

No 5 – 2019] SIXTH SESSION, FIFTH PARLIAMENT

**PARLIAMENT OF THE
REPUBLIC OF SOUTH AFRICA**

**NATIONAL COUNCIL OF
PROVINCES**

ORDER PAPER

THURSDAY, 28 MARCH 2019

Meeting of Council: 10:00

MOTION:

1. Draft resolution (Chief Whip of the Council): That the Council resolves that Rule 239(1), which provides inter alia that the consideration of a Bill may not commence before at least three working days have lapsed since the committee's report was tabled, be suspended for the purposes of consideration of the following Bills:
 - (a) **Division of Revenue Bill** [B 5 - 2019] (National Assembly – sec 76);
 - (b) **Financial Matters Amendment Bill** [B 1B - 2019] (National Assembly – sec 75); and
 - (c) **Public Audit Excess Fee Bill** [B 7 – 2019] (National Assembly – sec 77).

ORDERS OF THE DAY:

1. Consideration of Report of Select Committee on Cooperative Governance and Traditional Affairs (Announcements, Tablings and Committee Reports, 27 March 2019) **Termination of Notice of Intervention in terms of section 139(1)(b) of the Consitution, 1996, in Emadlangeni Local Municipality.**

2. Consideration of Report of Select Committee on Cooperative Governance and Traditional Affairs (Announcements, Tablings and Committee Reports, 27 March 2019) **Termination of the Notice on Intervention in terms of section 139(1)(b) of the Constitution, 1996, in Dr Nkosazana Dlamini-Zuma Local Municipality.**
3. Consideration of Report of Select Committee on Cooperative Governance and Traditional Affairs (Announcements, Tablings and Committee Reports, 27 March 2019) **In Loco Inspection on the Notice of Intervention issued in terms of section 139 (1) (b) of the Constitution, 1996, in Abaqulusi Local Municipality.**
4. Consideration of Report of Select Committee on Cooperative Governance and Traditional Affairs (Announcements, Tablings and Committee Reports, 27 March 2019) **In Loco Inspection on the Notice of Intervention issued in terms of section 139 (1) (b) of the Constitution, 1996, in Endumeni Local Municipality.**
5. Noting of Report of Select Committee on Cooperative Governance and Traditional Affairs (Announcements, Tablings and Committee Reports, 25 March 2019, p 90) **Inspection Loco on Notice of Intervention in terms of section 137 of the Municipal Finance Management Act, 2003 in Naledi Local Municipality dated 19 February 2019.**
6. Noting of Report of Select Committee on Cooperative Governance and Traditional Affairs (Announcements, Tablings and Committee Reports, 25 March 2019, p 97) **Inspection in Loco on Notice of Intervention in terms of section 137 of the Municipal Finance Management Act, 2003 (Act No. 56 of 2003) in Ngaka Modiri Molema District Municipality dated 29 February 2019.**
7. Consideration of Report of Select Committee on Trade and International Relations (Announcements, Tablings and Committee Reports, 26 March 2019, p 2) **World Intellectual Property Organisation Copyright Treaty (“WCT”), tabled in terms of section 231(2) of the Constitution, 1996 with Explanatory Memorandum.**
8. Consideration of Report of Select Committee on Trade and International Relations (Announcements, Tablings and Committee Reports, 26 March 2019, p 3) **World Intellectual Property Organisation Performances and Phonograms Treaty tabled in terms of section 231(2) of the Constitution, 1996 with Explanatory Memorandum.**

9. Consideration of Report of Select Committee on Trade and International Relations (Announcements, Tablings and Committee Reports, 26 March 2019, p 3) **Beijing Treaty on Audiovisual Performances tabled in terms of section 231(2) of the Constitution, 1996 with Explanatory Memorandum.**
10. Consideration of Report of Select Committee on Security and Justice (Announcements, Tablings and Committee Reports, 19 March 2019, p 38) **Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment tabled in terms of 231(2) of the Constitution of the Republic of South Africa and the Explanatory Memorandum to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).**
11. Consideration of Report of Select Committee on Land and Mineral Resources (Announcements, Tablings and Committee Reports, 19 March 2019, p 7) **Ratification of the SADC Protocol on Environmental Management for Sustainable Development with Explanatory Memorandum.**
12. Consideration of Report of Select Committee on Land and Mineral Resources (Announcements, Tablings and Committee Reports, 19 March 2019, p 7) **Ratification of the Kigali Amendment to the Montreal Protocol on Substances that Deplete the Ozone layer to include Hydrofluorocarbons (HFCS) with Explanatory Memorandum.**
13. Consideration of Report of Select Committee on Petitions and Executive Undertakings (Announcements, Tablings and Committee Reports, 27 March 2019) **Hearings of the Sigogo Petition held on 08 November 2018, 28 February 2019 and 20 March 2019 at Parliament.**
14. Consideration of Report of Select Committee on Petitions and Executive Undertakings (Announcements, Tablings and Committee Reports, 20 March 2019, p 10) **Hearing of the Elder Care Leave petition held on 10 October 2018 at Parliament, as adopted on 13 February 2019.**
15. Consideration of Report of Select Committee on Petitions and Executive Undertakings (Announcements, Tablings and Committee Reports, 20 March 2019, p 18) **Hearing of the Cakwebe petition held on 3 August 2018 at Premier Hotel Regent, East London as adopted on 13 February 2019.**

16. Consideration of Report of Select Committee on Appropriations (Announcements, Tablings and Committee Reports, 27 March 2019) **Eastern Cape Province's Early Childhood Development Grant progress report and expenditure as at the third quarter of 2018/19 Financial Year.**
17. Consideration of **Division of Revenue Bill** [B 5 - 2019] (National Assembly – sec 76) and Report of Select Committee on Appropriations thereon (Announcements, Tablings and Committee Reports, 27 March 2019).
18. Consideration of **Carbon Tax Bill** [B 46B – 2018] (National Assembly – sec 77) and Report of Select Committee on Finance thereon (Announcements, Tablings and Committee Reports, 19 March 2019, p 21).
19. Consideration of **Customs and Excise Amendment Bill** [B 3 – 2019] (National Assembly – sec 75) and Report of Select Committee on Finance thereon (Announcements, Tablings and Committee Reports, 19 March 2019, p 18).
20. Consideration of **Public Investment Corporation Amendment Bill** [B 4 – 2019] (National Assembly – sec 75) and Report of Select Committee on Finance thereon (Announcements, Tablings and Committee Reports, 19 March 2019, p 10).
21. Consideration of **Financial Matters Amendment Bill** [B 1B - 2019] (National Assembly – sec 75) and Report of Select Committee on Finance thereon (Announcements, Tablings and Committee Reports, 27 March 2019).
22. Consideration of **Public Audit Excess Fee Bill** [B 7 – 2019] (National Assembly – sec 77) and Report of Select Committee on Appropriations thereon (Announcements, Tablings and Committee Reports, 27 March 2019).
23. Consideration of **National Land Transport Amendment Bill** [B 7D – 2016] (National Assembly – sec 76) and Report of Select Committee on Economic and Business Development thereon (Announcements, Tablings and Committee Reports, 20 March 2019, p 5).
24. Consideration of **National Gambling Amendment Bill** [B 27B - 2018] (National Assembly – sec 76) and Report of Select Committee on Trade and International Relations thereon (Announcements, Tablings and Committee Reports, 20 March 2019, p 32).

25. Consideration of **Copyright Amendment Bill** [B 13B - 2017] (National Assembly – sec 75) and Report of Select Committee on Trade and International Relations thereon (Announcements, Tablings and Committee Reports, 20 March 2019, p 38).
 26. Consideration of **Performers’ Protection Amendment Bill** [B 24B - 2016] (National Assembly – sec 75) and Report of Select Committee on Trade and International Relations thereon (Announcements, Tablings and Committee Reports, 20 March 2019, p 39).
 27. Consideration of **Foreign Service Bill** [B 35B - 2015] (National Assembly – sec 75) and Report of Select Committee on Trade and International Relations thereon (Announcements, Tablings and Committee Reports, 22 March 2019, p 3).
 28. Consideration of **Property Practitioners Bill** [B 21B - 2018] (National Assembly – sec 76) and Report of Select Committee on Social Services thereon (Announcements, Tablings and Committee Reports, 25 March 2019, p 89).
 29. Consideration of **Electronic Deeds Registration Systems Bill** [B 35B – 2017] (National Assembly – sec 75) and Report of Select Committee on Land and Mineral Resources thereon (Announcements, Tablings and Committee Reports, 19 March 2019, p 8).
 30. Consideration of **iKamva Digital Skills Institute Bill** [B 10B – 2018] (National Assembly – sec 75) and Report of Select Committee on Communications and Public Enterprises thereon (Announcements, Tablings and Committee Reports, 20 March 2019, p 30).
 31. Consideration of **Repeal of the Overvaal Resorts Limited Bill** [B 36-2017] (National Assembly – sec 75) and Report of Select Committee on Communications and Public Enterprises thereon (Announcements, Tablings and Committee Reports, 20 March 2019, p 31).
 32. **FAREWELL SPEECHES.**
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FURTHER BUSINESS

ORDERS:

1. Consideration of Report of Joint Committee on Ethics and Members' Interest (Announcements, Tablings and Committee Reports, 8 March 2019, p 49) **Complaint against Hon. A Dlodlo, MP: Minister of Public Service and Administration.**
2. Consideration of Report of Joint Committee on Ethics and Members' Interest (Announcements, Tablings and Committee Reports, 8 March 2019, p 53) **Complaint against Hon. M Booi, MP.**

MOTIONS (Notice previously given):

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

APPENDIXES

PETITIONS REFERRED TO COMMITTEES

1. **Submission of a petition from Mr Mnikeli Kawa, Eastern Cape Province regarding the alleged corruption and lack of service delivery in Well's Estate at the Nelson Mandela Metropolitan Municipality** - (Select Committee on Petitions and Executive Undertakings – National Council of Provinces).
2. **Submission of a petition calling for National Council of Province's intervention on alleged failure by the Tumahole Local Municipality in Parys, to provide basic services to the community residing at erf 10012 (From Ms M Khoase on behalf of the Abazimeli Squatters Association)** - (Select Committee on Petitions and Executive Undertakings – National Council of Provinces).
3. **Submission of a petition calling upon the NCOP's assistance in resolving community land use and ownership in the township of Alexandra Township, Gauteng Province (from Mr Jacob Mogoai, Chairman of the Alexandra Land & Property Owners Association)** (Select Committee on Petitions and Executive Undertakings – National Council of Provinces).

4. **Submission of a petition calling upon the NCOP's assistance on the rejection of Mr Wandile Laurence Daku's application for special pension by the Special Pension Appeal Board (from Mr Wandile Laurence Daku) - (Select Committee on Petitions and Executive Undertakings – National Council of Provinces).**
5. **Commitments made by various Ministers in 2012 during visit of the National Council of Provinces to Ngqushwa Local Municipality - (Select Committee on Petitions and Executive Undertakings – National Council of Provinces).**
6. **Submission of a petition calling for Parliament's intervention on alleged unpaid pensions, unpaid leave gratuity and non-payment of the pro-rata bonus by the Eastern Cape Department of Health (From Mr Miyelani Mashaba) - (Select Committee on Petitions and Executive Undertakings – National Council of Provinces).**
7. **Submission of a petition calling for the National Council of Province's intervention on the social impact assessment with regards to the proposed Knysna N2 Toll highway development by Sanral in Knysna, Western Cape. (From Velile Waxa, on behalf of the concerned communities of Phelandaba and Rhobololo) (Select Committee on Petitions and Executive Undertakings – National Council of Provinces).**
8. **Submission of a petition requesting assistance from the National Council of Provinces regarding the alleged failure by the Council of the Eden District Municipality to engage the affected communities in the process of leasing out the ancestral land within the municipality's jurisdiction (From Mr Hermanus Baatjies on behalf of the Ga'ibhaiqua community of Oudtshoorn in the Western Cape) (Select Committee on Petitions and Executive Undertakings – National Council of Provinces).**
9. **Submission of a petition requesting assistance from the National Council of Provinces regarding the normalisation of the process towards pragmatic socio-economic and commercial transformation of the professional hunting and outfitting sector, Western Cape (From Hon C J De Beer, Member of Parliament, on behalf of Dr Johann Kotze, Director of GameTech Hunters Training) (Select Committee on Petitions and Executive Undertakings – National Council of Provinces).**
10. **Submission of a petition calling for National Council of Province's intervention on the dispute relating to the RDP housing subsidy and bond repayments. (From Speaker of**

the Gauteng Provincial Legislature, on behalf of Mr Adam Khalo, from Vosloorus, Gauteng Province) (Select Committee on Petitions and Executive Undertakings – National Council of Provinces).

11. **Submission of a petition calling for intervention of the National Council of Province on alleged failure by the Ntabankulu Local Municipality, to provide basic services to the residents of Cacadu village within ward 11 of the Ntabankulu Local Municipality** (From Mr Luthando Mvomvo) (Select Committee on Petitions and Executive Undertakings – National Council of Provinces).
12. **Submission of a petition calling for intervention of the National Council of Provinces (from Ms Zanele Lusithi, a representative of the South African Homeless People’s Federation in Blouwerb Western Cape).** (Select Committee on Petitions and Executive Undertakings – National Council of Provinces).
13. **Submission of a petition calling for the enactment of legislation that would provide for the establishment of the Government Advertising Agency.** (Select Committee on Petitions and Executive Undertakings – National Council of Provinces).
14. **Submission of a petition calling for the amendment of Section 27 of the Basic Conditions of Employment Act 75 of 1997 (from Mr Hendri Petrus Terblanche).** (Select Committee on Petitions and Executive Undertakings – National Council of Provinces).
15. **Submission of a petition calling for the intervention of the NCOP, in a matter relating to reparations and title deeds from the National Ideal Fulfillment Foundation, which is duly represented by Mr Gordon Ndlovu of Gauteng Province.** (Select Committee on Petitions and Executive Undertakings – National Council of Provinces).

BILLS INTRODUCED AND TO BE REFERRED TO COMMITTEES

1. **Appropriation Bill [B 6 – 2019]** (National Assembly – sec 77).

BILLS REFERRED TO COMMITTEES

1. **Mineral and Petroleum Resources Development Amendment Bill [B 15D – 2013]** (National Assembly – sec 76) and the President’s reservations on constitutionality of Bill as submitted

to him (Announcements, Tablings and Committee Reports, 23 January 2015, p 2) – (Select Committee on Land and Mineral Resources – National Council of Provinces).

2. **Border Management Authority Bill** [B 9B – 2016] (National Assembly – sec 75) – (Select Committee on Social Services – National Council of Provinces).
3. **National Forests Amendment Bill** [B 11B – 2016] (National Assembly – sec 76) – (Select Committee on Land and Mineral Resources – National Council of Provinces).
4. **Traditional Courts Bill** [B 1B – 2017] (National Assembly – sec 76) – (Select Committee on Security and Justice – National Council of Provinces).
5. **Cybercrimes Bill** [B 6B – 2017] (National Assembly – sec 75) (introduced as **Cybercrimes and Cybersecurity Bill** [B 6 – 2017]) – (Select Committee on Security and Justice – National Council of Provinces).
6. **National Environmental Management Laws Amendment Bill** [B 14D – 2017] (National Assembly – sec 76) – (Select Committee on Land and Mineral Resources – National Council of Provinces).
7. **Defence Amendment Bill** [B 18 - 2017] (National Assembly – sec 75) (for proposed amendment, *see* Announcements, Tablings and Committee Reports, 6 March 2019, p 73) – (Portfolio Committee on Defence and Military Veterans – National Assembly).
8. **The South African National Roads Agency Limited and National Roads Amendment Bill** [B 20 – 2017] (National Assembly – sec 76) – (Portfolio Committee on Transport – National Assembly).
9. **International Crimes Bill** [B 37 - 2017] (National Assembly – sec 75) – (Portfolio Committee on Justice and Correctional Services – National Assembly).
10. **Animals Protection Amendment Bill** [B 4 – 2018] (National Assembly – sec 76) – (Portfolio Committee on Agriculture, Forestry and Fisheries – National Assembly) [Referred to National House of Traditional Leaders on 5 April 2018].
11. **Customary Initiation Bill** [B 7B - 2018] (National Assembly – sec 76) – (Select Committee on Cooperative Governance and Traditional Affairs – National Council of Provinces).

12. **Social Assistance Amendment Bill** [B 8 – 2018] (National Assembly – sec 76) – (Portfolio Committee on Social Development – National Assembly).
13. **Prevention and Combating of Hate Crimes and Hate Speech Bill** [B 9 – 2018] (National Assembly – sec 75) – (Portfolio Committee on Justice and Correctional Services – National Assembly).
14. **Civil Union Amendment Bill** [B 11B - 2018] (National Assembly – sec 75) – (Select Committee on Social Services – National Council of Provinces).
15. **State Liability Amendment Bill** [B 16 - 2018] (National Assembly – sec 75) – (Portfolio Committee on Justice and Correctional Services – National Assembly).
16. **Hydrographic Bill** [B 17B – 2018] (National Assembly – sec 75) – (Select Committee on Security and Justice – National Council of Provinces).
17. **Local Government: Municipal Structures Amendment Bill** [B 19B – 2018] (National Assembly – sec 76) – (Select Committee on Cooperative Governance and Traditional Affairs – National Council of Provinces).
18. **Aquaculture Development Bill** [B 22 - 2018] (National Assembly – sec 76) – (Portfolio Committee on Agriculture, Forestry and Fisheries – National Assembly).
19. **Independent Police Investigative Directorate Amendment Bill** [B 25 – 2018] (National Assembly – sec 75) – (Select Committee on Security and Justice – National Council of Provinces).
20. **South African Reserve Bank Amendment Bill** [B 26 - 2018] (National Assembly – sec 75) – (Standing Committee on Finance – National Assembly).
21. **National Health Amendment Bill** [B 29 - 2018] (National Assembly – sec 76) – (Portfolio Committee on Health – National Assembly).
22. **Child Justice Amendment Bill** [B 32B – 2018] (National Assembly – sec 75) – (Select Committee on Security and Justice – National Council of Provinces).
23. **Public Finance Management Amendment Bill** [B 41 - 2018] (National Assembly – sec 76) – (Standing Committee on Finance – National Assembly).

24. **National Sport and Recreation Amendment Bill** [B 43 – 2018] (National Assembly – sec 76) – (Portfolio Committee on Sport and Recreation – National Assembly).
25. **Civil Aviation Amendment Bill** [B 44 - 2018] (National Assembly – sec 75) – (Portfolio Committee on Transport – National Assembly).
26. **Postal Services Amendment Bill** [B 45 - 2018] (National Assembly – sec 75) – (Portfolio Committee on Telecommunications and Postal Services – National Assembly).
27. **Local Government: Municipal Systems Amendment Bill** [B 2 - 2019] (National Assembly – sec 76) – (Portfolio Committee on Cooperative Governance and Traditional Affairs – National Assembly).
28. **National Health Amendment Bill** [B 8 - 2019] (National Assembly – sec 75) – (Portfolio Committee on Health – National Assembly).
29. **National Minimum Wage Amendment Bill** [B 9 - 2019] (National Assembly – sec 75) (Select Committee on Economic and Business Development – National Council of Provinces).

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

1. **National Public Health Institute of South Africa Bill** [B 16D - 2017] (National Assembly – sec 76).

**BILLS, SUBJECT TO PROPOSED AMENDMENTS,
PASSED BY NATIONAL COUNCIL OF PROVINCES
AND RETURNED TO NATIONAL ASSEMBLY FOR
CONCURRENCE**

1. **Defence Amendment Bill** [B 18 - 2017] (National Assembly – sec 75).

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

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

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

1. **Mineral and Petroleum Resources Development Amendment Bill** [B 15D – 2013] (National Assembly – sec 76).
 2. **Border Management Authority Bill** [B 9B – 2016] (National Assembly – sec 75).
 3. **National Forests Amendment Bill** [B 11B – 2016] (National Assembly – sec 76).
 4. **Traditional Courts Bill** [B 1B – 2017] (National Assembly – sec 76).
 5. **Cybercrimes Bill** [B 6B – 2017] (National Assembly – sec 75) (introduced as **Cybercrimes and Cybersecurity Bill** [B 6 – 2017]).
 6. **National Environmental Management Laws Amendment Bill** [B 14D – 2017] (National Assembly – sec 76)
 7. **Customary Initiation Bill** [B 7B - 2018] (National Assembly – sec 76).
 8. **Civil Union Amendment Bill** [B 11B - 2018] (National Assembly – sec 75).
 9. **Hydrographic Bill** [B 17B – 2018] (National Assembly – sec 75).
 10. **Local Government: Municipal Structures Amendment Bill** [B 19B – 2018] (National Assembly – sec 76).
 11. **Independent Police Investigative Directorate Amendment Bill** [B 25 – 2018] (National Assembly – sec 75).
 12. **Child Justice Amendment Bill** [B 32B – 2018] (National Assembly – sec 75).
 13. **National Minimum Wage Amendment Bill** [B 9 - 2019] (National Assembly – sec 75).
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INTERNATIONAL AGREEMENTS

1. **Amendment to the Convention on the Physical Protection of Nuclear Material** (Tabled on 6 September 2018) (NA: Referred to Portfolio Committee on Energy on 11 September 2018).
2. **Charter Establishing the South African Development Community Aviation Safety Organisation (SASO)** (Tabled on 15 October 2018) (NA: Referred to Portfolio Committee on Transport on 15 October 2018- reported on 13 November 2018).
3. **Amendment to the Convention on the Physical Protection of Nuclear Material (CPPNM)** (Tabled on 29 October 2018) (NA: Referred to the Portfolio Committee on Energy on 30 October 2018).
4. **Agreement Amending the SADC Protocol on Gender and Development** (Tabled on 14 February 2019).