on the problems and challenges facing the Continent.

Conscious of the imperative and urgent need to further consolidate the aspiration of the African peoples for greater unity, solidarity and cohesion in a larger community transcending cultural, ideological, ethnic, religious and national differences;

Considering the principles and objectives stated in the Charter of the Organization of African Unity;

Further considering that Articles 7 and 14 of the Treaty establishing the African Economic Community provide for a Pan-African Parliament of the Community, whose composition, functions, powers and organisation shall be defined in a related Protocol;

Recalling the Cairo Agenda for Action which was endorsed by the Thirty-first Ordinary Session of the Assembly held in Addis Ababa, Ethiopia, from 26 to 28 June 1995 (AHG/Res. 236 (XXXI)), and which recommended the speeding up of the rationalisation of the

institutional framework in order to achieve economic integration at the regional level;

Recalling further the Declaration on the Political and Socio-Economic Situation in Africa and the Fundamental Changes Taking Place in the World, which was adopted by the Twenty-sixth Ordinary Session of the Assembly in Addis Ababa, Ethiopia, on 11 July 1990;

Considering that by the Algiers Declaration (AHG/Decl.1 (XXXV)) of 14 July 1999 the Assembly reaffirmed its faith in the African Economic Community;

Determined to promote democratic principles and popular participation, to consolidate democratic institutions and culture and to ensure good governance;

Further determined to promote and protect human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights and other relevant human rights instruments;

Conscious of the obligations and legal implications for Member States of the need to establish the Pan-African Parliament;

Firmly convinced that the establishment of the Pan-African Parliament will ensure effectively the full participation of the African peoples in the economic development and integration of the continent;

HEREBY AGREE AS FOLLOWS:

Article 1 Definitions

In this Protocol the following expressions shall have the meanings assigned to them hereunder:

“Assembly” means the Assembly of Heads of State and Government of the Community;

“Bureau” means the office-bearers of the Pan-African Parliament as provided for in Article 12(6) of this Protocol;

“Community” means the African Economic Community;

“Council” means the Council of Ministers of the Community;

“Court of Justice” means the Court of the Community;

“General Secretariat” means the General Secretariat of the Community”;

“Member of Pan-African Parliament” or “Pan-African Parliamentarian” means a representative elected or designated in accordance with Article 5 of this Protocol;

“Member State” or “Member States”, unless the context otherwise prescribes, means Member State or Member States of the Community;

“OAU” means the Organization of African Unity;

“President” means the Member of the Pan-African Parliament elected to conduct the business of Parliament in accordance with Article 12(2) of this Protocol;

“Region of Africa” shall have the meaning assigned to it in Article 1 of the Treaty establishing the African Economic Community;

“Secretary-General” means the Secretary-General of the Community;

“Treaty” means the Treaty establishing the African Economic Community.

Article 2

Establishment of the Pan-African Parliament

1. Member States hereby establish a Pan-African Parliament the composition, functions, powers and organisation of which shall be governed by the present Protocol.
2. The Pan-African Parliamentarians shall represent all the peoples of Africa.
3. The ultimate aim of the Pan-African Parliament shall be to evolve into an institution with full legislative powers, whose members are elected by universal adult suffrage. However, until such time as the Member States decide otherwise by an amendment to this Protocol:
 - (i) The Pan-African Parliament shall have consultative and advisory powers only; and
 - (ii) The Members of the Pan-African Parliament shall be appointed as provided for in Article 4 of this Protocol.

Article 3

Objectives

The objectives of the Pan-African Parliament shall be to:

1. facilitate the effective implementation of the policies and objectives of the OAU/AEC and, ultimately, of the African Union;
2. promote the principles of human rights and democracy in Africa;
3. encourage good governance, transparency and accountability in Member States;
4. familiarise the peoples of Africa with the objectives and policies aimed at integrating the African Continent within the framework of the establishment of the African Union;
5. promote peace, security and stability;
6. contribute to a more prosperous future for the peoples of Africa by promoting collective self-reliance and economic recovery;
7. facilitate cooperation and development in Africa;
8. strengthen Continental solidarity and build a sense of common destiny among the peoples of Africa; promote the principles of human rights and democracy in Africa;
9. facilitate cooperation among Regional Economic Communities and their Parliamentary fora.

Article 4 **Composition**

1. Member States shall be represented in the Pan-African Parliament by an equal number of Parliamentarians;
2. Each Member State shall be represented in the Pan-African Parliament by five (5) members, at least one of whom must be a woman;
3. The representation of each Member State must reflect the diversity of political opinions in each National Parliament.

Article 5 **Election, Tenure and Vacancies**

1. The Pan-African Parliamentarians shall be elected or designated by the respective National Parliaments or any other deliberative organ of the Member States, from among their members.
2. The Assembly shall determine the beginning of the first term of office of the Pan-African Parliament at its session immediately following the entry into force of this Protocol.
3. The term of a Member of the Pan-African Parliament shall run concurrently with his or her term in the National Parliament concerned.
4. The seat of a Member of the Pan-African Parliament shall become vacant if he or she:
 - (a) dies;
 - (b) resigns in writing to the President;
 - (c) is unable to perform his or her functions for reasons of physical or mental incapacity;
 - (d) is removed on grounds of misconduct;
 - (e) ceases to be a Member of the National Parliament concerned;
 - (f) is recalled by the National Parliament; or
 - (g) ceases to be a Pan-African Parliamentarian in terms of Article 19 of this Protocol.

Article 6 **Vote**

The Pan-African Parliamentarians shall vote in their personal and independent capacity.

Article 7 **Incompatibility**

Membership of the Pan-African Parliament shall not be compatible with the exercise of executive or judicial functions in a Member State.

Article 8 **Privileges and Immunities of Pan-African Parliamentarians**

1. The Pan-African Parliamentarians, while exercising their functions, shall enjoy in the territory of each Member State the immunities and privileges extended to representatives of Member States under the General Convention on the Privileges and Immunities of the OAU and the Vienna Convention on Diplomatic Relations.

2. Without prejudice to Paragraph (1) of this Article, the Pan-African Parliament shall have the power to waive the immunity of a member in accordance with its Rules of Procedure.

Article 9 Parliamentary Immunities

1. The Pan-African Parliamentarians shall enjoy parliamentary immunity in each Member State. Accordingly, a member of the Pan-African Parliament shall not be liable to civil or criminal proceedings, arrest, imprisonment or damages for what is said or done by him or her within or outside the Pan-African Parliament in his or her capacity as a member of Parliament in the discharge of his or her duties.
2. Without prejudice to Paragraph (1) of this Article, the Pan-African Parliament shall have the power to waive the immunity of a member in accordance with its Rules of Procedure.

Article 10 Allowance

The Pan-African Parliamentarians shall be paid an allowance to meet expenses in the discharge of their duties.

Article 11 Functions and Powers

The Pan-African Parliament shall be vested with legislative powers to be defined by the Assembly. However, during the first term of its existence, the Pan-African Parliament shall exercise advisory and consultative powers only. In this regard, it may:

1. Examine, discuss or express an opinion on any matter, either on its own initiative or at the request of the Assembly or other policy organs and make any recommendations it may deem fit relating to, *inter alia*, matters pertaining to respect of human rights, the consolidation of democratic institutions and the culture of democracy, as well as the promotion of good governance and the rule of law.
2. Discuss its budget and the budget of the Community and make recommendations thereon prior to its approval by the Assembly.
3. Work towards the harmonisation or coordination of the laws of Member States.
4. Make recommendations aimed at contribution to the attainment of the objectives of the OAU/AEC and draw attention to the challenges facing the integration process in Africa as well as the strategies for dealing with them.
5. Request officials of the OAU/AEC to attend its sessions, produce documents or assist in the discharge of its duties.
6. Promote the programmes and objectives of the OAU/AEC, in the constituencies of the Member States.
7. Promote the coordination and harmonization of policies, measures, programmes and activities of the Regional Economic Communities and the parliamentary fora of Africa.
8. Adopts its Rules of Procedure, elect its own President and propose to the Council and the Assembly the size and nature of the support staff of the Pan-African Parliament.

9. Perform such other functions as it deems appropriate to achieve the objectives set out in Article 3 of this Protocol.

Article 12

Rules of Procedure and Organisation of the Pan-African Parliament

1. The Pan-African Parliament shall adopt its own Rules of Procedure on the basis of a two-thirds majority of all its members.
2. The Pan-African Parliament shall elect, at its first sitting following its election, by secret ballot, from among its members and in accordance with its Rules of Procedure, a President and four (4) Vice-Presidents representing the Regions of Africa as determined by the OAU. The election shall, in each case, be by simple majority of the members present and voting.
3. The terms of office of the President and the Vice-Presidents shall run with the National Parliament or the deliberative organ which elects or designates them.
4. The Vice-Presidents shall be ranked in the order of first, second, third and fourth initially, in accordance with the result of the vote and subsequently by rotation.
5. The President and the Vice-Presidents shall be the Officers of the Pan-African Parliament. The officers, under the control and direction of the President and subject to such directives as may be issued by the Pan-African Parliament, shall be responsible for the management and administration of the affairs and facilities of the Pan-African Parliament and its organs. In the discharge of their duties, the Officers shall be assisted by the Clerk and the two Deputy Clerks.
6. The Pan-African Parliament shall appoint a Clerk, two Deputy Clerks and such other staff and functionaries as it may deem necessary for the proper discharge of its functions and may by regulations provide for their terms and conditions of office in accordance with the relevant OAU practice as appropriate.
7. The President shall preside over all parliamentary proceedings except those held in committee and, in his or her absence, the Vice-Presidents shall act in rotation, in accordance with the Rules of Procedure which shall also deal with the powers of the person presiding over Parliamentary proceedings.
8. The Office of the President or Vice-President shall become vacant if he or she:
 - (a) dies;
 - (b) resigns in writing;
 - (c) is unable to perform his or her functions for reasons of physical or mental incapacity;
 - (d) is removed on grounds of misconduct;
 - (e) ceases to be a Member of the National Parliament or the deliberative organ concerned;
 - (f) is recalled by the National Parliament; or
 - (g) ceases to be a Pan-African Parliamentarian in terms of Article 19 of this Protocol.

9. Removal on the grounds stipulated in 8(c) or (d) above shall be on a motion to be decided on by secret ballot and supported at the end of debate by two-thirds majority of all the Pan-African Parliamentarians. In the case of removal under the ground stipulated in 8(c), the motion shall, in addition, be supported by a medical report.
10. A vacancy in the Office of the President or Vice-President shall be filled at the sitting of the Pan-African Parliament immediately following its occurrence.
11. The quorum for a meeting of the Pan-African Parliament shall be constituted by a simple majority.
12. Each Pan-African Parliamentarian shall have one vote. Decisions shall be made by consensus or, failing which, by a two-thirds majority of all the Members present and voting. However, procedural matters, including the question of whether a matter is one of the procedure or not, shall be decided by a simple majority of those present and voting, unless otherwise stipulated in the Rules of Procedure. In the event of an equal number of votes, the person presiding shall have a casting vote.
13. The Pan-African Parliament may establish such committees, as it deems fit, for the proper discharge of its functions and in accordance with its Rules of Procedure.
14. Until the Pan-African Parliament appoints its staff, the General Secretariat of the OAU shall act as its Secretariat.

Article 13 Oath of Office

At its first sitting, after the election and before proceeding with any other matter, the Pan-African Parliamentarians shall take an oath or make a solemn declaration which shall be set out as an Addendum to this Protocol.

Article 14 Sessions

1. The inaugural session shall be presided over by the Chairperson of the OAU/AEC until the election of the President of the Pan-African Parliament who shall thereafter preside.
2. The Pan-African Parliament shall meet in ordinary session at least twice a year, within a period to be determined in the Rules of Procedure. Each ordinary session may last up to one month.
3. Two-thirds of the Pan-African Parliamentarians, the Assembly or the Council, through the Chairperson of the OAU, may, by written notification addressed to the President, request an Extraordinary session. The request shall provide a motivation for and details of the matters to be discussed at the proposed Extraordinary session. The President shall convene such a session which shall discuss only the matters stipulated in the request. The session shall end upon exhaustion of the agenda.
4. The proceedings of the Pan-African Parliament shall be open to the public, unless otherwise directed by the Bureau.

Article 15**Budget**

1. The annual budget of the Pan-African Parliament shall constitute an integral part of the regular budget of the OAU/AEC.
2. The budget shall be drawn up by the Pan-African Parliament in accordance with the Financial Rules and Regulations of the OAU/AEC and shall be approved by the Assembly until such time as the Pan-African Parliament shall start to exercise legislative powers.

Article 16**Seat of the Pan-African Parliament**

The seat of the Pan-African Parliament shall be determined by the Assembly and shall be located in the territory of a State Party to this Protocol. However, the Pan-African Parliament may convene in the territory of any Member State at the invitation of that Member State.

Article 17**Working Languages**

The working languages of the Pan-African Parliament shall be, if possible, African languages, Arabic, English, French and Portuguese.

Article 18**The Relationship between the Pan-African Parliament and the Parliaments of Regional Economic Communities and National Parliaments.**

The Pan-African Parliament shall work in close co-operation with the Parliaments of the Regional Economic Communities and the National Parliaments of Member States. To this effect, the Pan-African Parliament may, in accordance with its Rules of Procedure, convene annual consultative fora with the Parliaments of the Regional Economic Communities and the National Parliaments to discuss matters of common interest.

Article 19**Withdrawal**

The Pan-African Parliamentarians from a Member State which withdraws from the Community shall automatically cease to be Pan-African Parliamentarians.

Article 20**Interpretation**

The Court of Justice shall be seized with all matters of interpretation emanating from this Protocol. Pending its establishment, such matters shall be submitted to the Assembly which shall decide by a two-thirds majority.

Article 21**Signature and Ratification**

1. This Protocol shall be signed and ratified by the Member States in accordance with their respective Constitutional procedures.
2. The instruments of ratification or accession shall be deposited with the Secretary-General of the OAU.

Article 22 Entry into Force

The Protocol shall enter into force thirty (30) days after the deposit of the instruments of ratification by a simple majority of the Member States.

Article 23 Accession

1. Any Member State may notify the Secretary-General of its intention to accede to this Protocol after its entry into force. The Secretary-General shall, upon receipt of such notification, transmit copies thereof to all Member States.
2. For any Member State acceding to this Protocol, the Protocol shall come into force on the date of the deposit of its instrument of accession.

Article 24 Amendment or Revision of the Protocol

1. This Protocol may be amended or revised by the decision of a two-thirds majority of the Assembly.
2. Any Member State party to this Protocol or the Pan-African Parliament may propose, in writing to the Secretary-General, any amendment or revision of the Protocol.
3. The Secretary-General shall notify the proposal to all Member States at least thirty (30) days before the meeting of the Assembly, which is to consider the proposal.
4. The Secretary-General shall request the opinion of the Pan-African Parliament on the proposal and shall transmit the opinion, if any, to the Assembly, which may adopt the proposal, taking into account the opinion of the Pan-African Parliament.
5. The amendment or revision shall enter into force thirty (30) days after the deposit of the instruments of ratification with the Secretary-General by two-thirds of Member States.

Article 25 Review of the Protocol

1. Five years after the entry into force of this Protocol, a Conference of the States parties to this Protocol shall be held to review the operation and effectiveness of this Protocol, with a view to ensuring that the objectives and purposes of this Protocol, as well as the vision underlying the Protocol, are being realised and that the Protocol meets with the evolving needs of the African Continent.
2. At intervals of ten years thereafter, further Review Conferences of States Parties to this Protocol may be convened with the same objective as stated in Paragraph 1 above. Such Conferences may be convened at an interval of less than ten years, if so decided by the Pan-African Parliament.
2. The Minister of Finance:
 - (1) *Agreement between the Government of the Republic of South Africa and the Government of the United States of America regarding mutual assistance between their Customs Administra-*

tions, ter tafel gelê ingevolge artikel 231(3) van die Grondwet, 1996.

(2) *Explanatory Memorandum on the Agreement.*

3. The Minister of Trade and Industry:

(a) *Report and Financial Statements of Ntsika Enterprise Promotion Agency for 1999-2000, including the Report of the Auditor-General on the Financial Statements for 1999-2000.*

(b) *Report and Financial Statements of the Competition Commission for 1999-2000, including the Report of the Auditor-General on the Financial Statements for 1999-2000.*

PARLIAMENT
OF THE
REPUBLIC OF SOUTH AFRICA

**ANNOUNCEMENTS,
TABLINGS AND
COMMITTEE REPORTS**

TUESDAY, 21 NOVEMBER 2000

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

(1) Assent by the President of the Republic in respect of the following Bills:

- (i) *Education Laws Amendment Bill* [B 48B—2000]—Act No 53 of 2000 (assented to and signed by President on 17 November 2000); and
- (ii) *Higher Education Amendment Bill* [B 55B—2000]—Act No 54 of 2000 (assented to and signed by President on 17 November 2000).

2. The Speaker and the Chairperson:

The following papers have been tabled and are now referred to the relevant committees as mentioned below:

(1) The following papers are referred to the Portfolio Committee on Trade and Industry and the Select Committee on Economic Affairs. The reports of the Auditor-General contained in the following papers are referred to the Standing Committee on Public Accounts for consideration and report:

- (a) Report and Financial Statements of Ntsika Enterprise Promotion Agency for 1999-2000, including the Report of the Auditor-General on the Financial Statements for 1999-2000.
- (b) Report and Financial Statements of the Competition Commission for 1999-2000, including the Report of the Auditor-General on the Financial Statements for 1999-2000.

(2) **The following papers are referred to the Portfolio Committee on Finance and the Select Committee on Finance:**

- (a) Agreement between the Government of the Republic of South Africa and the Government of the United States of America regarding mutual assistance between their Customs Administrations, tabled in terms of section 231(3) of the Constitution, 1996.
- (b) Explanatory Memorandum on the Agreement.

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

- 1. The Minister of Trade and Industry:
Report and Financial Statements of the Industrial Development Corporation of South Africa Limited for 1999-2000.
- 2. The Minister of Environmental Affairs and Tourism:
Government Notice No R.1129 published in Government Gazette No 21736 dated 17 November 2000, Amendment of Regulations, made in terms of section 77 of the Marine Living Resources Act, 1998 (Act No 18 of 1998).
- 3. The Minister of Safety and Security:
Report of the Independent Complaints Directorate for 1999-2000 [RP 176-2000].
Referred to the Portfolio Committee on Safety and Security and the Select Committee on Security and Constitutional Affairs.

National Assembly:

Bills:

- 1. The Minister of Transport:
(1) *Wetsontwerp op Finansiële Reëlins rakende die Suid-Afrikaanse Spoorpendelkorporasie Beperk* [W 64—2000].
The *South African Rail Commuter Corporation Limited Financial Arrangements Bill* [B 64—2000] (National Assembly—sec 75) was introduced by the Minister of Transport on 21 September 2000 and referred to the Portfolio Committee on Transport.

PARLIAMENT
OF THE
REPUBLIC OF SOUTH AFRICA

**ANNOUNCEMENTS,
TABLINGS AND
COMMITTEE REPORTS**

THURSDAY, 23 NOVEMBER 2000

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

**Decision taken by the meeting convened in terms of Joint Rule 62
(Policy matters requiring decision during recess)**

The Speaker and the Chairperson of the Council convened a meeting in terms of Joint Rule 62 on Monday, 20 November 2000, to consider the—

- (1) pending closure of Acacia Park Primary School; and
- (2) report of the committee to consider the appeal by former Head: Institutional Support Division in the Administration of Parliament.

The pending closure of Acacia Primary School:

Mr G Q M Doidge reported to the meeting that the Gauteng Department of Education was no longer prepared to fund the Acacia Park Primary School which was used by children of members of Parliament who during session time reside at Acacia Park Parliamentary Village. The school would therefore have to be closed with effect from 1 January 2001, unless Parliament was prepared immediately to take over responsibility for its operation. After discussion the meeting decided that—

- (i) in principle the Acacia Park Primary School should remain open;
- (ii) the Presiding Officers, assisted by management of Parliament, explore the funding aspects, including subsidisation by Western Cape Education Department; and

- (iii) in conjunction with the existing governing body of the school, a report on all relevant implications be drawn up for circulation to members by the middle of January 2001.

Report of the committee to consider the appeal by former Head: Institutional Support Division in the Administration of Parliament:

The meeting, having considered the report of the committee, reports that the appeal has been denied.

F Ginwala
Speaker of the
National Assembly

G N M Pandor
Chairperson of the
National Council of Provinces

2. The Speaker and the Chairperson:

The following papers have been tabled and are now referred to the relevant committees as mentioned below:

- (1) **The following paper is referred to the Portfolio Committee on Trade and Industry and to the Select Committee on Economic Affairs:**

Report and Financial Statements of the Industrial Development Corporation of South Africa Limited for 1999-2000.

- (2) **The following paper is referred to the Portfolio Committee on Environmental Affairs and Tourism and to the Select Committee on Land and Environmental Affairs:**

Government Notice No R.1129 published in the Government Gazette No 21736 dated 17 November 2000, Amendment of Regulations, made in terms of section 77 of the Marine Living Resources Act, 1998 (Act No 18 of 1998).

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Minister of Housing:

Report and Financial Statements of the National Housing Finance Corporation Limited for 1999-2000.

PARLIAMENT
OF THE
REPUBLIC OF SOUTH AFRICA

**ANNOUNCEMENTS,
TABLINGS AND
COMMITTEE REPORTS**

TUESDAY, 28 NOVEMBER 2000

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Minister of Housing:
Report and Financial Statements of the National Housing Finance Corporation Limited for 1999-2000.
Referred to the Portfolio Committee on Housing and to the Select Committee on Public Services.

National Assembly:

1. The Speaker:
 - (1) Half Yearly Report of the Public Service Commission for the period April to September 2000.
Referred to the Portfolio Committee on Public Service and Administration.
 - (2) Resolutions of the Standing Committee on Public Accounts for 2000 and replies thereto obtained by the National Treasury—Eighth, Ninth, Tenth and Eleventh Report, 2000.
Referred to the Standing Committee on Public Accounts.

PARLIAMENT
OF THE
REPUBLIC OF SOUTH AFRICA

**ANNOUNCEMENTS,
TABLINGS AND
COMMITTEE REPORTS**

FRIDAY, 1 DECEMBER 2000

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

- (1) Assent by the President of the Republic in respect of the following Bills:
 - (i) *Council for the Built Environment Bill* [B 16B—2000]—Act No 43 of 2000 (assented to and signed by President on 26 November 2000);
 - (ii) *Architectural Profession Bill* [B 17B—2000]—Act No 44 of 2000 (assented to and signed by President on 26 November 2000);
 - (iii) *Landscape Architectural Profession Bill* [B 18B—2000]—Act No 45 of 2000 (assented to and signed by President on 26 November 2000);
 - (iv) *Engineering Profession Bill* [B 19B—2000]—Act No 46 of 2000 (assented to and signed by President on 26 November 2000);
 - (v) *Property Valuers Profession Bill* [B 20B—2000]—Act No 47 of 2000 (assented to and signed by President on 26 November 2000);
 - (vi) *Project and Construction Management Professions Bill* [B 21B—2000]—Act No 48 of 2000 (assented to and signed by President on 26 November 2000);
 - (vii) *Quantity Surveying Profession Bill* [B 22B—2000]—Act No 49 of 2000 (assented to and signed by President on 26 November 2000);

- (viii) *Chiropractors, Homeopaths and Allied Health Service Professions Second Amendment Bill* [B 66B—2000]—Act No 50 of 2000 (assented to and signed by President on 26 November 2000);
- (ix) *African Renaissance and International Co-operation Fund Bill* [B 65D—2000]—Act No 51 of 2000 (assented to and signed by President on 21 November 2000);
- (x) *Second Adjustments Appropriation Bill* [B 67—2000]—Act No 55 of 2000 (assented to and signed by President on 26 November 2000);
- (xi) *Bills of Exchange Amendment Bill* [B 47B—2000]—Act No 56 of 2000 (assented to and signed by President on 29 November 2000);
- (xii) *South African Reserve Bank Amendment Bill* [B 62—2000]—Act No 57 of 2000 (assented to and signed by President on 29 November 2000);
- (xiii) *Revenue Laws Amendment Bill* [B 70—2000]—Act No 59 of 2000 (assented to and signed by President on 29 November 2000);
- (xiv) *Marine Living Resources Amendment Bill* [B 68B—2000]—Act No 68 of 2000 (assented to and signed by President on 29 November 2000); and
- (xv) *Redetermination of the Boundaries of Cross-boundary Municipalities Bill* [B 69—2000]—Act No 69 of 2000 (assented to and signed by President on 21 November 2000).

TABLINGS:

National Assembly and National Council of Provinces:

Bills:

1. The Minister for Intelligence:

- (1) *Algemene Wysigingswetsontwerp op Intelligensie* [W 36—2000].

The *General Intelligence Law Amendment Bill* [B 36—2000] (National Assembly—sec 75) was introduced by the Minister for Intelligence on 24 May 2000.

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

THURSDAY, 7 DECEMBER 2000

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

(1) Assent by the President of the Republic in respect of the following Bills:

- (i) *National Health Laboratory Services Bill* [B 52B—2000]—Act No 37 of 2000 (assented to and signed by President on 5 December 2000);
- (ii) *Competition Second Amendment Bill* [B 41D—2000]—Act No 39 of 2000 (assented to and signed by President on 5 December 2000);
- (iii) *Adult Basic Education and Training Bill* [B 42D—2000]—Act No 52 of 2000 (assented to and signed by President on 5 December 2000);
- (iv) *Council for Medical Schemes Levies Bill* [B 61—2000]—Act No 58 of 2000 (assented to and signed by President on 5 December 2000);
- (v) *National Prosecuting Authority Amendment Bill* [B 39B—2000]—Act No 61 of 2000 (assented to and signed by President on 5 December 2000);
- (vi) *Judicial Matters Amendment Bill* [B 63B—2000]—Act No 62 of 2000 (assented to and signed by President on 5 December 2000);
- (vii) *Sea Transport Documents Bill* [B 28B—2000]—Act No 65 of 2000 (assented to and signed by President on 5 December 2000);

(viii) *Abolition of Lebowa Mineral Trust Bill* [B 49B—2000]—Act No 67 of 2000 (assented to and signed by President on 5 December 2000); and

(ix) *Tourism Amendment Bill* [B 50F—99]—Act No 70 of 2000 (assented to and signed by President on 5 December 2000).

COMMITTEE REPORTS:

National Assembly:

1. Report of the Portfolio Committee on Agriculture and Land Affairs, dated 21 November 2000:

The Portfolio Committee on Agriculture and Land Affairs, having considered the shortlist of candidates nominated to be appointed to the National Agricultural Marketing Council, hereby recommends to the Minister for Agriculture and Land Affairs, in terms of section 4(4)(e) of the Marketing of Agricultural Products Act, that the following candidates be considered for appointment to the Council:

Category A: Mr D P Dall
Mr W A Fourie
Mr M C Heyns

Category B: Mr M E J Bezuidenhout
Mr S Luthuli
Ms D Ndaba

Category C: Mr P Govender
Prof J F Kirsten
Mr M G Rathogwa

Category D: Mr B Maketha
Ms S E Moolman
Ms M G Njoni

Category E: Dr C Buthelezi
Mr M W Mvabaza
Mr M A Tanda

National Council of Provinces:

1. Report of the Select Committee on Land and Environmental Affairs, dated 21 November 2000:

The Select Committee on Land and Environmental Affairs, having considered the shortlist of candidates nominated to be appointed to the National Agricultural Marketing Council, hereby recommends to the Minister for Agriculture and Land Affairs, in terms of section 4(4)(e) of the Marketing of Agricultural Products Act, that the following candidates be considered for appointment to the Council:

Category A: Mr D P Dall
Mr W A Fourie
Mr M C Heyns

Category B: Mr M E J Bezuidenhout
Mr S Luthuli
Ms D Ndaba

Category C: Mr P Govender
Prof J F Kirsten
Mr M G Rathogwa

Category D: Mr B Maketha
Ms S E Moolman
Ms M G Njoni

Category E: Dr C Buthelezi
Mr M W Mvabaza
Mr M A Tanda

2. Report of the Select Committee on Education and Recreation on *Study Tour to India and Malaysia*, dated 10 November 2000:

A. *Introduction*

A multi-party delegation of the Select Committee on Education and Recreation (the Committee) embarked on a study tour to India and Malaysia from 26 June to 8 July 2000. In addition, chairpersons of the relevant committees in the provincial legislatures were invited to join the delegation on this fact-finding mission.

The Committee members were Mr D M Kgware (Chairperson), Ms C Nkuna, Mr P G Qokweni and Mrs J Witbooi.

The following members of the provincial legislatures joined the Committee:

Western Cape	Mr Y Gabru
	Mr E Isaacs
Free State	Mr I Segalo
Northern Cape	Mr R Stadhouer
Mpumalanga	Mr J M Mthembu
North West	Mrs M M Bopalamo

B. *Objectives*

The objectives of the study tour was to investigate matters relevant to the three clusters of the Committee, namely Education, Arts, Culture, Science and Technology, and Sport and Recreation. On educational matters, the delegation studied conceptualisation, policy, curriculum development, development of learning and teaching material, and teacher training and assessment. In addition, student financial assistance, education and training in higher education as well as the use of information technology in education were also investigated.

The Promotion of South African Indigenous Knowledge Bill, aimed at the protection and promotion of indigenous knowledge systems, will be referred to the Committee soon, and thus the delegation also investigated programmes of development of the indigenous people of India and Malaysia as well as the issue of Indigenous Knowledge Systems (IKS). In this regard the delegation, amongst other issues, investigated the progress of these countries on ethno-medicine and ethno-pharmacy.

In addition, the delegation also investigated sport and development programmes, in particular rural development in these countries.

C. Meetings in India

1. National Council of Educational Research and Training

The National Council of Educational Research and Training (NCERT) is an autonomous body, fully financed by the government of India. It assists and advises the Ministry of Human Resources Development on issues pertaining to the formulation and implementation of policies and programmes in respect of school education.

(1) The NCERT concentrates on three aspects:

- (a) Research and development.
- (b) Training.
- (c) Extension.

It functions in a federal system where school education is primarily a state competency. However, the NCERT has acquired nation-wide acceptability for its programmes, and constantly interacts with states to identify educational needs.

(2) NCERT Programmes

NCERT programmes include teacher training, curriculum development and pedagogical research and development. State textbooks are periodically reviewed to detect references which hinder national integration, show bias against women, etc.

The NCERT is at the centre of ensuring the use of computer technology for updating school education and providing basic learning facilities. It also provides academic expertise in designing, implementing and evaluating centrally sponsored school improvement schemes.

(3) Policy formulation

The NCERT strives for an educational system that is rooted in culture and complements progress. There are 18 official languages entrenched in the Constitution, and emphasis is placed on scholars being educated in their mother tongue. A three-language formula is adopted, which ensures that scholars can speak three languages (their mother tongue, English and another Indian language). An integrated approach is followed, where scholars with minor disabilities are integrated and taught in ordinary schools. However, special schools are set aside for those with severe disabilities.

(4) *Examination system*

Assessment of scholars are confined to their cognitive capacities, and the rule is that whatever is taught in class, should be tested. Universities now conduct entrance examinations. Special projects are under way to identify and nurture gifted children. In addition, in 1986 the government launched a scheme which focused on the identification and nurturing of talented rural children. These students are fully subsidised by the government for a period of seven years.

(5) *Curriculum development*

Compulsory learning of science and mathematics is required up to class 10. In classes 11 and 12, specified areas of science are identified, and students can choose between an A or a B course in science, depending on the course they intend to follow when leaving school.

At the moment education in India is receiving 3,4% of the GDP, although the target set for education is 6% of the GDP. The budget is of great concern, as in some states 95% of the budget goes to the salaries of teachers.

2. *Ministry of Science and Technology*

The Ministry of Science and Technology is divided into three sectors: Science and Technology; Biological Technology; and Scientific Research.

(1) *Objectives*

This Department, through the Science and Engineering Research Council (SERC), promotes research and development programmes (R & D programmes) in newly emerging and frontline areas of science and engineering. It also promotes general research capabilities in areas of science and technology, taking into account the capabilities of the host institutions. It further encourages young scientists to take up challenging R & D activities.

(2) *Activities*

- (a) It grants support to scientists and technologists in challenging areas of research.
- (b) It sets up training programmes for young scientists.
- (c) It grants fellowships and grants.
- (d) It sets up research support facilities and the organisation of "Summer/Winter Schools".

Students who receives grants/fellowships to study abroad, has to enter into an agreement with the university concerned that they will return to work in India after completing their studies. This way, a

“braindrain” is prevented. A National Science and Technology Entrepreneurship Development Board (NSTEDB) was established by the government in 1982 as an institutional mechanism to promote gainful self-employment and to develop entrepreneurship through the use of science and technology. It also facilitates and conducts various informal services relating to entrepreneurship development through the use of science and technology.

- (3) Several programmes have been created to promote awareness amongst science and technology persons to take entrepreneurship as a career:

(a) *Skills Development Training Programme*

Under this programme, scientifically designed skills development programmes are organised, mainly for unemployed, educated youths in rural and semi-urban identified areas with immediate potential for self-employment, by creating skills through the application of science and technology. The objective is to harness the available resources of the science and technology infrastructure in the country for the generation of wealth. The duration of the training normally varies between four and eight weeks, depending on the trade. In implementing this programme, a survey of opportunities in specific trades for creating jobs should be done. Identification of trainers, experts and craftsmen and providing them with suitable orientation training is necessary. Preparation of lecture material in vernacular languages, wherever such material is not available, and the selection of trainees through aptitude tests are also done. A quarterly review of progress is done through district level monitoring committees and the submission of quarterly progress reports to the NSTEDB. There are more than 100 agencies all over India, and basic tools/materials are provided to successful trainees free of charge.

(b) *Open Learning Programme in Entrepreneurship (OLPE)*

In order to spread the message of entrepreneurship at a faster rate and to cover a large number of beneficiaries, this programme enables potential entrepreneurs to be provided with study material and guidance by resource persons in

contact sessions in different parts of the country. These persons are trained through the Faculty Development Programme of the NSTEDB. The duration of these courses is 11 months.

The Technology Development Board provides financial assistance to research and development institutions as well as to the industry. In addition, it facilitates interaction between industry and R & D Institutions and fosters co-operative research between the industry and institutions. The Board also creates ventures and new job opportunities, and assists partnerships with financial schemes. To date, 35% of participants in these programmes have already set up enterprises.

3. *Jawayhar Novodaya Vidyalayas (New Dawn Schools)*

The objective of the Novodaya Vidyalaya Scheme is to create centres of academic excellence for talented children, predominantly from rural areas, and to be pacesetters for the improvement of quality education in educational institutions of the district where the Vidyalayas are located.

(1) *Admission policy*

Admissions take place on the basis of a test designed and conducted by the NCERT in 20 of the languages of India. The test is non-verbal, class-neutral and designed to ensure that the children are able to compete without facing any disadvantages. Successful candidates are educated free of charge, the expense for their studies being paid by the government.

(2) *Enrolment*

At present, there are 127 000 talented children and 14 000 staff members in these schools. The programme concentrates on the enrolment of 75% of rural children and 25% of urban children.

(3) *Pace-setting activities*

An important feature is the "pace-setting" activities of these schools, which results in interaction between local schools and Navoday Vidyalayas schools, so that benefits, facilities and experiences can be transferred to local schools. Teachers and staff live with these children in hostels, and emphasis is placed on personality building.

(4) *Curriculum*

These children follow the same curriculum as ordinary children, and no accelerated curriculum is undertaken. In view of the fact that most students were earlier taught in their mother tongue, instruction is provided through the same medium up to class 8.

after which intense teaching in Hindi and English takes place. Thus, a three-language formula is followed—a regional language, Hindi and English. Agreements for the introduction and implementation of a Computer Education Programme in 320 of these schools have been signed, and computer literacy has been made compulsory for all students.

(5) *Student Exchange Programme*

Another feature of this programme is a scheme of exchange of students from one Novodaya Vidyalayas in a particular linguistic region to another in a different linguistic region. This promotes understanding of diversity and cultures of the people of India.

(6) *Teacher Assessment*

A graduate from this reputable school is highly accepted. Teachers are selected by regional offices and must obtain a 50% pass rate at university and also obtain a teacher training diploma. This year, because of the influx of applicants, a written test is required before interviews are conducted. The teacher-student ratio is 25 to 1.

Political support has been given to this scheme and the Constitution has been amended to give local authorities autonomy over these schools. This scheme is considered to be a small effort to improve state education in rural areas.

4. *Meeting with Sports Authority of India (SAI)*

The government is trying to promote sports development through a number of schemes implemented by the SAI.

(1) *SAI schemes*

(a) *National Sports Talent Contest Scheme (NSTC)*

In order to tap the rural youth, this body scouts for talented children and supports them with regard to their diet and school expenses.

(b) *Special Area Games (SAG) Scheme*

This scheme is implemented to scout and nurture natural talent for competitive sports from tribal and rural areas of the country where genetically gifted individuals are located.

(c) *SAI Training Centres (STC) Scheme*

These centres select individuals based on a battery of tests and on merit, where they undergo in-house training with modern facilities and qualified coaches.

(d) *Centre for Excellence*

This is an extension of the STC Scheme, and it attracts and trains meritorious sportspersons with the potential for achieving international excellence.

(2) *Schemes of Ministry*

(a) *Infrastructure Schemes*

Through these schemes, the Ministry provides grants for the creation of sports infrastructure, for rural schools to purchase sports equipment and to develop playgrounds, as well as for the construction of sport facilities at universities and colleges.

(b) *National Sports Federations (NSFs)*

Financial assistance is also provided to NSFs for training their teams and arranging tournaments.

(c) *Sports Scholarship Scheme*

This scheme was launched with a view to assisting talented individuals as a result of their outstanding performances in sport. There is also a special scholarship for women who excel in sport.

(d) *National Sports Development Fund*

This fund was set up with the view to mobilising the government, the private sector and individuals for the development of sports in the country.

(e) *Rural Sports Programmes*

The objective of this scheme is to create general consciousness and support mass participation in sports in rural areas in order to strengthen sport at grass roots level and to provide opportunities to the rural youth. Rural sports tournaments for selected disciplines such as archery, tug of war, etc, are organised by the state from its own resources.

(f) *Recreation Sports Programmes*

The aim is to promote and develop general sports disciplines identified by the government (like go-carting, bowling, ice skating). Co-operation with the private sector is important to ensure that facilities are built.

The delegation also paid a courtesy visit to the Minister of State and Youth Sports, the Hon Mr Shahnawaz. He emphasised that the mere fact that the Department of Sport had been upgraded to a Ministry, showed the state's interest and the value attached to the promotion of sport.

5. *National Innovation Foundation (NIF)*

(1) *Philosophy*

The NIF was established 11 years ago due to the fact that the respect for Indigenous Knowledge Systems (IKS) was dying. It recognises that modern medicine is of great value, yet at the same time it is important to preserve indigenous knowledge and shows the determination of the Indian government to make India a global leader in grassroots technology.

(2) *Objectives*

- (a) To help India become a global leader in sustainable technologies.
- (b) To ensure evolution and diffusion of grassroots innovations so as to meet the socio-economic and environmental needs of the society.
- (c) To provide support and to ensure self-reliance through competitive innovation-based enterprises.
- (d) To evolve strategies and conduct and support research.
- (e) To build links between excellence in formal scientific systems and informal knowledge systems.
- (f) To promote wider social awareness through the educational curriculum, development policies and programmes.

(3) *Methods used*

Two kinds of IKS have been recognised: Traditional knowledge and contemporary innovations. The promotion of IKS is encouraged. The following methods are used:

- (a) Scouting and dissemination.
- (b) Converting innovation into products.
- (c) Reward and compensation.
- (d) Greater knowledge network.

(4) *Honey Bee Project*

This is a knowledge centre/network, pooling solutions developed by people from different sectors throughout the country and the world and creating links between informal and formal science. This project has collected over 10 000 examples of contemporary innovations in addition to the examples of the use of traditional local knowledge in the sustainable management of natural and other resources. These innovations are shared with local communities and individuals and in other countries through the *Honey Bee* newsletter, which is published in eight different languages. This network has also created new stan-

dards of accountability and ethics in dealing with grassroots innovations. The formal sector is not allowed to use this indigenous knowledge without acknowledgement, citation and prior consent of the individuals involved. Similarly, the documentation and dissemination of these innovations must take place in local languages and without exhausting the intellectual property rights of innovative communities and individuals.

(5) *Society for Research and Initiatives for Sustainable Technologies and Institutions (SRISTI)*

SRISTI was established in 1993 to essentially sustain the *Honey Bee* newsletter and associated research and action activities.

(6) *Grass Innovation Augmentation Network (GIAN)*

A need exist to link IKS with modern medicine, although at the moment there are not sufficient funds to do this. The government, for the purpose of raising funds for IKS-related programmes, has established the GIAN. GIAN attempts to establish links between grassroots innovators, entrepreneurs and investors to scale up potential green innovations through commercial and non-commercial channels.

(7) *Recommendations to South Africa*

To ensure that the development and promotion of IKS becomes a reality, Prof Anil Gupta made the following recommendations:

- (a) Set up a National Research Foundation and promote the following ideals: Ethics, environment, excellence, equity, efficiency and education.
- (b) Organise competitions and mobilise students to scout on a national campaign.
- (c) Use the media to achieve these aims.
- (d) build upon sustainability.
- (e) Make use of a micro-venture fund, which will convert small products into huge ones.

6. *Discussion on education and curriculum development*

Due to the fact that primary education is a State competency, many new models in education are being tested by different states. Many states have accepted that education cannot prosper without the involvement of the community. Thus, there is a move in some states towards this approach.

Village education committees are being formed, parents being encouraged to get involved in the education of their children.

One major problem is teacher representation. The teacher-student ratio ranges from 1 to 40 in some cases to 1 to 100 in others. In many instances, teachers can be teaching up to six classes at one time. A system of students teaching other students has been introduced to make up for the lack of teachers in some areas. In 1970, teachers also started a process of teaching in shifts in order to combat the problem of the lack of teachers. In addition, use was made of unemployed graduates (not necessarily with teacher qualifications) who were given a training programme and paid a third of a teacher's salary, with no benefits. The government has not been too successful in cracking down on absenteeism of teachers, as the unions representing these teachers are regarded as very powerful. Both parents and students are interviewed before students are accepted at any school. This ensures that any problems and concerns are ironed out and also inculcates a culture of learning by ensuring that parental involvement in the student's education is ongoing.

(1) *Funding*

Scholarships are available to any student who is able to qualify for higher education. In the state of Gujarat, education is free for women up to college level. The government practices affirmative action policies, as 22,5% of the seats to the top educational institutions are reserved for socio-economically disadvantaged students.

Absenteeism was combatted in many schools by introducing a system of providing free meals to students, especially in rural areas. School attendance increased from 35% to 90%.

National literacy campaigns were conducted and recommendations were made that the education system needed to change in order to make students interested in reading. In addition, it was recommended that one vocational subject e.g. woodwork, art etc. should be compulsory, the curriculum should be developed to accommodate local knowledge and custom e.g. story telling etc. and that non-formal education should compliment formal education.

7. *Interactive session with Unesco*

The main objective of Unesco is to contribute to world peace and security by promoting collaboration among nations through education, science, culture and communication.

The New Delhi office of Unesco was established in 1948, its main objective being to achieve basic literacy and education for all in India.

Programmes

(1) *Primary Education Project*

This programme provides child-friendly education to underprivileged children, especially girls, and focuses on improving their attendance and performance at school. The programme strives to enhance community participation in education and to ensure that the community take responsibility for the quality of school education. The goal is to improve the motivation, self-esteem and performance of primary school teachers and develop interactive methods of teaching. Social factors affecting the performance and attendance of students are also addressed.

(2) *Special Education Programme*

This programme tries to bring culture to the forefront and to ensure that the creative potential of individuals are developed in order for them to sustain themselves. Special projects are developed to train rural women to use simple technics to improve the quality of their life.

(3) *Special Needs Education Programme*

The education of children with disabilities is of great concern at both national and district level. All educational institutions are charged with the responsibility of taking care of children with disabilities. Residential camps have been arranged, where teachers and parents receive training on how to deal with these children. Most children gained enormously in self-confidence, whilst the community, in turn, was sensitised to treat these children with dignity.

(4) *Teacher Education*

Programmes have been implemented to improve the quality of teaching by providing training for teachers in, amongst other things, information technology, management issues, etc. Unesco has identified a need to transform teacher education by involving the use of technology.

(5) *Distance Education Programme*

The aim of this programme is to improve the education system in respect of higher and distance education by making use of satellite-based education programmes. In addition, an Interactive Television (ITV) Pilot Project, aimed at training and upgrading teaching skills of primary school teachers, has been launched in Gujarat.

(6) *HIV/AIDS*

In India, 3.5 million people have been diagnosed with HIV/AIDS. An educational approach is followed in order to create awareness in respect of this illness and destigmatise the disease in the eyes of the public. Projects have been launched in collaboration with NGOs to interact with teachers and students with the objective to raise awareness among young people on HIV/AIDS and to promote safer sex practices.

(7) *Street Children Project*

Under this project, street children are being targeted with the aim to enrol them in schools and thereby lower the dropout rate, which vary from state to state and range from 40% to 45% nationally. In addition, these children are taught life skills in order to take care of themselves later. India has the largest number of child labour, and Unesco has highlighted the areas of concern, and is trying to eliminate this practice with joint programmes and activities with the relevant role-players. In addition, children who were formerly working and are now in school, will be coached and counselled to ensure that they continue their education.

*D. Meetings in Malaysia**1. Courtesy call to Deputy Speaker: Parliament House*

The Deputy Speaker welcomed members of the delegation and gave a brief overview of the history of Malaysia and the functions of its Parliament.

2. Ministry of Education

The vision of the government for the year 2020 is to develop a well-balanced student (emotionally, intellectually, spiritually as well as physically strong individuals) in order to ensure a world-class quality education system.

The literacy rate in Malaysia is 93.7%. Education is the responsibility of the federal government, and the national education system encompasses education from pre-school to higher education. Primary and secondary education is free but not compulsory.

A training institute for principals attached to the University of Malaysia has been implemented. The experienced or "excellent principals" are sent to schools identified as problem areas in order to improve their performance. These principals are rewarded by way of salary increments and promotions. Due to the big schools, sessions are held both in the morning and in the afternoon. A prefect system and parent-teacher associations are in place to ensure that students and parents play a role in the administration of the school.

The Curriculum Development Centre has the task to come up with guidelines for one common curriculum for the country, to which all schools should adhere. The aim of the

government is to engage 60% of the students of the country in the science and technology field, whilst 40% will study the social sciences.

3. *Smart School Concept*

A "Smart School Concept" was implemented in conjunction with the private sector, where use is made of technology to teach students. This was a move to transform a culture of memory-based, examination-orientated learning to a thinking, creative and problem-solving culture. Greater emphasis is placed on student-directed learning and flexibility on target-learning activities to the specific needs and abilities of individual students. Teachers merely facilitate education and do not "teach" in the conventional sense. Assessment is geared to enable students to be assessed when they are ready, thus enabling them to graduate from school at a younger age.

4. *Funding*

The government funds education, although a political party could also fund it. The government has also set up a National Higher Education Fund to provide loans and scholarships for deserving students.

5. *Initiatives*

In rural areas food programmes are implemented to ensure that children remain in school. Students are also given free textbooks for as long as their parents keep them in school. There is also a great demand for pre-schools to be opened in primary schools, especially in rural areas. The government has also initiated programmes of distance learning as well as adult education to facilitate the development in education, especially in rural areas.

6. *Meeting with multimedia development corporation (MDC)*

MDC provides a consultancy and an advisory service to companies to help them to become world-class competitors in technology. Legislation has been passed in Malaysia to ensure that technology remains the primary concern of the country. An Internal Advisory Panel (IAP) sits annually and determines directions for these companies.

MDC has implemented a strategy to create an ideal multimedia environment to attract world-class competitors.

7. *Vision*

- (1) To successfully create a multimedia super-corridor.
- (2) To link MDC and other cyber cities internationally.
- (3) To transform Malaysia into a knowledge society.

8. A company would have to meet the following criteria in order to have participation status:

- (1) Prove that it is a provider or heavy user of multimedia products and services.
- (2) Employ a substantial number of knowledgeable workers (15%) with five years' working experience.
- (3) Possess a strong value basis and specify how its operations will contribute to the development of the MSC and Malaysia.
- (4) Establish a separate legal entity.
- (5) Latch on to an MSC designated Cybercity.
- (6) Comply with environmental guidelines.

The MDC plays a major role in the development and implementation of the "Smart School Concept" by introducing IT programmes in schools. The Minister of Education has piloted 190 Smart Schools, and has encouraged private sector and community participation in this project. An improvement of an average of 40% in the results of students has been observed due to the introduction of technology into the school curriculum.

9. *Meeting with Multimedia University*

This private university was established in March 1997 by Telekom Malaysia and approved by the Cabinet to spearhead two areas: Private higher education and multimedia education.

(1) *Objective*

The objective of this University is to create an environment in which multimedia education can be conducted in its widest sense and provides a spectrum of teaching and research in multimedia and IT systems.

(2) *Vision*

The vision of the University is to ensure that every policy implemented has to be economically viable and that it attains world-class status without delay.

(3) *Features*

It boasts a multicultural, multinational campus, which includes 40 South African students and which allows for people from all over the world to share their ideas. All courses are online and students can download lecture material. It collaborates internationally. It is supported by the private sector and is market- and industry-driven. It promotes borderless thinking and a creative campus environment. Student and staff are able to set up their own companies in the National

Incubator Centre. Programmes are implemented for the development of youth in IT.

(4) *Operating Principles*

- (a) A standard of excellence should be maintained.
- (b) Competent personnel should be employed (95% of academic staff have masters degrees).
- (c) It should be performance-orientated.
- (d) Activities should be open and transparent.
- (e) All courses should be cost-effective and approved by the National Accreditation Board.

(5) *Assessment of staff*

Academic staff are assessed in the following areas:

- (a) Teaching should be above average (assessment of 3,0).
- (b) Research and supervision abilities.
- (c) Staff are required to work with the private sector in respect of consultative work.
- (d) Staff are required to publish in renowned journals.
- (e) They should have administrative skills.

(6) *Funding*

The government has implemented a National Higher Education Fund to fund deserving students. In addition, the University also implements programmes to collect funds for students. The loans given to students will have to be paid back on completion of their studies, at a 4% interest rate, which in turn allows for more profit to be made.

10. *Meeting with National Economic Action Plan Committee*

In 1997 the Malaysian economy experienced a financial crisis, which resulted in a steep depreciation of the Ringgit and the collapse of the stock market. As a result, the National Economic Action Council (NEAC) was established as a consultative body to the Cabinet, to deal with economic problems and to restore the economy of Malaysia. The NEAC prepared the National Economic Recovery Plan in order to provide a comprehensive framework for economic recovery.

11. *Philosophy*

The NEAC promotes a mixed economic system of free enterprise, but with active government support and direction.

12. *Objectives of Recovery Plan*

- (1) To stabilise the Ringgit.
- (2) To restore market confidence.
- (3) To maintain financial market stability.
- (4) To strengthen economic fundamentals (like increasing the quality of investments and labour competitiveness).
- (5) To continue with the equity and socio-economic agenda.
- (6) To restore and revive adversely affected sectors.

13. *Approach of government*

- (1) Raised interest rates to attract capital.
- (2) Reduced government spending.
- (3) Lower bank credit expansion.
- (4) Shut down ailing firms/banks.
- (5) Removed subsidies.

The result of the abovementioned approach was that Malaysia is now experiencing a stable economy with a very low inflation rate, positive outputs and growth. In addition, moderate tax rates and low interest rates are the norm. It also resulted in the expanding of trade and strong corporate restructuring. Since 1969 the government has implemented poverty alleviation strategies by providing basic amenities (granting free education up to form 5, free health services, etc). In addition, creating more jobs and privatisation of the economy liberated the rural poor. International companies are able to operate in Malaysia with a 10-year tax-free concession. Although these companies do not contribute much to the economy, they do create jobs for the Malaysians. The government provides housing loans, and banks are instructed to regard housing as a priority. Employees are also forced to contribute 10% of their salary to an Employment Programme Fund, whilst the employer contributes 11%. These savings can only be accessed when employees reach old age or when they need to purchase a house. In some rural areas the government also provides water and electricity at subsidy costs, whilst in urban areas these services are provided at market costs.

14. *Meeting with Malaysian Indian Congress (MIC)*

The MIC is a political party that was established in 1946 to

represent the Malaysian Indian community in the federal, state and local governments of Malaysia.

(1) *Influence in education*

- (a) The Maju Institute of Educational Development (MIED) was established with the task of setting up educational and training institutions, providing financial assistance to students to pursue higher education and supporting those who do not get places locally to obtain higher education overseas.
- (b) It collaborates internationally and establishes joint ventures with nine foreign universities and institutions.
- (c) Tafe College was established to encourage urban-based Indians to pursue higher education, especially those from squatter settlements.
- (d) It also conducts educational recovery programmes every Saturday to strengthen the academic performance of Indian students in high school.
- (e) A Women's College was established to further the education standards of women.
- (f) They are also in the process of establishing a private university in conjunction with the private sector to ensure that more students are able to study at tertiary level.

(2) *Funding*

It raises funds from different sources, namely from its members, via donations as well as through lottery earnings. Students pay back loans at 4% interest, which also allows the MIC a profit margin of 150% per month. Most financial assistance comes through the loan scheme, although a bursary system does exist. It also raises funds through investments, corporate society, etc.

The MIC holds the view that its contribution to the education system is for the well-being of the country as a whole and not for Indians alone. In order to promote racial unity, these universities are not only confined to Indian students, but are multi-cultural in nature and adheres to the policy of government by allowing a 7-8% quota for Indian students at the universities.

15. *Meeting with BAE systems*

The role of this body is to foster relationships between the Malaysian government and relevant organisations and to provide marketing support in respect of education, health, industrial development and youth and sports programmes. Areas of involvement include the following:

(1) *Education*

- (a) It provided support to national "Smart Schools", where the focus shifts from a teacher-centred approach to a student-centred approach.
- (b) It initiated collaboration between the British Malaysian Institute (BMI) and the Malaysian government to set up a vocational college. Provided financial support and expert assistance to BMI and co-manages the development of the present campus.
- (c) It initiated collaboration with the International Islamic University in respect of automotive and aerospace engineering.
- (d) It provided support in the form of developmental programmes, IT training programmes and human resource management to the new project being implemented by the University of Sains Malaysia.

(2) *Health Programmes*

- (a) It has initiated cardiac programmes with the National Heart Institute and fostered similar programmes with the UK.
- (b) It works with the government to develop an electronic hospital programme as well as a mobile one.

(3) *Industrial Development Programmes*

It provides support in the development of industry and facilitates the transfer of technology to Malaysia from other countries.

(4) *Youth and Sport Development Programmes*

It supports sports programmes in conjunction with the National Sports Council (like a series of research of activities such as biokinetics). In addition, it supports the Rakan Muda Aviation Camp run by the Sports Ministry, to ensure the involvement of youth in sport.

(5) *Other Programmes*

Certain socio-economic programmes are linked to South Africa.

(a) *Schools Programme*

BAE is in the process of providing support as well as training to teachers of the following schools:

- (i) Qisiuisan Senior secondary (KwaZulu-Natal).
- (ii) Moefi Senior Secondary (North-West).

- (iii) Kromhoek Junior Secondary School (Eastern Cape).
- (iv) Kwa Ntisikana Junior Secondary School (Orlando).

(b) *Public Service Programme*

They are developing training programmes for SAMDI in order to develop an institution similar to that found in Malaysia.

BAE Systems are also in the process of discussing the establishment of an Industrial Business Park, a Centre for Advanced Technology and a Telehealth programme.

16. *Meeting with Majlis Amanah Rakyat (MARA)*

MARA was established in 1966 and is the Council of Trust for the Indigenous People of Malaysia, with the objective to promote, motivate, guide, train and assist the indigenous people of Malaysia (Bumiputeras) to enable them to participate actively and progressively in commercial and industrial activities. MARA is a statutory body created with the responsibility to promote economic development. Its primary objective is to eradicate poverty through strategies of economic development.

(1) *Vision*

Its vision for the year 2020 is to strive towards industrialism and to create and increase Bumiputera entrepreneurship.

(2) *Main Activities*

It provides entrepreneurs with counselling activities and provides a wide range of training and advisory services. It provides small and medium businesses with finance to start or upgrade their businesses. The credit financing scheme provides facilities for projects operating directly in the manufacturing field, and also caters for the development of business infrastructure (the building of business premises for rental to the Bumiputera community). Rental of these businesses is almost 30% less than the current rate. It also provides a Rural Transport Service to fulfil the need to link remote villages with urban centres.

(3) *Other Activities*

An Education and Training Programme was launched with the ultimate aim of channelling Bumiputera students into areas of study and skill pertinent to the world of commerce and industry. In addition, it established training institutes geared towards producing sufficient skilled and semi-skilled Bumiputera

human resources. It also provides informal institutional training in selected vocational areas pertinent to the needs of the rural community. MARA provides students with interest-free loans to enable them to pursue a tertiary education.

(4) *Funding*

These programmes are fully initiated and funded by the government.

17. *Meeting with British Malaysian Institute (BMI)*

BMI is Malaysia's leading engineering institution, the result of a partnership between the Malaysian and British governments. The Malaysian government provides the infrastructure and staff, whilst the British provide support and expertise from companies such as British Airways in the fields of engineering and technical education.

(1) *Objectives*

The objectives are to provide an alternative route to higher levels of learning and training, facilitating the transfer of modern technology and contributing towards the prosperity of other developing communities.

BMI is in the process of providing training programmes to South Africa in the form of the Centre for Advanced Technology (CAT). It is proposed that three types of programmes will be run in the CAT:

- (a) Basic skills programme: Duration—three months.
- (b) Artisan programmes: Duration: Two to two and a half years.
- (c) Technician/technologist programmes: Duration—one year.

These programmes are designed to ensure that successful applicants can become self-employed. They were developed in line with the South African Qualifications Authority (SAQA). In addition, successfully competent artisans can take up higher-level posts in the industry with the relevant training provided by BMI. This project can accommodate 3 000 students, with a budget of 483,5 million rands over five years, and the aim is to create a close working relationship with the local community to ensure that most people trained are able to set up projects to serve the community.

18. *Meeting with Department of Aborigines Affairs*

The indigenous people of Malaysia, the "Orang Asli", make up 0,5% of the total population. Due to geographical,

social, psychological and cultural factors, the Orang Asli has had a low percentage of socio-economic success. For this reason, the Department of Aborigines Affairs was established in 1953 to look after their affairs and protect them.

The Aboriginal Act of 1954 (revised in 1974) provides for the protection and well-being of Aborigines, and states that the Commissioner is responsible for their development.

(1) *Objectives*

- (a) To reduce/eradicate poverty.
- (b) To improve the quality of life of the Orang Asli.
- (c) To upgrade health standards.
- (d) To upgrade the community to ensure that they become self-reliant.
- (e) To maintain and promote arts and culture.
- (f) To ensure greater participation of the Orang Asli in industrial and commercial sectors.
- (g) To upgrade the Department as a highly creditable, efficient and effective agency.

(2) *Developmental Programmes introduced*

- (a) Economic Programmes—to uplift the economic status of the Orang Asli (it includes the co-operation of the private sector).
- (b) Social Programmes—to facilitate better living conditions and a good quality of life, and to ensure that they become self-reliant and independent.
- (c) Other Programmes:
 - (i) Research and information—to instil an understanding and awareness among the Orang Asli of government policies and a need for education.
 - (ii) Human Resource Development—to provide training facilities and increase knowledge and skills of the youth.
 - (iii) Health and Medical Services—to provide good medical services to the community.

(3) *Land Reform*

Policies have been implemented to compensate the Orang Asli for their 113 000 acres of land.

(4) *Staffing*

A third of the staff of the Department consists of the Orang Asli community.

(5) *Language*

The Orang Asli is encouraged to speak their local language, although the children are taught in the national language (Basha Malay) of Malaysia.

19. *Meeting with Ministry of Science and Technology*

The rich biological resources have given rise to a rich cultural heritage of sustainable use amongst the indigenous people of Malaysia. These elements are reflected in handcraft and in the use of forest plants and animals.

The Ministry of Science and Technology has identified the value of the protection of Indigenous Knowledge Systems and has implemented a legal framework in this regard in order to prevent the exploitation of such knowledge. At both national and state level regular meetings take place to plan programmes and strategies for the country in the promotion of research on science and technology. The Department has recognised the role of the local communities and the need to upgrade the standard of living of people with indigenous knowledge. Research has shown that pharmaceutical products produce the biggest revenue in Malaysia. Efforts are made to protect the patent rights of these people and to ensure that they receive their rightful share of the benefits. In addition, this Department is also trying to encourage the processing of ethnic medicines in a modern way so that it can be marketed commercially.

The Ministry of Science and Technology has initiated the following plan of action:

- (1) Initiate long-term studies on demographic, genetic and environmental variation of indigenous species.
- (2) Improve the scientific knowledge base by establishing an inventory of traditional knowledge.
- (3) Encourage private sector participation through privatisation projects.
- (4) Encourage the exchange of information.
- (5) Establish funding mechanisms.

20. *Meeting with Malaysian Industry Government Group for High Tech (MIGHT)*

MIGHT is a governmental body with the function to examine globalisation and its impact on Malaysia as well as the international community in general.

The main objective of MIGHT is to develop a "high tech" economy by harnessing new technology and to generate new sources of economic growth. It is currently co-ordinating the preparation of a National Action Plan that will draw up strategies and programmes to make Malaysia

an international manufacturing, research, development and trading centre for herbal products. At present, most of the herbal products available in Malaysia are being imported. This situation is unsatisfactory to the government of Malaysia, and they have tried to remedy the situation by implementing policies to promote this industry, increasing human resource development in this area of expertise, developing sufficient technology and increasing business opportunities for new and existing players in the market. Local companies with different racial backgrounds are chosen as key players in the development of these products and pay a subscription fee to be part of MIGHT. In addition, the government charges a 30% tax levy on these businesses. The opportunities generated is huge and varied in that it allows for the development of new and improved products, enhancement of packaging technology, use of technology to improve genetic materials, increase in foreign exchange and also the creation of employment. The government is trying to integrate traditional medicine with modern medicine. However, in order to ensure uniformity, all traditional healers are subject to one common Control Body, which ensures that they are registered and have been tested by the Ministry of Health. The government have also implemented mechanisms to protect the patent rights of individuals to the medicines created by them.

E. Recommendations

As regards South Africa, the Committee recommends as follows:

1. Education

- (1) To intensify information technology in tertiary, secondary as well as primary education.
- (2) To intensify information technology support systems for educators.
- (3) To promote science and technology in all institutions of learning.
- (4) To promote and incorporate cultural norms and standards in all spheres of education.

2. Sport

- (1) Developmental sport should originate from school level in order to prepare the incumbent for national and international competition.
- (2) Physical education should be a top priority for South African schools.
- (3) Emphasis should be placed on the development of sports facilities and the promotion and facilitation of sport activities in order to promote career pathing.

3. *Arts, culture, science and technology:*

- (1) To ensure the development and promotion of Indigenous Knowledge Systems by building linkages between formal scientific systems and informal knowledge systems.
- (2) To promote and create strategies to ensure self-reliance through competitive innovation-based enterprises.

PARLIAMENT
OF THE
REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS,
TABLINGS AND
COMMITTEE REPORTS

MONDAY, 18 DECEMBER 2000

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

Short title of Act No 8 of 2000 and of Act No 70 of 2000:

(1) The *Tourism Amendment Bill* [B 3—2000], which was introduced early in 2000, was passed by both Houses in March 2000. After the President had assented to it, it became Act No 8 of 2000, with the short title: *Tourism Amendment Act, 2000*.

(2) The *Tourism Amendment Bill* [B 50F—99], which was introduced in 1999, was passed by both Houses in November 2000. After the President had assented to it, it became Act No 70 of 2000, with the short title: *Tourism Second Amendment Act, 2000*.

2. The Speaker and the Chairperson:

(1) The Minister of Finance on 29 November 2000 submitted a draft of the *Pension Funds Amendment Bill, 2001*, as well as the memorandum explaining the objects of the proposed legislation, to the Speaker and the Chairperson in terms of Joint Rule 159. The draft has been referred to the Portfolio Committee on Finance and the Select Committee on Finance by the Speaker and the Chairperson, respectively, in accordance with Joint Rule 159(2).

3. The Speaker and the Chairperson:

(1) Assent by the President of the Republic in respect of the following Bills:

(i) *Cross-Border Insolvency Bill* [B 4B—2000]—Act No 42 of 2000 (assented to and signed by President on 8 December 2000);

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- (3) Financial Statements of the Financial and Fiscal Commission and the Report of the Auditor-General on the Financial Statements of the Financial and Fiscal Commission for 1999-2000.

2. The Minister of Finance:

- (1) Rider No 2 to the Financing Agreement between the Government of the Republic of South Africa and the European Commission concerning the Cato Manor Development Programme, tabled in terms of section 231(3) of the Constitution, 1996.
- (2) Project Grant Agreement Amendment Number Three between the Government of the Republic of South Africa and the Government of the United States of America acting through the United States Agency for International Development for the Municipal Infrastructure Investment Framework (MIIF) Program, tabled in terms of section 231(3) of the Constitution, 1996.
- (3) Amendment Number Two of the Bilateral Agreement between the Government of the Republic of South Africa and the Government of the United States of America acting through the United States Agency for International Development for the Local Government Support Program, tabled in terms of section 231(3) of the Constitution, 1996.

Referred to the Portfolio Committee on Provincial and Local Government and to the Select Committee on Local Government and Administration.

- (4) Rider No 1 to the Financing Agreement between the Government of the Republic of South Africa and the European Commission concerning Reinforcing South Africa's Participation in the Maize and Wheat Improvement Research Network (MWIRNET), tabled in terms of section 231(3) of the Constitution, 1996.
- (5) Grant Agreement between the Government of the Republic of South Africa and the Government of the United States of America acting through the United States Agency for the Increased Commercial Viability of Existing Small and Medium Agribusiness, tabled in terms of section 231(3) of the Constitution, 1996.

Referred to the Portfolio Committee on Agriculture and Land Affairs and to the Portfolio Committee on Trade and Industry. Referred also to the Select Committee on Land and Environmental Affairs and to the Select Committee on Economic Affairs.

- (6) Bilateral Agreement between the Government of the Republic of South Africa and the Government of the United States of America acting through the United States Agency for International Development on Skills Development, tabled in terms of section 231(3) of the Constitution, 1996.

Referred to the Portfolio Committee on Labour and to the Select Committee on Labour and Public Enterprises.

- (7) Grant Agreement between the Government of the Republic of South Africa and the Government of the United States of America acting through the United States Agency for International Development on Fiscal Management of Urban Environmental Infrastructure, tabled in terms of section 231(3) of the Constitution, 1996.

Referred to the Portfolio Committee on Environmental Affairs and Tourism and to the Portfolio Committee on Provincial and Local Government. Referred also to the Select Committee on Land and Environmental Affairs and to the Select Committee on Local Government and Administration.

- (8) Grant Agreement Amendment Number Four between the Government of the Republic of South Africa and the Government of the United States of America acting through the United States Agency for International Development for the Primary Education Results Package (formerly the South Africa Basic Education Reconstruction Project), tabled in terms of section 231(3) of the Constitution, 1996.
- (9) Project Grant Agreement Amendment Number Five between the Government of the Republic of South Africa and the Government of the United States of America acting through the United States Agency for International Development for the Tertiary Education Linkages Project, tabled in terms of section 231(3) of the Constitution, 1996.
- (10) Grant Agreement Amendment Number Three between the Government of the Republic of South Africa and the Government of the United States of America acting through the United States Agency for International Development for the Support to Tertiary Education Project, tabled in terms of section 231(3) of the Constitution, 1996.

Referred to the Portfolio Committee on Education and to the Select Committee on Education and Recreation.

- (11) Grant Agreement Amendment Number Three between the Government of the Republic of South Africa and the Government of the United States of America acting through the United States Agency for International Development for the Support for Economic Growth and Analysis and Mandela Economics Scholars Program, tabled in terms of section 231(3) of the Constitution, 1996.

Referred to the Portfolio Committee on Finance and to the Portfolio Committee on Education. Referred also to the Select Committee on Finance and to the Select Committee on Education and Recreation.

- (12) Project Grant Agreement Amendment Number Three between the Government of the Republic of South Africa acting through the Ministry of Health and the Government of the United States of America acting through the United States Agency for International Development for the Equity in Integrated Primary Health Care Project, tabled in terms of section 231(3) of the Constitution, 1996.

Referred to the Portfolio Committee on Health and to the Select Committee on Social Services.

- (13) Project Grant Agreement Amendment Number Three between the Government of the Republic of South Africa acting through the Ministry of Health and the Government of the United States of America acting through the United States Agency for International Development for the Institutional Development Program under the Shelter and Urban Development Support

Project (SUDS) and Environmentally Sustainable Housing and Urban Development Project (ESHUD), tabled in terms of section 231(3) of the Constitution, 1996.

Referred to the Portfolio Committee on Housing and to the Select Committee on Public Services.

- (14) Project Grant Agreement Amendment Number Five between the Government of the Republic of South Africa and the Government of the United States of America acting through the United States Agency for International Development for the Administration of Justice Project, tabled in terms of section 231(3) of the Constitution, 1996.

Referred to the Portfolio Committee on Justice and Constitutional Development and to the Select Committee on Security and Constitutional Affairs.

- (15) Government Notice No R.1112 published in Government Gazette No 21726 dated 8 November 2000, Regulations relating to banks, made in terms of section 90 of the Banks Act, 1990 (Act No 94 of 1990).

- (16) Government Notice No R.1149 published in Government Gazette No 21751 dated 10 November 2000, Amendment of the Rules of the Government Employees Pension Fund Law, 1996, made in terms of section 29 and 6A of the Government Employees Pension Law, 1996 (Proclamation 21 of 1996).

Referred to the Portfolio Committee on Finance and to the Select Committee on Finance.

3. The Minister of Environmental Affairs and Tourism:

Government Notice No 4477 published in Government Gazette No 21778 dated 24 November 2000, Establishment of the Greater St Lucia Wetland Park and Authority, made in terms of the World Heritage Conservation Act, 1999 (Act No 49 of 1999).