

The Select Committee on Finance, having considered and examined the *Supplementary Estimate* [B 7A—2000] (National Assembly—sec 77), reports that it has concluded its deliberations thereon.

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL ASSEMBLY

MONDAY, 19 JUNE 2000

1. The House met at 14:05.
2. The Speaker took the Chair and requested members to observe a moment of silence for prayers or meditation.
3. [14:06] Notices of motion.
4. [14:23] The Deputy Chief Whip of the Majority Party moved without notice: That the House—
 - (1) notes with shock and immense sadness the passing of Chief Justice Ismail Mahomed;
 - (2) recognises that the life of Ismail Mahomed represents a long history and contribution to the struggle for freedom, and the current struggle for transformation of our society;
 - (3) recalls that, as a young lawyer and advocate, he fought for justice by representing many anti-apartheid activists and fighting for a human-rights based judicial system;
 - (4) further recalls that he made incisive and definitive legal interventions during the constitutional negotiations in South Africa and Namibia;
 - (5) acknowledges that as South Africa's first black Chief Justice, he set himself the task of restoring the legitimacy and sovereignty of the law in the eyes of all South Africans; and
 - (6) pays tribute to the life of one of our land's greatest children, and sends condolences to the family, loved ones and colleagues of Chief Justice Ismail Mahomed.

Debate concluded.

Motion agreed to.

5. FIRST ORDER [14:44]

First Reading debate—*Taxation Laws Amendment Bill* [B 38—2000]
(National Assembly—sec 77).

Order disposed of without debate.

Bill read a first time.

6. SECOND ORDER [14:45]

Second Reading debate—*Taxation Laws Amendment Bill* [B 38—2000] (National Assembly—sec 77) .

Debate concluded.

Bill read a second time.

7. THIRD ORDER [16:01]

Second Reading debate—*National Land Transport Transition Bill* [B 5B—2000] (National Council of Provinces—sec 76).

Debate concluded.

Bill read a second time.

8. FOURTH ORDER [17:28]

Second Reading debate—*Meat Safety Bill* [B 29B—2000] (National Assembly—sec 76).

Debate concluded.

Bill read a second time.

9. The House adjourned at 17:49.

S G MFENYANA,

Secretary to Parliament.

PARLIAMENT
OF THE
REPUBLIC OF SOUTH AFRICA

**ANNOUNCEMENTS,
TABLINGS AND
COMMITTEE REPORTS**

MONDAY, 19 JUNE 2000

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

Assent by the President of the Republic in respect of the following Bill:

- (1) *National Youth Commission Amendment Bill* [B 25—2000]—Act No 19 of 2000 (assented to and signed by President on 15 June 2000).

National Assembly:

1. The Speaker:

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

Private Members' Legislative Proposals and Special Petitions:

Appointed: Abrahams, T.

Discharged: Ramodike, M N.

Trade and Industry:

Appointed: Frolick, C T; De Beer, S J (Alt).

- (2) A vacancy has occurred in the National Assembly owing to the death of Mr T S Khosa on 28 May 2000.
- (3) The vacancy which occurred owing to the resignation of Mr P J de Vos, has been filled with effect from 13 June 2000 by the nomination of the following member:

Jankielsohn, R.

National Council of Provinces:

1. The Chairperson:

- (1) The following private member's legislative proposal was submitted to the Chairperson on 9 June 2000, in accordance with Rule 178:

- (i) *Pan South African Language Board Amendment Bill, 2000* (Mr A E van Niekerk).

The legislative proposal has been referred to the Select Committee on Members' and Provincial Legislative Proposals by the Chairperson, in accordance with Rule 179.

- (2) Message from National Assembly to National Council of Provinces:

Bills passed by National Assembly on 19 June 2000 and transmitted for concurrence:

- (i) *Taxation Laws Amendment Bill* [B 38—2000] (National Assembly—sec 77)—(Select Committee on Finance—National Council of Provinces).
- (ii) *Meat Safety Bill* [B 29B—2000] (National Assembly—sec 76(1))—(Select Committee on Land and Environmental Affairs—National Council of Provinces).

COMMITTEE REPORTS:**National Assembly:**

1. Report of the Portfolio Committee on Transport on the *Administrative Adjudication of Road Traffic Offences Amendment Bill* [B 31B—2000] (National Council of Provinces—sec 76), dated 19 June 2000:

The Portfolio Committee on Transport, having considered the subject of the *Administrative Adjudication of Road Traffic Offences Amendment Bill* [B 31B—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.

2. Report of the Portfolio Committee on Transport on the *Road Traffic Management Corporation Amendment Bill* [B 32B—2000] (National Council of Provinces—sec 76), dated 19 June 2000:

The Portfolio Committee on Transport, having considered the subject of the *Road Traffic Management Corporation Amendment Bill* [B 32B—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. Fifth Report of the Standing Committee on Public Accounts, dated 22 May 2000:

The Standing Committee on Public Accounts, having considered and examined the Report of the Auditor-General on the Financial Statements of Vote 32: Sport and Recreation for the year ended

31 March 1999 [RP 155-99], as well as certain papers referred to it, and having heard evidence, reports as follows:

I. *Unauthorised expenditure*
[Page 2, paragraph 2.2.1]

The Committee notes the unauthorised expenditure of R36 602,80 which arose as a result of the verbal appointment of the members of the Boxing Transformation Task Team. The Committee is deeply concerned about the fact that departmental officials approved the expenditure relating to the activities of the task team without that task team having been appointed as required. In addition, the Committee is also deeply concerned at the fact that, once the expenditure was identified as unauthorised, the Accounting Officer has as yet not applied for *ex post facto* approval. The Committee notes the Accounting Officer's assertion that the report produced by the task team serves as a basis that the State had received value for the money spent.

The Committee recommends that the Accounting Officer ensure that—

- (1) regulations relating to expenditure control and proper financial management are adhered to at all times and that, if uncertainty exists, advice be sought from the Department of State Expenditure;
- (2) all senior management, as well as himself, urgently receive the necessary training so as to ensure proper financial management in future, especially in view of the more demanding requirements of the Public Finance Management Act;
- (3) the maintenance of proper financial control systems become one of the key performance areas of all senior management within the Department, as was directed by the Department of Public Service and Administration in July 1999;
- (4) all financial management positions in the Department (including the internal audit component) are filled as a matter of the greatest urgency, that the staff in question receive the necessary training to administer their respective responsibilities effectively, and that, within a month of the adoption of this Report by the House, the dates on which the respective positions will be filled be submitted to the Committee;
- (5) the chairpersonship of the Audit Committee and other requirements be finalised forthwith in terms of section 77 of the Public Finance Management Act, and that advice in this regard be obtained from the Department of State Expenditure; and
- (6) rules and regulations are adhered to in awarding contracts.

The Committee recommends the authorisation of the R36 602,80, and strongly urges the Accounting Officer to acquaint himself and the relevant staff with the detail of section 64 of the Public Finance Management Act.

2. *Transfer payments*
[Page 2, paragraph 2.2.2]

The Committee notes that more than 70% of the Department's total budget is transferred to bodies outside the Department. The Committee wishes to stress that strict adherence to Treasury Instruction K5 is required, as it is meant to provide assurance to the taxpayer that departments exercise some element of control over money transferred to outside bodies. However, the Committee doubts the seriousness with which the Accounting Officer regarded his role as steward of public funds, given his admittance that other factors such as "negative publicity" influenced him to approve the transfer of funds to a number of bodies, in spite of advice to the contrary from his Finance Section. While the Committee recognises the significance of sports activities in the life of our community, it cannot accept that basic financial controls be flouted.

The Committee recommends that the Accounting Officer ensure that financial regulations of whatever kind are adhered to at all times in future, and that he report to the Committee any similar incidents (that may have occurred since the 1998-99 financial year) in time for the Committee to consider them timeously, not only once the Auditor-General is obliged to report thereon.

3. *Unspent funds*
[Page 4, paragraph 3.3.2]

The Committee notes that 13,3% of the Department's funds remained unspent during the year in question. As this is normally indicative of inaccurate financial planning, the Committee recommends that the Accounting Officer ensure that proper budgeting procedures are followed so as to ensure that the percentage of unspent funds are limited to the minimum, or at least to 5% or less of the total approved budget.

The Committee recommends accordingly.

Report to be considered.

4. Sixth Report of the Standing Committee on Public Accounts, dated 22 May 2000:

The Standing Committee on Public Accounts, having considered and examined the Report of the Auditor-General on the Financial Statements of Vote 12: Education for the year ended 31 March 1999 [RP 135-99], as well as certain papers referred to it, and having heard evidence, reports as follows:

1. *Unauthorised expenditure*
[Page 2, paragraph 2.2.1]

Unauthorised expenditure amounting to R850 000 occurred as a result of the non-renewal of a number of licence agreements for the use of film and video material. Although the Department of Education acted on the advice of the State Attorney to pay the amount of R850 000, *ex post facto* approval for the payment was declined by the State Tender Board owing to the fact that arrears

of licence fees originated as a result of negligence and improper administration of the licence agreements.

The Committee noted the evidence provided by the Director-General regarding the circumstances which resulted in deficient control over administration of the above agreements. However, the Committee is concerned that the Accounting Officer has not taken adequate steps to ensure effective transfer of responsibility to the Gauteng Provincial Education Department. In evidence it was indicated that, owing to the rationalisation process, there were currently still a number of cases where allocation of responsibility at national level was not defined clearly.

Notwithstanding the above, and in view of the special circumstances, the Committee noted that, in addition to a considerable saving to the State, value for money has been received and that the State did not suffer any loss. The Committee therefore recommends that—

- (1) the Accounting Officer ensure that adequate measures exist to prevent a recurrence; and
- (2) the payment of R50 000 be authorised by Parliament.

2. *Internal audit*
[Page 3, paragraph 3.1]

The Committee noted the steps being taken to finalise the establishment of an internal audit function, and that an independent chairperson has been appointed to the Audit Committee. It also noted that the Accounting Officer expressed uncertainty about the level of quality assurance expected from an internal audit function, with a view to reliance being placed on that internal audit work.

The Committee recommends as follows:

- (1) That the new chairperson of the Audit Committee, by the end of June 2000, provide a brief report to the Committee on—
 - (a) the results of the Audit Committee meeting of 29 February 2000;
 - (b) whether the Audit Committee further fully complies with the requirements of section 77 of the Public Finance Management Act;
 - (c) the effectiveness and efficiency of the internal audit function in the Department (including the quality of staff and the appropriateness of staffing levels, if necessary having consulted with the Monitoring Unit: Internal Audit and Audit Committees established in the Office of the Accountant-General); and
 - (d) the effectiveness of the internal control systems in the Department.
- (2) That the Auditor-General indicate to what standards internal audit work must comply in order for it to be reliable for external audit purposes.

3. *Financial guarantees*
[Page 3, paragraph 3.2]

Evidence was heard regarding outstanding balances of loans guaranteed by the State, and it appears that there is uncertainty regarding the possible liability which these loans to higher educational institutions may hold for the State as far as the interest payments are concerned.

In view of the impact which these loans may have on the State, the Committee recommends that a thorough investigation be conducted in this regard and that a detailed report be submitted to it, upon completion of such investigation, by the end of June 2000.

4. *Special audit investigation at six universities*
[Page 3, paragraph 3.3]

The Committee is seriously concerned about the fact that approximately 94% (R6 048 898 000 during 1998-99) of the Department's budget was paid over to higher education institutions, a number of which were unable to administer the funds properly. The Committee is especially concerned about the fact that, at some of the universities which formed part of the special audit investigation, there does not seem to be the capacity to carry out the corrective steps set out in the business plans developed as a result of the special audit. The Committee notes that section 41A of the Higher Education Act, 1997, empowers the Minister of Education to intervene in cases of "financial or other maladministration of a serious nature".

The Committee therefore recommends that—

- (1) the Department continue its endeavour to establish a process of greater control over funds transferred to higher educational institutions, thereby ensuring greater accountability, and that the Committee be kept abreast of developments in this regard; and
- (2) where there are clear signs of maladministration at higher educational institutions, the Minister of Education be kept informed timeously, and at all times, by the Director-General and the Chief Executive Officers of the universities in order for the Minister to consider when it would be appropriate to invoke section 41A of the Higher Education Act.

The Committee recommends accordingly.

Report to be considered.

National Council of Provinces:

1. Report of the Select Committee on Security and Constitutional Affairs on the *Protected Disclosures Bill* [B 30—2000] (National Assembly—sec 75), dated 19 June 2000:

The Select Committee on Security and Constitutional Affairs, having considered the subject of the *Protected Disclosures Bill* [B 30—2000] (National Assembly—sec 75), referred to it and classified by the Joint

Tagging Mechanism as a section 75 Bill, reports the Bill with proposed amendments, as follows:

CLAUSE 4

1. On page 6, from line 47, to omit subsection (1) and to substitute:

(1) Any *employee* who has been subjected, is subject or may be subjected, to an *occupational detriment* in breach of section 3, may—

(a) approach any court having jurisdiction, including the Labour Court established by section 151 of the Labour Relations Act, 1995 (Act No. 66 of 1995), for appropriate relief; or

(b) pursue any other process allowed or prescribed by any law.

(2) For the purposes of the Labour Relations Act, 1995, including the consideration of any matter emanating from this Act by the Labour Court—

(a) any dismissal in breach of section 3 is deemed to be an automatically unfair dismissal as contemplated in section 187 of that Act, and the dispute about such a dismissal must follow the procedure set out in Chapter VIII of that Act; and

(b) any other *occupational detriment* in breach of section 3 is deemed to be an unfair labour practice as contemplated in Part B of Schedule 7 to that Act, and the dispute about such an unfair labour practice must follow the procedure set out in that Part: Provided that if the matter fails to be resolved through conciliation, it may be referred to the Labour Court for adjudication.

CLAUSE 10

1. On page 12, in line 10, to omit “subsection (1)” and to substitute “paragraph (a)”.

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS OF NATIONAL ASSEMBLY

TUESDAY, 20 JUNE 2000

1. The House met at 09:00.
2. The Deputy Chairperson of Committees took the Chair and requested members to observe a moment of silence for prayers or meditation.
3. [09:01] Notices of motion.
4. The Deputy Chief Whip of the Majority Party moved: That the House—
 - (1) notes—
 - (a) that today is Africa Refugee Day; and
 - (b) the increasing influx of refugees as a result of famine, war and poverty;
 - (2) believes that refugees have a right to be treated with dignity; and
 - (3) calls on all South Africans to respect the human rights of refugees.Agreed to.
5. FIRST ORDER [09:17]
Second Reading debate—*South African Council for Educators Bill* [B 26D—2000] (National Council of Provinces—sec 76).
Debate concluded.
Bill read a second time.
6. SECOND ORDER [10:50]
Second Reading debate—*Local Government: Municipal Electoral Bill* [B 35B—2000] (National Assembly—sec 75).
Debate concluded.
Bill read a second time (Democratic Party dissenting).

BUSINESS SUSPENDED AT 12:18 AND RESUMED AT 14:07.

7. THIRD ORDER [14:07]

Second Reading debate—*Identification Amendment Bill* [B 33—2000] (National Assembly—sec 75).

Debate concluded.

Bill read a second time (Democratic Party dissenting).

8. FOURTH ORDER [15:04]

Second Reading debate—*Local Government: Cross-boundary Municipalities Bill* [B 37B—2000] (National Assembly—sec 75).

Order disposed of without debate.

Bill read a second time.

9. FIFTH ORDER [15:04]

Consideration of Report of Portfolio Committee on Health (Announcements, Tablings and Committee Reports, p 534—*SADC Health Protocol*).

Debate concluded.

Report adopted.

10. The House adjourned at 15:21.

S G MFENYANA,

Secretary to Parliament.

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

TUESDAY, 20 JUNE 2000

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

- (1) The Minister of Finance on 12 June 2000 submitted a draft of the *Bills of Exchange Amendment Bill, 2000* 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).

Papers:

1. The Speaker and the Chairperson:

The following paper was tabled on 14 June 2000 and is now referred to the Portfolio Committee on Finance and to the Select Committee on Finance:

Explanatory Memorandum on the Taxation Laws Amendment Bill, 2000 [WP 1—2000].

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Minister of Finance:

- (1) Regulation No R.556 published in Government Gazette No 21249 dated 31 May 2000, Treasury Regulations made in terms of section 76 of the Public Finance Management Act, 1999 (Act No 1 of 1999).
- (2) Regulation No R.562 published in Government Gazette No 21253 dated 5 June 2000, Draft Regulations published for

comment in terms of section 5 of the Preferential Procurement Policy Framework, 2000 (Act No 5 of 2000).

COMMITTEE REPORTS:

National Assembly:

1. Report of the Portfolio Committee on Provincial and Local Government on a Study Tour to Australia, dated 14 June 2000:

The Portfolio Committee on Provincial and Local Government, having undertaken a study tour to Australia to enquire into Local Government Development and Planning Performance Management, reports as follows:

A. Introduction

1. The Local Government: Municipal Systems Bill (the Bill), currently before Parliament, deals with restructuring of the internal administration and systems of municipalities to give effect to the vision of "developmental local government", set out in the Constitution and the White Paper on Local Government. The memorandum to the Bill explains that it "describes the core processes or elements that are essential to realising a truly developmental local government system. These include participatory governance, integrated development planning, performance management and reporting, resource allocation and organisational change. The Bill links these processes into a single cycle at local level, that will align various sectoral initiatives from national and provincial government departments with a municipality's own capacity and processes. This will ensure better synergy between local, provincial and national initiatives, and a more effective system of intergovernmental relations". The Bill seeks to establish "a performance management system for local government, including a system of measuring and evaluating performance in priority areas, and reporting annually to citizens and other spheres of government, so that performance can be compared across the whole of local government, and under-performance in critical areas identified at an early stage. This will provide municipalities with a tool to evaluate progress with their IDP, as well as a more rational and informed basis for choosing appropriate service providers. It will also enable a far more appropriate and targeted system of capacity building and intervention to be put in place by national and provincial government". In short, the Bill deals with five key interrelated aspects, namely public participation, integrated development planning, performance management, restructuring the administration and service delivery systems.

2. Performance management is a key theme in the Bill and is new and innovative in the way it is being put into law. The Department of Provincial and Local Government (the Department) drew significantly on the Australian performance management system and experiences in drafting the Bill. It was felt that it would be useful to undertake a study tour of Australia to examine performance management and

other aspects of local government relevant to the Bill to better equip Committee members to process the Bill. Australia has been undergoing major local government transformation over the past 10 years. All the states have passed new local government legislation, and some have reduced the number of municipalities. The aims have been similar to those of the new system of local government in our own country, with emphasis on planning, accountability, performance management, organisational change and different forms of service provision.

3. The National Democratic Institute (NDI) was approached for funding. The NDI kindly agreed to fund and organise a study tour for eight members of the National Assembly and the National Council of Provinces.

4. The National Assembly members who undertook the study tour were Yunus Carrim, Gloria Borman, Charlotte Lobe, Isaiah Ntshangase and Peter Smith. The NCOP members were Mohammed Bhabha, Sandra Botha and Nosipho Ntwanambi. The tour took place from 12 to 20 May 2000.

5. The tour included visits to New South Wales, the Australian Capital Territory, Queensland and Western Australia. The major cities visited were Sydney, Canberra, Brisbane and Perth. Meetings were held with a wide range of stakeholders, including state politicians, councillors, officials, trade unions and civil society organisations. These included Parramatta City Council, the Institute of Municipal Management, the Australia Services Union, the Minister for Urban Services of the Australian Capital Territory, the Association for Local Government in Australia, the Commonwealth Grants Commission, the Ipswich City Council, the Queensland Department of Local Government Planning, the City of Perth, the City of Waneroo, the Shire of Gin Gin, the Department of Local Government of Western Australia, the City of Swan and the Hyde Park Precinct Group.

6. The study tour was remarkably successful, and the lessons drawn from it would certainly be of value in processing the Bill.

7. This Report is an overview of the study tour. A fuller report has been distributed to Portfolio and Select Committee members and is available in the office of the Portfolio Committee Secretary.

B. Some relevant background features

1. Australia is very different from South Africa in terms of its society and the way it distributes power between national, provincial and local government. Australia is a federal state, with a Commonwealth government, state/territory governments and local governments. The Commonwealth government has exclusive powers as well as concurrent powers with the states. The states are governed in terms of

their own constitutions, based on broad charters. Local government is regulated in terms of the states' constitutions and state legislation.

2. There are six states and two territories in Australia. Each state/territory has its own local government legislation. There are about 700 local government municipalities in Australia. These vary in geographic size from 1 square km to 380 000 square km and in population size from 200 to about 800 000.

3. Among other reasons, local government transformation in Australia was precipitated by the need to rationalise the number of municipalities, restructure the administration, develop different service delivery mechanisms, ensure greater public participation, and improve the performance of municipalities.

4. In effect, new local government legislation in all the states has moved away from being prescriptive and regulatory to giving local government municipalities more space to shape their own role. In the past, municipalities could only do what was set out in the law. The current legislation provides more flexibility and allows municipalities to do what they want to do, provided it does not conflict with the constitution and legislation.

5. The new legislation also provided for reducing the number of municipalities. In New South Wales, the Local Government Act of 1993 provided for voluntary merger processes. The number of municipalities was subsequently reduced from 324 to 177. Transformation in Western Australia was preceded by the establishment of criteria for determining the financial viability of municipalities. Financial viability is based on three criteria:

- (1) Where administrative expenditure is more than 10% of total expenditure.
- (2) Where debt service is more than 33% of rate income.
- (3) Where financial assistance grants are more than 50% of total income.

6. The new legislation has also led to local government being compelled to develop strategic plans in consultation with communities and the incorporation of performance indicators that measure community satisfaction with the government's performance.

7. Rates and service charges are the principal revenue sources for local government in Australia. Tax revenue raised through rates and charges varies from 47% in Queensland to 70% in South Australia. The federal government provides substantial grants to local government, especially in respect of roads and public works programmes. Revenue

from grants average 18% in most of the states, with the exception of the Northern Territories, where revenue from grants amounts to 34%.

8. The National Local Government Report of 1998-99 suggests that the implementation of these reform strategies has yielded significant measurable results in terms of improving municipal service delivery and improving the financial viability of local government.

9. Of course, there are significant differences between Australia and South Africa. Nevertheless, the delegation was struck by the remarkable similarities in many of the challenges municipalities in both countries have to confront. What was particularly striking, was the way the Ipswich municipality functioned—the links between public participation, planning, performance management and reporting and municipal service provision are very similar to the requirements of the Bill. Even the ways in which the two country's systems are different, proved of much educational value for the delegation.

C. Public participation

1. Community participation and partnerships are central to planning and service delivery in Australia. Several mechanisms, some of which are regulated in legislation, have been introduced to encourage public participation. These include the following:

(1) At least 30 minutes being set aside for questions from the public at council and committee meetings. The delegation was witness to this at a council meeting of the Ipswich municipality. This practice was reported as being widely applied in Australia.

(2) General public meetings in different areas at least once a year. Special public meetings have to be called if they are requested by at least 100 ratepayers or 5% of the ratepayers in some cases or one third of the councillors. These meetings are usually convened by the chief executive officer and presided over by the mayor. All decisions made at such meetings are considered at the next council meeting.

(3) Chief executive officers are required to give public notice of the availability of annual reports. These reports deal with the municipality's principal activities, performance, audited financial matters and other issues of concern to the public.

2. In some states, municipalities are encouraged to rotate the holding of council meetings in different areas to ensure greater public participation.

3. Some municipalities also have Community Advisory Committees, consisting of people elected in each ward to liaise with the council. In Swan, these committees prioritise

The following information was obtained from the records of the
 Department of the Interior, Bureau of Land Management, and the
 Bureau of Reclamation, and is being furnished to you for your
 information. The information is being furnished to you for your
 information and is not to be used for any other purpose.
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The first of these is the fact that the
 government has been unable to raise
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1. The first part of the document is a list of names and their corresponding dates. The names are: "John Doe", "Jane Smith", "Bob Johnson", "Alice Brown", "Charlie White", "David Green", "Eve Black", "Frank Gray", "Grace Pink", "Henry Blue", "Ivy Yellow", "Jack Purple", "Karen Red", "Leo Orange", "Mia Silver", "Noah Gold", "Olivia Bronze", "Peter Copper", "Quinn Iron", "Rachel Steel", "Sam Tin", "Tina Lead", "Uma Zinc", "Victor Nickel", "Wendy Platinum", "Xavier Silver", "Yara Gold", "Zoe Bronze". The dates are: "1990-01-01", "1990-02-01", "1990-03-01", "1990-04-01", "1990-05-01", "1990-06-01", "1990-07-01", "1990-08-01", "1990-09-01", "1990-10-01", "1990-11-01", "1990-12-01", "1991-01-01", "1991-02-01", "1991-03-01", "1991-04-01", "1991-05-01", "1991-06-01", "1991-07-01", "1991-08-01", "1991-09-01", "1991-10-01", "1991-11-01", "1991-12-01", "1992-01-01", "1992-02-01", "1992-03-01", "1992-04-01", "1992-05-01", "1992-06-01", "1992-07-01", "1992-08-01", "1992-09-01", "1992-10-01", "1992-11-01", "1992-12-01".

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- (1) What should be the extent of public involvement in the shaping of the content of Integrated Development Plans?
- (2) Should the proposed Integrated Development Plans be published for comment?
- (3) Should municipalities be required to publish the final Integrated Development Plans to keep the public informed?
- (4) Would it be feasible to have public question times at council meetings? If so, how often?
- (5) Should municipalities be encouraged to hold council meetings in different areas?
- (6) Should municipalities be encouraged to carry out regular surveys of the public to establish people's needs and attitudes to the municipalities?
- (7) Should municipalities with the financial means be encouraged to assist civic organisations in terms of capacity-building and funds?

D. Development planning

1. Local government planning in Australia is guided by legislation, which differs across the states. Planning is also understood differently in different states. In some municipalities, planning is understood in a narrow sense, revolving around physical planning; in other municipalities it revolves around environmental planning; and in yet others there is a more comprehensive notion of integrated development planning akin to the approach in the Bill. The best example of the latter was to be found in Ipswich.

2. In Ipswich, the corporate and operational plans, together with the budget, form the principal tools for planning and development. The council's strategic direction is contained in a five-year corporate plan, which is aligned to the overall vision of the council. The corporate plan is complemented by an operational plan. Operational plans are annual action plans geared at the implementation of objectives set out in the corporate plan. It provides the framework for the delivery of community, environmental and economic services under the following themes:

- (1) Essential Services—including waste, water, sewerage, roads, flooding and disaster management programmes.
- (2) Development and Growth Management—including planning, development and heritage programmes.
- (3) Community Lifestyle—including sports and recreation, community services and cultural services.

(4) Environment—including health and environment protection and urban and rural greening programmes.

(5) Economic Development—including economic development and information services programmes.

3. Budget allocations to resource these programmes are developed annually and derived from the corporate and operational plans. Budget plans also include forecasts for a further two years in accordance with the Local Government Act.

4. The development of corporate and operational plans is preceded by an extensive public consultation process. Processes include participation through community surveys, random structured telephone surveys and development of community profiles. In addition to this, the Local Government Act also requires corporate plans to be open for public inspection and input for a period of 30 days.

5. The notion of Integrated Development Plans in the Bill is far more comprehensive than the approach to planning in most municipalities in Australia. Although municipalities in a particular region do come together in Voluntary Regional Organisations of Councils, Australia does not have district municipalities in the sense that we have in South Africa. Also, interestingly, the standard of living is in many cases higher in the rural than in the urban areas of Australia. Planning in Australia therefore takes place in a different context and with a different meaning than in South Africa. Nevertheless, there were many useful lessons to be drawn that will be of value in processing the Bill. Issues that need to be considered, include the following:

(1) To what extent should Integrated Development Plans be regulated in law and to what extent should municipalities be left to shape Integrated Development Plans as they want to?

(2) What precisely should the relationship be between Integrated Development Plans and budgeting?

(3) How does the Integrated Development Plan relate to multi-year budgeting?

(4) What should be the extent and nature of public participation in Integrated Development Plans?

E. Performance management

1. Performance management gained prominence in Australia about 10 years ago, following public pressure for improved service delivery from municipalities to match the rates and services charges paid by the public. It was also prompted by the need for improvements in management and greater efficiency and effectiveness.

2. Performance management in each of the states is developed differently. In Queensland, the objective is to develop a generic system that is broad enough to compare services across the state. Here the main objective of introducing a performing management system is to enable local municipalities to assess their performance against the activities of other local municipalities. Through such comparisons, municipalities would then be encouraged to improve their operations through benchmarking. Generally, the following principles apply:
 - (1) Performance indicators should be developed for each service to be measured.
 - (2) Performance indicators should measure efficiency, effectiveness and quality of service.
 - (3) Priority should be given to services that are a high priority in a number of states.
3. The Australians have found it very difficult to develop a national system of Key Performance Indicators, largely because of differences among municipalities in terms of size, key needs and priorities, powers and functions and other factors.
4. Some generally applied Key Performance Indicators include quality of management/leadership, financial health, economic performance, environmental performance, quality of service delivery and social development. Some municipalities suggest that there are basically four criteria for Key Performance Indicators, namely quantity, quality, timeliness and cost.
5. In some municipalities, it was suggested that 60% of Key Performance Indicators should be based on measuring behaviour—the relationship between officials, between officials and councillors, and between officials and councillors on the one hand and the public on the other. These are more subjective considerations. According to this view, only 40% of Key Performance Indicators should measure outcomes. Key Performance Indicators, it was stressed, should be introduced as a supportive function and not a punitive or disciplinary measure.
6. Performance management systems in Australia include indicators that measure the level of satisfaction of services provided to the public. Municipalities use Community Satisfaction Surveys to get public feedback on the quality of services rendered. The results of the surveys are published in the newspapers and discussed in the media generally.
7. Chief executive officers and senior managers of municipalities are usually employed on performance contracts. These are normally for five years, and are reviewed annually by mayors and councillors.
8. In one municipality, at least, councillors can also offer to be subjected to a performance management test.

9. A performance management system is crucially dependent on reliable information and data from municipalities. "If you can't measure it, you can't manage it" is a dictum.
10. The Australian experience suggests that a performance management system need not be implemented in a fully-fledged form at once. Pilot projects can be introduced and adapted through a trial-and-error approach.
11. The press and media generally play a major role in ensuring public discussion on municipalities' annual reports on performance.
12. There was much to learn from the Australian experience of performance management. Among the many issues that have to be given further consideration, are the following:
 - (1) How much of the performance management system should be prescribed in legislation and how much should be left to the discretion of municipalities?
 - (2) How should the performance management system in South Africa cater for the problem of getting accurate information from municipalities?
 - (3) Should we consider an incremental approach to performance management? If so, in what sense?
 - (4) How should the performance management system for municipalities in South Africa take into account limitations in respect of capacity, resources and funds?
 - (5) Are there basic Key Performance Indicators that can be applied to meeting basic needs throughout the country? Is a system of national Key Performance Indicators for municipalities feasible?
 - (6) How would the category of municipality shape its key performance indicators?
 - (7) How to ensure the full engagement of the public in monitoring the performance of municipalities? How can the media assist in this regard?
 - (8) Would it be useful to consider pilot schemes of a performance management system, and should this be provided for in terms of legislation or in terms of guidelines from the Minister?

F. Municipal service provision

1. There are different approaches to service delivery in Australia. One approach is to emphasise public service provision through increasing in-house capacity for municipalities themselves to provide core services. Another is Competitive Tendering and Contracting, where municipalities compete in the open market. A more recent approach is Best Value, which is slowly being introduced after replacing Competitive Tendering and Contracting in Victoria. Many municipalities have a combination of the above approaches.

2. The Australian Department of Finance defines competitive tendering and contracting as follows: "The process of selecting the most preferred provider of goods and services from a range of bidders by seeking offers and evaluating these against predetermined selection criteria".
3. Competitive Tendering and Contracting processes are based on the following principles:
 - (1) Competitive Tendering and Contracting should be applied to achieve optimum value for money.
 - (2) Competitive Tendering and Contracting should be informed by the corporate strategy of local governments.
 - (3) Competition should be transparent, fair and ethical.
4. Municipal managers, councillors and community groups consulted differed on the extent to which Competitive Tendering and Contracting yielded significant measurable results. For example, Swan municipality suggested that it has opted to improve the in-house capacity of local government to deliver services. On the other hand, the Australian Capital territories government, Ipswich city council and the Shire of Gin Gin alluded to significant benefits derived from contracting out some of their services. For the unions, contracting services results in money not staying in the community, but rather going to shareholders. They suggested a strategy to build in-house capacity rather than outsourcing.
5. Some of the significant advantages of Competitive Tendering and Contracting reported included the following:
 - (1) Increased efficiency: Competitive Tendering and Contracting produces savings irrespective of whether the winning tender comes from the public or private sector. The Australian Capital Territories reported government savings of 20% per year due to tendering and providing purchaser provider agreements.
 - (2) Improved accountability: Suppliers of goods and services are accountable to provide services that adhere to the specific quality, time and cost requirements of local councils.
 - (3) Improved quality: Competitive Tendering and Contracting creates a competitive environment in which the incentive is maintained for suppliers to achieve best practice and continual service improvement.
6. Competitive tendering in Victoria has been less successful, due to the rigid and inflexible way it was introduced. The system was totally abolished in 1999, in favour of the Best Value Approach. Promulgated by law, the new Local

Tuesday, 20 June 2000]

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No 16—2000] SECOND SESSION, SECOND PARLIAMENT

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS OF NATIONAL COUNCIL OF PROVINCES

TUESDAY, 20 JUNE 2000

1. The Council met at 14:04.
2. The Chairperson took the Chair and requested members to observe a moment of silence for prayers or meditation.
3. [14:05] Notices of motion.
4. [14:09] Rev M Chabaku moved without notice: That the Council—
 - (1) notes the violence perpetrated against bus drivers in Khayelitsha;
 - (2) recognises the need to protect the drivers of buses and the public at large;
 - (3) further recognises the right of commuters to exercise their free choice in selecting a mode of transport;
 - (4) calls on the Western Cape Government to take appropriate political steps in resolving the conflict in the Western Cape; and
 - (5) also calls on the above government to adopt a more proactive and urgent approach in resolving this crisis and to establish a stable environment which will ensure the safety of commuters and the public in general.

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

5. [14:10] Ms L Jacobus moved without notice: That the Council—
 - (1) notes that—
 - (a) today, 20 June 2000, marks the 50th year since the introduction of the Suppression of Communism Act;
 - (b) on 26 June 2000 it will be the 50th commemoration of a strike which cost the lives of several workers who protested to the banning of the CPSA;

- (c) 20 June 1950 marked the beginning of over 40 years of intense repression of all political forces opposed to the heinous apartheid system, declared by the UN to be a crime against humanity;
 - (d) despite the banning of the CPSA and subsequently the ANC and other liberation organisations, political activity continued and leaders of the CPSA and the ANC liberation remained in the forefront of the struggle;
 - (e) communists such as J Slovo, C Hani, Y Dadoo, Dora Tamana, Ray Alexander, J B Marks, Moses Mabida and others too numerous to mention dedicated their lives to a democratic South Africa; and
 - (f) despite the implementation of this Act and the intense repression and the sacrifices of the members of the South African Communist Party, they saw their sacrifices come to fruition on 27 April 1994;
- (2) believes that the basic tenets of democracy are freedom of association and free political activity; and
 - (3) resolves that—
 - (a) it commits itself to ensuring that never again will political parties be banned in the interests of maintaining power; and
 - (b) to pay tribute to all those who suffered as a consequence of political repression.

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

6. [14:13] Mr M I Makoela moved without notice: That the Council—

- (1) notes with disappointment and disgust the role of certain South African cricketers in match-fixing;
- (2) recognises that this evil practice tarnishes the image of South African cricket in particular and South African sport in general;
- (3) is of the opinion that such action undermines the efforts of the Government to eradicate corruption in all spheres of activity; and
- (4) unequivocally condemns the immoral conduct of the fallen heroes of South African Cricket and urges the United Cricket Board to take strong and appropriate measures against those who violate the code of conduct of international cricket.

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

7. [14:14] Dr E A Conroy moved without notice: That the Council—

- (1) notes a report in the press today that material from asbestos mine heaps is being used in the Northern Province to repair roads damaged in the recent floods and that, as a result of that road users and people living in the area are unknowingly being exposed to the danger of asbestos poisoning; and
- (2) makes an urgent appeal to the provincial government of the Northern Province to investigate this matter and direct that this practice, although well intentioned, be suspended immediately.

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

8. [14:16] Ms R A Ndzanga moved without notice: That the Council—

- (1) commends the President of the Republic of South Africa for his tireless efforts to set in motion a dialogue between developed countries and the African continent;
- (2) recognises the importance of such a dialogue for the elimination of global inequalities among states;
- (3) notes that the President's efforts are steadily being rewarded by expressions of greater commitment towards the developing world such as the Declaration of Commitment made by the heads of the Nordic countries; and
- (4) is confident that the President will succeed in getting the same kind of commitment during today's meeting with European heads of state.

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

9. [14:17] The Chief Whip of the Council moved without notice: That the Council—

- (1) notes with sadness the passing away of the Chief Justice of the Republic of South Africa, Chief Justice Ismael Mahomed;
- (2) recognises that not only has he made an invaluable contribution to the transformation and development of our own legal system, but his contribution to legal development extended far beyond the boundaries of his country of birth;
- (3) wishes to convey its deepest sympathy to the family and friends of Chief Justice Mahomed; and
- (4) wants to assure his family and friends that—
 - (a) not only have they lost a family member and dear friend, but the country and indeed the African continent will feel the void left by his premature departure;
 - (b) he will be fondly remembered for his legal genius and the passion with which he embraced human rights; and
 - (c) his legacy will forever be remembered and will live on in those whose hearts and minds he touched during a long and distinguished legal career.

Debate concluded.

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

10. [14:25] Mr D M Kgware moved without notice: That the Council—

- (1) wishes to express its heartfelt condolences to the Swanepoel family, in the Northern Province, on the loss of Mr Swanepoel during the Comrades Marathon;
- (2) notes that the Comrades Marathon was well-organised;
- (3) wishes to congratulate KwaZulu-Natal Athletics Club (KZNAC), Comrades Marathon Organisers (CMO) and Athletics South Africa (ASA) on their excellent work;
- (4) notes that they succeeded in registering the highest number of participants in the history of the Comrades Marathon; and

- (5) wishes to congratulate Poland-based Russian Vladimir Kotov for setting a new record time of 05:25:33, and to encourage South African participants to follow his outstanding performance and to attain gold medals for South Africa.

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

11. [14:27] Mr M A Sulliman moved without notice: That the Council—

- (1) notes that—

- (a) the Minister for Agriculture and Land Affairs Thoko Didiza signed a settlement agreement with the Duisseldorp community in the Western Cape;
- (b) the settlement, amounting to R25 million, will directly benefit more than 13 000 people comprising the current community;
- (c) the community lost their property, including 2158 hectares of fertile land, through dispossession by the apartheid government's Group Areas Act in 1966; and
- (d) as was the practice then, members of the community and their families were confined to less productive areas while their land was declared white; and

- (2) salutes the Minister for Agriculture and Land Affairs for her efforts regarding land restitution.

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

12. [14:29] The Council discussed the following matter in accordance Rule 74: An integrated programme for land redistribution and agricultural development in South Africa.

Debate concluded.

13. FIRST ORDER [15:37]

Consideration of *Supplementary Estimate* [B 7A—2000] (National Assembly—sec 77).

Debate concluded.

14. SECOND ORDER [16:17]

Consideration of Votes of and Schedule to *Appropriation Bill* [B 7 and 7A—2000] (National Assembly—sec 77).

Vote No 1—Presidency, put.

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

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

Vote No 2—Parliament, agreed to in accordance with section 75 of the Constitution.

Vote No 3—Agriculture, agreed to in accordance with section 75 of the Constitution.

Vote No 4—Arts, Culture, Science and Technology, agreed to in accordance with section 75 of the Constitution (Democratic Party and New National Party dissenting).

Vote No 5—Communications, put.

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

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

Vote No 6—Correctional Services, put.

Declarations of vote made on behalf of the African National Congress, New National Party and Democratic Party.

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

Vote No 7—Defence, agreed to in accordance with section 75 of the Constitution (Democratic Party dissenting).

Vote No 8—Education, put.

Declarations of vote made on behalf of the African National Congress, Democratic Party and New National Party.

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

Vote No 9—Environmental Affairs and Tourism, put.

Declaration of vote made on behalf of the Democratic Party.

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

Vote No 10—Finance, put.

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

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

Vote No 11—Foreign Affairs, put.

Declarations of vote made on behalf of the African National Congress and African Christian Democratic Party.

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

Vote No 12—Government Communication and Information System, agreed to in accordance with section 75 of the Constitution.

Vote No 13—Health, put.

Declarations of vote made on behalf of the African National Congress and African Christian Democratic Party.

Vote agreed to in accordance with section 75 of the Constitution (Democratic Party and African Christian Democratic Party dissenting).

Vote No 14—Home Affairs, put.

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

Vote No 15—Housing, put.

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

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

Vote No 17—Independent Complaints Directorate, agreed to in accordance with section 75 of the Constitution.

Vote No 18—Justice and Constitutional Development, agreed to in accordance with section 75 of the Constitution (African Christian Democratic Party and Democratic Party dissenting).

Vote No 19—Labour, put.

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

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

Vote No 20—Land Affairs, put.

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

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

Vote No 21—Minerals and Energy, agreed to in accordance with section 75 of the Constitution (Democratic Party dissenting).

Vote No 22—Provincial and Local Government, put.

Declarations of vote made on behalf of the African National Congress and New National Party.

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

Vote No 23—Public Enterprises, agreed to in accordance with section 75 of the Constitution (Democratic Party dissenting).

Vote No 24—Public Service and Administration, agreed to in accordance with section 75 of the Constitution.

Vote No 25—Public Service Commission, agreed to in accordance with section 75 of the Constitution.

Vote No 26—Public Works, put.

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

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

Vote No 27—SA Management Development Institute, agreed to in accordance with section 75 of the Constitution.

Vote No 28—SA Police Service, put.

Declarations of vote made on behalf of the African National Congress, New National Party and Democratic Party.

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

Vote No 29—Sport and Recreation, agreed to in accordance with section 75 of the Constitution (Democratic Party dissenting).

Vote No 30—State Expenditure, agreed to in accordance with section 75 of the Constitution.

Vote No 31—Statistics South Africa, agreed to in accordance with section 75 of the Constitution.

Vote No 32—Trade and Industry, put.

Declaration of vote made on behalf of the Democratic Party.

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

Vote No 33—Transport, agreed to in accordance with section 75 of the Constitution (Democratic Party dissenting).

Vote No 34—Water Affairs and Forestry, agreed to in accordance with section 75 of the Constitution.

Vote No 35—Welfare, put.

Declarations of vote made on behalf of the African National Congress, African Christian Democratic Party, Democratic Party and New National Party.

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

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

15. THIRD ORDER [17:17]

Consideration of *Appropriation Bill* [B 7 and 7A—2000] (National Assembly—sec 77) and of Report of Select Committee on Finance thereon (Announcements, Tablings and Committee Reports, p 557).

Declaration of vote made on behalf of the Democratic Party.

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

16. FOURTH ORDER [17:19]

Consideration of *Protected Disclosures Bill* [B 30—2000] (National Assembly—sec 75) and of Report of Select Committee on Security and Constitutional Affairs thereon (Announcements, Tablings and Committee Reports, p 566).

Debate concluded.

Bill, subject to proposed amendments, agreed to in accordance with section 75 of the Constitution.

17. The Council adjourned at 17:29.

S G MFENYANA,

Secretary to Parliament.



PARLIAMENT

OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL ASSEMBLY

WEDNESDAY, 21 JUNE 2000

1. The House met at 15:04.
2. The Speaker took the Chair and requested members to observe a moment of silence for prayers or meditation.
3. [15:04] The Minister of Finance made a statement with regard to the proposed acquisition of Stanbic by Nedcor.
Debate concluded.
4. The Speaker announced that the vacancy caused by the death of Mr T S Khoza on 28 May 2000 had been filled by Mr B W Dhlamini with effect from 21 June 2000.
5. Mr B W Dhlamini, accompanied by Mr J H van der Merwe and Mr V B Ndlovu, made and subscribed the oath and took his seat.
6. [15:20] Questions.
7. [17:21] Notices of motion.
8. The Deputy Chief Whip of the Majority Party moved without notice: That the House—
 - (1) notes with regret the death of President Hafez el Assad of Syria;
 - (2) wishes to send its sincere condolences to his family and to the people of Syria;
 - (3) further notes the firm and constructive role he has played in finding a just solution to the problems encountered in the Middle East; and
 - (4) expresses the hope that his successor will continue and take further President Assad's efforts to conclude an enduring peace in the Middle East.Agreed to.
9. Mr J J Dowry moved without notice: That the House—
 - (1) desires that Fifa should give favourable consideration to South Africa's bid to host the 2006 Soccer World Cup in our country; and

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Report adopted without debate.

17. SIXTH ORDER [18:18]

Consideration of Sixth Report of Standing Committee on Public Accounts (Announcements, Tablings and Committee Reports, p 564).

Report adopted without debate.

18. SEVENTH ORDER [18:19]

Consideration of Report of Portfolio Committee on Public Service and Administration (Announcements, Tablings and Committee Reports, p 521—*Provincial Visits*).

Report adopted without debate.

19. EIGHTH ORDER [18:19]

Consideration of Report of Portfolio Committee on Public Service and Administration (Announcements, Tablings and Committee Reports, p 507—*Implementation of Basic Conditions of Employment Act in Public Service*).

Report adopted without debate.

20. NINTH ORDER [18:19]

Consideration of Report of Standing Committee on Private Members' Legislative Proposals and Special Petitions (Announcements, Tablings and Committee Reports, p 495—*Petition of P L Young*).

Report adopted without debate.

21. TENTH ORDER [18:19]

Consideration of Report of Portfolio Committee on Public Service and Administration (Announcements, Tablings and Committee Reports, p 449—*SITA's 2000-01 Business Plan*).

Report adopted without debate.

22. ELEVENTH ORDER [18:20]

Consideration of Report of Portfolio Committee on Public Service and Administration (Announcements, Tablings and Committee Reports, p 459—*Performance Agreements and White Paper on Public Service Training and Education*).

Report adopted without debate.

23. TWELFTH ORDER [18:21]

Consideration of Report of Portfolio Committee on Trade and Industry (Announcements, Tablings and Committee Reports, p 424—*UNIDO Constitution*).

Report adopted without debate.

24. THIRTEENTH ORDER [18:21]

Consideration of Report of Portfolio Committee on Transport (Announcements, Tablings and Committee Reports, p 428—*COSPAS/SARSAT Notification Letter*).

Report adopted without debate.

25. [18:22] Mr J H van der Merwe moved : That the House—
(1) notes—

- (a) that the Deputy Chairperson of Committees, Dr K Rajoo, has been appointed Consul-General for South Africa in Illinois, USA; and
 - (b) his outstanding service as Member of Parliament and as Deputy Chairperson of Committees; and
- (2) congratulates Dr Rajoo on his appointment and wishes him the very best in his new office.

Debate concluded.

Motion agreed to.

26. The House adjourned at 18:52.

S G MFENYANA,

Secretary to Parliament.



PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

WEDNESDAY, 21 JUNE 2000

ANNOUNCEMENTS:

National Assembly:

1. The Speaker:

On 20 June 2000 the National Council of Provinces agreed to the *Protected Disclosures Bill* [B 30—2000] (National Assembly—sec 75), subject to proposed amendments. (See also Announcements, Tablings and Committee Reports, p 566.) The Bill and proposed amendments were thereupon, in terms of Rule 270 of the National Assembly, referred to the Portfolio Committee on Justice and Constitutional Development for consideration and report.

National Council of Provinces:

1. The Chairperson:

Message from National Assembly to National Council of Provinces:

Bills passed by National Assembly on 20 June 2000 and transmitted for concurrence:

(1) *Identification Amendment Bill* [B 33—2000] (National Assembly—sec 75)—(Select Committee on Social Services—National Council of Provinces).

(2) *Local Government: Municipal Electoral Bill* [B 35B—2000] (National Assembly—sec 75)—(Select Committee on Social Services—National Council of Provinces).

(3) *Local Government: Cross-boundary Municipalities Bill* [B 37B—2000] (National Assembly—sec 75)—(Select Committee on Local Government and Administration—National Council of Provinces).

Bill amended by National Assembly on 20 June 2000 and sent back for reconsideration in accordance with Rules 202-204:

South African Council for Educators Bill [B 26D—2000]
(National Council of Provinces—sec 76)—(Select Committee
on Education and Recreation—National Council of Provinces).

COMMITTEE REPORTS:

National Assembly:

1. Report of the Portfolio Committee on Communications on *Icasa Council*, dated 21 June 2000:

The Portfolio Committee on Communications, having considered and examined the matter of the appointment of councillors on the Council of the Independent Communications Authority of South Africa, referred to it, reports as follows:

1. Advertisements were placed in the printed media from 17 May to 21 May 2000, and 72 nominations were received. On 6 June 2000 the Committee shortlisted the following 26 candidates for interviews:

Bhengu, H; Bulbulia, N; Bussé, A C; Canca, M P; Carrim, Y T; Chakela, L P; Currie, W; Gillwald, A; Gouws, E; Herold, K; Hope, J; Langa, M; Lloyd, L; Maepa, H N L; Makua, L; Masiza, Z; Mbere, A; Mnguni-Radebe, F; Mohan, K; Motshidisi, D K; Mtimde, L; Ncetezo, L M S; Ramatsui, N C; Ramusi, M G; Smuts, N; Theart, J E.

Due to other commitments, one of the above candidates withdrew.

2. The Committee spent 32 hours interviewing the remaining 25 candidates from 12 June to 20 June 2000. The principles pertaining to the constitution of the Council and the appointment of councillors were duly taken into account during the entire process.
3. The Committee accordingly recommends that the House, in accordance with section 5(1) of the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000), make a recommendation to the President that the following seven persons be appointed as councillors:
Yasmin Carrim; Willie Currie; Julia Hope; Mandla Langa; Libby Lloyd; Langa Ncetezo; Neël Smuts.

Report to be considered.

2. Report of the Portfolio Committee on Justice and Constitutional Development on the *Protected Disclosures Bill* [B 30—2000] (National Assembly—sec 75), dated 21 June 2000:

The Portfolio Committee on Justice and Constitutional Development, having considered the *Protected Disclosures Bill* [B 30—2000] (National Assembly—sec 75) and proposed amendments of the National Council of Provinces (Announcements, Tablings and Committee Reports, p 566), referred to the Committee, reports the Bill with amendments [B 30A—2000], as follows:

CLAUSE 4

1. On page 6, from line 47, to omit subsection (1) and to substitute:

(1) Any *employee* who has been subjected, is subject or may be subjected, to an *occupational detriment* in breach of section 3, may—

(a) approach any court having jurisdiction, including the Labour Court established by section 151 of the Labour Relations Act, 1995 (Act No. 66 of 1995), for appropriate relief; or

(b) pursue any other process allowed or prescribed by any law.

(2) For the purposes of the Labour Relations Act, 1995, including the consideration of any matter emanating from this Act by the Labour Court—

(a) any dismissal in breach of section 3 is deemed to be an automatically unfair dismissal as contemplated in section 187 of that Act, and the dispute about such a dismissal must follow the procedure set out in Chapter VIII of that Act; and

(b) any other *occupational detriment* in breach of section 3 is deemed to be an unfair labour practice as contemplated in Part B of Schedule 7 to that Act, and the dispute about such an unfair labour practice must follow the procedure set out in that Part: Provided that if the matter fails to be resolved through conciliation, it may be referred to the Labour Court for adjudication.

CLAUSE 10

1. On page 12, in line 10, to omit “subsection (1)” and to substitute “paragraph (a)”.

Report to be considered.

3. Report of the Portfolio Committee on Public Works on *North West, Mpumalanga and Northern Province Study Tours*, dated 24 May 2000:

The Portfolio Committee on Public Works, having undertaken study tours to the North West, Mpumalanga and the Northern Province from 17 to 19 March 2000, reports as follows:

A. *Introduction*

The Committee embarked on a visit to North West to assess and evaluate the progress made and problems experienced by communities in respect of the Community-Based Public Works Programme (the programme). The Committee met with the deputy chairperson of the eastern district council, members of the district council, officials of the provincial public works departments, the provincial social task team, members of the steering committee (1 & 10) and the steering committee in Kgabalatsane.

In Mpumalanga the Committee met with the Chief Director of the programme, the Director: Public Works, officials from the Lowveld Escarpment District Council and the provincial management team.

B. Purpose of Report

The purpose of this Report is to present the findings of the Committee on the progress made with, and problems experienced by, all interested parties in the programme.

C. North West (eastern district council)

1. Overview of programme

The programme is a poverty-alleviation programme targeted at poor rural communities. It was introduced in 1994, and is community-managed, implemented through programme unity in each provincial public works department. Funds are allocated to public works departments responsible for identifying projects from applications received from communities.

Funds are transferred from the public works department to community bank accounts for the planning and implementation of projects. Communities are in turn responsible for appointing designers and trainers in order for projects to be designed and implemented by the community workforce. A disadvantage of this approach is that communities with little or no capacity, who were excluded from the process because they were not able to complete applications or were unable to manage the process, are not covered.

2. Realignment of programme

During 1997, on the basis of experience gained with the programme and an evaluation report by the ILO, the programme was realigned. This realignment included emphasis on projects creating productive assets in order to create ongoing job opportunities. The results of an evaluation done on the programme indicated that there is an inequitable geographic spread of projects as well as an imbalance in project type.

Key aspects of realignment include the following:

- (1) The programme is now implemented by local government.
- (2) Clustering of projects—identification of projects is no longer a reactive process of responding to applications, but rather a proactive process:
 - (a) Integrated development planning results in the identification of targeted poverty pockets.
 - (b) Identification of projects in close proximity to one another to form a cluster of projects within the targeted poverty pocket.
- (3) Appointment of support services.
 - (a) Appointment of a cluster project manager by the

council to prepare a project business plan for each project in the cluster and oversee planning and implementation.

- (b) Appointment of a social facilitator and technical designer by the cluster manager.
- (c) Appointment of a trainer to each project within a cluster by the council, with the provision that the trainer is accountable to the cluster manager.

(4) Contract award—awarding of the construction of the project to a contractor is based on a targeted procurement tender process.

(5) Payment by the council, not the community.

3. *Programme objectives*

- (1) The creation of short-term employment opportunities. This short-term employment is realised primarily during the construction of assets in the communities.
- (2) Creation of useful public assets.
- (3) Creation of sustainable employment opportunities. This is realised through the employment of operators of directly productive assets such as vegetable gardens.

4. *Targets of programme*

The programme requires that the facilities to be implemented, should be designed for labour-intensive methods of construction. This will help to ensure that human labour is used to achieve the short-term job creation objective. The following labour targets have been set by the public works department and must be met by constructors in the construction of projects:

- (1) At least 30% of construction cost must comprise labour costs sourced from the local community.
- (2) At least 50% of labour cost should go to women.
- (3) At least 1,5% of labour cost should go to disabled persons.
- (4) At least 15% of labour cost should go to youth.
- (5) Every project should meet the environmental targets of planting at least five indigenous trees at appropriate locations.

5. *Past and future projects*

The lists of past projects, as well as projects to be implemented with 1999-2000 funding, are set out below, in terms of clusters:

Cluster 1 (Dipetloane)

<i>Projects</i>	<i>Project estimates</i>
Bakery (Ngobi)	**
Brick manufacturing (Walman)	**
Poultry farm (Voyentee)	R 200 000
Community Hall (Swartboom)	R 500 000
Community garden & irrigation (Dipetloane)	R 460 000
Community garden & irrigation (Mmukubyaane)	R 460 000
Rehabilitation of community facilities (Swartboom)	R 120 000
Market (Walman)	R 290 000
Total	<u>R2 030 000</u>

Cluster 2 (Thulwe)

<i>Projects</i>	<i>Project estimates</i>
Multi-purpose centre (1 & 10)	R 550 000
Sport facility (1 & 10)	R 300 000
Market (1 & 10)	R 304 000
Community gardens (Potoane)	R 66 665
Community gardens (Pries)	R 66 665
Community gardens (Thulwe)	R 66 665
Community gardens (Opperman)	R 66 665
Community gardens (1 & 10)	R 66 665
Community gardens (Dan House)	R 66 665
Fencing of proposed hall, market & sport facility	R 246 000
Total	<u>R1 799 990</u>

Cluster 3 (Fafung)

<i>Projects</i>	<i>Project estimates</i>
Multi-purpose centre (Fafung)	R 200 000
Multi-purpose centre (Sephai)	R 200 000
Multi-purpose centre (Ga-Rasia)	R 200 000
Multi-purpose centre (Klipvoorstad)	R 200 000
Community garden (Klipvoorstad)	R 183 000
Community garden (Ga-Rasai)	R 183 000
Community garden (Sephai)	R 183 000
Community garden (Ga-Rasia)	R 183 000
Bridge rehabilitation (Klipvoorstad)	R 300 000
Bore-hole rehabilitation (Ga-Rasai)	R 150 000
Total	<u>R1 982 000</u>

Cluster 4 (Rabokala)

<i>Projects</i>	<i>Project estimates</i>
Access road (Oskraal)	R 750 000
Market (Rabokala)	R 400 000
Multi-purpose centre (Kgabalatsane)	R 550 000
Water supply (Rankotea)	R 600 000
Total	<u>R2 300 000</u>

The following process had to be followed before the project could be implemented:

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- (1) Agreement/contract between public works department and district council.
- (2) Council business plan to confirm capacity to manage projects.
- (3) Development planning to identify clusters.
- (4) Appointment of support services (cluster manager and provincial social facilitator).
- (5) Community facilitation to ensure identification of possible projects.
- (6) Application for approval at provincial level.
- (7) Project business plan to ensure project viability and sustainability.
- (8) Project design stage.
- (9) Tendering and contracts award.
- (10) Project implementation.

The Committee visited the clusters to assess the areas. All the projects were still in the initiation stage and in the process of being approved. Tenders were to be issued, construction was to commence at the beginning of April 2000, and it was expected that these projects would commence during June/July.

The Committee met some members of the cluster steering committee. They indicated that they were not experiencing any problems, since the projects had not been implemented yet. They also indicated that they had a good relationship with the Chiefs in their areas. In Maubane, for example, the Chief released land for construction of a leisure resort and vegetable and irrigation projects. Other activities that will be rendered in this resort, will be funded by the Carousel Entertainment Resort and other organisations. They said they were happy with the progress to date.

D. Mpumalanga

1. 17 March 2000

The Director: Public Works welcomed and introduced us to officials. He indicated that the main idea of the visit was for us to see for ourselves disasters created by the recent rain and flooding.

During a presentation by the public works department, the national public works programmes were cited. These included community-based programmes (e.g. Mbuzini Access Road, phase 1—expenditure R15.2 million).

In both phases 1 and 2, the delay seems to have been caused mainly by rains. Approximately 32 days lost (excluding week-ends) contributed to construction work not having been carried out. Markets and pre-schools were also under construction, and it was hoped that before the end of April

they would have been completed. The implementing agent is "Community PSC-Bosele PM CC" and related constructors.

A question was raised about the percentage of variation, and the response was that so far the project is well managed and that there was no ceiling. The project status was said to be at 75%, with a 100% local labour force. There were also delays due to heavy rainfalls. There was a 20-day rainfall setback—the project had to be extended, and there was additional costs in respect of workers.

When asked if there were any problems with payment, the response was that workers had to report for work despite the rain, and could only be sent home after reporting.

The Leandre storm water drainage should have started in September 1999, to be completed by the end of the financial year. R2,5 million was funded, especially to community-based engineers, although there was no specific contractor. The project status was at 68%, and the indication was that the next week the subcontractor would instruct the workers on site. The project, which was 100% community-based, experienced a 52-day delay due to heavy rainfall. This led to the digging of an extra trench to drain water, in order for it to dry. A lot of extra cash had to be used as well.

The Moloto selfhelp project deals with welding, arts, crafts and carpentry. It was started in November 1999 and was to be completed in March 2000. It was funded to the tune of R1 606 000. The implementing agent was the Moloto provincial steering committee, and the project manager was Bosele. Four subcontractors from the local community were appointed. The project status was at 85% in respect of progress, and the labour was 100% community-based. The steering committee was elected for appointment. There was a 14-day delay because of rising of the underground water table. As a result, there was a lot of plastering to be done on the septic tank, and the target date could not be met.

Projects earmarked for 2000-01 were listed: Southern Highveld Region; Perdekop community garden; multi-purpose centre; sport facility upgrading; and Morgenzon community hall. These followed many cluster programmes. Mdutjane and Mbimbanee transitional local councils were also mentioned.

As phase 2 projects were heavily funded despite the heavy rain, they were mostly still in good condition; there were few potholes, side draining, etc. A portion of Mbuzini's existing project was already completed when the new

projects were started on 11 January, but at the time of drafting this Report the rain had caused a 32-day delay, and not much work could be done.

On a question about who the workers were, the Committee was informed that the policy of the public works department was that youths and women had to be employed, and that 30% of the funding went to local people. Furthermore, Mbuzini road was a high quality road, Public Works almost having reached the target.

The Committee wanted to know what kind of help the public works department wanted from it, because it had not just visited the area, but wanted to see service delivery as well. In view of the public works Budget Vote debate taking place on 10 May, a response had to take that into consideration as well.

The public works department indicated that R26 million had already been spent on a memorial for Samora Machel, where Mr Nelson Mandela and the previous Public Works Minister played a major role. Therefore, not to compromise the quality more, and seeing that there were construction costs and other related fees in respect of the project, at least an extra R6 million would cover the project.

The Committee also requested a report on the proposal to be sent to its chairperson. As to delays in respect of other projects, additional funding would also be required.

The Committee learnt that 82 bridges were washed away; some villages were not accessible—there were 42 temporary accesses the previous week. About R6 million was spent on reconstruction. Certain projects (schools) were not community-based, so they were also affected.

The floods exposed incompetence in respect of the maintenance of roads, hospitals and other facilities in a state of disrepair.

On the question of how well the public works department was geared for the future, the Committee learnt that since the province had not recovered yet, it was difficult to estimate even the reconstruction costs. However, R28 million was required to maintain facilities in Mpumalanga. Phase 1 aimed to put temporary structures there before rebuilding.

When asked whether the public works department, whose task it was to keep records on which building was to be maintained and how, had an assets register, the Committee learnt that it was still busy looking into that. Shongweni, Barberton and Themba Hospitals were in a state of

disrepair, and therefore a management system process was considered.

It was indicated that the R7 million Minister Mufamadi gave to the province, was meant for immediate assistance regarding roads. The Committee indicated that, as an oversight committee, it could not access these funds, but that it could assist the public works department on how to access other funds.

After the briefing, the Committee left for Mbuzini, where the constructors were already waiting.

The Committee learnt that construction of the road was already six weeks behind schedule, that further extension would cost another R3,4 million and that subsurface drainage would cost approximately R3 million. Problems experienced included the setting up of a temporary camp and poor facilities (the project itself was 12 km long). A stretch of 1,5 km from the main road to the Samora Machel monument was dedicated to the emerging constructor, and subcontractors made up 30%. It was labor-intensive, and 33% local and emerging constructors was envisaged. R5 million was spent on hand labour.

Asked whether the constructor would keep to the timeframes, the Committee was told that that would be the case if it did not continue to rain. Furthermore, R160 000 was spent on training managerial, site and other skills through those who had previous training and experience. Also, they had to have their own grading machines (however, they did not have all the equipment).

In responding as to why suppliers went for big tenders, why there was replanning, whether there were low water bridges, which group was employed and what the community's reaction was, the main constructor said that, depending on where he was, he would assist them all the way. Replanning was necessary because a number of things had changed and were new. Women were mainly employed for bush-clearing (a steering committee saw to that). Initially the reaction was fine, but it changed because of the tender system, etc.

The Committee stressed that its task was to oversee the activities of the public works department; finances were run by the Minister of Public Works.

The Committee learnt that this was a community-based project for various learning activities. There was proper supervision, and inspectors visited the site while building was in progress. The MEC for public works had already handed the project to the community.

2. 18 March 2000—Lowveld district council

The Committee wanted to know whether the council was a rural council. In response, the presenter said the Demarcation Board was responsible, and these two projects would be combined if the council wanted it to be so.

The Committee wanted to know the level of education of people who were taken on board, how outsourcing and tendering were done, whether women were involved and why the Butterfly Entrepreneurial Development Centre (an NGO with internal problems) was replaced by the consultant company ICB & C. The provincial management team said that projects had not yet started (they were still in the tendering stage). Community participation was done at district level (the same with tendering), and the purchase price was high and had to be lowered. Some facilitators withdrew, and a steering committee identified skilled people and informed them about the tenders.

Private companies followed the same procedure—Mpumalanga was not rich in human resource capacity. There were several other problems with the reconstruction development committee. With regard to what was done to ensure that insiders were preferred for skills development, the provincial management team said training was dependent on funds available, and that it was difficult to know who was going to run a project, because training was very difficult. Graduates did not have work, they could not do the job, and there were no funds.

The Committee questioned the issue of local languages on community radios. It was suggested that because of tight timeframes, untrained people were going to be briefed by making use of translations. Radio awareness programmes have not been conducted yet.

The public works department wanted to know from the provincial management team what measures it had taken to ensure that the issues reported in local newspapers regarding tenders would be tackled. The provincial management team said that difficulties were still anticipated regarding the recommendations of tender reports—local and emerging contractors did not want to be exploited. Projects had to remain in the poorest communities, and could be shifted to other communities when the poorest ones had been adequately covered. The Committee learnt that the Lowveld was the poorest area.

The Committee visited council members on its way to sites where bridges had been swept away. There was concern about a lack of women participating in council matters. It was resolved that Ms Segobela, a local MP representing Mpumalanga in Parliament, would deal with that matter.

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Louis Trichardt, Mutable and Nzhelele, with many bridges washed away or severely damaged. There were massive mud slides onto the main road in the Tatevondo Pass (in the mountains between Thohoyandou and Wyliespoort). The Louis Trichardt-Thohoyandou road was badly damaged at two points and was at times impassable.

(2) *Lowveld region*

There were heavy mud slides onto main roads in Magoebaskloof, Soekmekaar, Tzaneen and Letsitele. The road through Magoebaskloof was particularly badly affected by landslides, portions of the road slipping down the mountain. The roads (with heavy traffic) between Duiwelskloof and Mooketsi and between Tzaneen and Nkowankowa were in very bad condition. The Duiwelskloof-Mooketsi road carried numerous heavy trucks, and since the rains it had become increasingly dangerous to use. Many bridges were washed away or severely damaged along the Letaba and Selati Rivers.

(3) *Bushbuckridge region*

Many bridges were washed away or severely damaged along the Sand and Sabie Rivers. In addition, there were landslides along the road between Acornhoek and Bushbuckridge.

(4) *Central region*

Bridges along the Brak, Dwars and Sand Rivers were damaged. The Pietersburg-Munnick-Mooketsi and Pietersburg-Boyne-Soekmekaar roads all carried heavy traffic. Large parts of these roads were either washed away or had collapsed. These routes are presently used as alternative routes between Louis Trichardt and Pietersburg because the N1 had to be closed when the bridge over the Dwars River was badly damaged.

(5) *Bushveld region*

Most of the bridges along the Crocodile River were eroded and severely damaged. The main road between Nylstroom and Vaalwater was in poor condition. Similarly, the roads between Brits and Thabazimbi and between Settlers and Marble Hall were in bad condition, due to recent heavy rains and floods.

(6) *Western region*

Many bridges were washed away along the Mogalakwena/Phalala Rivers. The tar road between Roedtan and Naboomspruit needed to be rebuilt. There were rockslides in the Kloof Pass on the Potgietersrus-Marken Road, and this road also needed to be rebuilt.

(7) *Southern region*

The Mofefe area was cut off, and bridges along the

Mohapitsi River were washed away or extensively damaged. The road between Lebowakgomo and Grootboek needed to be rebuilt.

4. *Action taken by public works department*

The public works department had been working tirelessly to open routes cut off. Teams have been working until the early hours of the morning to clear mud slides on the Tatevondo Pass, the Magoebaskloof Pass and George's Valley areas. Private contractors, particularly Ikageng Construction and Hillary Construction, were assisting with this work without demanding payment.

The maintenance teams had been using their limited resources to fill potholes and dongas in order to facilitate basic accessibility. The public works department managed to provide access to 60 communities that had been cut off. Some road maintenance machinery were moved from the least affected to the badly affected areas. The public works department also hired additional machinery for repair work.

The public works department did not have the financial resources or the necessary skills and equipment to build new bridges. It also did not have resources to reconstruct failed and washed-away infrastructure. This type of work was outsourced and will be carried out by private contractors. The public works department's in-house maintenance teams are focussing on providing the very basic level of accessibility as an urgent temporary measure.

Assistance was given by some private contractors: Phalaborwa Mining Company helped with repairing the bridge on the road between Phalaborwa and Gravelotte; the SANDF assisted in repairing two bridges over the Sand River in the northern region; and PPC and Iscor assisted in repairing a bridge over the Crocodile River near Thabazimbi. The SANDF and the SAPS assisted in clearing rockslides at the Strijdom Tunnel on the Ohrigstad/Hoedspruit Road; ZZ2 assisted in the maintenance of roads in its area; and farmers in the Tshipise and Levubu areas assisted with building bridges and repairing roads in their areas.

Construction of 10 to 12 temporary pedestrian bridges over rivers was under way to create access on a temporary basis. The SANDF in particular was supplying soldiers from the Engineering Corps to assist with erecting these bridges.

The SANDF was erecting a temporary light vehicle bridge over the Nzhelele River to provide accessibility to cut-off communities in some areas. The SANDF also provided assistance to the public works department with the construction of ARMCO pipe culvert bridges in at least three

affected areas in order to provide accessibility to cut-off communities.

5. *Cost estimate of damage*

The estimates below were based on preliminary visual inspections of the damage. The figures could change after detailed investigations and after contractors have submitted tenders for repair work.

Tar road rehabilitation	R 696 000 000
Bridges and culverts	R 129 000 000
Repair of gravel roads	R 400 000 000
Repair of landslides	R 51 000 000
Total	<u>R1 276 000 000</u>

6. *Conclusion*

The Northern Province experienced its worst floods in living memory. These floods had a devastating effect on the road infrastructure, and the damage had negative social and economic implications. In many rural areas, particularly in the northern region, school children could not get to school and communities did not have access to health services, emergency services and shops. Many workers could not go to work and often had to travel longer distances than usual (in some instances 12 km instead of two). Agriculture, mining and tourism were all disrupted by the inaccessibility of so many roads.

The provincial government was working hard to alleviate the situation within the constraints of its limited resources. It had requested financial assistance from the government to carry out the required repairs. Reports on damage to road infrastructure were submitted to the government.

F. *Recommendations*

The Committee recommends as follows:

1. A follow-up visit is needed to assess completed projects in the North West.
2. A follow-up visit could be necessary to address major concerns in Mpumalanga.
3. During a follow-up visit, a video recording should be used to give a clear picture to those who have to further monitor the extent of the damage.
4. The Department of Public Works should access the reports that were compiled by its counterpart in the Northern Province as a matter of urgency, so that steps can be taken to alleviate the situation there.
5. Committee members should raise these issues during the budget review process so that severely affected provinces such as the Northern Province could be given due priority.

National Council of Provinces:

1. Report of the Select Committee on Finance on the *Taxation Laws Amendment Bill* [B 38—2000] (National Assembly—sec 77), dated 21 June 2000:

The Select Committee on Finance, having considered and examined the *Taxation Laws Amendment Bill* [B 38—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 Select Committee on Social Services on the *Local Government: Municipal Electoral Bill* [B 35B—2000] (National Assembly—sec 75), dated 21 June 2000:

The Select Committee on Social Services, having considered the subject of the *Local Government: Municipal Electoral Bill* [B 35B—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.

3. Report of the Select Committee on Social Services on the *Identification Amendment Bill* [B 33—2000] (National Assembly—sec 75), dated 21 June 2000:

The Select Committee on Social Services, having considered the subject of the *Identification Amendment Bill* [B 33—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.

4. Report of the Select Committee on Social Services on the *SADC Health Protocol*, dated 21 June 2000:

The Select Committee on Social Services, having considered the request for approval by Parliament of the *Protocol on Health 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.

5. Report of the Select Committee on Local Government and Administration on the *Local Government: Cross-boundary Municipalities Bill* [B 37B—2000] (National Assembly—sec 75), dated 21 June 2000:

The Select Committee on Local Government and Administration, having considered the subject of the *Local Government: Cross-boundary Municipalities Bill* [B 37B—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.

6. Report of the Select Committee on Education and Recreation on the *South African Council for Educators Bill* [B 26D—2000] (National Council of Provinces—sec 76), dated 21 June 2000:

The Select Committee on Education and Recreation, having considered the *South African Council for Educators Bill* [B 26D—2000] (National Council of Provinces—sec 76), amended by the National Assembly and referred to the Committee, reports that it has agreed to the Bill.

7. Report of the Select Committee on Public Services on the *COSPAS/SARSAT Notification Letter*, dated 21 June 2000:

The Select Committee on Public Services, having considered the request for approval by Parliament of the *Letter of Notification of Association with the International COSPAS/SARSAT Programme as a Ground Segment Provider*, referred to it, recommends that the Council, in terms of section 231(2) of the Constitution, approve the said Letter of Notification.

Report to be considered.

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL ASSEMBLY

THURSDAY, 22 JUNE 2000

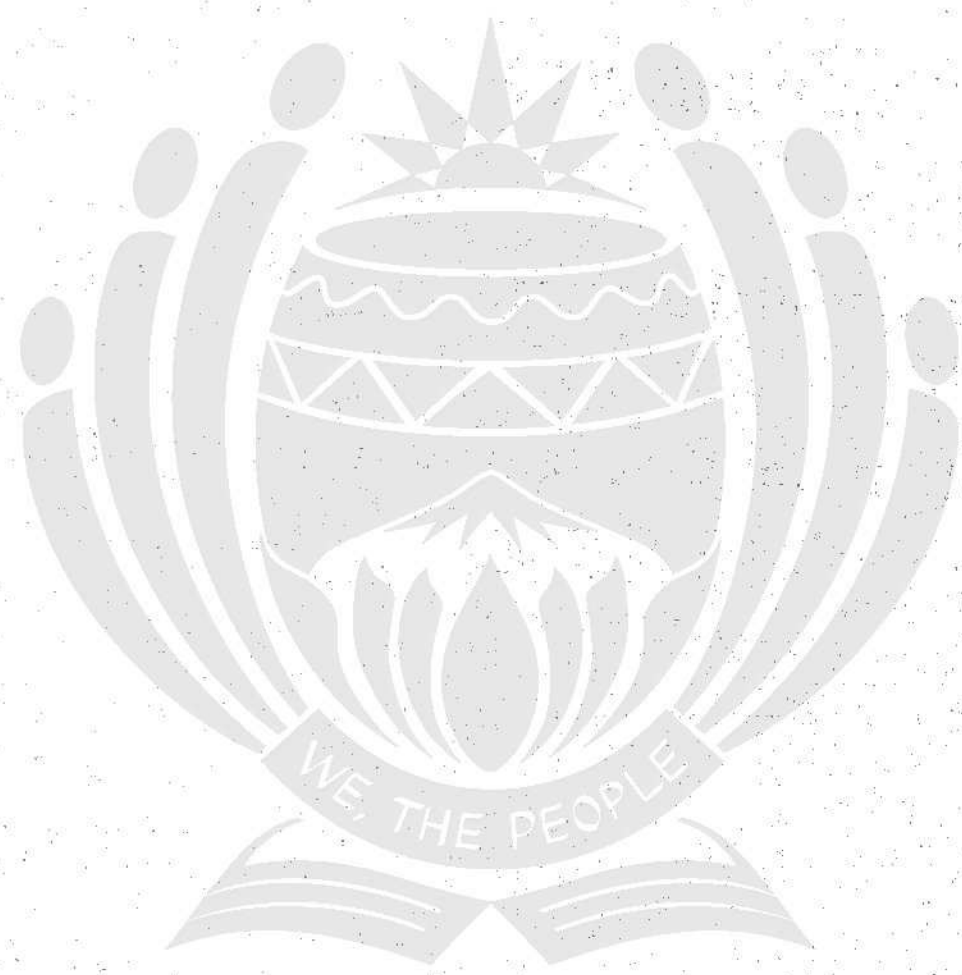
1. The House met at 09:08.
2. The Speaker took the Chair and requested members to observe a moment of silence for prayers or meditation.
3. [09:08] The Deputy President made a statement on the situation in Nongoma, KwaZulu-Natal.

Debate concluded.

4. The House adjourned at 10:20.

S G MFENYANA,

Secretary to Parliament.



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS OF NATIONAL COUNCIL OF PROVINCES

THURSDAY, 22 JUNE 2000

1. The Council met at 14:02.
2. The Deputy Chairperson took the Chair and requested members to observe a moment of silence for prayers or meditation.
3. [14:03] Notices of motion.
4. [14:04] Mr P A Matthee moved without notice: That the Council—
 - (1) as it has reached the halfway mark of its sittings for this year, wishes to express its sincere thanks and appreciation to the Chairperson, the Deputy Chairperson, the Chairperson and Deputy Chairperson of Committees, the Secretariat and all officials of the Council, as well as the Chief Whip and all other whips, not only for the smooth running of this august Council, but also for the fact that the Council has in the first half of the first year of the millennium succeeded in creating an awareness of the importance and the pivotal role of the Council in respect of the Executive, the provinces and the public at large;
 - (2) looks forward to an exciting, fruitful and constructive rest of the year; and
 - (3) commits itself to work even harder in improving on its performance during the first half of this year in fulfilling its mandates and to make South Africa a better place for all its people.

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

5. [14:06] Kgoshi M L Mokoena moved without notice: That the Council—
 - (1) aligns itself with the report of, and the sentiments expressed and call made by, the Deputy President in the National Assembly this morning about the violence which took place in kwaNongoma in KwaZulu-Natal;
 - (2) calls on all political parties and peace-loving people in that area, to leave no stone unturned in making sure that perpetrators of

- (4) asks the traffic department to investigate the road conditions on this stretch of road in order to avoid a repeat of this type of accident.

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

8. [14:11] Ms E N Lubidla moved without notice: That the Council notes that—

- (1) Parliament recently received the exciting news that the publication, *A Day in Parliament*, a Parliamentary comic book published to educate school children about parliamentary processes, has won one of the coveted International Association of Business Communicators' Gold Quill Awards;
- (2) the book was commissioned by the Public Participation Unit of Parliament in 1998 and that by March 1999, 5 000 copies had been published and delivered to Parliament for distribution to educators and learners visiting Parliament;
- (3) the anecdotal information we have received thus far suggests that the initiative was received with great enthusiasm by the educators, who also found it fully compliant with the requirements of Curriculum 2005, particularly in terms of providing information in a format that learners find interesting—the comic book;
- (4) for more than 25 years, the Gold Quill Awards Programme has been the hallmark of excellence in business communication and that the competition is recognised as one of the most credible industry measures, setting global standards of excellence and serving as the benchmark for the best;
- (5) the annual international competition offers professional communicators an opportunity to have their work evaluated by expert judges, many of whom have been honoured for their excellence;
- (6) Fox Strategic Company has won four of these awards since 1995 and its chief executive, Peter Blum, has represented South Africa on the panel of international judges;
- (7) this year's 103 winners were judged by the esteemed International Blue Ribbon Panel, and were selected out of 1 341 entries from 17 countries;
- (8) the winners will be honoured at a gala banquet to be hosted by the IABC's international conference on 28 June 2000 in Vancouver, Canada; and
- (9) a copy of the comic book has been forwarded to the Speaker's Office.

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

9. [14:16] Mr D M Kgware moved without notice: That the Council—

- (1) notes that—
 - (a) the SA 2006 Bid Committee is in the final stages of lobbying support from Fifa delegates who will decide on the winning bid on Wednesday 5 July 2000; and
 - (b) the announcement will be made at the Zurich headquarters of Fifa on Thursday, 6 July 2000;

- (2) wishes the SA 2006 Bid CEO, Danny Jordaan and his Committee, the best of luck as they prepare to depart for Luxembourg to make South Africa's final presentation at the UEFA Congress on the eve of the announcement;
- (3) encourages all South Africans to give their unequivocal support to our Bid Committee; and
- (4) urges all South Africans to demonstrate their support for our bid by actively engaging in all events planned throughout the country to coincide with the final announcement.

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

10. [14:18] Mr N M Raju moved without notice: That the Council—

- (1) notes that neighbouring Zimbabwe goes to the polls this weekend amid fears of violence and disruption; and
- (2) expresses the hope that—
 - (a) the elections will be free and fair; and
 - (b) the results will be accepted by both the victors and the vanquished with a sense of calm equanimity in the true tradition of democracy.

The Chief Whip of the Council moved as an amendment: That, in paragraph (1), "amid fears" be substituted by "amid reports of fears".

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) notes that neighbouring Zimbabwe goes to the polls this weekend amid reports of fears of violence and disruption; and
- (2) expresses the hope that—
 - (a) the elections will be free and fair; and
 - (b) the results will be accepted by both the victors and the vanquished with a sense of calm equanimity in the true tradition of democracy.

11. [14:19] Rev P Moatshe moved without notice: That the Council—

- (1) joins the North West Department of Education in thanking the Japanese Embassy and Education Africa for their generous donation of textbooks to the value of R490 000;
- (2) welcomes the innovative learning environment offered by the Japanese Ambassador, Isi Sakasang and the CEO of Education Africa, James Urdang, through their learner-friendly and educator-friendly textbooks;
- (3) thanks Superintendent J Swartz and the SAPS for their donation of 250 computers to the Department of Education; and
- (4) extends its appreciation to everyone who has added positively to the culture of learning in North West.

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

12. [14:20] The Council discussed the following matter in accordance with Rule 74: The role of PanSALB in achieving multilingualism in accordance with the Constitution of the Republic of South Africa.

Debate concluded.

13. FIRST ORDER [15:19]

Consideration of *Local Government: Municipal Electoral Bill* [B 35B—2000] (National Assembly—sec 75) and of Report of Select Committee on Social Services thereon (Announcements, Tablings and Committee Reports, p 608).

Debate concluded.

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

14. SECOND ORDER [15:52]

Consideration of *Identification Amendment Bill* [B 33—2000] (National Assembly—sec 75) and of Report of Select Committee on Social Services thereon (Announcements, Tablings and Committee Reports, p 608).

Order disposed of without debate.

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

15. THIRD ORDER [15:53]

Consideration of Report of Select Committee on Social Services (Announcements, Tablings and Committee Reports, p 608—*SADC Health Protocol*).

Debate concluded.

Report adopted in accordance with section 65 of the Constitution.

16. FOURTH ORDER [15:58]

Consideration of Report of Select Committee on Public Services (Announcements, Tablings and Committee Reports, p 608—*COSPAS/SARSAT Notification Letter*).

Debate concluded.

Report adopted in accordance with section 65 of the Constitution.

17. FIFTH ORDER [16:02]

Consideration of *Local Government: Cross-boundary Municipalities Bill* [B 37B—2000] (National Assembly—sec 75) and of Report of Select Committee on Local Government and Administration thereon (Announcements, Tablings and Committee Reports, p 608).

Order disposed of without debate.

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

18. SIXTH ORDER [16:03]

Consideration of *Taxation Laws Amendment Bill* [B 38—2000] (National Assembly—sec 77) and of Report of Select Committee on Finance thereon (Announcements, Tablings and Committee Reports, p 608).

The Chairperson informed the Council that she had received an apology from the Minister of Finance for his absence from the Council.

- (2) wishes the SA 2006 Bid CEO, Danny Jordaan and his Committee, the best of luck as they prepare to depart for Luxembourg to make South Africa's final presentation at the UEFA Congress on the eve of the announcement;
- (3) encourages all South Africans to give their unequivocal support to our Bid Committee; and
- (4) urges all South Africans to demonstrate their support for our bid by actively engaging in all events planned throughout the country to coincide with the final announcement.

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

10. [14:18] Mr N M Raju moved without notice: That the Council—

- (1) notes that neighbouring Zimbabwe goes to the polls this weekend amid fears of violence and disruption; and
- (2) expresses the hope that—
 - (a) the elections will be free and fair; and
 - (b) the results will be accepted by both the victors and the vanquished with a sense of calm equanimity in the true tradition of democracy.

The Chief Whip of the Council moved as an amendment: That, in paragraph (1), "amid fears" be substituted by "amid reports of fears".

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) notes that neighbouring Zimbabwe goes to the polls this weekend amid reports of fears of violence and disruption; and
- (2) expresses the hope that—
 - (a) the elections will be free and fair; and
 - (b) the results will be accepted by both the victors and the vanquished with a sense of calm equanimity in the true tradition of democracy.

11. [14:19] Rev P Moatshe moved without notice: That the Council—

- (1) joins the North West Department of Education in thanking the Japanese Embassy and Education Africa for their generous donation of textbooks to the value of R490 000;
- (2) welcomes the innovative learning environment offered by the Japanese Ambassador, Isi Sakasang and the CEO of Education Africa, James Urdang, through their learner-friendly and educator-friendly textbooks;
- (3) thanks Superintendent J Swartz and the SAPS for their donation of 250 computers to the Department of Education; and
- (4) extends its appreciation to everyone who has added positively to the culture of learning in North West.

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

Thursday, 22 June 2000]

12. [14:20] The Council discussed the following matter in accordance with Rule 74: The role of PanSALB in achieving multilingualism in accordance with the Constitution of the Republic of South Africa.

Debate concluded.

13. FIRST ORDER [15:19]

Consideration of *Local Government: Municipal Electoral Bill* [B 35B—2000] (National Assembly—sec 75) and of Report of Select Committee on Social Services thereon (Announcements, Tablings and Committee Reports, p 608).

Debate concluded.

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

14. SECOND ORDER [15:52]

Consideration of *Identification Amendment Bill* [B 33—2000] (National Assembly—sec 75) and of Report of Select Committee on Social Services thereon (Announcements, Tablings and Committee Reports, p 608).

Order disposed of without debate.

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

15. THIRD ORDER [15:53]

Consideration of Report of Select Committee on Social Services (Announcements, Tablings and Committee Reports, p 608—*SADC Health Protocol*).

Debate concluded.

Report adopted in accordance with section 65 of the Constitution.

16. FOURTH ORDER [15:58]

Consideration of Report of Select Committee on Public Services (Announcements, Tablings and Committee Reports, p 608—*COSPAS/SARSAT Notification Letter*).

Debate concluded.

Report adopted in accordance with section 65 of the Constitution.

17. FIFTH ORDER [16:02]

Consideration of *Local Government: Cross-boundary Municipalities Bill* [B 37B—2000] (National Assembly—sec 75) and of Report of Select Committee on Local Government and Administration thereon (Announcements, Tablings and Committee Reports, p 608).

Order disposed of without debate.

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

18. SIXTH ORDER [16:03]

Consideration of *Taxation Laws Amendment Bill* [B 38—2000] (National Assembly—sec 77) and of Report of Select Committee on Finance thereon (Announcements, Tablings and Committee Reports, p 608).

The Chairperson informed the Council that she had received an apology from the Minister of Finance for his absence from the Council.

Order disposed of without debate.

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

19. SEVENTH ORDER [16:04]

Consideration of *South African Council for Educators Bill* [B 26D—2000] (National Council of Provinces—sec 76) and of Report of Select Committee on Education and Recreation thereon (Announcements, Tablings and Committee Reports, p 609).

Order disposed of without debate.

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

20. [16:06] The Chairperson bid farewell to members.

21. The Council adjourned at 16:07.

S G MFENYANA,

Secretary to Parliament.

PARLIAMENT
OF THE
REPUBLIC OF SOUTH AFRICA

**ANNOUNCEMENTS,
TABLINGS AND
COMMITTEE REPORTS**

THURSDAY, 22 JUNE 2000

ANNOUNCEMENTS:

National Assembly:

Papers:

1. The Speaker:

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 Finance:

Regulation No R.556 published in Government Gazette No 21249 dated 31 May 2000, Treasury Regulations made in terms of section 76 of the Public Finance Management Act, 1999 (Act No 1 of 1999).

- (2) The following paper is referred to the Portfolio Committee on Finance for comment:

Regulation No R.562 published in Government Gazette No 21253 dated 5 June 2000, Draft Regulations published for comment in terms of section 5 of the Preferential Procurement Policy Framework, 2000 (Act No 5 of 2000).

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Minister for Provincial and Local Government:

Report and Financial Statements of the Training Board for Local Government Bodies for 1998-999, including the Report of the Auditor-General on the Financial Statements for 1998-99 [RP 66—2000].

2. The Minister of Public Works:

Tiro—Community Based Public Works Programme Publication, June 2000, Volume One Number One.

3. The Minister of Labour:

Report and Financial Statements of the National Economic Development and Labour Council for 1999-2000.

Friday, 23 June 2000]

No 94—2000] SECOND SESSION, SECOND PARLIAMENT

PARLIAMENT
OF THE
REPUBLIC OF SOUTH AFRICA

**ANNOUNCEMENTS,
TABLINGS AND
COMMITTEE REPORTS**

FRIDAY, 23 JUNE 2000

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. 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 Provincial and Local Government and to the Select Committee on Local Government and Administration. The Report of the Auditor-General contained in the following report is referred to the Standing Committee on Public Accounts:

Report and Financial Statements of the Training Board for Local Government Bodies for 1998-99, including the Report of the Auditor-General on the Financial Statements for 1998-99 [RP 66—2000].

- (2) The following paper is referred to the Portfolio Committee on Public Works and to the Select Committee on Public Services:

Tiro—Community Based Public Works Programme Publication, June 2000, Volume One Number One.

- (3) The following paper is referred to the Portfolio Committee on Labour and to the Select Committee on Labour and Public Enterprises:

Report and Financial Statements of the National Economic Development and Labour Council for 1999-2000.

National Council of Provinces:

1. The Chairperson:

The following papers have been tabled and are now referred to the Select Committee on Finance:

- (1) Regulation No R.556 published in Government Gazette No 21249 dated 31 May 2000, Treasury Regulations made in terms of section 76 of the Public Finance Management Act, 1999 (Act No 1 of 1999).
- (2) Regulation No R.562 published in Government Gazette No 21253 dated 5 June 2000, Draft Regulations published for comment in terms of section 5 of the Preferential Procurement Policy Framework Act, 2000 (Act No 5 of 2000).

TABLINGS:***National Assembly and National Council of Provinces:******Papers:***

1. The Minister for Agriculture and Land Affairs:

Report of the Commission on Restitution of Land Rights for 1999-2000 [RP 104—2000].

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

MONDAY, 17 JULY 2000

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

- (1) The Minister of Trade and Industry on 6 June 2000 submitted a draft of the *Competition Second Amendment Bill, 2000*, 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 Trade and Industry and the Select Committee on Economic Affairs by the Speaker and the Chairperson, respectively, in accordance with Joint Rule 159(2).
- (2) The Minister for Justice and Constitutional Development on 30 June 2000 submitted a draft of the *Directorate of Special Operations Bill, 2000*, 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 Justice and the Select Committee on Security and Constitutional Affairs by the Speaker and the Chairperson, respectively, in accordance with Joint Rule 159(2).
- (3) The Minister of Finance on 4 July 2000 submitted a draft of the *Finance Bill, 2000*, 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).
- (4) The Minister of Health on 4 July 2000 submitted a draft of the *National Health Laboratory Services Bill, 2000*, 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 Health and the Select Committee on Social Services by the Speaker and the Chairperson, respectively, in accordance with Joint Rule 159(2).

National Assembly:

1. The Speaker:

The following guidelines, as adjusted by the Chief Whip's Forum, are printed in accordance with the resolution adopted in the House on 21 June 2000 (words in square brackets indicate omissions from existing text and words underlined with a solid line indicate insertions in existing text):

GUIDELINES FOR TRIAL RUN TO QUESTIONS FOR ORAL REPLY

1. **CLUSTERS OF MINISTERS**

For the purposes of questions for oral reply each Minister will be placed in one of three clusters of Ministers. The clusters will be as follows:

Cluster 1: Peace and Security

Defence, Foreign Affairs, Safety and Security, Correctional Services, Justice and Constitutional Development, Intelligence.

Cluster 2: Social Services and Governance

Home Affairs, Education, Welfare and Population Development, Housing, Public Service and Administration, Communications, Water Affairs and Forestry, Health, Sport and Recreation, Minister in The Presidency, Provincial and Local Government.

Cluster 3: Economics

Finance, Public Works, Public Enterprises, Trade and Industry, Labour, Agriculture and Land Affairs, Transport, Environmental Affairs and Tourism, Minerals and Energy, Arts, Culture, Science and Technology.

The clusters will rotate on a weekly basis so that each cluster of Ministers will answer questions every three weeks.

2. **URGENT QUESTIONS TO MINISTER NOT DUE TO ANSWER**

A member who wants an urgent question to be placed on the Question Paper for a day on which such question would not be dealt with by a particular cluster, should hand in the question to the Speaker and clearly indicate that it is an urgent question. The request will be dealt with in the same way as a request for a snap debate. Such question must be submitted to the Speaker at the latest by 12:00 on the Tuesday in the week preceding the week in which the question is to be answered. The Questions Office must be informed by the Speaker's office of the approved questions by 12:00 the next day for processing and publication on Friday.

3. **NUMBER OF QUESTIONS PER MINISTER**

No more than eight questions for oral reply shall be put to a Minister on any particular question day: Provided that questions

transferred from written to oral reply and questions that had been standing over are not included in this number.

4. ORDER OF QUESTIONS BY PARTIES

The order in which questions will be asked is the same as that applicable to notices of motion in the House, ie:

- (1) ANC
- (2) DP
- (3) IFP
- (4) ANC
- (5) New NP
- (6) UDM
- (7) ANC
- (8) ACDP/PAC/MF
- (9) FF/UCDP/FA/AEB/Azapo

A party is not obliged to ask a question and should it not do so the next party's question will be called.

Questions to Ministers will follow this order every week.

5. NUMBER OF QUESTIONS PER MEMBER

Each member may ask a maximum of two questions per question day. This excludes urgent questions, questions that are on the Question Paper because they stood over and written questions transferred for oral reply.

6. QUESTIONS NOT ANSWERED AT END OF QUESTION TIME

The procedure relating to such questions remains the same, that is, replies must be handed in to the Secretary for inclusion in the Official Report of Debates of the House. All replies to such questions not received by the Secretary before 12:00 on the Monday preceding the Tuesday on which the Internal Question Paper for a particular question day is published will be regarded as questions standing over until the next cluster session. These questions will be published at the end of the Question Paper. Parties may decide to prioritise such questions.

7. PARTY PRIORITY OF QUESTIONS

Parties will need to prioritise their questions and give the Questions Office the order in which they want their questions to appear on the Question Paper by 12:00 on the Wednesday in the week preceding the week in which they are to be answered. If parties do not meet this deadline the questions will be published in the order that they appear on the Internal Question Paper.

The Internal Question Paper on Tuesday will contain all the questions as they have been received. Parties can use this Internal Question Paper to prioritise their questions.

The Internal Question Paper for Thursday will contain the questions in the order in which they will be dealt with on the next Wednesday.

8. TIME LIMITS FOR QUESTIONS AND REPLIES

Not more than three minutes will be allowed for the initial answer unless the presiding officer is of the opinion that the answer is sufficiently important to necessitate additional time, which must be limited to two more minutes.

[Five] Four supplementary questions of one minute each will be allowed arising from the reply to a question: Provided that the member who asked the question should be given the first opportunity to ask a supplementary question. [The member] A member who asks a supplementary question will be entitled to express an opinion.

The reply to a supplementary question is limited to two minutes[, unless the presiding officer is of the opinion that the answer is sufficiently important to necessitate more time].

A supplementary question must consist of only one question.

9. QUESTIONS STANDING OVER

If a Minister or Deputy Minister requests that a question stand over, that question shall stand over for reply until the next question day on which his or her cluster replies to questions.

If a question that is put during question time stands over because the Minister is not in the House to answer and the party that asked the question so requests, the question will be put on the next Question Paper for reply. Other questions which will be regarded as standing over are those referred to in paragraph 6.

10. WRITTEN QUESTIONS TRANSFERRED FOR ORAL REPLY

The procedure relating to such questions remains the same, with the exception that such questions will be cluster-bound.

11. QUESTIONS TO THE PRESIDENT

The President will answer questions of national or international importance once a quarter.

Such questions will be sifted in a process involving the Speaker to ensure that only questions satisfying set criteria are asked to the President.

At any other time questions relating to the President must be directed to the Deputy President or the Minister in The Presidency.

There will be no questions to the Deputy President and Ministers on days on which the President answers questions.

The President will answer a maximum of six questions on each such day.

The order in which parties will ask questions to the President is the same as that which applies to questions to Ministers: Provided that at the next session of questions to the President the sequence will be continued from the point where it was interrupted during the previous question session.

Supplementary questions will be dealt with on the same basis as supplementary questions for oral reply to Ministers.

Procedure:

Questions to the President must be submitted to the Speaker's Office by 12:00 on the Monday, 16 days prior to the Wednesday on which they are due to be answered. The Questions office must be informed by 12:00 on the Tuesday, following that Monday of the approved questions so that they can be processed and published by the Thursday, almost two weeks before question day.

12. QUESTIONS TO THE DEPUTY PRESIDENT

Questions to the Deputy President will be scheduled for every second week.

Questions to the Deputy President will have precedence over questions to Ministers.

The Deputy President will not answer questions in the week that the President answers questions or [on the day] in the week when [he or she] the Deputy President is answering questions in the National Council of Provinces.

The Deputy President will answer a maximum of four questions per question day. The time allocated for such questions forms part of the total time for questions.

The order in which parties will ask questions to the Deputy President is the same as that which applies to questions to Ministers: Provided that at the next session of questions to the Deputy President the sequence will be continued from the point where it was interrupted during the previous question session.

13. FORM OF QUESTION PAPER

The Question Paper will only reflect the questions that are due to be answered on a particular question day.

14. INTERNAL QUESTION PAPER

The Internal Question Paper will be published on Tuesday, Thursday and Friday.

The format of the Internal Question Paper for Tuesday, which contains all the questions for oral reply for the next Wednesday, will remain the same.

The Internal Question Paper for Thursday will contain the questions in the order in which they will be answered on the next Wednesday. Questions to the President will also appear in Thursday's Internal Question Paper.

The Internal Question Paper for Friday will contain all the questions for written reply received during that parliamentary working week.

The questions will retain their original numbers to assist departments and to avoid confusion.

PARLIAMENT
OF THE
REPUBLIC OF SOUTH AFRICA

**ANNOUNCEMENTS,
TABLINGS AND
COMMITTEE REPORTS**

THURSDAY, 20 JULY 2000

ANNOUNCEMENTS:

National Assembly:

The Speaker:

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

Communications:

Appointed: Maziya, A M (Alt).

Discharged: Mohai, S J.

Correctional Services:

Appointed: Maziya, A M.

Discharged: Ntuli, S B.

Foreign Affairs:

Appointed: Clelland, N J.

Discharged: Selfe, J.

Housing:

Appointed: Douglas, B M; Slabbert, J H (Alt).

Improvement of Quality of Life and Status of Women:

Appointed: Mbuyazi, L R; Ngubane, H (Alt).

Discharged: Vos, S C.

Public Enterprises:

Appointed: Martins, B A D (Alt); Ntshangase, I B (Alt).

Public Service and Administration:

Appointed: Zulu, N E.

Public Works:

Appointed: Middleton, N S (Alt).

Discharged: Slabbert, J H.

Sport and Recreation:

Appointed: Moonsamy, K (Alt); Southgate, R M.

Discharged: Madasa, Z L.

National Council of Provinces:

The Chairperson:

1. The membership of the Select Committee mentioned below has been changed, as follows:

Members' and Provincial Legislative Proposals:**ANC:**

Bhabha, M	Mpumalanga
Kgware, D M	Northern Cape
Maloyi, P D N	North West
Ndzanga, R A	Gauteng
Nkuna, C	Northern Province
Suka, L	Eastern Cape
Thomson, B (Alt)	KwaZulu-Natal

DP:

Botha, C	Free State
Lever, L G (Alt)	North West

IFP:

Bhengu, M J	KwaZulu-Natal
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New NP:

Matthee, P A	KwaZulu-Natal
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UDM:

Nyakane, R M	Northern Province
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ACDP:

Durr, K D S	Western Cape
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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 Children, Youth and Disabled Persons on *National Youth Commission*, dated 29 June 2000:

The Joint Monitoring Committee on Improvement of Quality of Life and Status of Children, Youth and Disabled Persons, having considered the request from the Minister in The Presidency regarding the appointment of Commissioners to serve on the National Youth Commission, referred to it, reports as follows:

1. Advertisements were placed in the printed and electronic media from 23 to 27 June 2000, and 86 nominations were received. On 28 June the Committee shortlisted the following nominees for interviews:

Cecil Charles Davids, Marion Thembi Khambule, Yoliswa Makhasi, Petros Nketu Matima, Ntsokolo Ishmail Mbalula, Prince Nkintsing Mokotedi, Langanane Lucy Catherine Mphelo, Ngwanakopi Gladys Ramushu, Daniel van Vuuren and Dr V Pillay.

Dr Pillay withdrew her nomination, and the Committee included Vuyani Dyantyi as the next person to form part of the 10 candidates to be interviewed.

2. On 29 June, the Committee spent nine hours interviewing the said 10 candidates. The principles contained in section 4 of the National Youth Commission Act, 1996, (Act No. 19 of 1996), were duly taken into account during the entire process.
3. The Committee accordingly recommends, in accordance with section 4 of the National Youth Commission Act, 1996, the following candidates (in order of preference) for consideration by the President in appointing five full-time members to the National Youth Commission:

Yoliswa Makhasi, Ntsokolo Ishmail Mbalula, Daniel van Vuuren, Petros Nketu Matima, Ngwanakopi Gladys Ramushu, Langanane Lucy Catherine Mphelo and Vuyani Dyantyi.

Report to be considered.

National Assembly:

1. Seventh Report of the Standing Committee on Public Accounts, dated 21 June 2000:

The Standing Committee on Public Accounts, having considered and examined the Report of the Auditor-General on the Financial Statements of Vote 5: Arts, Culture, Science and Technology for the year ended 31 March 1999 [RP 130—99], as well as certain papers referred to it, and having heard evidence, reports as follows:

1. *Financial management, internal audit and audit committee*
[Page 2, Paragraph 3.1]

The Committee is concerned that the Director-General of the Department has not yet vacated his position as chairperson of the audit committee and that the internal audit unit is still not functioning at full strength. In addition, the external auditors did not place full reliance on the work done by the internal auditors.

The Committee therefore recommends that—

- (1) the Director-General, in his formal response to this Report, provide details on the new chairperson of the audit committee, and further indicate whether that committee fully complies with the requirements of section 77 of the Public Finance Management Act; and
- (2) the monitoring unit in the Office of the Accountant-General advise the Accounting Officer and the audit committee on the adequacy of the staffing of the Department's internal audit unit in terms of generally accepted benchmarks, and report to the Committee in this regard.

2. *Recovery of unauthorised expenditure*
 [Page 2, Paragraph 3.2]

Unauthorised expenditure amounting to R112 960, which related to air travel and subsistence expenses in respect of an unauthorised visit abroad by a former Deputy Minister of Arts, Culture, Science and Technology, was previously not authorised by Parliament. Consequently, the head of the Department initiated a process, *inter alia* in terms of sections 33 and 34 of the Exchequer Act, aimed at the recovery of the amount in question from the person concerned.

The Committee has since determined that the Department, despite significant efforts on the part of the Accounting Officer, did not succeed in recovering the amount in question. In addition, the Committee has been informed that—

- (1) the claim of the State against the former Deputy Minister has since prescribed;
- (2) the recovery process by the Director-General of Arts, Culture, Science and Technology was interrupted by unsolicited opinion from the former Director-General of the Department of State Expenditure regarding the possible validation of the expenditure; and
- (3) successful recovery by the State by means of a delictual court action seems highly improbable.

The above resulted as a consequence of the Director-General of State Expenditure informing the Accounting Officer that the money did not need to be recovered from the former Deputy Minister. This view was based on correspondence from the former Minister of Foreign Affairs that value had been gained from the former Deputy Minister's trip. The Office of the State Attorney was extremely slow in pursuing the recovery of the debt, leading to prescription. The Committee believes that the actions of the Department of State Expenditure and the Office of the State Attorney were inappropriate, and in this instance, undermined the work of Parliament.

The Committee, aggrieved by the inappropriate action of the Department of State Expenditure, referred to in paragraph (2) above, wishes to note that, although it is not an implementing authority, it reserves the right to monitor all its resolutions and that it expects appropriate and timeous report-back to Parliament by both the line-function department concerned, and the Department of State Expenditure, as the department with overall responsibility for regulating financial control and monitoring financial management. The Committee will also determine whether the role played by agencies such as the Office of the State Attorney delays or hampers the Committee's oversight processes in any way.

Given the serious implications of the above-mentioned on the effective oversight role of the Committee, it is resolved that the Committee will urgently investigate, in consultation with all relevant parties, the adequacy of recovery and other corrective processes once Parliament has refused to authorise or validate unauthorised expenditure. The Committee also resolves to determine to what extent Rule 317 of the National Assembly can

facilitate appropriate and expeditious response from public sector departments and agencies to the Committee's resolutions, once adopted by the House.

In addition, the Committee notes that, in terms of the Public Finance Management Act, far quicker action will be demanded of accounting officers with regard to the recovery of unauthorised expenditure.

Nevertheless, the Committee resolves further to investigate, with the Portfolio Committee on Justice and Constitutional Development and other relevant parties, the desirability of extending the three-year prescription period in law and the appropriateness of prescription legislation as it pertains to matters of public finance.

3. *Claims against Department* [Page 3, Paragraph 3.3]

The Committee has taken note that the Department had received approval from the Department of State Expenditure to write off an amount of R60 230,28 relating to damages to certain government vehicles used by the former Deputy Minister. In order for the Committee to fully satisfy itself that this matter should be laid to rest, it requests a brief report by the Department of State Expenditure as to the basis on which the approval for the write-off had been granted. The Committee recommends that such report be furnished within 30 days of adoption of this Report by the House.

4. *Transfer payments (R686 068 000)*

The Committee is concerned that the State may not always be assured that value for money is received for transfer payments made by the Department. The Committee therefore requests the Director-General to provide a brief report on the manner in which assurance is received of proper control and value for money received in respect of annual transfers made by the Department.

In addition, the Committee recommends that the Auditor-General in the next regularity audit report indicate whether—

- (1) proper financial management procedures in both the Department and the receiving entity are in place with respect to all transfer payments made by the Department; and
- (2) value for money is being received for these transfers.

The Committee has further noted that transfer payments constitute approximately 90% of the Department's budget. The Committee is pleased to note that the Director-General has recognised that it is critical to exercise appropriate control over transfer payments and that such control should not be invalidated by the autonomy provisions of the receiving institutions.

The Committee therefore further recommends that the Department report back to it on the progress made with the establishing

of performance indicators for all transfer payments made, as well as a performance reporting system in respect of such indicators. This should include information on the success of the "early warning system" implemented in this regard by the Director: Finance.

5. *Unspent funds*

The Committee is concerned at the extent of the recorded "savings" by the Department, which constituted R72 978 000 during the 1997-98 financial year and R30 002 000 during the 1998-99 financial year. The opportunities lost to fund important bodies and institutions in desperate financial need are to be regretted. The Committee will in future monitor the efficiency of departmental budgetary planning and expenditure control.

The Committee recommends accordingly.

Report to be considered.

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

TUESDAY, 15 AUGUST 2000

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

- (1) The Minister of Public Enterprises on 27 July 2000 submitted a draft of the *Transnet Pension Fund Amendment Bill, 2000*, 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 Public Enterprises and the Select Committee on Labour and Public Enterprises by the Speaker and the Chairperson, respectively, in accordance with Joint Rule 159(2).
- (2) The Minister of Education on 27 July 2000 submitted drafts of the *Adult Basic Education and Training Bill, Education Laws Amendment Bill, and Higher Education Amendment Bill, 2000*, as well as the memorandums explaining the objects of the proposed legislation, to the Speaker and the Chairperson in terms of Joint Rule 159. The drafts have been referred to the Portfolio Committee on Education and the Select Committee on Education and Recreation by the Speaker and the Chairperson, respectively, in accordance with Joint Rule 159(2).
- (3) The Minister of Finance on 1 August 2000 submitted a draft of the *Banks Amendment Bill, 2000*, 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).
- (4) The Minister of Minerals and Energy on 3 August 2000 submitted a draft of the *Abolition of Lebowa Mineral Trust Bill*,

2000, 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 Minerals and Energy and the Select Committee on Economic Affairs by the Speaker and the Chairperson, respectively, in accordance with Joint Rule 159(2).

- (5) The Minister of Sport and Recreation on 8 August 2000 submitted a draft of the *South African Boxing Bill, 2000*, 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 Sport and Recreation and the Select Committee on Education and Recreation by the Speaker and the Chairperson, respectively, in accordance with Joint Rule 159(2).

- (6) The Minister of Arts, Culture, Science and Technology on 11 August 2000 submitted drafts of the *National Council for Library and Information Services Bill, Cultural Laws Amendment Bill* and *Cultural Laws Second Amendment Bill, 2000*, as well as the memorandums explaining the objects of the proposed legislation, to the Speaker and the Chairperson in terms of Joint Rule 159. The drafts have been referred to the Portfolio Committee on Arts, Culture, Science and Technology and the Select Committee on Education and Recreation by the Speaker and the Chairperson, respectively, in accordance with Joint Rule 159(2).

- (7) The Minister for Provincial and Local Government on 11 August 2000 submitted a draft of the *Local Government: Municipal Structures Amendment Bill, 2000*, 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 Provincial and Local Government and the Select Committee on Local Government and Administration by the Speaker and the Chairperson, respectively, in accordance with Joint Rule 159(2).

2. The Speaker and the Chairperson:

- (1) The following Bill was introduced in the National Assembly on 11 August 2000 and referred to the Joint Tagging Mechanism (JTM) for classification in terms of Joint Rule 160:

- (i) *Directorate of Special Operations Bill* [B 39—2000] (National Assembly—sec 75)—(Portfolio Committee on Justice and Constitutional Development—National Assembly) [Explanatory summary of Bill and prior notice of its introduction published in Government Gazette No 21436 of 2 August 2000.]

- (2) The following Bill was introduced in the National Assembly on 14 August 2000 and referred to the Joint Tagging Mechanism (JTM) for classification in terms of Joint Rule 160:

- (i) *Finance Bill* [B 40—2000] (National Assembly—sec 75)—(Portfolio Committee on Finance—National Assem-

bly) [Explanatory summary of Bill and prior notice of its introduction published in Government Gazette No 21455 of 3 August 2000.]

(3) The following Bills were introduced in the National Assembly on 15 August 2000 and referred to the Joint Tagging Mechanism (JTM) for classification in terms of Joint Rule 160:

(i) *Competition Second Amendment Bill* [B 41—2000] (National Assembly—sec 75)—(Portfolio Committee on Trade and Industry—National Assembly) [Explanatory summary of Bill and prior notice of its introduction published in Government Gazette No 21479 of 16 August 2000.]

(ii) *Adult Basic Education and Training Bill* [B 42—2000] (National Assembly—sec 75)—(Portfolio Committee on Education—National Assembly) [Explanatory summary of Bill and prior notice of its introduction published in Government Gazette No 21461 of 7 August 2000.]

(iii) *Developmental Welfare Governance Bill* [B 43—2000] (National Assembly—sec 75)—(Portfolio Committee on Welfare and Population Development—National Assembly) [Explanatory summary of Bill and prior notice of its introduction published in Government Gazette No 21369 of 21 July 2000.]

(iv) *National Council for Library and Information Services Bill* [B 44—2000] (National Assembly—sec 75)—(Portfolio Committee on Arts, Culture, Science and Technology—National Assembly) [Explanatory summary of Bill and prior notice of its introduction published in Government Gazette No 21452 of 4 August 2000.]

(v) *Cultural Laws Amendment Bill* [B 45—2000] (National Assembly—sec 75)—(Portfolio Committee on Arts, Culture, Science and Technology—National Assembly) [Explanatory summary of Bill and prior notice of its introduction published in Government Gazette No 21452 of 4 August 2000.]

(vi) *Cultural Laws Second Amendment Bill* [B 46—2000] (National Assembly—sec 75)—(Portfolio Committee on Arts, Culture, Science and Technology—National Assembly) [Explanatory summary of Bill and prior notice of its introduction published in Government Gazette No 21452 of 4 August 2000.]

3. The Speaker and the Chairperson:

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

(i) *National House of Traditional Leaders Amendment Bill* [B 15B—2000]—Act No 20 of 2000 (assented to and signed by President on 29 June 2000);

- (ii) *Remuneration of Public Office Bearers Second Amendment Bill* [B 23—2000]—Act No 21 of 2000 (assented to and signed by President on 29 June 2000);
- (iii) *Appropriation Bill* [B 7 and 7A—2000]—Act No 23 of 2000 (assented to and signed by President on 26 July 2000);
- (iv) *Administrative Adjudication of Road Traffic Offences Amendment Bill* [B 31B—2000]—Act No 24 of 2000 (assented to and signed by President on 26 July 2000);
- (v) *Road Traffic Management Corporation Amendment Bill* [B 32B—2000]—Act No 25 of 2000 (assented to and signed by President on 26 July 2000);
- (vi) *Protected Disclosures Bill* [B 30B—2000]—Act No 26 of 2000 (assented to and signed by President on 1 August 2000);
- (vii) *Local Government: Municipal Electoral Bill* [B 35B—2000]—Act No 27 of 2000 (assented to and signed by President on 6 July 2000);
- (viii) *Identification Amendment Bill* [B 33—2000]—Act No 28 of 2000 (assented to and signed by President on 26 July 2000);
- (ix) *Local Government: Cross-boundary Municipalities Bill* [B 37B—2000]—Act No 29 of 2000 (assented to and signed by President on 30 June 2000);
- (x) *Taxation Laws Amendment Bill* [B 38—2000]—Act No 30 of 2000 (assented to and signed by President on 16 July 2000); and
- (xi) *South African Council for Educators Bill* [B 26D—2000]—Act No 31 of 2000 (assented to and signed by President on 26 July 2000).

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

WEDNESDAY, 23 AUGUST 2000

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

- (1) The Minister of Defence on 28 July 2000 submitted a draft of the *Conventional Arms Control Bill, 2000*, 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 Defence and the Select Committee on Security and Constitutional Affairs by the Speaker and the Chairperson, respectively, in accordance with Joint Rule 159(2).
- (2) The Minister of Public Works on 15 August 2000 submitted a draft of the *Construction Industry Development Board Bill, 2000*, 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 Public Works and the Select Committee on Public Services by the Speaker and the Chairperson, respectively, in accordance with Joint Rule 159(2).

2. The Speaker and the Chairperson:

- (1) The following Bills were introduced in the National Assembly on 16 August 2000 and referred to the Joint Tagging Mechanism (JTM) for classification in terms of Joint Rule 160:
 - (i) *Bills of Exchange Amendment Bill* [B 47—2000] (National Assembly—sec 75)—(Portfolio Committee on Finance—National Assembly) [Explanatory summary of Bill and prior notice of its introduction published in Government Gazette No 21316 of 23 June 2000.]

- (ii) *Education Laws Amendment Bill* [B 48—2000] (National Assembly—sec 75)—(Portfolio Committee on Education—National Assembly) [Explanatory summary of Bill and prior notice of its introduction published in Government Gazette No 21461 of 7 August 2000.]

(2) The following Bills were introduced in the National Assembly on 17 August 2000 and referred to the Joint Tagging Mechanism (JTM) for classification in terms of Joint Rule 160:

- (i) *Abolition of Lebowa Mineral Trust Bill* [B 49—2000] (National Assembly—sec 75)—(Portfolio Committee on Minerals and Energy—National Assembly) [Explanatory summary of Bill and prior notice of its introduction published in Government Gazette No 21420 of 28 July 2000.]
- (ii) *Conventional Arms Control Bill* [B 50—2000] (National Assembly—sec 75)—(Portfolio Committee on Defence—National Assembly) [Explanatory summary of Bill and prior notice of its introduction published in Government Gazette No 21426 of 28 July 2000.]
- (iii) *Local Government: Municipal Structures Amendment Bill* [B 51—2000] (National Assembly—sec 75)—(Portfolio Committee on Provincial and Local Government—National Assembly) [Explanatory summary of Bill and prior notice of its introduction published in Government Gazette No 21475 of 11 August 2000.]

(3) The following Bill was introduced in the National Assembly on 18 August 2000 and referred to the Joint Tagging Mechanism (JTM) for classification in terms of Joint Rule 160:

- (i) *Home Loan and Mortgage Disclosure Bill* [B 53—2000] (National Assembly—sec 75)—(Portfolio Committee on Housing—National Assembly) [Explanatory summary of Bill and prior notice of its introduction published in Government Gazette No 21481 of 18 August 2000.]

(4) The following Bill was introduced in the National Council of Provinces on 18 August 2000 and referred to the Joint Tagging Mechanism (JTM) for classification in terms of Joint Rule 160:

- (i) *National Health Laboratory Services Bill* [B 52—2000] (National Council of Provinces—sec 76)—(Select Committee on Social Services—National Council of Provinces) [Explanatory summary of Bill and prior notice of its introduction published in Government Gazette No 20520 of 1 October 1999.]

(5) The following Bills were introduced in the National Assembly on 22 August 2000 and referred to the Joint

Tagging Mechanism (JTM) for classification in terms of Joint Rule 160:

- (i) *South African Weather Service Bill* [B 54—2000] (National Assembly—see 75)—(Portfolio Committee on Environmental Affairs and Tourism—National Assembly) [Explanatory summary of Bill and prior notice of its introduction published in Government Gazette No 20979 of 17 March 2000.]
- (ii) *Higher Education Amendment Bill* [B 55—2000] (National Assembly—see 75)—(Portfolio Committee on Education—National Assembly) [Explanatory summary of Bill and prior notice of its introduction published in Government Gazette No 21461 of 7 August 2000.]
- (iii) *Bank Amendment Bill* [B 56—2000] (National Assembly—see 75)—(Portfolio Committee on Finance—National Assembly) [Explanatory summary of Bill and prior notice of its introduction published in Government Gazette No 21437 of 3 August 2000.]

3. The Speaker and the Chairperson:

- (1) Assent by the President of the Republic in respect of the following Bill:
- (i) *National Land Transport Transition Bill* [B 53—2000]—Act No 22 of 2000 (assented to and signed by President on 17 August 2000).

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Speaker and the Chairperson:

Documents, in terms of section 3(11)(c) of the Public Protector Act, 1994 (Act No 23 of 1994), setting out the remuneration, allowances and other conditions of employment determined by the Public Protector for staff in his office.

Referred to the Portfolio Committee on Justice and Constitutional Development and to the Select Committee on Security and Constitutional Affairs for consideration and report.

2. The Minister of Arts, Culture, Science and Technology:

Reports of the National Archivist and the National State Herald for 1998-99.

3. The Minister of Trade and Industry:

- (1) Agreement of the United Nations Economic Commission for Europe concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions [1958 Agreement], tabled in terms of section 231(2) of the Constitution, 1996.

- (2) Explanatory Memorandum to the agreement.
- (3) Agreement of the United Nations Economic Commission for Europe concerning the establishment of Global Technical Regulations for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles [Global Agreement], tabled in terms of section 231(2) of the Constitution, 1996.
- (4) Explanatory Memorandum to the agreement.

Referred to the Portfolio Committee on Trade and Industry and to the Select Committee on Economic Affairs for consideration and report.

National Assembly:

I. The Speaker:

- (1) Petition from Mr B D Brown praying for an increase in a military pension.

Referred to the Standing Committee on Private Members' Legislative Proposals and Special Petitions.

- (2) The Minister for Justice and Constitutional Development submitted the following letter to the Speaker of the National Assembly:

REPORT ON THE ADMINISTRATIVE JUSTICE BILL [B 56—99]

Thank you for your letter of 30 March 2000, bringing the report of the Portfolio Committee to my attention. The matter referred to in the report have been receiving the attention of my Department. I can report back as follows at this stage.

Regarding paragraph 1 of the report, dealing with the training of magistrates at Justice College, this has been brought to the attention of the College which is in the process of formulating a training programme. I can also mention that Justice College has recently conducted a three day training workshop for senior personnel in the Department on this legislation, as well as on the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000, and the Promotion of Access to Information Act, 2000.

Regarding paragraph 2 of the report dealing with the possibility of circuit courts I have written to all Judges President of the High Courts and am awaiting their response. Once this legislation becomes operational in the lower courts, the department will monitor appeals to High Courts, as requested.

Regarding paragraph 3, dealing with the impact of other legislation with review procedures on this Act, I can mention that my Department has written to all Directors-General on national and provincial level, requesting them to furnish information for purposes of the investigation.

Regarding paragraph 4, dealing with the Code of Conduct, the Department is at present preparing draft regulations which will be distributed to role-players for comments. The Code will be incorporated in these regulations.

Regarding paragraph 6, requesting the rules Board for Courts of Law to make and implement rules of procedure for the judicial review of administrative actions, I can mention that the rules Board has been informed accordingly and I await the Board's response.

Cognisance has also been taken of paragraph 7 of the report, pointing out that the failure by a public body to take a decision constitutes a special ground of review. This has been drawn to the attention of all Directors-General for dissemination in their administrations.

Further feedback on these matters will be submitted to the Portfolio Committee in their first report at the end of the six month period as required by the Committee that is by 25 July 2000.

Referred to the Portfolio Committee on Justice and Constitutional Development.

Bills:

1. The Minister of Education:

(1) *Wysigingswetsontwerp op Onderwyswette* [W 48—2000]

The *Education Laws Amendment Bill* [B 48—2000] (National Assembly—sec 75) was introduced by the Minister of Education on 16 August 2000 and referred to the Portfolio Committee on Education.

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

FRIDAY, 25 AUGUST 2000

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

- (1) The Minister of Foreign Affairs on 16 August 2000 submitted a draft of the *African Renaissance and International Co-operation Fund Bill*, 2000, 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 Foreign Affairs and the Select Committee on Economic Affairs by the Speaker and the Chairperson, respectively, in accordance with Joint Rule 159(2).

2. The Speaker and the Chairperson:

- (1) The following Bills were introduced in the National Assembly on 23 August 2000 and referred to the Joint Tagging Mechanism (JTM) for classification in terms of Joint Rule 160:

(i) *Transnet Pension Fund Amendment Bill* [B 57—2000] (National Assembly—sec 75)—(Portfolio Committee on Public Enterprises—National Assembly) [Explanatory summary of Bill and prior notice of its introduction published in Government Gazette No 21214 of 29 May 2000.]

(ii) *South African Boxing Bill* [B 58—2000] (National Assembly—sec 75)—(Portfolio Committee on Sport and Recreation—National Assembly) [Explanatory summary of Bill and prior notice of its introduction published in Government Gazette No 21456 of 14 August 2000.]

- (xiv) *Basic Amendment Bill* [B 56—2000] (National Assembly—sec 75)—(Portfolio Committee on Finance—National Assembly).
 - (xv) *Transport Pension Fund Amendment Bill* [B 57—2000] (National Assembly—sec 75)—(Portfolio Committee on Public Enterprises—National Assembly).
- (2) The Joint Tagging Mechanism (JTM), in terms of Joint Rule 16(4), classified the following Bills as section 76 Bills on 24 August 2000:
- (i) *Adult Basic Education and Training Bill* [B 42—2000] (National Assembly—sec 76)—(Portfolio Committee on Education—National Assembly).
 - (ii) *Cultural Laws Second Amendment Bill* [B 45—2000] (National Assembly—sec 76)—(Portfolio Committee on Arts, Culture, Science and Technology—National Assembly).
 - (iii) *Education Laws Amendment Bill* [B 48—2000] (National Assembly—sec 76)—(Portfolio Committee on Education—National Assembly).
 - (iv) *National Health Laboratory Services Bill* [B 52—2000] (National Council of Provinces—sec 76)—(Select Committee on Social Services—National Council of Provinces).

2. The Speaker and the Chairperson:

- (1) On 15 August 2000 it was announced that the *Adult Basic Education and Training Bill* [B 42—2000] and *Cultural Laws Second Amendment Bill* [B 45—2000] had been introduced as sec 75 Bills. Those entries were not correct and should read as follows:

Adult Basic Education and Training Bill [B 42—2000] (National Assembly—sec 76); *Cultural Laws Second Amendment Bill* [B 45—2000] (National Assembly—sec 76).

- (2) On 15 August 2000 it was announced that the *Education Laws Amendment Bill* [B 48—2000] had been introduced as a sec 75 Bill. That entry was not correct and should read as follows:

Education Laws Amendment Bill [B 48—2000] (National Assembly—sec 76).

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ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 07-09-2018 BY 60322 PRT/STP/bjw/llm

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1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific information required.

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PARLIAMENT
OF THE
REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS,
TABLINGS AND
COMMITTEE REPORTS

TUESDAY, 29 AUGUST 2000

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

- (1) The Minister for Justice and Constitutional Development on 28 July 2000 submitted a draft of the *Judicial Matters Amendment Bill, 2000*, 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 Justice and Constitutional Development and the Select Committee on Security and Constitutional Affairs by the Speaker and the Chairperson, respectively, in accordance with Joint Rule 159(2).

National Assembly:

1. The Speaker:

- (1) The Minister of Foreign Affairs on 30 June 2000 submitted a letter, together with a Media Statement by the Minister of Defence, on the financial implications of the deployment of specialised units of the South African National Defence Force to the Democratic Republic of Congo for safekeeping purposes.

The letter has been referred to the Joint Standing Committee on Defence.

2. The Speaker:

- (1) The vacancy which occurred owing to Dr K Rajoo vacating his seat with effect from 1 August 2000, has been filled with effect from 1 August 2000 by the nomination of the following member:

Sibiya, M S M.

- (2) The vacancy which occurred owing to the death of Mr B R Mkhize will be filled with effect from 1 September 2000 by the nomination of the following member:

Mohlala, R J B.

- (3) The vacancy which occurred owing to Mr A Williams vacating his seat with effect from 14 August 2000, has been filled with effect from 14 August 2000 by the nomination of the following member:

Schippers, J.

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Speaker and the Chairperson:

- (1) Special Report of the Auditor-General on donor funding and remuneration of a former adviser in the Office of the Premier of Mpumalanga [RP 123—99].
- (2) Report of the Public Protector on an investigation of complaints in connection with the Special Report of the Auditor-General on donor funding and remuneration of a former adviser in the Office of the Premier of Mpumalanga, dated 2 December 1999, and matters incidental thereto.

2. The Minister of Safety and Security:

Regulation No R.721 published in the Government Gazette No 21375 dated 21 July 2000, Regulations for the South African Police Service made in terms of section 24(1)(g) of the South African Police Service Act, 1995 (Act No 68 of 1995).

3. The Minister of Trade and Industry:

- (1) Report and Financial Statements of the Council for Scientific and Industrial Research for 1999-2000, including the Report of the Auditor-General on the Financial Statements for 1999-2000.
- (2) The Council for Scientific and Industrial Research's Technology Impact for 2000.

PARLIAMENT
OF THE
REPUBLIC OF SOUTH AFRICA

**ANNOUNCEMENTS,
TABLINGS AND
COMMITTEE REPORTS**

WEDNESDAY, 30 AUGUST 2000

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

(1) The following Bill was introduced in the National Council of Provinces on 30 August 2000 and referred to the Joint Tagging Mechanism (JTM) for classification in terms of Joint Rule 160:

- (i) *Construction Industry Development Board Bill* [B 59—2000] (National Council of Provinces—sec 76)—(Select Committee on Public Services—National Council of Provinces) [Explanatory summary of Bill and prior notice of its introduction published in Government Gazette No 21477 of 15 August 2000.]

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Minister of Safety and Security:

Report of the Independent Complaints Directorate for the period December 1999 to May 2000, submitted in terms of section 18(5)(c) of the Domestic Violence Act, 1998.

PARLIAMENT
OF THE
REPUBLIC OF SOUTH AFRICA

**ANNOUNCEMENTS,
TABLINGS AND
COMMITTEE REPORTS**

THURSDAY, 31 AUGUST 2000

ANNOUNCEMENTS:

National Assembly:

1. The Speaker:

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

Subcommittee (of Rules Committee) on Parliamentary Oversight and Accountability:

Appointed: Sonjica, B P (Alt).

Discharged: Vilakazi, B H.

COMMITTEE REPORTS:

National Assembly:

1. Report of the Portfolio Committee on Finance on the *Finance Bill* [B 40—2000] (National Assembly—sec 75), dated 23 August 2000:

The Portfolio Committee on Finance, having considered the subject of the *Finance Bill* [B 40—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.

2. Report of the Portfolio Committee on Education on the *Adult Basic Education and Training Bill* [B 42—2000] (National Assembly—sec 76), dated 24 August 2000:

The Portfolio Committee on Education, having considered the subject of the *Adult Basic Education and Training Bill* [B 42—2000] (National Assembly—sec 76), referred to it and

classified by the Joint Tagging Mechanism as a section 76 Bill, reports the Bill with amendments [B 42A—2000].

3. Report of the Portfolio Committee on Education on the *Education Laws Amendment Bill* [B 48—2000] (National Assembly—sec 76), dated 24 August 2000:

The Portfolio Committee on Education, having considered the subject of the *Education Laws Amendment Bill* [B 48—2000] (National Assembly—sec 76), referred to it and classified by the Joint Tagging Mechanism as a section 76 Bill, reports the Bill with amendments [B 48A—2000].

4. Report of the Portfolio Committee on Public Enterprises on the *Transnet Pension Fund Amendment Bill* [B 57—2000] (National Assembly—sec 75), dated 30 August 2000:

The Portfolio Committee on Public Enterprises, having considered the subject of the *Transnet Pension Fund Amendment Bill* [B 57—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 57A—2000].

PARLIAMENT
OF THE
REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS,
TABLINGS AND
COMMITTEE REPORTS

FRIDAY, 1 SEPTEMBER 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) *Chiropractors, Homeopaths and Allied Health Service Professions Amendment Bill* [B 2—2000]—Act No 6 of 2000 (assented to and signed by President on 30 August 2000);
- (ii) *Remuneration of Public Office Bearers Amendment Bill* [B 11D—2000]—Act No 9 of 2000 (assented to and signed by President on 30 August 2000); and
- (iii) *Road Accident Fund Commission Amendment Bill* [B 12—2000]—Act No 18 of 2000 (assented to and signed by President on 30 August 2000).

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Minister of Finance:

- (1) Agreement between the Government of the Republic of South Africa and the Government of the Federal Republic of Nigeria for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income and on Capital Gains, tabled in terms of section 231(2) of the Constitution, 1996.
- (2) Explanatory Memorandum on the Double Taxation Agreement between the Republic of South Africa and Nigeria.



PARLIAMENT
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REPUBLIC OF SOUTH AFRICA

**ANNOUNCEMENTS,
TABLINGS AND
COMMITTEE REPORTS**

TUESDAY, 5 SEPTEMBER 2000

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Speaker and the Chairperson:

Reports of the Auditor-General on the—

- (1) Accounts on the National Government for 1998-1999 [RP 201-99].
- (2) Urban Transport Fund for 1998-99 [RP 97-2000].
- (3) Financial Statements of the National Hiking Way Fund for 1998-99 [RP 105-2000].
- (4) Financial Statements of the Manpower Development Authority of Bophuthatswana for 1998-99 [RP 106-2000].
- (5) Group Annual Financial Statements of the SFF Association for 1997-98 [RP 108-99].
- (6) Financial Statements of the Milk Board for the 10 Month period ended 31 December 1997 and the Liquidation Account for the period 1 January 1998 to 31 December 1999 [RP 109-2000].
- (7) Group Annual Financial Statements of the SFF Association for 1996-97 [RP 146-99].
- (8) Financial Statements of the National Supplies Procurement Fund for 1998-99 [RP 148-2000].
- (9) Financial Statements of the Maize Board for 1998-99 [RP 149-2000].
- (10) Financial Statements of the South African Library for the Blind for 1998-99 [RP 151-2000].
- (11) Financial Statements of the Universal Service Agency for 1998-99 [RP 157-2000].

2. The Minister of Home Affairs:

- (1) Government Notice No R.276 published in the Government Gazette No 21016 dated 1 April 2000, Seventh Amendment of the Aliens Control Regulations made in terms of the Aliens Control Act, 1991 (Act No 96 of 1991).
- (2) Government Notice No R.249 published in the Government Gazette No 20988 dated 14 March 2000, Sixth Amendment of the Marriages Regulations, made in terms of the Marriage Act, 1961 (Act No 25 of 1961).
- (3) Government Notice No R.250 published in the Government Gazette No 20990 dated 17 March 2000, Fifth Amendment of the regulations, made in terms of the South African Citizenship Act, 1995 (Act No 88 of 1995).
- (4) Government Notice No R.251 published in the Government Gazette No 20991 dated 17 March 2000, Sixth Amendment of the regulations, made in terms of the South African Passport and Travel Documents Act, 1994 (Act No 4 of 1994).
- (5) Government Notice No R.275 published in the Government Gazette No 21015 dated 1 April 2000, Third Amendment of the regulations, made in terms of the Identification Act, 1997 (Act No 68 of 1997).

3. The Minister of Transport:

- (1) Agreement between the Government of the Republic of South Africa and the Government of the People's Republic of China on Maritime Transport, tabled in terms of section 231(3) of the Constitution, 1996.
- (2) Explanatory Memorandum to the agreement.
- (3) Report and Financial Statements of the South African National Roads Agency Limited for 1998-99, including the Report of the Auditor-General on the Financial statements for 1998-99 [RP 95-2000].
- (4) Report and Financial Statements of the South African Rail Commuter Corporation Limited for 1998-99, including the Report of the Auditor-General on the Financial Statements for 1998-99.
- (5) Report and Financial Statements of the Airports Company South Africa Limited for 1999-2000.
- (6) Report and Financial Statements of the Air Traffic and Navigation Services Company Limited for 1999-2000.

PARLIAMENT
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**ANNOUNCEMENTS,
TABLINGS AND
COMMITTEE REPORTS**

WEDNESDAY, 6 SEPTEMBER 2000

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Speaker and the Chairperson:

Report of the Audit Commission in terms of section 10(3) of the Audit Arrangements Act, 1992 on the Report and Financial Statements of the Office of the Auditor-General for 1999-2000 [RP 39-2000].

PARLIAMENT
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REPUBLIC OF SOUTH AFRICA

**ANNOUNCEMENTS,
TABLINGS AND
COMMITTEE REPORTS**

THURSDAY, 7 SEPTEMBER 2000

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Minister of Health:

Report and Financial Statements of the Medical Research Council for 1998-99, including the Report of the Auditor-General on the Financial Statements for 1998-99.

COMMITTEE REPORTS:

National Assembly:

1. Report of the Portfolio Committee on Trade and Industry on the *Competition Second Amendment Bill* [B 41—2000] (National Assembly—sec 75), dated 31 August 2000:

The Portfolio Committee on Trade and Industry, having considered the subject of the *Competition Second Amendment Bill* [B 41—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 41A—2000].

2. Report of the Portfolio Committee on Trade and Industry on the *UNECE 1958 Agreement on Wheeled Vehicles*, dated 31 August 2000:

The Portfolio Committee on Trade and Industry, having considered the request for approval by Parliament of the *Agreement of the United Nations Economic Commission for Europe concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions*, referred

to it, recommends that the House, in terms of section 231(2) of the Constitution, approve the said Agreement.

Report to be considered.

3. Report of the Portfolio Committee on Trade and Industry on the *UNECE Global Agreement on Wheeled Vehicles*, dated 31 August 2000:

The Portfolio Committee on Trade and Industry, having considered the request for approval by Parliament of the *Agreement of the United Nations Economic Commission for Europe concerning the establishment of Global Technical Regulations for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles*, referred to it, recommends that the House, in terms of section 231(2) of the Constitution, approve the said Agreement.

Report to be considered.

PARLIAMENT
OF THE
REPUBLIC OF SOUTH AFRICA

**ANNOUNCEMENTS,
TABLINGS AND
COMMITTEE REPORTS**

MONDAY, 11 SEPTEMBER 2000

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Speaker and the Chairperson:

DECISION BY THE SPEAKER OF THE NATIONAL ASSEMBLY AND THE CHAIRPERSON OF THE NATIONAL COUNCIL OF PROVINCES TO ESTABLISH AN AD HOC JOINT COMMITTEE ON GENERAL INTELLIGENCE LAW AMENDMENT BILL, 2000 [B 36-2000] IN TERMS OF JOINT RULE 138

1. The Speaker of the National Assembly and the Chairperson of the National Council of Provinces acting jointly, after consultation with the Chief Whip of the Majority Party in the National Assembly and the Chief Whip of the Council have decided, in terms of Joint Rule 138, to establish an *Ad Hoc* Joint Committee on General Intelligence Law Amendment Bill, 2000, to consider and report, in accordance with Part 3 and any other relevant provisions of Chapter 4 of the Joint Rules, to the National Assembly and the National Council of Provinces on the **General Intelligence Law Amendment Bill, No 36 of 2000**.
2. The Committee to consist of 21 members of the National Assembly and 9 members of the National Council of Provinces.
3. The Committee to confer with the Joint Standing Committee on Intelligence.
4. The Committee to submit its report on the Bill by not later than 5 October 2000.

5. The Committee may exercise those powers in Joint Rule 32 that may assist it in carrying out their task.

F Ganyala
Speaker
National Assembly

G N Dandwa
Chairperson
National Council of Provinces

2. The Minister for Safety and Security:

Agreement between the Government of the Republic of South Africa and the Government of the People's Republic of China in respect of Police Cooperation, tabled in terms of section 231(3) of the Constitution, 1996.

3. The Minister of Trade and Industry:

Report and Financial Statements of the National Lotteries Board for 1998/99, including the Report of the Auditor-General on the Financial Statements for 1998/99.

National Assembly:

Papers:

1. The Speaker:

REPORT ON 15TH CONFERENCE OF COMMONWEALTH SPEAKERS AND PRESIDING OFFICERS HELD IN CANBERRA, AUSTRALIA, 5 TO 9 JANUARY 2000

1. INTRODUCTION

The 15th Conference of Commonwealth Speakers and Presiding Officers was held in Canberra, Australia, from 5 to 9 January 2000. The Speaker of the National Assembly, Dr F N Ganyala, and the Deputy Chairperson of the National Council of Provinces, Mr M L Moshwana, attended the Conference.

1.1. The following themes were discussed:

Responsibilities of Speakers in party and multiparty democracies – this subject examined papers on the following:

Anti-defection laws – role of Presiding Officers

Authority and role of Deputy Presiding Officers

Neutrality of the Chair and dependency on government

What can Presiding Officers do to consolidate democracy in countries newly emerged from wars of liberation, dictatorships and one party states?

Transformation of Parliament

Nature of Parliamentary Privilege – which examined papers on the following:

The principles that the Speaker should be guided by when dealing with immunity and questions of privilege

Parliamentary Privilege and Judicial Activity

Judicial activity and Parliament: A delicate balance

Ethical standards in Public Life

Creating and Sustaining a Parliamentary Service

- 1.2 The Conference also considered the proposal from the Africa Region for more equitable representation on the Standing Committee.

2. AIMS OF THE CONFERENCE

The aims of the Conference are the maintenance, fostering and encouragement of the impartiality and fairness of Speakers and Presiding Officers of Parliaments, the promotion of knowledge and understanding of parliamentary democracy in its various forms and the development of parliamentary institutions. The Conference is held biennially.

3. MEMBERSHIP OF CONFERENCE

Speakers and Presiding Officers of National Parliaments of all independent sovereign states of the Commonwealth of Nations may be members of the Conference.

A Deputy Speaker or Deputy Presiding Officer may attend a Conference as a substitute for his or her Speaker or Presiding Officer.

4. STANDING COMMITTEE OF THE CONFERENCE

The Standing Committee, which is effectively the steering committee or the executive organ of the Conference, consists of a Chairperson and members generally representative of each region of the Commonwealth as defined from time to time. The Chairperson is the Speaker of the Parliament that hosts the Conference.

The Standing Committee usually meets in the year preceding the Conference and immediately prior to and at the conclusion of a Conference.

Speaker Ginwala is a member of the Standing Committee representing the African region.

The Standing Committee met on two occasions during the Conference to discuss organizational aspects of the Conference.

5. OPENING CEREMONY

The opening ceremony commenced with a procession of Speakers and Presiding Officers representing about 140 Parliaments. Some of these were not members of the Conference but had been invited as observers.

The Chairperson of the Conference, the Hon Neil Andrew, Speaker of the Australian Parliament, welcomed delegates to Australia and to Australia's Parliament House.

The Hon John Anderson, Acting Prime Minister, opened the Conference. He noted the delegates' presence in Australia at a time of historical significance for the host nation with the forthcoming Olympic Games and the Centenary of Federation celebrations in 2001. He observed that one of the key unifying ideals of the Commonwealth is a shared commitment to democratic systems of government and added that Speakers and Presiding Officers played a vital role in the institutional framework that makes democracies work effectively.

In his address the Chairperson of the next Conference, the Hon Matlapeng Ray Molomo, Speaker of the National Assembly of Botswana, referred to the diversity that exists amongst the Common-

wealth nations and suggested that this diversity is one source of the Commonwealth's stability.

6. RESPONSIBILITIES OF SPEAKERS IN PARTY AND MULTIPARTY DEMOCRACIES

Speaker Balayogi of India presented a paper on "Anti-Defection Laws—Role of Presiding Officers" and highlighted the vital role played by Presiding Officers in implementing India's anti-defection clause.

Deputy Speaker Martin of the United Kingdom, House of Commons, presented a paper on the authority and role of deputy Presiding Officers. He noted that the tradition of abstention from party controversy followed by Speaker Boothroyd also extends to her Deputies in the exercise of their duties. Unlike the Speaker, however, the Deputies retained their party membership and continue to operate politically in their constituencies.

Speaker McClean of Trinidad and Tobago presented a paper on the neutrality of the Chair and dependency on government. He said that although many Parliaments represented at the Conference incorporated differing structures and processes, equality, fairness and impartiality was what all Presiding Officers strive for. He also discussed the dangers that excessive dependency upon the government could pose for the neutrality of the Chair.

Speaker Ndebele of Zimbabwe posed the question "What can Presiding Officers do to consolidate democracy in countries newly emerged from wars of liberation, dictatorships and one party states?" He outlined the process by which the Parliament of Zimbabwe strengthened both the role of Parliament and the democratic process as a whole. Through conducting seminars for Members and surveying the opinions and wishes of the people, the Parliament worked together with the executive government to implement a series of reforms aimed at consolidating democracy in Zimbabwe.

7. TRANSFORMATION OF PARLIAMENT

The topic "Transformation of Parliament" provided delegates with an opportunity to share their experiences in small round table discussion groups.

One of the prominent issues in the discussion groups was the impact of women on and in Parliament. Delegates discussed the experiences of their own Parliaments and debated the need for a legislative based quota to increase the number of women in Parliament. This raised a number of issues related to the effect of electoral systems on the diversity of elected members and the factors that hinder or facilitate better representation in Parliament for all social groups.

Delegates also discussed the innovative and diverse methods employed in parliamentary democracies to involve citizens in the parliamentary process, including the nomination or appointment of non-elected members, parliamentary committees and consultation.

8. NATURE OF PARLIAMENTARY DEMOCRACY

Speaker Ndebele presented a paper on the development, challenges and problems of parliamentary privilege. He asked: "What are the principles that the Speaker should be guided by when dealing with immunities and questions of privilege?" He referred to the potential

conflict that may arise out of competition between the sovereignty of Parliament that protects parliamentary privilege and political parties trying to protect their power and ensure party discipline. He noted that freedom of speech is absolute but he had utilized a practice of the Parliaments of Australia and New Zealand, whereby a person impugned in Parliament is given the opportunity for their response to be recorded in Hansard.

Later in the discussion Speaker Ndebele commented that the *sub judice* rule is observed in parliament out of courtesy just as the courts respect certain pronouncements of the House.

The paper by Lord Boston of Faversham, the Chairperson of Committees of the House of Lords, United Kingdom discussed "Parliamentary Privilege and Judicial Activity". He spoke about the transformation of parliamentary privilege within the United Kingdom and the principles and criteria for change, and said that despite its ancient origins, parliamentary privilege must meet the needs of modern parliamentarians. As such the United Kingdom had initiated a process of review, whereby, those privileges, which are no longer relevant, are discarded. Those rights and immunities that are maintained are equally reviewed and amended to meet modern standards.

Senator Margaret Reid, President of the Senate of Australia, presented a paper entitled "Judicial Activity and Parliament: A delicate balance". She outlined the balance between the judiciary and Parliament in determining and maintaining the rights and immunities of parliamentary privilege. She referred to a number of High Court cases in Australia whereby the courts have reluctantly played a role re-shaping Parliament through the resolution of disputes on parliamentary privilege.

9. ETHICAL STANDARDS IN PUBLIC LIFE

Dr Najma Heptulla, the Deputy Chairperson of the Rajya Sabha, presented a paper on the "Need for Ethics Committees in Legislatures". She outlined the work that legislatures in India had undertaken to oversee the moral and ethical conduct of Members of Parliament including the establishment of ethics committees in the Rajya Sabha in 1997 and in the Andhra Pradesh State Legislative Assembly in 1998. In illustrating the importance of ethical values to legislatures she quoted Mahatma Gandhi's advice to persons in public life: "Restraint self-imposed is no compulsion ... You, whose mission in life is service of your fellow men, will go to pieces, if you do not impose on yourselves some sort of discipline".

10. CREATING AND SUSTAINING A PARLIAMENTARY SERVICE

Speaker Gilbert Parent of the House of Commons, Canada in presenting his paper spoke of the role of the Parliamentary Service of the House of Commons—Canada—in serving members and referred to the change and innovation that the House had undergone over the past five years.

Continuing the theme of new technology and innovation, Speaker McClean of Trinidad and Tobago spoke of the need to devise mechanisms to allow Presiding Officers to access the experience and advice of fellow Commonwealth Presiding Officers. He promoted the need to further utilize the information superhighway and suggested

the establishment of a regular journal for Speakers and Presiding Officers, documenting the experiences of fellow Parliaments.

11. CONSIDERATION OF REPORT OF STANDING COMMITTEE

At the previous Conference held in Trinidad and Tobago in 1998, the Africa Region had drawn attention to the lack of equitable representation on the Standing Committee. For example, Canada had one representative on the Standing Committee and all 19 countries in Africa also had only one representative on the Standing Committee.

After much debate the Trinidad and Tobago Conference agreed that the Standing Committee, which was due to meet in Ottawa in 1999, should address the issue and report back to the Australia Conference in 2000.

The Standing Committee's report, emanating from its meeting in Ottawa, which was presented to this Conference proposed an amendment to the Standing Rules regarding representation on the Standing Committee which in the opinion of the Africa group did not address the issue of proportional representation on the Standing Committee as had been agreed to at the Conference in Trinidad and Tobago.

The Speaker of the Canadian Parliament nevertheless moved the adoption of the Report of the Standing Committee as presented.

Speaker Ginwala, in maintaining that the Report did not address the matter of proportionality, moved the following amendment to the adoption of the Report:

- (1) that the Fifteenth Conference of Commonwealth Speakers and Presiding Officers receives and notes the report of the Standing Committee of January 1999 recommending certain amendments to the standing rules of the Conference as well as other amendments which have been proposed by a number of members of the Conference; and
- (2) that the Conference realises that some of the proposed amendments have not taken into account the universal principle of proportionality in representation on the Standing Committee. Consequently, the Conference has decided to refer this matter back to the Standing Committee for further consideration, with a view to recommending suitable amendments as will properly address the concerns which have been expressed about the necessity for proportional representation.

The Speaker of Singapore, seconded by the Speaker of New Zealand, moved a further amendment that intended to adopt the Report of the Standing Committee while asking that the Standing Committee consider changes to the structure and composition of the Standing Committee.

The amendment moved by the Speaker of Singapore was defeated by a vote of 18 to 19.

After further discussions and with the leave of the Conference, Speaker Ginwala was allowed to clarify her amendment by indicating, in paragraph 2, that the principle of proportionality in the representa-

tion of sovereign nations on the Standing Committee had not been taken into account.

The amendment moved by Speaker Ginwala was then put and adopted by a vote of 24 to 13 with 4 abstentions.

The effect was that the report of the Standing Committee was not adopted but referred back to the Standing Committee with an instruction for it to take account of the principle of proportionality in representation of sovereign nations on the Standing Committee.

12. ELECTION OF NEW STANDING COMMITTEE

The Speaker of the Parliament of Botswana, as the Parliament hosting the next conference in 2002, became the Chairperson of the Standing Committee.

The Speaker of the Parliament of Tanzania, as the Parliament hosting the Standing Committee in 2001, became a member of the Standing Committee.

The following members were elected to the Standing Committee:

Africa	Speaker of Kenya
Asia	Speaker of the Lok Sabha
Australia/New Zealand	Speaker of Australia
Caribbean, Atlantic and the Americas	Speaker of St Vincent and Grenadines
Great Britain & the Mediterranean	Speaker of the United Kingdom
Pacific	Speaker of Fiji
South-East Asia	Speaker of Singapore
Canada	declined nomination

13. CLOSE OF CONFERENCE

Speaker Andrew thanked all delegates for their participation in, and contribution to the Conference and noted that their professionalism was an example to all parliamentarians.

On behalf of the delegates, Speaker McClean of Trinidad and Tobago thanked Speaker Andrew for his role in chairing the Conference and added his appreciation to Senator Margaret Reid.

Speaker Andrew declared the Conference closed.

14. CONCLUSION

This Conference had the side effect of consolidating the CPA Africa Region. The African Presiding Officers gained the support of other countries in the defence of the principle of proportionate representation of sovereign parliaments in independent states, irrespective of the size of population.

COMMITTEE REPORTS:

National Assembly:

1. Report of the Portfolio Committee on Justice and Constitutional Development on the *Cross-Border Insolvency Bill* [B 4—2000] (National Assembly—sec 75), dated 7 September 2000:

The Portfolio Committee on Justice and Constitutional Development, having considered the subject of the *Cross-Border*

Insolvency Bill [B 4—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 4A—2000].

National Council of Provinces:

1. Report of the Select Committee on Land and Environmental Affairs on the *African-Eurasian Migratory Waterbirds Agreement*, dated 10 May 2000:

The Select Committee on Land and Environmental Affairs, having considered the request for approval by Parliament of *The Agreement on the Conservation of African-Eurasian Migratory Waterbirds*, referred to it, recommends that the Council, in terms of section 231(2) of the Constitution, approve the said Agreement.

Report to be considered.

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS OF NATIONAL ASSEMBLY

TUESDAY, 12 SEPTEMBER 2000

1. The House met at 14:05.
2. The Speaker took the Chair and requested members to observe a moment of silence for prayers or meditation.
3. The Speaker announced that the vacancy caused by the termination of membership of Mr A Williams had been filled by the nomination of Mr J Schippers with effect from 14 August 2000. The member had made and subscribed the oath in the Speaker's office.
4. The Speaker announced that the vacancy caused by the death of Mr B R Mkhize had been filled by the nomination of Mr R J B Mohlala with effect from 1 September 2000.
5. Mr R J B Mohlala, accompanied by Ms E Thabethe and Mr A C Nel, made and subscribed the solemn affirmation and took his seat.
6. The Speaker announced that the vacancy caused by the resignation of Dr K Rajoo had been filled by the nomination of Mr M S M Sibiya with effect from 1 August 2000.
7. Mr M S M Sibiya, accompanied by Mrs L R Mbuyazi and Mr J H van der Merwe, made and subscribed the oath and took his seat.
8. [14:12] Notices of motion.
9. [14:28] The Chief Whip of the Majority Party moved without notice: That the House—
 - (1) notes with joy the release of the hostages Callie and Monique Strydom;
 - (2) expresses its appreciation at the sterling efforts by President Gaddafi of Libya, President Mbeki, Minister Nkosazana Zuma, officials of the Department of Foreign Affairs and the international community to secure the release of the hostages;
 - (3) pledges to work for the release of all innocent hostages held internationally; and

- (4) wishes the Strydoms everything of the best for the future.

Agreed to.

10. The Chief Whip of the Majority Party moved without notice: That the House—

- (1) notes with sadness the illness of Minister Joe Nhlanhla;
- (2) conveys to Minister Nhlanhla its best wishes; and
- (3) expresses the hope that Minister Nhlanhla will make a rapid and complete recovery.

Agreed to.

11. The Deputy Chief Whip of the Majority Party moved without notice: That the House—

- (1) notes with deep regret the death of Mr Eldridge Khaya Majola after a long illness;
- (2) recognises the central role he played in cricket and rugby in the Eastern Cape, both as a player and administrator;
- (3) expresses its appreciation of the role played by Mr Majola to promote cricket amongst all South Africans, particularly the disadvantaged people of South Africa, as director of amateur cricket for the United Cricket Board of South Africa;
- (4) mourns the loss to the entire nation; and
- (5) extends its deep sympathy to his wife and two children.

Agreed to.

12. Mr M A Mangena moved without notice: That the House—

- (1) notes that today, 12 September 2000, is the 23rd anniversary of the death of Steve Bantu Biko in detention;
- (2) notes that his life and manner of death had a profound impact on the history and politics of our country;
- (3) wishes all those who are holding commemoration events success in their endeavours; and
- (4) further wishes that his spirit and work will guide us to a better future.

Agreed to.

13. At the request of the Speaker, members rose and observed a moment of silence in memory of the late Mr B R Mkhize.

14. [14:34] The Chief Whip of the Majority Party moved: That the House—

- (1) expresses its deep regret at the tragic death on 29 July 2000 of Mr Bhekokwakhe Robert Mkhize, and desires to place on record its appreciation of his service to the people of this country, also as a member of Parliament; and
- (2) conveys its sincere sympathy in their bereavement to the relatives of the deceased.

Debate concluded.

Motion agreed to.

15. [14:52] The Chief Whip of the Majority Party moved: That the House designates the Speaker, pursuant to section 7(2)(b) of the Independent Communications Authority of South Africa Act, 2000 (Act No 13 of 2000), to conduct the lot to determine the term of office of members of the first Council of the Independent Communications Authority of South Africa (Icasa) on behalf of the National Assembly, the lot to be conducted in an open meeting of the Speaker, the members of the Portfolio Committee on Communications and whips of all parties, the meeting to be convened as soon as possible.

Agreed to.

16. Mr J H van der Merwe moved: That the House appoints Mr M F Cassim as Deputy Chairperson of Committees.

Debate concluded.

Motion agreed to.

Mr M F Cassim expressed his sense of the honour conferred on him.

17. [15:13] The Chief Whip of the Majority Party moved: That the House—
- (1) expresses its total shock at and rejection of the recent terror attacks in the Western Cape;
 - (2) expresses its condolences to the family of Magistrate Piet Theron; and
 - (3) calls on the Government to use all means at its disposal to bring the perpetrators to book and fight urban terrorism, as it is an attack on our democracy.

Debate concluded.

Motion agreed to.

18. FIRST ORDER [16:25]

Consideration of Seventh Report of Standing Committee on Public Accounts (Announcements, Tablings and Committee Reports, p 629).

Report adopted without debate.

19. SECOND ORDER [16:26]

Second Reading debate—*Adult Basic Education and Training Bill* [B 42B—2000] (National Assembly—sec 75).

Debate concluded.

Bill read a second time.

20. THIRD ORDER [17:23]

Second Reading debate—*Education Laws Amendment Bill* [B 48B—2000] (National Assembly—sec 75).

Debate concluded.

Bill read a second time.

PARLIAMENT
OF THE
REPUBLIC OF SOUTH AFRICA

**ANNOUNCEMENTS,
TABLINGS AND
COMMITTEE REPORTS**

TUESDAY, 12 SEPTEMBER 2000

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

- (1) The Minister of Housing on 29 August 2000 submitted a draft of the *Housing Amendment Bill, 2000*, and 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 by the Speaker and the Chairperson to the Portfolio Committee on Housing and the Select Committee on Public Services, respectively, in accordance with Joint Rule 159(2).

National Assembly:

1. The Speaker:

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

Arts, Culture, Science and Technology:

Appointed: Rhoda, R T (Alt); Van Wyk, A.
Discharged: Pretorius, I J.

Education:

Appointed: Gaum, A H; Schippers J (Alt).
Discharged: Olckers, M E.

Provincial and Local Government:

Appointed: Beukman, F; Van Deventer, F J (Alt).

Public Accounts:

Appointed: Odendaal, W A; Blaas, A (Alt).

Public Enterprises:

Appointed: Van Jaarsveld, A Z A; Rabie, P J (Alt).
Discharged: Odendaal, W A.

- (2) 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 Justice and Constitutional Development and to the Joint Monitoring Committee on Improvement of Quality of Life and Status of Women:**

Report of the Independent Complaints Directorate for the period December 1999 to May 2000, submitted in terms of section 18(5)(c) of the Domestic Violence Act, 1998.

- (2) **The following paper is referred to the Portfolio Committee on Safety and Security:**

Regulation No R.721 published in the Government Gazette No 21375 dated 21 July 2000, Regulations for the South African Police Service made in terms of section 24(1)(g) of the South African Police Service Act, 1995 (Act No 68 of 1995).

- (3) **The following paper is referred to the Portfolio Committee on Trade and Industry for information. The Report of the Auditor-General contained in the report is referred to the Standing Committee on Public Accounts for consideration and report:**

Report and Financial Statements of the Council for Scientific and Industrial Research for 1999-2000, including the Report of the Auditor-General on the Financial Statements for 1999-2000.

- (4) **The following paper is referred to the Portfolio Committee on Trade and Industry:**

The Council for Scientific and Industrial Research's Technology Impact for 2000.

- (5) **The following papers are referred to the Portfolio Committee on Finance for consideration and report:**

- (a) Agreement between the Government of the Republic of South Africa and the Government of the Federal Republic of Nigeria for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income and on Capital Gains, tabled in terms of section 231(2) of the Constitution, 1996.

- (b) Explanatory Memorandum to the agreement.

- (c) Agreement between the Government of the Republic of South Africa and the Government of the People's Republic of China for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income, tabled in terms of section 231(2) of the Constitution, 1996.

- (d) Explanatory Memorandum to the agreement.

(6) The following papers are referred to the Portfolio Committee on Transport for information:

- (a) Agreement between the Government of the Republic of South Africa and the Government of the People's Republic of China on Maritime Transport, tabled in terms of section 231(3) of the Constitution, 1996.
- (b) Explanatory Memorandum to the agreement.

(7) The following papers are referred to the Portfolio Committee on Transport for information. The Reports of the Auditor-General contained in these reports are referred to the Standing Committee on Public Accounts for consideration and report:

- (a) Report and Financial Statements of the South African National Roads Agency Limited for 1998-99, including the Report of the Auditor-General on the Financial for 1998-99 [RP 95-2000].
- (b) Report and Financial Statements of the South African Rail Commuter Corporation Limited for 1998-99, including the Report of the Auditor-General on the Financial Statements for 1998-99.

(8) The following papers are referred to the Portfolio Committee on Transport:

- (a) Report and Financial Statements of the Airports Company South Africa Limited for 1999-2000.
- (b) Report and Financial Statements of the Air Traffic and Navigation Services Company Limited for 1999-2000.

(9) The following papers are referred to the Portfolio Committee on Home Affairs:

- (a) Government Notice No R.276 published in the Government Gazette No 21016 dated 1 April 2000, Seventh Amendment of the Aliens Control Regulations made in terms of the Aliens Control Act, 1991 (Act No 96 of 1991).
- (b) Government Notice No R.249 published in the Government Gazette No 20988 dated 14 March 2000, Sixth Amendment of the Marriages Regulations, made in terms of the Marriage Act, 1961 (Act No 25 of 1961).
- (c) Government Notice No R.250 published in the Government Gazette No 20990 dated 17 March 2000, Fifth Amendment of the regulations, made in terms of the South African Citizenship Act, 1995 (Act No 88 of 1995).
- (d) Government Notice No R.251 published in the Government Gazette No 20991 dated 17 March 2000, Sixth Amendment of the regulations, made in terms of the South African Passport and Travel Documents Act, 1994 (Act No 4 of 1994).

(e) Government Notice No R.275 published in the Government Gazette No 21015 dated 1 April 2000, Third Amendment of the regulations, made in terms of the Identification Act, 1997 (Act No 68 of 1997).

- (10) The following paper is referred to the Portfolio Committee on Finance for information and to the Standing Committee on Public Accounts for consideration and report:

General Report of the Auditor-General on the Accounts on the National Government for 1998-1999 [RP 201-99].

- (11) The following paper is referred to the Portfolio Committee on Transport for information and to the Standing Committee on Public Accounts for consideration and report:

Report of the Auditor-General on the Urban Transport Fund for 1998-99 [RP 97-2000].

- (12) The following paper is referred to the Portfolio Committee on Water Affairs and Forestry for information and to the Standing Committee on Public Accounts for consideration and report:

Report of the Auditor-General on the Financial Statements of the National Hiking Way Fund for 1998-99 [RP 105-2000].

- (13) The following paper is referred to the Portfolio Committee on Labour for information and to the Standing Committee on Public Accounts for consideration and report:

Report of the Auditor-General on the Financial Statements of the Manpower Development Authority of Bophuthatswana for 1998-99 [RP 106-2000].

- (14) The following paper is referred to the Portfolio Committee on Minerals and Energy for information and to the Standing Committee on Public Accounts for consideration and report:

Report of the Auditor-General on the Group Annual Financial Statements of the SFF Association for 1997-98 [RP 108-99].

- (15) The following paper is referred to the Portfolio Committee on Agriculture and Land Affairs for information and to the Standing Committee on Public Accounts for consideration and report:

Report of the Auditor-General on the Financial Statements of the Milk Board for the 10 Month period ended 31 December 1997 and the Liquidation Account for the period 1 January 1998 to 31 December 1999 [RP 109-2000].

- (16) The following paper is referred to the Portfolio Committee on Minerals and Energy for information and to the Standing Committee on Public Accounts for consideration and report:

Report of the Auditor-General on the Group Annual Financial Statements of the SFF Association for 1996-97 [RP 146-99].

- (17) The following paper is referred to the Portfolio Committee on Trade and Industry for information and to the Standing Committee on Public Accounts for consideration and report:

Report of the Auditor-General on the Financial Statements of the National Supplies Procurement Fund for 1998-99 [RP 148-2000].

- (18) The following paper is referred to the Portfolio Committee on Agriculture and Land Affairs for information and to the Standing Committee on Public Accounts for consideration and report:

Report of the Auditor-General on the Financial Statements of the Maize Board for 1998-99 [RP 149-2000].

- (19) The following paper is referred to the Portfolio Committee on Arts, Culture, Science and Technology and the Joint Monitoring Committee on Improvement of Life and Status of Children, Youth and Disabled Persons for information and to the Standing Committee on Public Accounts for consideration and report:

Report of the Auditor-General on the Financial Statements of the South African Library for the Blind for 1998-99 [RP 151-2000].

- (20) The following paper is referred to the Portfolio Committee on Communications for information and to the Standing Committee on Public Accounts for consideration and report:

Report of the Auditor-General on the Financial Statements of the Universal Service Agency for 1998-99 [RP 157-2000].

- (21) The following paper is referred to the Standing Committee on Public Accounts for consideration and report:

Report of the Audit Commission in terms of section 10(3) of the Audit Arrangements Act, 1992 on the Report and Financial Statements of the Office of the Auditor-General for 1999-2000 [RP 39-2000].

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Minister of Foreign Affairs:

- (1) Agreement between the Government of the Republic of South Africa and the Government of the Federal Republic of Germany concerning the project "Provincial Administration Support Programme in the Eastern Cape", tabled in terms of section 231(3) of the Constitution, 1996.
- (2) Agreement between the Government of the Republic of South Africa and the Government of the Federal Republic of Germany

concerning the project "Decentralised Development Planning", tabled in terms of section 231(3) of the Constitution, 1996.

- (3) Agreement between the Government of the Republic of South Africa and the Government of the Federal Republic of Germany concerning the project "Economic and Development Policy Advisory Programme", tabled in terms of section 231(3) of the Constitution, 1996.

- (4) General Agreement of Co-operation between the Government of the Republic of South Africa and the Government of the United Mexican States, tabled in terms of section 231(3) of the Constitution, 1996.

2. The Minister for Public Enterprises:

- (1) Policy Framework for an Accelerated Agenda Towards the Restructuring of State Owned Enterprises.
- (2) A Summary of the Policy Framework for an Accelerated Agenda for the Restructuring of State Owned Enterprises.

3. The Minister for Justice and Constitutional Development:

- (1) Statutes of the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders, tabled in terms of section 231(2) of the Constitution, 1996.
- (2) Explanatory Memorandum to the Statutes of the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders.

4. The Minister of Health:

- (1) Government Notice No R.567 published in the Government Gazette No 21245 dated 9 June 2000, List of approved facilities for the purpose of performing community service in 2001 by medical practitioners, made in terms of the Health Professions Act, 1974.
- (2) Government Notice No 2234 published in the Government Gazette No 21292 dated 21 June 2000; the Chiropractors, Homeopaths and Allied Health Service Professions Amendment Bill, 2000 published for comment.
- (3) Government Notice No 644 published in the Government Gazette No 21313 dated 30 June 2000, Authorisation in terms of section 24 of the Human Tissue Act, 1983.
- (4) Government Notice No R.570 published in the Government Gazette No 21256 dated 5 June 2000, Regulations made in terms of the Medical Schemes Act, 1998.
- (5) *Goewerment Kennisgewing No R.569 gepubliseer in die Staatskoerant-No 21255 gedateer 5 Junie 2000, Regulasies geskep ingevolge die Wet of Mediese Skemas, 1998.*
- (6) *Goewerment Kennisgewing No R.638 gepubliseer in die Staatskoerant No 21317 gedateer 22 Junie 2000, Regulasies geskep ingevolge die Wet of Mediese Skemas, 1998.*

COMMITTEE REPORTS:

National Assembly:

1. Report of the Portfolio Committee on Finance on the *Banks Amendment Bill* [B 56—2000] (National Assembly—sec 75), dated 25 August 2000:

The Portfolio Committee on Finance, having considered the subject of the *Banks Amendment Bill* [B 56—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 56A—2000].

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS OF NATIONAL ASSEMBLY

WEDNESDAY, 13 SEPTEMBER 2000

1. The House met at 15:05.
2. The Speaker took the Chair and requested members to observe a moment of silence for prayers or meditation.
3. [15:06] Questions.
4. [17:01] Notices of motion.
5. [17:19] The Chief Whip of the Majority Party moved without notice: That the House—
 - (1) notes with shock and horror that yet another bomb blast took place last night near the Samaj Centre in Gatesville, Cape Town;
 - (2) believes that such cowardly attacks are an attempt to weaken the core of our democracy and undermine our basic right to freedom of speech and association;
 - (3) expresses its appreciation for the spirit of co-operation which has marked the response of the three spheres of government in addressing this matter;
 - (4) echoes the stern warnings by the Minister for Justice and Constitutional Development and the Minister of Safety and Security that the cowardly perpetrators of these terrorist attacks will experience the full force of the law;
 - (5) calls on members of all communities to follow the example of those people who are assisting the police in bringing the perpetrators to book; and
 - (6) conveys its sympathy to the victims of last night's bombing and wishes them a speedy recovery.

Agreed to.

6. Mr D H M Gibson moved without notice: That the House—
 - (1) congratulates the members of the South African Olympic team on their selection to represent our country in the 2000 Games;

- (2) wishes them well in their preparations and every success in their endeavours, but remembers that it is in their participation that they honour us; and
- (3) assures them that the prayers and good wishes of all South Africans are with them.
Let the Games begin!

Agreed to.

7. FIRST ORDER [17:21]

Second Reading debate—*Competition Second Amendment Bill* [B 41B—2000] (National Assembly—sec 75).

Debate concluded.

Bill read a second time.

8. SECOND ORDER [17:31]

Consideration of Report of Portfolio Committee on Trade and Industry (Announcements, Tablings and Committee Reports, p 655—*UNECE 1958 Agreement on Wheeled Vehicles*).

Report adopted without debate.

9. THIRD ORDER [17:31]

Consideration of Report of Portfolio Committee on Trade and Industry (Announcements, Tablings and Committee Reports, p 656—*UNECE Global Agreement on Wheeled Vehicles*). Report adopted without debate.

10. The House adjourned at 17:32.

S G MFENYANA,

Secretary to Parliament.

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

WEDNESDAY, 13 SEPTEMBER 2000

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

On 12 September 2000 the following document was presented, in accordance with the resolution adopted by the Assembly and the Council on 6 June 2000, to the Speaker of the National Assembly and the Chairperson of the National Council of Provinces by the South African Parliamentary Observer Mission to the Parliamentary Elections held in Zimbabwe:

REPORT OF THE SA PARLIAMENTARY OBSERVER MISSION TO ZIMBABWE: 7-27 JUNE 2000

1. INTRODUCTION

Following an invitation to the international community by the Government of Zimbabwe to send observers to be present during the parliamentary elections on 24 and 25 June 2000, Parliament mandated a multi-party delegation to observe the elections from 7 to 27 June 2000.

The delegation consisted of 20 Members of Parliament and 4 officials. The delegation was known as the South African Parliamentary Observer Mission. The members of the Mission appear in Appendix A.

The SA Parliamentary Observer Mission was very conscious of the fact that it was unique amongst observer missions in that:

- (a) It was the only delegation consisting entirely of public representatives;
- (b) It was a delegation from Zimbabwe's neighbour and biggest trading partner. The two countries have had cultural, political, religious and historical links for centuries.

2. MANDATE AND APPROACH

The S A Parliamentary Observer Mission received a clear mandate from Parliament to observe the elections on its behalf and to report back to it. Arising from this mandate, and taking into account accepted international practice by election observer teams, the Mission was agreed that:

- (a) Its task was to observe and not monitor the elections i.e. that its mandate was neither to make interventions in the electoral process it was sent to observe nor to interfere in the internal political dynamics and debates of Zimbabwe;
- (b) It would approach its task in an open minded and balanced manner and would not reach any conclusions until it had interacted with all relevant role-players and had had the opportunity to observe the situation for itself;
- (c) Its task would be to report to Parliament on its observations.

In addition it was agreed that the Mission would take the following approach to its mandate:

- (a) It would act as a united delegation representing the Parliament and people of South Africa. It would attempt to resolve any political differences within the delegation itself whilst in Zimbabwe or, if necessary, in Parliament, upon its return. In this regard it was also agreed that the Mission would speak with one voice through the leader of the delegation whilst it was in Zimbabwe;
- (b) It would interact with other observer missions and, where appropriate, co-operate with them in terms of logistic arrangements, but would maintain its independence at all times.

Members of the Mission signed an undertaking to conduct themselves in terms of the regulations set out by the Elections Directorate of Zimbabwe, a copy of which is attached as Appendix B.

3. BACKGROUND

The following brief historical background provides the context against which the parliamentary elections on 24 and 25 June 2000 took place:

From the late 1800's to 1965 Zimbabwe was a British Colony known as Rhodesia. In 1965 Ian Smith issued a Unilateral Declaration of Independence from Britain. From the mid-1960's the struggle for independence and full democratic rights took the form of war of liberation led by the Zimbabwe African People's Union (Zapu), led by Joshua Nkomo, and the Zimbabwe African National Union (Zanu), led by Robert Mugabe. The rural populations in the communal areas and on the commercial farms bore the brunt of the harshest aspects of the war.

In 1980 the Lancaster House agreement led to elections and Robert Gabriel Mugabe became the first President of an independent Zimbabwe.

In the early 80s a bloody and violent conflict in parts of Matabeleland (known as the "gukurahundi") took place. In 1987 PF-Zapu and Zanu-PF merged into Zanu-PF.

Since 1980 there have been regular elections but there has been no serious challenger to ZANU-PF and the percentage polls have been

low. A major reason for the interest in the Zimbabwe 2000 Elections by observers throughout the world and in SADC, in particular, is because the referendum result in February 2000 that rejected a proposed new Constitution was unexpected.

The main contest was between the ZANU-PF of President Robert Mugabe and the Movement for Democratic Change (MDC) that is led by former Zimbabwe Congress of Trade Unions (ZCTU) General-Secretary, Morgan Tsvangirai. They and ZANU-PF were the only parties to contest all 120 seats. A number of smaller parties participated as well as a large number of independent candidates. A list of parties contesting the election is set out in Appendix C.

4. PROGRAMME OF ACTION

The SA Parliamentary Observer Mission adopted the following programme of action:

4.1 Training

On 2 June 2000 the Independent Electoral Institute of Southern Africa (IEISA) conducted a training workshop for members of the Mission. The workshop covered the accepted international standards, protocols and practice for election observer missions as well as the legal and institutional framework within which the Zimbabwean elections would be conducted. The Mission also received a background briefing from the Department of Foreign Affairs.

4.2. Briefing Meetings: 7—14 June 2000

The Mission spent the period from 7-14 June 2000 in Harare receiving briefings from a wide range of political parties, media organisations, organisations from civil society, government departments as well as the South African High Commission.

These briefings enabled the Mission to form an overall picture of the situation in Zimbabwe. The list of briefings is set out in Appendix D.

4.3. Visits to Provinces: 14—18 June 2000

From 14-18 June 2000 the Mission divided itself into six teams to visit the following Provinces:

Mashonaland East
Mashonaland West
Masvingo
Manicaland
Midlands
Matabeleland

The teams visited the Provinces with the mandate to:

1. Meet with political parties, candidates, government departments and civil society to get briefings on the situation at local level. Members of the Mission sought to meet the Police and the Provincial Registrars responsible for the election.
2. Observe preparations for election days.
3. Observe the progress of the campaign and in particular to evaluate the information received during the briefings

received in Harare—especially with regard to the prevalence of violence and intimidation.

4.4 Report back from Provincial Visits: 19—22 June 2000

From 19—22 June 2000 the six teams returned to Harare to report on their observations in the different provinces, to receive further briefings and to plan how the election days themselves would be observed.

4.5 Visits to Provinces during election days: 22—26 June 2000

From 22-26 June 2000 the six teams returned to the different provinces to:

1. Observe the logistic preparations for the voting (24 and 25 June) and counting (26 June) days.
2. Familiarise themselves with the location of the polling and counting stations which they would visit on the voting and counting days.
3. Observe the election and counting process.

4.6 Report Back

The six teams returned to Harare on the 26 June 2000. They reported back to the Mission as a whole on what they had observed in the different Provinces. The Mission had a final meeting on the morning of 27 June 2000 and the wording of an interim press statement was agreed upon.

4.7 Reportback to Parliament

It was agreed that the Mission would produce a consolidated report to Parliament representing the views of the Mission.

5. ELECTORAL INSTITUTIONS

The elections were conducted under the auspices of a number of institutions:

5.1 Elections Directorate

The Elections Directorate is a body consisting of senior representatives of government departments that are involved in various aspects of conducting elections including Home Affairs, Transport, Public Works, the Zimbabwe National Defence Force and the Zimbabwe Republic Police. The Registrar General sits on, and plays an important role in the Elections Directorate.

5.2 Registrar General

The Registrar General (RG) is responsible for the registration of all births, marriages and deaths, the issuing of national identity documents and passports and the compilation of a national voters' roll. The RG provides the Demarcation Commission with the necessary information to demarcate constituencies. The RG is responsible for administering Polling and Counting and appoints the Presiding Officers and staff. The RG announces the results.

5.3 Provincial Registrars

These civil servants are responsible to the Registrar General and handle his/her responsibilities in each Province.

5.4 Demarcation Commission

This Commission is headed by a Judge of the Supreme Court and is responsible for demarcating the boundaries of Zimbabwe's 120 constituencies. Zimbabwe has constituencies with a 'first past the post' system and therefore the demarcation of constituencies is a matter of great interest. Constituencies may be allocated between 30 000 to over 50 000 voters. An additional 50 MPs are appointed by the President in terms of the Constitution and do not have constituencies.

5.5 Electoral Supervisory Commission (ESC)

This Commission is created in terms of the Constitution of Zimbabwe. It is an independent body appointed by the President to monitor elections and to pronounce whether they were conducted in a free and fair manner.

6. PREPARATIONS FOR VOTING AND COUNTING

As indicated above the Registrar General and the Elections Directorate were primarily responsible for the logistic preparations for the elections. On the basis of the findings it received from the Registrar General, Provincial Registrars as well as its own observations it appeared to the Mission that these preparations were done in a very thorough manner. This was later vindicated by the manner in which voting and counting proceeded.

Complaints were received regarding the following aspects of the logistic preparations for elections:

1. Many opposition parties were unhappy with the manner in which constituencies had been demarcated and alleged that the Demarcation Commission had displayed a bias towards rural constituencies, which were perceived to be Zanu-PF strongholds.
2. There were allegations that a large number of dead people were still on the voters roll. The Registrar General conceded that this was possible but explained that the process of removing a dead person was quite lengthy and could not be done without conclusive proof of death.
3. The manner in which Zimbabwean soldiers fighting in the DRC were to cast postal votes.
4. There were allegations that the ballot boxes had removable bottoms and that this would lead to fraud. This concern proved unfounded.
5. The supplementary voters roll only became available at a late stage and was not easily accessible to all candidates.

The Mission received complaints from the Electoral Supervisory Commission and opposition parties that the ESC had been stripped of all real power and capacity to fulfil its constitutional obligations. In particular the complaint arose that the Registrar General had taken over the function of accrediting domestic monitors. The Registrar General insisted that accreditation was a purely administrative matter. Monitors were ultimately accredited by the ESC, albeit two days before the election.

7. POLITICAL ACTIVITIES

7.1 General

The elections were contested by 15 parties and a large number of independent candidates.

Despite the large number of parties contesting the elections it was clear that the main contest was between the Zimbabwe African National Union—Patriotic Front (Zanu-PF) and the Movement for Democratic Change (MDC). These were the only parties with candidates in each of Zimbabwe's 120 constituencies.

Many of the smaller parties had regional support bases and only contested constituencies in particular regions. The Zimbabwe African People's Union (ZAPU) only contested constituencies in Matabeleland. ZANU (Ndonga) mainly contested constituencies in Manicaland. The Liberty Party and the Zimbabwe Independent Party mainly contested constituencies in Harare. Other smaller parties such as the Zimbabwe Union of Democrats and the United Parties, while not regionally based, only contested a few constituencies.

Campaigning took the form of mass rallies ("Star Rallies"), local constituency rallies and meetings, advertisements in newspapers, posters on bill boards, trees and buildings, pamphlets, letters to voters and spray-painting on road surfaces or on buildings.

The visibility with which parties and candidates campaigned varied from area to area.

7.2 Main Contending Parties: ZANU-PF and MDC

ZANU-PF based its campaign on its record of obtaining independence, developing the country, indigenising ownership of the economy and the land issue. Its principle slogan was "Land is the Economy, the Economy is the Land". It emphasised its role as a revolutionary party that had fought a war of liberation and brought stability to Zimbabwe. It presented the land issue as an extension of this struggle. The MDC were described as "puppets" of the whites and the British.

The MDC's focus was on the need for change. It emphasised the need for job creation and renewal of the economy, political reform, national unity, human rights and the rule of law. It criticised Zanu-PF and President Mugabe in particular for mismanaging the economy, corruption and cronyism in government and Zimbabwean involvement in the DRC conflict. It was also highly critical of Zanu-PF's policy on the land issue and the lawlessness associated with land invasions.

7.3 Funding of Political Parties

In terms of the legislation regulating state funding to political parties, a party has to have at least 15 seats in Parliament to qualify for a state grant. Only ZANU-PF qualified and they received some Z\$62 million (about R10 million) per annum from the State. All the other parties and the independents had to fundraise from other sources.

A list of rallies and meetings attended by the Mission is set out in Appendix E.

Wednesday, 13 September 2000]

8. MEDIA

The mission observed a robust debate in the Zimbabwean media and the print media in particular, concerning the elections and the issues surrounding the election campaign.

The Zimbabwe Broadcasting Corporation (ZBC), which has a monopoly on the electronic media and certain state-owned newspapers gave inordinate coverage to ZANU-PF. Other independently owned newspapers mostly supported the opposition parties and the MDC in particular. The international media was generally very critical of Zanu-PF.

The Mission came across a large number of local and community newspapers in different parts of Zimbabwe. The political inclinations of these publications varied.

South African media is widely read, watched and listened to. SABC TV, DSTV, and CNN are available via satellite transmission.

9. ZIMBABWE REPUBLIC POLICE

The Mission received complaints that the Zimbabwe Republic Police were acting in a partisan manner by only acting against violence emanating from the ranks of opposition parties and that the ZRP was lax in investigating crimes alleged to have been committed by members of Zanu-PF.

The Mission ascertained that the Police did refer crimes with a political content to a special department in Harare. However, this does not seem to have been the case in every area of the country.

The Mission was impressed with the professionalism and efficiency of the ZRP close to the election, on the election days and during the counting as well as in preparations to deal with any civil disruption following on from the elections.

Close to the voting and counting days the mission observed and received reports of swift action by the ZRP against violent or disruptive behaviour from all quarters.

The fact that there was a minimum of three police officers present at each polling station contributed to the peaceful conduct of the elections.

10. VIOLENCE

The Mission received many reports of violence and intimidation both during briefings in Harare as well as during its visits to the Provinces. Some of this violence appeared to be systematic and planned and aimed at intimidating supporters of other parties and creating no-go areas. In other instances the violence appeared to be a more spontaneous result of the heightened political temperature in the country.

There were numerous allegations of intimidation in rural areas and against farm workers by war veterans in the form of "re-education sessions". War veterans with whom the Mission interacted admitted holding "re-education sessions", however, they denied that intimidation was the intention of these sessions. There were also reports that numbers of rural residents were displaced from their homes by violence.

Many parties and organizations reported that the violence and intimidation emanated mainly from the ranks of ZANU-PF. The mission observed that no single party seemed to have a monopoly on the use of violence.

Whilst the pre-election period was characterised by tension, especially in rural areas and on commercial farms, the voting and counting process took place in a peaceful and calm atmosphere.

Zimbabweans with whom the Mission interacted expressed the opinion that the presence of observers contributed to the calm and peaceful atmosphere in which voting and counting took place and the reduction of violence in the build up to the elections.

11. VOTING, COUNTING AND ANNOUNCEMENT OF RESULTS

The Mission visited a large number of polling and counting stations on 24, 25 and 26 June in all Provinces and in urban and rural areas.

All teams reported that the voting was conducted efficiently in a peaceful atmosphere. Almost all polling stations opened on time, had sufficient material, staff and Police on duty.

At some polling stations a high number of voters were turned away because they did not have ID documents or were not registered as voters.

Almost all polling stations visited by the Mission had polling agents from at least ZANU-PF and the MDC. Domestic and international monitors/observers were present at many polling and counting stations.

Ballot boxes were guarded overnight by the Police and polling agents. Polling agents were provided with transport to accompany ballot boxes to the counting stations.

The counting process was characterised by a meticulous and transparent process of reconciling of votes cast and ballot papers issued, carefully scrutinised by polling agents, observers and monitors.

The Mission was satisfied that the opportunity for electoral fraud was negligible.

Results were transmitted to the office of the Registrar General in Harare from where he announced them. A total of 2 552 844 votes were cast out of some 5,1 million registered voters (50% poll). ZANU-PF gained 1 220 951 votes; MDC gained 1 150 793 votes and the other parties obtained a total of 181 100 votes. ZANU-PF won 62 seats, MDC 57 seats and ZANU-Ndonga 1 seat.

The complete results are set out in Appendix F.

12. CONCLUSION

The voting and counting process on 24, 25 and 26 June 2000 proceeded in a peaceful and orderly atmosphere. The administration of voting and counting was conducted in a highly efficient and professional manner. The Mission was satisfied that the chances of any foul play were negligible.

All the political parties that participated in the elections have indicated that they accept the outcome of the elections as a whole. Some have

indicated that they will challenge the results in particular constituencies.

The Mission is of the opinion that, on the whole, despite incidents of violence and intimidation in the run up to the election, the result of the parliamentary elections held on 24 and 25 June 2000 broadly reflects the will of the Zimbabwean people.

APPENDIX A

A. NAMES OF MEMBERS OF PARLIAMENT AND STAFF ON THE DELEGATION

MEMBERS OF PARLIAMENT (20)

ANC: Dr J Benjamin
Mr M M Chikane
Mr M M Z Dyani
Mr E I Ebrahim
Ms M C Lobe
Mr S K Louw
Ms N N Mapisa-Nqakula
Mr N N Mpehle
Mr A C Nel
Mr T B Taabe (NCOP)
Ms S C van der Merwe
Mr T S Yengeni (Leader of the delegation)

DP: Mr S B Farrow
Mr D K Maluleke
Mr G B D McIntosh

IFP: Mr A M Mpontshane
Mr M A Mzizi

New NP: Mr E A Schoeman
Mr A Z A van Jaarsveld

ACDP: Mrs C Dudley

MEMBERS OF STAFF

Mr Brent Simons (Media Liaison Officer)
Mr Jabu Mavimbela (Foreign Affairs—Security Officer)
Miss Nobuntu Toto (PA to the Chief Whip of the Majority Party)
Mr Mbuyisazwe Tshabalala (Editor-in-Chief: Language Services—Financial coordinator)

APPENDIX B

3.3 CODE OF CONDUCT

The code of conduct is a vital component of any observation mission. Different agencies, both international and national, prepare their own code of conduct. However there are universal components of a code of conduct that apply to all missions.

PARTICIPANT'S INFORMATION

1. Every accredited observer and person appointed by that observer must:
 - 1.1 Observe the election impartially and independently of any registered party or candidate contesting the election.
 - 1.2 Remain non-partisan and neutral.

APPENDIX C

LIST OF CONTESTING PARTIES

PARTY	REGISTERED CANDIDATES
1. ZANU (PF)	120
2. MDC	120
3. UP	59
4. ZAPU	21
5. ZUD	16
6. ZANU	12
7. LP	8
8. LPZ	14
9. ZIP	4
10. NDU	1
11. ZPP	1
12. ZCP	1
13. PDF	1
14. ANP	1
15. NPA	1
16. INDEPENDENTS	89
TOTAL	469

APPENDIX D

B. ORGANISATIONS AND INDIVIDUALS MET BY THE DELEGATION

(The team arrived in Harare on Wednesday, 07 June 2000)

BRIEFINGS THAT TOOK PLACE IN HARARE

08.06.2000

1. The South African High Commission

Mr Ndou (High Commissioner)

Mr Mditshwa (Deputy High Commissioner)

Mr Wynand van Wyk (Political Attaché)

Col.S Moerane (Military Attaché)

2. Zanu-PF

Mr D Mutasa MP (Minister of Political Affairs; Zanu-PF Secretary for Administration; Zanu-PF Head of Foreign Bureau)

Mr Simon Khaya Moyo MP (Minister of Mines, the Environment and Tourism; Acting Minister of Transport and Energy; Zanu-PF Deputy Secretary for Administration)

Mr Tony Gara MP (Deputy Minister for Local Government and Housing; Chairperson of Zanu-PF in Harare)

Mr David Masira MP (Deputy Minister of Agriculture; Zanu-PF Deputy Secretary for Administration in Mashonaland East)

Mr Obed Mpofu MP (Deputy Minister of Industry and Commerce)

Mr Sthembiso Nyoni MP (Minister of State in the Office of the Deputy President)

Ms Irene Zimbi MP (Member of the Central Committee)

Dr Olivia Muchena MP (Deputy Minister for Land and Agriculture; Commissar of the Women's League)

Ms Thembani (Member of the Central Committee)

Dr Stanley Sakukanyu (Member of the Central Committee)

3. NATIONAL CONSTITUTIONAL ASSEMBLY (NCA)

Mr Maphosa

4. ZIMBABWE HUMAN RIGHTS ASSOCIATION

Mr Mnyaradi Biti

09.06.2000

5. REGISTRAR GENERAL

Mr Tobaiwa Mudede

6. ELECTORAL SUPERVISORY COMMISSION (ESC)

Mrs Raftopoulos

7. COMMERCIAL FARMERS'S UNION

Mr Tim Henwood (President)

Mr David Hasluck (Chief Executive Officer)

Mr Colin Cloete (Deputy President)

Mr Rich Amyot (Deputy President)

8. SADC—PARLIAMENTARY FORUM OBSERVER MISSION

Ms Nora Schimming-Chase (Namibia; Leader of the delegation)

Dr Kasuka Mutukwa (Secretary General)

Dr Sipho Mzimela (South Africa)

Mr Albuguerque (Angola)

Mr Dlamini (Swaziland)

Mr Janguo (Tanzania)

Mr Chikwenga (Malawi)

9. AGRICULTURAL AND RURAL DEVELOPMENT AUTHORITY (ARDA)

Dr Joseph Made

12.06.2000

10. MOVEMENT FOR DEMOCRATIC CHANGE (MDC)

Mr Paul Nyathi (Election Director)

Ms Priscilla Misihairabwi (MDC candidate)

Mr Richard Maasdorp (Assistant Election Director)

11. THE INDEPENDENT

Mr Trevor Ncube (Editor; second biggest shareholder)

12. THE FINANCIAL GAZETTE

Mr Francis Mdlongwa (Editor)

13. ZIMBABWE NATIONAL CHAMBER OF COMMERCE

Mr Nhlanhla Masuku (President)

14. CONFEDERATION OF ZIMBABWE INDUSTRIES

Mrs Rose Peters (Deputy President)

13.06.2000

15. DEPUTY MINISTER OF FOREIGN AFFAIRS

16. UNITED PARTIES

Bishop Abel Muzorewa

17. ZANU NDONGA PARTY
Mr Isaac Manyemba
18. LIBERTY PARTY
Mr C Z Moyo
19. WAR VETERANS ASSOCIATION OF ZIMBABWE
Dr Chenjerai Handzvi (National Chairman)
Mr Andrew Ndlovu (General Secretary for Projects)
20. ZIMBABWE CONGRESS OF TRADE UNIONS
Mr Nicholas Mudzengerere
Four (4) members of the General Agricultural and Plantation Workers Union

14.06.2000

21. MINISTER OF HOME AFFAIRS AND POLICE
Mr Dumisa Dabengwa

21.06.2000

22. Mr MIKE MATAURE (Ex Zanu-PF Member of Parliament)
23. CATHOLIC COMMISSION FOR JUSTICE AND PEACE (CCJP)
Bishop P Munzime (President)
Mr T Zimbithi (Director)
24. PROF. MAKUMBE (Political Analyst)

22.06.2000

25. Dr IBBO MANDAZA (Political Analyst: Editor of *The Mirror*)

23.06.2000

26. ANGLICAN COMMISSION FOR JUSTICE AND PEACE
27. WOMEN'S COALITION FOR GENDER AND DOMESTIC VIOLENCE
Ms Thoko Mahle
Mrs Nhumdi
Ms Renfa Rudenga

BRIEFINGS THAT TOOK PLACE IN THE PROVINCES

14.06.2000

28. COMMONWEALTH OBSERVERS IN MASVINGO

15.06.2000

29. POLICE CHIEF SUPERINTENDENT MUTAURWA
(Harare District Commander)
30. POLICE INSPECTOR BONONGWE (Officer Commanding the Marondera Urban Area)
31. PROVINCIAL REGISTRAR. Mr MUSHANGWE
(Masvingo)
32. BLACK COMMERCIAL FARMER (Matebeleland)

16.06.2000

33. **CHIEF INSPECTOR MUSHAWAJALO** (Murehwa District)
34. **CHIEF INSPECTOR NCUBE** (Chitungwiza)
35. **SUPERINTENDENT MBEWE** (Chitungwiza)
36. **MR VICTOR CHITONGO** (Zanu-PF candidate for Murehwa North)
37. **OWNER OF AN OCCUPIED FARM** (Murehwa North)
38. **MR O P O'CONNOR** (Oribi Farm)
39. **PROVINCIAL COMMISSIONER OF POLICE** (Ross Camp, Bulawayo)
40. **ZIMBABWE CONGRESS OF TRADE UNIONS** (Esat House, Bulawayo)
41. **ZAPU** (Rainbow Hotel, Bulawayo)
42. **ZANU-PF** (Provincial Headquarters, Bulawayo)
43. **MDC** (Rainbow Hotel, Bulawayo)
44. **COMMONWEALTH OBSERVERS** ((Holiday Inn, Bulawayo)

17.06.2000

45. **WAR VETERANS ON AN OCCUPIED FARM** (Murehwa North)
46. **FARM WORKERS ON AN OCCUPIED FARM** (Murehwa North)
47. **COMMONWEALTH AND EU OBSERVERS IN GWERU** (Midlands)

23.06.2000

48. **LOCAL CHIEF** (Mberengwa East)
49. **Mr MALVERN, COMMERCIAL FARM MANAGER** (Mapanzwe)
50. **Mrs MUCHEMENYI** (Senior Assistant Commissioner of Police in Mutare, Manicaland)
51. **BISHOP BAKARE** (Anglican Dioceses of Manicaland)
52. **INTERNATIONAL OBSERVERS IN MANICALAND**
European Union
Australian Parliament
US Embassy
SADC-PF
World Council of Churches

APPENDIX E**RALLIES AND POLITICAL MEETINGS ATTENDED BY THE DELEGATION****15.06.2000**

1. **Zanu-PF Rally at St Annes** (Wedza District)

2. MDC Rally at Marondera
3. Meeting of all Zanu-PF candidates in Masvingo
4. MDC Rally in Bulawayo City Hall

16.06.2000

5. Zanu-PF Rally at Murehwa North
6. Zanu-PF Rally at Chivu South (Masvingo)
7. Two Zanu-PF Rallies at Gokwe Central (Midlands)
8. MDC Rally at Esigodini (Matebeleland)

17.06.2000

9. MDC Rally at Zengeza
10. MDC Rally at Mahusekwa (Marondera West)
11. Zanu-PF Rally in Harare
12. MDC Rally at Mkoba (Midlands)
13. MDC Rally (Esigodini, Matebeleland)
14. Zanu-PF Star Rally (White City Stadium, Bulawayo)

18.06.2000

15. Zanu-PF Rally at Beatrice (Marondera West)
16. MDC Rally in Harare
17. Training Session for electoral officers at Midlands State University

22.06.2000

18. Zanu-PF Rally in Masvingo Stadium
19. MDC Rally (Manicaland)

23.06.2000

20. Zanu-PF Rally in Makone North (Manicaland)

APPENDIX F

ELECTION RESULTS

PARTY	SEATS WON
1. ZANU (PF)	62
2. MDC	57
3. UP	0
4. ZAPU	0
5. ZUD	0
6. ZANU	1
7. LP	0
8. LPZ	0
9. ZIP	0
10. NDU	0
11. ZPP	0
12. ZCP	0
13. PDF	0
14. ANP	0
15. NPA	0
16. INDEPENDENTS	0
TOTAL	120

National Council of Provinces:

1. The Chairperson:

1. Message from National Assembly to National Council of Provinces:

Bills passed by National Assembly on 12 September 2000 and transmitted for concurrence:

- (1) *Adult Basic Education and Training Bill* [B 42B—2000] (National Assembly—sec 76) —(Select Committee on Education and Recreation—National Council of Provinces).
- (2) *Education Laws Amendment Bill* [B 48B—2000] (National Assembly—sec 76)—(Select Committee on Education and Recreation—National Council of Provinces).

Bill passed by National Assembly on 13 September 2000 and transmitted for concurrence:

- (1) *Competition Second Amendment Bill* [B 41B—2000] (National Assembly—sec 75)—(Select Committee on Economic Affairs—National Council of Provinces).

2. 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 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 the project "Provincial Administration Support Programme in the East-

ern Cape", tabled in terms of section 231(3) of the Constitution, 1996.

- (b) Agreement between the Government of the Republic of South Africa and the Government of the Federal Republic of Germany concerning the project "Decentralised Development Planning", tabled in terms of section 231(3) of the Constitution, 1996.

(2) The following paper is referred to the Select Committee on Finance:

Agreement between the Government of the Republic of South Africa and the Government of the Federal Republic of Germany concerning the project "Economic and Development Policy Advisory Programme", tabled in terms of section 231(3) of the Constitution, 1996.

(3) The following papers are referred to the Select Committee on Security and Constitutional Affairs for consideration and report:

- (a) Statutes of the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders, tabled in terms of section 231(2) of the Constitution, 1996.
- (b) Explanatory Memorandum to the Statutes of the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders.

(4) The following papers are referred to the Select Committee on Labour and Public Enterprises:

- (a) Policy Framework for an Accelerated Agenda Towards the Restructuring of State Owned Enterprises.
- (b) A Summary of the Policy Framework for an Accelerated Agenda for the Restructuring of State Owned Enterprises.

(5) The following papers are referred to the Select Committee on Social Services:

- (a) Government Notice No R.567 published in the Government Gazette No 21245 dated 9 June 2000, List of approved facilities for the purpose of performing community service in 2001 by medical practitioners, made in terms of the Health Professions Act, 1974.
- (b) Government Notice No 2234 published in the Government Gazette No 21292 dated 21 June 2000, the Chiropractors, Homeopaths and Allied Health Service Professions Amendment Bill, 2000 published for comment.
- (c) Government Notice No 644 published in the Government Gazette No 21313 dated 30 June 2000, Authorisation in terms of section 24 of the Human Tissue Act, 1983.
- (d) Government Notice No R.570 published in the Government Gazette No 21256 dated 5 June 2000, Regulations made in terms of the Medical Schemes Act, 1998.

- (e) Government Notice No R.569 published in the Government Gazette No 21255 dated 5 June 2000, Regulations made in terms of the Medical Schemes Act, 1998.
 - (f) Government Notice No R.638 published in the Government Gazette No 21317 dated 22 June 2000, Regulations made in terms of the Medical Schemes Act, 1998.
 - (g) Report and Financial Statements of the Medical Research Council for 1998-99, including the Report of the Auditor-General on the Financial Statements for 1998-99.
- (6) The following paper is referred to the Select Committee on Security and Constitutional Affairs:
- Agreement between the Government of the Republic of South Africa and the Government of the People's Republic of China in respect of Police Co-operation, tabled in terms of section 231(3) of the Constitution, 1996.
- (7) The following papers are referred to the Select Committee on Economic Affairs:
- (a) Report and Financial Statements of the National Lotteries Board for 1998-99, including the Report of the Auditor-General on the Financial Statements for 1998-99.
 - (b) General Agreement of Co-operation between the Government of the Republic of South Africa and the Government of the United Mexican States, tabled in terms of section 231(3) of the Constitution, 1996.

COMMITTEE REPORTS:

National Council of Provinces:

1. Report of the Select Committee on Economic Affairs on the *UNECE 1958 Agreement on Wheeled Vehicles*, dated 13 September 2000:

The Select Committee on Economic Affairs, having considered the request for approval by Parliament of the *Agreement of the United Nations Economic Commission for Europe concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions*, referred to it, recommends that the Council, in terms of section 231(2) of the Constitution, approve the said Agreement.

Report to be considered.

2. Report of the Select Committee on Economic Affairs on the *UNECE Global Agreement on Wheeled Vehicles*, dated 13 September 2000:

The Select Committee on Economic Affairs, having considered the request for approval by Parliament of the *Agreement of the United Nations Economic Commission for Europe concerning*

4. the establishment of Global Technical Regulations for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles, referred to it recommends that the Council, in terms of section 23(2) of the Constitution, approve the said Agreement.

Report to be considered.

ГЕВУН ОУ ПОДЖИВУН-Г

УНКОС-ТНИ

ШІ КАНЕ ОУ ЗІСНУ 37(2) ОУ ЛОС СІВІНІРІНІ ОУНІО ІНІ СІВІ
ОУ КАНІНІ ОУ КАНІНІ ОУ КАНІНІ ОУ КАНІНІ ОУ КАНІНІ ОУ КАНІНІ
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REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS OF NATIONAL ASSEMBLY

THURSDAY, 14 SEPTEMBER 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. [14:19] The Deputy Chief Whip of the Majority Party moved without notice: That the House—
 - (1) notes that a sardine trawler sank off the West Coast earlier this week and two crew members lost their lives;
 - (2) notes that although five crew members could be saved, two are still missing;
 - (3) expresses sincere condolences with the families who have been plunged into mourning through this tragic event;
 - (4) thanks the rescue team for its speedy action; and
 - (5) expresses the hope that the search for the missing crew members will be successful.

Agreed to.

5. The Deputy Chief Whip of the Majority Party (for the Chief Whip of the Majority Party) moved without notice: That the House appoints an *ad hoc* committee to consider the proposed formation of a Pan-African Parliament, the committee—
 - (1) to consist of 21 members;
 - (2) to exercise those powers in Rule 138 that may assist it in carrying out its task;
 - (3) to have power to confer with a corresponding committee in the National Council of Provinces; and
 - (4) to complete its task by 6 October 2000.

Agreed to.

Handwritten text in a cursive script, likely a letter or a page from a manuscript. The text is mostly illegible due to fading and the quality of the scan. It appears to be a continuous block of text spanning most of the page.

Handwritten text at the bottom of the page, possibly a signature or a closing. It includes some numbers and words that are difficult to decipher.

REPUBLIC OF SOUTH AFRICA

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 - (3) expresses sincere condolences with the families who have been plunged into mourning through this tragic event;
 - (4) thanks the rescue team for its speedy action; and
 - (5) expresses the hope that the search for the missing crew members will be successful.
- Agreed to.
5. The Deputy Chief Whip of the Majority Party (for the Chief Whip of the Majority Party) moved without notice: That the House appoints an *ad hoc* committee to consider the proposed formation of a Pan-African Parliament, the committee—
 - (1) to consist of 21 members;
 - (2) to exercise those powers in Rule 138 that may assist it in carrying out its task;
 - (3) to have power to confer with a corresponding committee in the National Council of Provinces; and
 - (4) to complete its task by 6 October 2000.

Agreed to.

6. [14:20] The Deputy Chief Whip of the Majority Party (for the Chief Whip of the Majority Party) moved: That the motion adopted by the House on 12 September 2000, whereby the Speaker was designated to conduct the lot to determine the term of office of members of the first Council of the Independent Communications Authority of South Africa, be amended by substituting the Deputy Speaker for the Speaker.

Agreed to.

7. The Deputy Chief Whip of the Majority Party (for the Chief Whip of the Majority Party) moved: That, notwithstanding Rule 290(1), the *Council for Medical Schemes Levies Bill*, upon its introduction, be referred to the Portfolio Committee on Health for consideration and report.

Agreed to.

8. The Deputy Chief Whip of the Majority Party (for the Chief Whip of the Majority Party) moved: That the House refers the *General Intelligence Law Amendment Bill* [B 36—2000] to an *ad hoc* Committee of the House for consideration and report, and for that purpose establishes a committee in terms of Rule 214, the committee—

- (1) to consist of 21 members;
- (2) to consider the Bill in accordance with Chapter 13 of the Rules;
- (3) to exercise those powers in Rule 138 that may assist it in carrying out its task;
- (4) subject to the concurrence of the National Council of Provinces, to confer with the corresponding Council committee and the Joint Standing Committee on Intelligence; and
- (5) to complete its task by no later than 5 October 2000.

Agreed to.

9. FIRST ORDER [14:21]

Consideration of Report of South African Parliamentary Observer Mission to the Parliamentary Elections held in Zimbabwe (Announcements, Tablings and Committee Reports, p 678).

Debate concluded.

Report adopted (Freedom Front and Afrikaner Eenhedsbeweging dissenting).

10. SECOND ORDER [16:04]

Introduction—*Adjustments Appropriation Bill* [B 60—2000] (National Assembly—sec 77).

The Minister of Finance delivered his introductory speech and tabled the Bill.

Bill, together with introductory speech and papers tabled, referred to the Portfolio Committee on Finance for consideration and report.

11. THIRD ORDER [16:05]

Introduction—*Council for Medical Schemes Levies Bill* [B 61—2000] (National Assembly—sec 77).

The Minister of Finance delivered his introductory speech and tabled the Bill.

Bill, together with introductory speech, referred to the Portfolio Committee on Health for consideration and report in accordance with the resolution of earlier today.

12. FOURTH ORDER [16:05]

Second Reading debate—*Finance Bill* [B 40—2000] (National Assembly—sec 75).

Debate concluded.

Bill read a second time.

13. FIFTH ORDER [16:33]

Second Reading debate—*Sanitation Amendment Bill* [B 56B—2000] (National Assembly—sec 75).

Debate concluded.

Bill read a second time.

14. The House adjourned at 17:03.

S G MFENYANA,

Secretary to Parliament.

PARLIAMENT
OF THE
REPUBLIC OF SOUTH AFRICA

**ANNOUNCEMENTS,
TABLINGS AND
COMMITTEE REPORTS**

THURSDAY, 14 SEPTEMBER 2000

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

- (1) The Minister of Sport and Recreation on 4 September 2000 submitted a draft of the *South African Sport Commission Amendment Bill*, 2000, 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 Sport and Recreation and the Select Committee on Education and Recreation, respectively, by the Speaker and the Chairperson in accordance with Joint Rule 159(2).

National Council of Provinces:

1. The Chairperson:

Message from National Assembly to National Council of Provinces:

Bills passed by National Assembly on 14 September 2000 and transmitted for concurrence:

- (1) *Finance Bill* [B 40—2000] (National Assembly—sec 75)—(Select Committee on Finance—National Council of Provinces).
(2) *Banks Amendment Bill* [B 56B—2000] (National Assembly—sec 75)—(Select Committee on Finance—National Council of Provinces).

disadvantaged people into the formal economy, income redistribution and addressing problems created by low levels of capital accumulation and entrepreneurial skills.

This needed to be balanced against the need to maintain a sound financial sector in line with international best practice. According to the Council, the unfolding international environment is creating new competitive pressures, thereby placing certain constraints on the banking industry in South Africa. These include pressures to eliminate cross-subsidisation and to scale down less profitable activities.

The Council presented a profile of the SMME sector in relation to the cost and size of loans. It argued that the unit costs of making loans to micro-enterprises were too high for banks, which could also not provide the support needed for entrepreneurs with limited managerial skills. They said banks could only become involved in financing very small businesses through specialised institutions such as Sizenani. The banks are, however, currently very much involved in servicing the small and medium enterprise sector and could expect to continue to be involved in this segment of the market.

Absa, Nedcor and Standard Bank provided a profile of their individual institutions, mission statements, total loan book and some indication of their involvement in the SME sector. It was apparent that the three institutions were using different criteria, and from the information presented it was difficult, if not impossible, to determine what percentage of the loan book was going to black entrepreneurs. Indeed, some of the banks themselves acknowledged that they had no real basis for measuring which of their clients were previously disadvantaged individuals.

The Council proposed the establishment of community-based financial institutions to service the micro and very small sectors, which it said the banks could not finance. The Council also proposed the strengthening of the NGO and retail finance intermediary sectors that are currently involved in this function. The Council also proposed the strengthening of the Sizenani project. No clear answers were provided to repeated questions about banks' engagement in "red-lining" practices.

B. *Business Association, Investment Group, Financial Consultancy*

1. *South Cape Investment Network*

The presenter referred to the constraints imposed upon smaller enterprises by banks. The Network proposed that black-owned and -controlled small businesses face more challenges than those owned by their white counterparts. A case study was presented of a bank manager who refused to open a cheque account for an empowerment group.

It was reported that black entrepreneurs continue to face hostility from white bank managers, who are unsympathetic to the experience and plight of black-owned small enterprises. The Network, in collaboration with other

stakeholders in the Southern Cape, has taken up the issue of racism in the financial sector to the Human Rights Commission. Some of the issues raised included staff and management attitudes, red-lining and a general disregard for the South African context.

2. *Western Cape Black Business and Professionals Alliance*

The Alliance comprises several institutions operating throughout the country, and consists of accountants, building contractors, lawyers and the Black Management Forum. According to them, a key challenge is the changing of an existing mindset in the banking industry that sees black business as representing a high risk. Banks are doing very little to provide start-up capital, guarantees and bridging finance for small black business.

The Alliance focused its submission on the construction industry. Three areas were addressed: Provision of bank guarantees, access to bridging finance and bank credit ratings of construction companies. Black contractors are currently receiving construction tenders through government procurement processes, but are unable to source funds from the relevant financial institutions. The Alliance reported that their members are then forced to either forfeit the contract or enter into a joint venture with a white company. According to the Alliance, this trend does not contribute to economic empowerment.

Similarly, access to bridging finance, credit ratings and financing of commercial property in black areas are barriers to emerging small entrepreneurs. A construction tender requires bridging finance and a credit rating from a financial institution. Banks have given several negative ratings to members of the Alliance. They said that these problems are not confined to micro and very small enterprises. They said that small and medium established black-owned businesses (not just start-ups) were encountering such problems.

3. *EYETHU Butchery*

The presenter, the owner of several properties and businesses employing more than 40 people, is an established entrepreneur with a proven track record. She has been a customer of Standard Bank for the past 19 years. She characterises her relationship with the bank as a "hands off" relationship that has not contributed to her success or business growth. It was reported that the local bank manager does not have a "passion" or commitment to the development of SMMEs.

Bureaucratic requirements, imposed by the bank, have slowed down the growth of her business. Several of her (white) competitors have developed more co-operative relationships with the bank manager and are receiving preferential terms from the bank. Access to working capital

is often restricted due to stringent collateral requirements. It was reported that when collateral is provided, banks are still hesitant to provide access to finance. This impacts negatively on the cash-flow and stock levels of the business, which in turn influences the growth of the business.

4. *Citizens Finance, Financial and Business Consulting*

The presenter highlighted the important role of banks in contributing towards the economic growth of the South African economy. Previous government policies were not supportive of SMME development, especially black-owned SMMEs. It is estimated that black entrepreneurs received less than 2% of the total bank credit under the previous government. It was argued that the policy of banks has not changed in respect of SMME finance.

Banks look more favourably to financing empowerment deals that involve mergers and acquisitions. Banks view SMMEs as a high risk, but poor performance of SMMEs is due to underdeveloped entrepreneurial skill, which in turn requires access to finance. There is no history of an understanding between banks and black communities. The government has begun addressing several of these challenges through the SMME strategy. The effectiveness of the strategy needs to be evaluated.

Banks, in turn, have also introduced several measures, including the Community Bank, that was recently closed down. Banks have also established the SMME desks and the Sizanani project. It was suggested that the government had overestimated the role of banks in advancing the SMME sector. In general, government policies have been correct, but the implementation has been more difficult than envisaged. As part of a way forward, the presenter proposed that SMME policies be targeted and focused. The existing economic structure needs to be changed. This is a long-term objective.

Banks must find new and creative ways of providing access to finance. The SMME sector must be made less risky. More training must be provided. The government must increase funding to SMME programmes and actively support business associations. It was suggested that consultation between banks and the government needs to be strengthened to provide targeted financial services. The presenter concluded by proposing an improved communication between banks and the government so as to establish a dynamic relationship.

5. *Diakonia Council of Churches (DCC)*

The objective of the DCC is to contribute to peace, development and a better quality of life for the people of the greater Durban. Individual congregations have expressed concern over the increasing unemployment and poverty in the region. The DCC is a result of a response to the local

situation. A project of the DCC includes life skills and technical and small business training. In the past four years, over 1 500 people have been trained in a range of skills such as sewing, electrical installation, carpentry, construction and motor mechanics. The presenter highlighted that the idea of skills training is to generate "job creators" rather than job seekers.

Several case studies were provided, which emphasised the importance of access to finance in creating a culture of entrepreneurship, facilitating employment and providing income to large numbers of vulnerable people. Several barriers to micro enterprise development were identified: Banks exclude micro entrepreneurs on the basis that a minimum amount must be maintained in a bank account; banks open accounts for people with permanent jobs only; and banks levy excessive administrative costs and conditions. The micro and very small enterprise sector is an important income generator for a vast number of people.

The DCC proposed a change in the banking "mindset" on risk and economic growth. It also proposed the removal of collateral requirements for certain loans in the micro and very small enterprise sector, no minimum amount for loans, that interest be charged at market rates and that loans not be linked to savings. The DCC also called for improved sensitivity of bank staff in local branches.

6. *National African Federation Chamber of Commerce (Nafcoc)*

The submission focused on the failure to accord organisations like Nafcoc a more prominent role in the SMME programme, the demographic make-up of staff in the Department of Trade and Industry responsible for the SMME programme, and the slow pace of land reform, as constraints faced by black entrepreneurs. Nothing specific was said about banks and access to finance by SMMEs.

C. *SA Reserve Bank: Bank Supervision Department (BSD)*

The presentation highlighted the importance of banking and the significance of a sound, credible financial environment for economic growth. The Banks Act of 1990 provided for "prudential regulation and risk management" of financial institutions. This Act, reflecting a number of concerns of the time, focused on the regulation of deposit-taking institutions and prohibited non-registered entities from accepting deposits. The BSD's main function is to protect depositors and maintain sound credit standards. The presenter stressed the importance of a sound credible financial system, and called for circumspection when addressing structural challenges.

It was reported that over the years a number of initiatives had been taken to address constraints experienced by "unbanked people". These included the passage of the Mutual Banks Act, the promotion of community banking, stokvels, savings co-operatives, village financial service co-operatives, the launch of

the Mortgage Indemnity Scheme and consultations with stakeholders about alternative strategies to informal financing and micro-lending.

There have also been moves to establish an effective regulatory environment for the micro-lending industry through the Micro-Finance Regulatory Council. It is possible that this Council will facilitate the accepting of deposits by micro-finance institutions. It was reported that FinaSol and the Financial Services Association have been appointed as regulatory bodies for the village financial service co-operatives. All of these initiatives have more or less operated on the basis of exemption from the Banks Act.

The presenters expressed the view that what was needed in the medium to long term was to facilitate the emergence of new institutions that might be more effective than banks in financing SMMEs. They argued strongly that the government should not force banks to lend to SMMEs, the so-called stick method. They felt that greater success might be achieved by increasing competition in the market. This might be achieved by encouraging the emergence of a securities market as an instrument for accessing finance. Various co-operative ventures could also be encouraged. The success of this strategy will largely depend on the availability of financial information.

It was reported that the Reserve Bank, due to improper practices encountered by various institutions in the past, had expanded the definition of a deposit-taker. This placed certain restrictions on the emergence of what may be more appropriate financial institutions. What was required, was a streamlining and refocusing of legislation, including the Banks Act, the Companies Act, the draft Collective Investments Schemes Bill and the draft Investments Services Bill, to overcome current legislative restrictions that make it impossible to access the securities market for SMME finance. Redefining deposit-takers in conjunction with the fine-tuning of the above legislation was called for as part of a strategy to promote competition between financial instruments. The presenters also supported greater compulsory disclosure by financial institutions of their involvement in community-based activities, including provision of finance to SMMEs.

D. Government

1. Department of Trade and Industry (DTI), Chief Directorate: Business Regulation and Consumer Services, and Khula Enterprise Finance

The DTI highlighted the importance of the SMME sector as a means of poverty alleviation, a vehicle for black economic empowerment, in increasing competition and promoting job creation. The many barriers to SMME development were re-emphasised.

The National Enterprise Survey, commissioned by The Presidency with the support of the Ministry of Trade and Industry, had reported that black-owned firms found it more difficult to access finance than their white counterparts. The

same survey found that while access to finance was not a major problem for South African companies in general, it was for black-owned SMMEs. These problems were particularly acute for recently established enterprises, i.e. those that are three years and younger.

The survey highlighted the following problems experienced by SMMEs in accessing finance: A lack of collateral and equity finance, effectiveness of affirmative procurement, perception of risk, failure rate of start-ups, management support systems, high costs of operating SMMEs, and the adequacy of credit guarantees. The survey also found that there were relationship problems between bank managers and black entrepreneurs, regulatory inconsistencies, problems with high interest rates, the Usury Act, the Credit Agreement Act, a lack of second-tier institutions and tax incentives.

Structural and institutional challenges require sustainable interventions at several levels. As with other stakeholders, banks have a crucial role to play in the formation of capital in the economy. The DTI recognised the global constraints experienced by banks in South Africa, and argued for an approach which balanced the need for sound banking practice against the imperative to extend services to people excluded from financial services. The growth of the micro-lending sector had exposed the slow responsiveness of South African banks in entering profitable markets.

The government will continue to encourage banks to improve access to finance for disadvantaged communities and also to promote alternative financial institutions. It was noted that it was becoming increasingly difficult to measure the extent of credit extension to SMMEs due to definitional inconsistencies, but studies have agreed that overall bank credit extension was low. Another key challenge facing the government was to work to improve banking practices in relation to black entrepreneurs. It was noted that SMMEs complained of continued discrimination and blacklisting.

The presenter highlighted that banks were crucial to any SMME strategy as a result of their outreach, capital base, product and expertise. Lack of competition in the banking sector remained a fundamental problem. The DTI supported the promotion of the micro-lending and credit union sectors as alternative instruments, as well as the easing of regulations to allow smaller banks to establish themselves. It was reported that the DTI, in consultation with other departments, was looking into the implementation of a disclosure requirement mechanism. The presenter cautioned against simply importing a US-based Community Reinvestment Act, given the different structural model of US banking. There was, however, support for compulsory disclosure of the type contained within this type of legislation as a step towards financial reform. The low level of bank utilisation of the Khula Guarantee Scheme was also

highlighted as a concern, and the DTI is at present monitoring the unfolding scenario in this regard. The participation of a range of stakeholders in developing a strategy to address the many challenges facing the SME sector in accessing finance was supported.

D. Conclusion and recommendations

Improving access to finance for black-owned SMEs is agreed by virtually everyone to be a major priority of economic policy.

The hearings identified a number of "structural" and "relationship" challenges that will have to be addressed in making this priority policy objective a reality.

Structural issues include transforming the present financial architecture to make it more appropriate to current priorities. This was argued particularly in the submission of the SARB. A number of scams in the 1980s led to the introduction of strict controls over deposit-taking institutions, which, while still warranted in many respects, tended to limit the emergence of other financial institutions. Alternative institutions today are still largely operating on the basis of exemptions from the Banks Act or Usury Act, rather than according to their own purpose-built regulatory framework. The Committee agrees with the SARB that there is an urgent need for a systematic and inclusive review of the broad legislative and regulatory framework of financial institutions with a view to devising strategies to encourage the emergence of a range of institutions that might serve this segment of the market.

At this time, the Committee is of the view that the banks need to play a more active role than they have to date. The banks themselves agreed that provision of finance to small and medium businesses was very much an activity they needed to engage in, and that by co-operating in specialist divisions like Sizumani, they could serve the "very small" sector as well. The only real debate, even according to the banks themselves, was over whether, and how, they could be involved in serving the micro sector.

The Banking Council suggested that the costs of finance, as well as being linked to the size of an enterprise, was also a function of the degree of access to collateral and the level of managerial skill. The Committee proposes the exploration of creative partnerships to address such constraints, to deal with the perception of risk and co-operate in the promotion of alternative financial institutions. Organisations like the Industrial Development Corporation are already playing a crucial role in the provision of finance, and need to be more actively drawn into the strategy.

Mentoring is generally agreed to be a major challenge, both to transfer skills and as a mechanism for reducing risk. Focused and targeted training linked to loan applications is clearly required. Nasika Enterprise Promotion Agency has already launched several mentoring programmes. Banks need to be engaged, both on ways they can contribute to improving the efficiency of such programmes and on how they can be validated in the process of loan applications.

The system of payment of government contracts also needs review, particularly as it impacts on SMMEs. The Committee is aware that the Public Finance Management Act should lead to ending the practice of long delays in payment for work completed. However, the question of finance for the period between the award of a tender and completion of a contract needs attention. Black business people complain that banks are currently not providing bridging finance for SMMEs that have been awarded tenders. Being awarded a tender, coupled with a proven ability to perform, should, in the Committee's view, be regarded as a form of collateral by banks. Relevant procurement authorities and banks should explore this issue.

In addition to structural issues, there are clearly also a number of relationship problems. There are too many black-owned small businesses who complain that attitudes to banks are less than positive and who feel that relationships are "at arms length", for this dimension to be ignored. Entrepreneurs complain of an alienating and unsympathetic environment, and there is a clear perception that black businesses are viewed less favourably than white.

The Committee draws attention to the fact that banks could face litigation under equality law if they engage in discriminatory practices, including "red-lining", which many say continue to be prevalent. Equality law also obliges banks and other institutions to establish proactive measures to combat the effects of discrimination, particularly in relation to race, gender and disability. The Banking Council, in its submission, also drew attention to equality law and, in fact, invited aggrieved parties to use this remedy to deal with any discriminatory bank practices. Beyond this, the Committee believes that banks need to urgently review what the SARB called the "politeness factor", and develop a more positive attitude towards SMMEs. Steps need to be taken to ensure that decisions taken by top management in this regard are translated into meaningful change at the level of local managers and officials.

Furthermore, in the Committee's view, there is an urgent need for a uniform system of disclosure that will allow the performance of particular institutions in providing SMME finance and other national priority activities to be measured and compared to the performance of other institutions. The Committee is of the view that this will require legislative and regulatory intervention. There was, in fact, virtual unanimity amongst presenters that uniform disclosure requirements allowing for such measurement were necessary. While the US Community Reinvestment Act was developed in a specific context, different in significant respects from our own, a broader discussion of the type of legislation that is appropriate to specific South African conditions needs to be encouraged.

The Committee noted that only one national black business organisation representing SMME interests participated in the hearings. Members of the Committee expressed disappointment that the Nafcoc presentation offered little insight on the issues

under review, which the National Enterprise Survey identified as major constraints. Black business needs an organised leadership to champion their cause and lobby and negotiate in a more favourable climate. The Committee hopes that organised business in general, and black organised business in particular, will in future be more proactive in presenting proposals to deal with the many constraints that black small entrepreneurs face.

The Committee would like to thank all those who participated in the hearings and endorsed the continued engagement between the government, organised business, black business and banks.

Report to be considered.

National Council of Provinces:

1. Report of the Select Committee on Economic Affairs on *SMME sector*, dated 13 September 2000:

The Select Committee on Economic Affairs, having held public hearings on the promotion of the SMME (small, medium and micro enterprise) sector and the role of banks, reports as follows:

The Committee and the Portfolio Committee on Trade and Industry of the National Assembly held the public hearings on 14 and 21 June 2000. The immediate background to the hearings was a workshop on SMME promotion, organised by the NCOP, where it was reiterated that access to finance was a critical issue and new initiatives were called for in relation to banks.

The objective of the hearings was to examine the extent of the involvement of banks in SMME finance and problems encountered in this regard, as well as proposals to increase access to finance by SMMEs. The hearings attracted a good deal of public attention. Many individuals wrote to the Committee with specific complaints, and many significant stakeholders gave oral evidence. The hearings were intended to contribute to a positive way forward and to highlight the work still to be done.

A. Banking Council and Associated Banks (Absa, Nedcor, Standard Bank)

The Council began by highlighting a number of steps they had taken since the Portfolio Committee's 1999 hearings on bank charges and micro-finance. These included the introduction of a new Code of Banking Conduct, appointment of an Adjudicator independent of the Council, the establishment of a community-based financial institution, Sizanani, and the recent discussions with Khula around the provision of venture capital.

The Council pointed to a structural tension between their involvement in economic transformation and the maintenance of a "sound financial sector". It acknowledges that there is a need for economic restructuring, including the drawing of historically disadvantaged people into the formal economy, income redistribution and addressing problems created by low levels of capital accumulation and entrepreneurial skills.

This needed to be balanced against the need to maintain a sound financial sector in line with international best practice. According to the Council, the unfolding international environment is creating new competitive pressures, thereby placing certain constraints on the banking industry in South Africa. These include pressures to eliminate cross-subsidisation and to scale down less profitable activities.

The Council presented a profile of the SMME sector in relation to the cost and size of loans. It argued that the unit costs of making loans to micro-enterprises were too high for banks, which could also not provide the support needed for entrepreneurs with limited managerial skills. They said banks could only become involved in financing very small businesses through specialised institutions such as Sizanani. The banks are, however, currently very much involved in servicing the small and medium enterprise sector and could expect to continue to be involved in this segment of the market.

Absa, Nedcor and Standard Bank provided a profile of their individual institutions, mission statements, total loan book and some indication of their involvement in the SME sector. It was apparent that the three institutions were using different criteria, and from the information presented it was difficult, if not impossible, to determine what percentage of the loan book was going to black entrepreneurs. Indeed, some of the banks themselves acknowledged that they had no real basis for measuring which of their clients were previously disadvantaged individuals.

The Council proposed the establishment of community-based financial institutions to service the micro and very small sectors, which it said the banks could not finance. The Council also proposed the strengthening of the NGO and retail finance intermediary sectors that are currently involved in this function. The Council also proposed the strengthening of the Sizanani project. No clear answers were provided to repeated questions about banks' engagement in "red-lining" practices.

B. Business Association, Investment Group, Financial Consultancy

1. South Cape Investment Network

The presenter referred to the constraints imposed upon smaller enterprises by banks. The Network proposed that black-owned and -controlled small businesses face more challenges than those owned by their white counterparts. A case study was presented of a bank manager who refused to open a cheque account for an empowerment group.

It was reported that black entrepreneurs continue to face hostility from white bank managers, who are unsympathetic to the experience and plight of black-owned small enterprises. The Network, in collaboration with other stakeholders in the Southern Cape, has taken up the issue of racism in the financial sector to the Human Rights Commission. Some of the issues raised included staff and

management attitudes, red-lining and a general disregard for the South African context.

2. *Western Cape Black Business and Professionals Alliance*

The Alliance comprises several institutions operating throughout the country, and consists of accountants, building contractors, lawyers and the Black Management Forum. According to them, a key challenge is the changing of an existing mindset in the banking industry that sees black business as representing a high risk. Banks are doing very little to provide start-up capital, guarantees and bridging finance for small black business.

The Alliance focused its submission on the construction industry. Three areas were addressed: Provision of bank guarantees, access to bridging finance and bank credit ratings of construction companies. Black contractors are currently receiving construction tenders through government procurement processes, but are unable to source funds from the relevant financial institutions. The Alliance reported that their members are then forced to either forfeit the contract or enter into a joint venture with a white company. According to the Alliance, this trend does not contribute to economic empowerment.

Similarly, access to bridging finance, credit ratings and financing of commercial property in black areas are barriers to emerging small entrepreneurs. A construction tender requires bridging finance and a credit rating from a financial institution. Banks have given several negative ratings to members of the Alliance. They said that these problems are not confined to micro and very small enterprises. They said that small and medium established black-owned businesses (not just start-ups) were encountering such problems.

3. *EYETHU Butchery*

The presenter, the owner of several properties and businesses employing more than 40 people, is an established entrepreneur with a proven track record. She has been a customer of Standard Bank for the past 19 years. She characterises her relationship with the bank as a "hands off" relationship that has not contributed to her success or business growth. It was reported that the local bank manager does not have a "passion" or commitment to the development of SMMEs.

Bureaucratic requirements, imposed by the bank, have slowed down the growth of her business. Several of her (*white*) competitors have developed more co-operative relationships with the bank manager and are receiving preferential terms from the bank. Access to working capital is often restricted due to stringent collateral requirements. It was reported that when collateral is provided, banks are still hesitant to provide access to finance. This impacts negatively on the cash-flow and stock levels of the

business, which in turn influences the growth of the business.

4. *Citizens Finance, Financial and Business Consulting*

The presenter highlighted the important role of banks in contributing towards the economic growth of the South African economy. Previous government policies were not supportive of SMME development, especially black-owned SMMEs. It is estimated that black entrepreneurs received less than 2% of the total bank credit under the previous government. It was argued that the policy of banks has not changed in respect of SMME finance.

Banks look more favourably to financing empowerment deals that involve mergers and acquisitions. Banks view SMMEs as a high risk, but poor performance of SMMEs is due to underdeveloped entrepreneurial skill, which in turn requires access to finance. There is no history of an understanding between banks and black communities. The government has begun addressing several of these challenges through the SMME strategy. The effectiveness of the strategy needs to be evaluated.

Banks, in turn, have also introduced several measures, including the Community Bank, that was recently closed down. Banks have also established the SMME desks and the Sizanani project. It was suggested that the government had overestimated the role of banks in advancing the SMME sector. In general, government policies have been correct, but the implementation has been more difficult than envisaged. As part of a way forward, the presenter proposed that SMME policies be targeted and focused. The existing economic structure needs to be changed. This is a long-term objective.

Banks must find new and creative ways of providing access to finance. The SMME sector must be made less risky. More training must be provided. The government must increase funding to SMME programmes and actively support business associations. It was suggested that consultation between banks and the government needs to be strengthened to provide targeted financial services. The presenter concluded by proposing an improved communication between banks and the government so as to establish a dynamic relationship.

5. *Diakonia Council of Churches (DCC)*

The objective of the DCC is to contribute to peace, development and a better quality of life for the people of the greater Durban. Individual congregations have expressed concern over the increasing unemployment and poverty in the region. The DCC is a result of a response to the local situation. A project of the DCC includes life skills and technical and small business training. In the past four years, over 1 500 people have been trained in a range of skills such as sewing, electrical installation, carpentry, construc-

tion and motor mechanics. The presenter highlighted that the idea of skills training is to generate "job creators" rather than job seekers.

Several case studies were provided, which emphasised the importance of access to finance in creating a culture of entrepreneurship, facilitating employment and providing income to large numbers of vulnerable people. Several barriers to micro enterprise development were identified: Banks exclude micro entrepreneurs on the basis that a minimum amount must be maintained in a bank account; banks open accounts for people with permanent jobs only; and banks levy excessive administrative costs and conditions. The micro and very small enterprise sector is an important income generator for a vast number of people.

The DCC proposed a change in the banking "mindset" on risk and economic growth. It also proposed the removal of collateral requirements for certain loans in the micro and very small enterprise sector, no minimum amount for loans, that interest be charged at market rates and that loans not be linked to savings. The DCC also called for improved sensitivity of bank staff in local branches.

6. *National African Federation Chamber of Commerce (Nafcoc)*

The submission focused on the failure to accord organisations like Nafcoc a more prominent role in the SMME programme, the demographic make-up of staff in the Department of Trade and Industry responsible for the SMME programme, and the slow pace of land reform, as constraints faced by black entrepreneurs. Nothing specific was said about banks and access to finance by SMMEs.

C. *SA Reserve Bank: Bank Supervision Department (BSD)*

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It was reported that over the years a number of initiatives had been taken to address constraints experienced by "unbanked people". These included the passage of the Mutual Banks Act, the promotion of community banking, stokvels, savings co-operatives, village financial service co-operatives, the launch of the Mortgage Indemnity Scheme and consultations with stakeholders about alternative strategies to informal financing and micro-lending.

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particularly acute for recently established enterprises, i.e. those that are three years and younger.

The survey highlighted the following problems experienced by SMMEs in accessing finance: A lack of collateral and equity finance, effectiveness of affirmative procurement, perception of risk, failure rate of start-ups, management support systems, high costs of operating SMMEs, and the adequacy of credit guarantees. The survey also found that there were relationship problems between bank managers and black entrepreneurs, regulatory inconsistencies, problems with high interest rates, the Usury Act, the Credit Agreement Act, a lack of second-tier institutions and tax incentives.

Structural and institutional challenges require sustainable interventions at several levels. As with other stakeholders, banks have a crucial role to play in the formation of capital in the economy. The DTI recognised the global constraints experienced by banks in South Africa, and argued for an approach which balanced the need for sound banking practice against the imperative to extend services to people excluded from financial services. The growth of the micro-lending sector had exposed the slow responsiveness of South African banks in entering profitable markets.

The government will continue to encourage banks to improve access to finance for disadvantaged communities and also to promote alternative financial institutions. It was noted that it was becoming increasingly difficult to measure the extent of credit extension to SMMEs due to definitional inconsistencies, but studies have agreed that overall bank credit extension was low. Another key challenge facing the government was to work to improve banking practices in relation to black entrepreneurs. It was noted that SMMEs complained of continued discrimination and blacklisting.

The presenter highlighted that banks were crucial to any SMME strategy as a result of their outreach, capital base, product and expertise. Lack of competition in the banking sector remained a fundamental problem. The DTI supported the promotion of the micro-lending and credit union sectors as alternative instruments, as well as the easing of regulations to allow smaller banks to establish themselves. It was reported that the DTI, in consultation with other departments, was looking into the implementation of a disclosure requirement mechanism. The presenter cautioned against simply importing a US-based Community Reinvestment Act, given the different structural model of US banking. There was, however, support for compulsory disclosure of the type contained within this type of legislation as a step towards financial reform. The low level of bank utilisation of the Khula Guarantee Scheme was also highlighted as a concern, and the DTI is at present monitoring the unfolding scenario in this regard. The participation of a range of stakeholders in developing a

strategy to address the many challenges facing the SMME sector in accessing finance was supported.

D. Conclusion and recommendations

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At this time, the Committee is of the view that the banks need to play a more active role than they have to date. The banks themselves agreed that provision of finance to small and medium businesses was very much an activity they needed to engage in, and that by co-operating in specialist divisions like Sizani, they could serve the "very small" sector as well. The only real debate, even according to the banks themselves, was over whether, and how, they could be involved in serving the micro sector.

The Banking Council suggested that the costs of finance, as well as being linked to the size of an enterprise, was also a function of the degree of access to collateral and the level of managerial skill. The Committee proposes the exploration of creative partnerships to address such constraints, to deal with the perception of risk and co-operate in the promotion of alternative financial institutions. Organisations like the Industrial Development Corporation are already playing a crucial role in the provision of finance, and need to be more actively drawn into the strategy.

Mentoring is generally agreed to be a major challenge, both to transfer skills and as a mechanism for reducing risk. Focused and targeted training linked to loan applications is clearly required. Ntsika Enterprise Promotion Agency has already launched several mentoring programmes. Banks need to be engaged, both on ways they can contribute to improving the efficiency of such programmes and on how they can be validated in the process of loan applications.

The system of payment of government contracts also needs review, particularly as it impacts on SMMEs. The Committee is

aware that the Public Finance Management Act should lead to ending the practice of long delays in payment for work completed. However, the question of finance for the period between the award of a tender and completion of a contract needs attention. Black business people complain that banks are currently not providing bridging finance for SMMEs that have been awarded tenders. Being awarded a tender, coupled with a proven ability to perform, should, in the Committee's view, be regarded as a form of collateral by banks. Relevant procurement authorities and banks should explore this issue.

In addition to structural issues, there are clearly also a number of relationship problems. There are too many black-owned small businesses who complain that attitudes to banks are less than positive and who feel that relationships are "at arms length", for this dimension to be ignored. Entrepreneurs complain of an alienating and unsympathetic environment, and there is a clear perception that black businesses are viewed less favourably than white.

The Committee draws attention to the fact that banks could face litigation under equality law if they engage in discriminatory practices, including "red-lining", which many say continue to be prevalent. Equality law also obliges banks and other institutions to establish proactive measures to combat the effects of discrimination, particularly in relation to race, gender and disability. The Banking Council, in its submission, also drew attention to equality law and, in fact, invited aggrieved parties to use this remedy to deal with any discriminatory bank practices. Beyond this, the Committee believes that banks need to urgently review what the SARB called the "politeness factor", and develop a more positive attitude towards SMMEs. Steps need to be taken to ensure that decisions taken by top management in this regard are translated into meaningful change at the level of local managers and officials.

Furthermore, in the Committee's view, there is an urgent need for a uniform system of disclosure that will allow the performance of particular institutions in providing SMME finance and other national priority activities to be measured and compared to the performance of other institutions. The Committee is of the view that this will require legislative and regulatory intervention. There was, in fact, virtual unanimity amongst presenters that uniform disclosure requirements allowing for such measurement were necessary. While the US Community Reinvestment Act was developed in a specific context, different in significant respects from our own, a broader discussion of the type of legislation that is appropriate to specific South African conditions needs to be encouraged.

The Committee noted that only one national black business organisation representing SMME interests participated in the hearings. Members of the Committee expressed disappointment that the Nafcoc presentation offered little insight on the issues under review, which the National Enterprise Survey identified as major constraints. Black business needs an organised leadership to champion their cause and lobby and negotiate in a more

favourable climate. The Committee hopes that organised business in general, and black organised business in particular, will in future be more proactive in presenting proposals to deal with the many constraints that black small entrepreneurs face.

The Committee would like to thank all those who participated in the hearings and endorsed the continued engagement between the government, organised business, black business and banks.

Report to be considered.

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS OF NATIONAL COUNCIL OF PROVINCES

THURSDAY, 14 SEPTEMBER 2000

1. The Council met at 14:02.
2. The Chairperson took the Chair and requested members to observe a moment of silence for prayers or meditation.
3. [14:05] Notices of motion.
4. [14:07] The Chief Whip of the Council moved without notice: That the Council—
 - (1) recognises that the eradication of poverty remains the overriding priority for underdeveloped countries to ensure long-term peace and security as well as to achieve sustainable economic development;
 - (2) acknowledges the important role played by President Thabo Mbeki at the World Summit for Social Development where he passionately championed the cause of the underdeveloped world;
 - (3) supports the call by President Mbeki for the creation of a supportive international economic and financial environment to address the problems of poverty and underdevelopment and to reverse the growing disparities between rich and poor; and
 - (4) believes that the President's efforts will significantly contribute towards a better understanding of the problems faced by the underdeveloped nations of the world.

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

5. [14:08] Mr J L Mahlangu moved without notice: That the Council—
 - (1) notes—
 - (a) the excellent standard of services delivered by the Independent Electoral Commission to all the people of South Africa in the previous elections and in preparation for the coming municipal elections;

- (b) that the IEC is currently undertaking targeted registration in the voting districts affected by the redelimitation as a result of the new municipal and ward demarcations;
 - (c) that during the current target registration exercise, potential voters are being visited at home by the IEC officials to re-register; and
 - (d) that 15 020 IEC voting stations will open from 08:00 to 17:00 on the weekend of 16 and 17 September 2000 to register voters for the municipal elections; and
- (2) calls upon—
- (a) all people who did not register in the place where they normally live and those who are not registered to re-register on the registration weekend of 16 and 17 September 2000; and
 - (b) all public representatives to play a prominent role in support of the National Program for Voter Registration.

Mr L G Lever moved as an amendment: That the following paragraph be added to the motion:

“(3) censures in a suitable manner those local governments who refused to register qualified voters and told them to wait for the IEC registration weekend.”

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) notes—
- (a) the excellent standard of services delivered by the Independent Electoral Commission to all the people of South Africa in the previous elections and in preparation for the coming municipal elections;
 - (b) that the IEC is currently undertaking targeted registration in the voting districts affected by the redelimitation as a result of the new municipal and ward demarcations;
 - (c) that during the current target registration exercise, potential voters are being visited at home by the IEC officials to re-register; and
 - (d) that 15 020 IEC voting stations will open from 08:00 to 17:00 on the weekend of 16 and 17 September 2000 to register voters for the municipal elections;
- (2) calls upon—
- (a) all people who did not register in the place where they normally live and those who are not registered to re-register on the registration weekend of 16 and 17 September 2000; and
 - (b) all public representatives to play a prominent role in support of the National Program for Voter Registration; and

Thursday, 14 September 2000]

- (3) censures in a suitable manner those local governments who refused to register qualified voters and told them to wait for the IEC registration weekend.

6. [14:10] Mr N M Raju moved without notice: That the Council—

- (1) wishes the South African contingent of our illustrious athletes such as Hezekiel Sepeng, Josia Thugwane, Penny Heyns, Sarah Poewe, Llewellyn Herbert, Benni McCarthy, Quinton Fortune and others every success in the Olympic Games in Sydney this week; and
- (2) expects them all to go for gold, but should they fail to do so, expects our ambassadors in sport to ensure that they acquit themselves well in every way, both on and off the tracks.

All the best to our boys and girls at the Sydney Olympics!

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

7. [14:11] Ms E N Lubidla moved without notice: That the Council—

- (1) notes with concern the apparent ease with which someone has circumvented the police security around the President by breaking into the official residence of President Thabo Mbeki;
- (2) further notes the distasteful, racist and libellous depiction of former President Nelson Mandela as an animal by somebody at the police headquarters in Wachthuis;
- (3) expresses its concern that there may still be certain elements hiding in the South African Police Service who do not accept the democratic changes that have occurred in the country;
- (4) believes that these undemocratic elements taint the image of the whole police service and those honest, hardworking and dedicated policemen and women who are committed towards serving our people; and
- (5) therefore calls on the police management to root out those undemocratic elements by speeding up the transformation of the South African Police Service.

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

8. [14:13] Mr C Ackermann moved without notice: That the Council—

- (1) notes with shock and horror the bomb which exploded close to the Premier of the Western Cape, Mr Gerald Morkel, on Tuesday evening, and that it was only an act of Providence that he was not injured or killed;
- (2) expresses its sympathy with those who were injured during the bomb blast, and wishes them a swift recovery;
- (3) also thinks of their families who have to suffer as a result of this tragic and abhorrent event;
- (4) expresses its concern about the increasing number of bomb blasts which have occurred in the Western Cape and urgently requests the Government to take decisive steps to eradicate this urban terrorism which is jeopardising democracy in the province; and

- (5) notes with concern that this urban terrorism is possibly aimed at disrupting the democratic process during the local government elections and intimidating and confusing voters so that they do not participate in the electoral processes.

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

9. [14:14] Mr K D S Durr moved without notice: That the Council—

- (1) takes note of the retirement of its former colleague, Mr P G Qokweni, to take up a position in the Department of Education in the Eastern Cape; and
- (2) values and appreciates Mr Qokweni's contribution as a member of the NCOP and wishes him and his family well in the future.

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

10. [14:15] Prince B Z Zulu moved without notice: That the Council—

- (1) notes—
 - (a) with appreciation the commitment by the Chief Mediator in the Burundi crisis, former South African President Nelson Mandela;
 - (b) Mr Mandela announced yesterday that the three Tutsi parties which last month refused to sign a peace accord aimed at ending the civil war in Burundi, have since agreed to reverse their decision;
 - (c) that the leaders Joseph Nzeyimana, Patrice Nsababaganwa and Nicephore Ndimurukundo met Mr Mandela at his home in Johannesburg yesterday, praising Mr Mandela for his efforts to bring peace in Central Africa; and
 - (d) that the parties will sign the accord without reservations in the Kenyan capital, Nairobi; and
- (2) calls on all peace-loving leaders and citizens of this country and this continent to support Mr Mandela's peace initiatives.

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

11. [14:16] Ms M P Themba moved without notice: That the Council—

- (1) notes that the fire which started on Wednesday last week and which has destroyed thousands of hectares of pine plantations near Stutterheim, was out of control in Kubusi forest in the Eastern Cape;
- (2) further notes that the Kubusi blaze has destroyed 11 000 hectares of pine plantation and is the worst since 1982;
- (3) expresses its thanks and appreciation to the Department of Water Affairs and Forestry and to the AV8 Aviation from East London which has rendered assistance with a helicopter;
- (4) recognises the invaluable contribution made by 150 firefighters who are working 12-hour shifts in trying to halt the blaze; and
- (5) notes that fires of this nature should in future be prevented as they impact badly on our environment and economy.

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

12. [14:18] Mr J L Theron moved without notice: That the Council—
- (1) expresses its joy and gratitude at the safe return of Callie and Monique Strydom to South Africa after being held hostage on the island of Jolo; and
 - (2) also expresses its gratitude to the Minister of Foreign Affairs, her officials and other persons who played a role in their release.

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

13. [14:19] The Chief Whip of the Council moved: That the Council refers the *General Intelligence Law Amendment Bill* [B 36—2000] to an *ad hoc* Committee of the Council for consideration and report, and for that purpose establishes a committee in terms of Rule 160, the committee—

- (1) to consist of 9 members;
- (2) to consider the bill in accordance with Chapter 10 of the Rules;
- (3) to exercise those powers in Rule 103 that may assist it in carrying out its task;
- (4) subject to the concurrence of the National Assembly, to confer with the corresponding Assembly committee and the Joint Standing Committee on Intelligence; and
- (5) to complete its task by not later than 5 October 2000.

The Chief Whip of the Council moved as an amendment: That, in paragraph (5), “5 October 2000” be substituted by “12 October 2000”.

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 refers the *General Intelligence Law Amendment Bill* [B 36—2000] to an *ad hoc* Committee of the Council for consideration and report, and for that purpose establishes a committee in terms of Rule 160, the committee—

- (1) to consist of 9 members;
- (2) to consider the bill in accordance with Chapter 10 of the Rules;
- (3) to exercise those powers in Rule 103 that may assist it in carrying out its task;
- (4) subject to the concurrence of the National Assembly, to confer with the corresponding Assembly committee and the Joint Standing Committee on Intelligence; and
- (5) to complete its task by not later than 12 October 2000.

14. [14:22] The Council discussed the following matter in accordance with Rule 74: Provincial perspectives on challenges regarding and efforts towards reconciliation and nation-building.

Debate concluded.

15. [16:27] The meeting proceeded to the election of the rotating Deputy Chairperson of the National Council of Provinces to fill the post vacated by the Premier of the Northern Cape, Mr E M Dipico.

The Chairperson of the National Council of Provinces called for nominations.

Ms I W Direko, seconded by Mr N J Mahlangu, nominated Adv N A Ramatlhodi for election as rotating Deputy Chairperson of the National Council of Provinces in terms of section 64(3) of the Constitution.

The Returning Officer reported to the Chairperson of the National Council of Provinces that the nomination paper had been properly completed.

There being no further nominations, the Chairperson of the National Council of Provinces declared Adv Ramatlhodi duly elected as rotating Deputy Chairperson of the National Council of Provinces in terms of section 64(3) of the Constitution.

Adv Ramatlhodi expressed his sense of the honour conferred upon him.

The Chairperson and the delegation heads of all the provinces congratulated Adv Ramatlhodi on his election.

16. [16:36] The Chairperson made a statement to bid farewell to the Manager in the Procedural Services Office, Ms D le Roux.

17. The Council adjourned at 16:38.

S G MFENYANA,

Secretary to Parliament.

PARLIAMENT
OF THE
REPUBLIC OF SOUTH AFRICA

**ANNOUNCEMENTS,
TABLINGS AND
COMMITTEE REPORTS**

FRIDAY, 15 SEPTEMBER 2000

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Minister of Communications:
 - (1) Report and Financial Statements of Sentech for 1998-99.
 - (2) Report and Financial Statements of Telkom South Africa Limited for 1999-2000.
 - (3) Report and Financial Statements of the Independent Broadcasting Authority for 1998-99, including Report of the Auditor-General on the Financial Statements for 1998-99.

National Assembly:

Papers:

1. The Speaker:

The Minister for the Public Service and Administration submitted the following letter, dated 14 August 2000, to the Speaker of the National Assembly, informing the National Assembly of the progress made in respect of the development of an asset register for senior civil servants.

**REPORT ON PROGRESS MADE IN RESPECT OF THE
DEVELOPMENT OF AN ASSET REGISTER FOR SENIOR
CIVIL SERVANTS**

Your letter dated 19 June 2000 has reference.

I would like to report as follows:

During March 2000 Cabinet approved the introduction of a financial disclosure framework to be applied in respect of—

- all heads of departments (all Heads of National and Provincial Departments and Heads of Organisational Components);

- all Deputy Directors-General; and
- any other person appointed as an accounting officer.

To give effect to Cabinet's decision, I approved that the financial disclosure framework be incorporated into the Public Service Regulations. The framework became operational on 1 April 2000.

The key requirements of the framework are the following:

- A designated employee must disclose to the relevant executing authority particulars of all her/his interests in respect of the period 1 April of the previous year to 31 March of the year in question not later than 30 April of each year. The Executing Authority must submit a copy of the form to the Public Service Commission not later than 31 May of the year in question.
- Any person who assumes duty as a designated employee after 1 April in a year must make such disclosure within 30 days after assumption of duty in respect of the 12 months preceding her/his assumption of duty. The Executing Authority must submit a copy of the form to the Public Service Commission not later than 30 days after it has been so submitted.

The Public Service Commission has initiated an awareness-raising programme on the importance of the financial disclosure framework as part of its Anti-Corruption workshops held in all Provinces.

To date the Public Service Commission has received 115 forms. Steps are being taken to remind those departments that have not yet fulfilled their obligations in terms of overseeing the completion of the forms.

It is unfortunately too early to provide a report on the framework. A more comprehensive report will be made available to Parliament before the end of November 2000.

Yours faithfully

MS G J Fraser-Moleketi
Minister

2. The Minister of Finance:

Resolutions of the Standing Committee on Public Accounts for 2000 and replies thereto obtained by the National Treasury—First, Second, Third and Fourth Report, 2000.

PARLIAMENT
OF THE
REPUBLIC OF SOUTH AFRICA

**ANNOUNCEMENTS,
TABLINGS AND
COMMITTEE REPORTS**

MONDAY, 18 SEPTEMBER 2000

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

- (1) The Minister of Transport on 12 September 2000 submitted a draft of the *South African Rail Commuter Corporation Limited Financial Arrangements Bill, 2000*, 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 Transport and the Select Committee on Public Services, respectively, by the Speaker and the Chairperson in accordance with Joint Rule 159(2).

2. The Speaker and the Chairperson:

- (1) The Joint Tagging Mechanism (JTM) on 15 September 2000 in terms of Joint Rule 160(4), classified the following Bill as a section 76 Bill:
- (i) *Construction Industry Development Board Bill* [B 59—2000] (National Council of Provinces—sec 76)—(Select Committee on Public Services—National Council of Provinces).

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL ASSEMBLY

TUESDAY, 19 SEPTEMBER 2000

1. The House met at 14:01.
2. The Deputy Speaker took the Chair and requested members to observe a moment of silence for prayers or meditation.
3. The Deputy Speaker announced: On 14 September 2000 the House adopted a resolution designating the Deputy Speaker to conduct the lot required in terms of section 7(2)(b) of the Independent Communications Authority of South Africa Act to determine which three of the six members of the first Council of the Independent Communications Authority of South Africa (Icasa) appointed by the President must vacate their offices as councillors two years after the date of their appointment. The lot was conducted this morning and the following names were drawn:
Ms Y T Carrim, Mr W H Currie and Ms L Lloyd.
4. [14:03] Notices of motion.
5. [14:20] The Deputy Chief Whip of the Majority Party moved without notice: That the House—
 - (1) congratulates Amaglug-glug on the splendid and inspired display of football in their convincing victory over the formidable Brazilians at the Sydney Olympic Games;
 - (2) congratulates Penny Heyns on her performance in the 100-metres breaststroke event which earned her a bronze medal;
 - (3) recognises these victories as great and historic international sporting achievements for the nation;
 - (4) wishes Amaglug-glug, Penny Heyns and the other sportsmen and sportswomen representing South Africa everything of the best for the remaining events; and
 - (5) assures them of its solid support.

Agreed to.

PARLIAMENT
OF THE
REPUBLIC OF SOUTH AFRICA

**ANNOUNCEMENTS,
TABLINGS AND
COMMITTEE REPORTS**

TUESDAY, 19 SEPTEMBER 2000

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

(1) The Minister of Finance on 29 August 2000 submitted a draft of the *South African Reserve Bank Amendment Bill, 2000*, 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, respectively, by the Speaker and the Chairperson in accordance with Joint Rule 159(2).

(2) The following papers have been tabled and are now referred to appropriate committees as mentioned below:

(1) The following papers are referred to the Portfolio Committee on Finance and to the Select Committee on Finance for consideration and report:

(a) Second Adjustments Estimate of Expenditure to be defrayed from National Revenue Fund during the Financial Year ending 31 March 2000 [RP 5-2000].

(b) Explanatory Memorandum to the Adjustments Estimate for 1999-2000.

(2) The following paper is referred to the Portfolio Committee on Transport and to the Select Committee on Public Services. The Report of the Auditor-General contained in the report of the Road Accident Fund is referred to the Standing Committee on Public Accounts:

Report and Financial Statements of the Road Accident Fund for 1998-99, including the Report of the Auditor-General on the Financial Statements for 1998-99.

- (3) The following papers are referred to the Portfolio Committee on Communications and to the Select Committee on Labour and Public Enterprises:

- (a) Report and Financial Statements of Sentech for 1998-99.
- (b) Report and Financial Statements of Telkom South Africa Limited for 1999-2000.

- (4) The following paper is referred to the Portfolio Committee on Communications and to the Select Committee on Labour and Public Enterprises. The Report of the Auditor-General contained in the report of the Independent Broadcasting Authority is referred to the Standing Committee on Public Accounts:

Report and Financial Statements of the Independent Broadcasting Authority for 1998-99, including Report of the Auditor-General on the Financial Statements for 1998-99.

National Assembly:

1. The Speaker:

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

- (1) The following papers are referred to the Portfolio Committee on Provincial and Local Government for information:

- (a) Agreement between the Government of the Republic of South Africa and the Government of the Federal Republic of Germany concerning the project "Provincial Administration Support Programme in the Eastern Cape", tabled in terms of section 231(3) of the Constitution, 1996.
- (b) Agreement between the Government of the Republic of South Africa and the Government of the Federal Republic of Germany concerning the project "Decentralised Development Planning", tabled in terms of section 231(3) of the Constitution, 1996.

- (2) The following paper is referred to the Portfolio Committee on Finance for information:

Agreement between the Government of the Republic of South Africa and the Government of the Federal Republic of Germany concerning the project "Economic and Development Policy Advisory Programme", tabled in terms of section 231(3) of the Constitution, 1996.

- (3) The following papers are referred to the Portfolio Committee on Justice and Constitutional Development for consideration and report:

- (a) Statutes of the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders, tabled in terms of section 231(2) of the Constitution, 1996.
- (b) Explanatory Memorandum to the Statutes of the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders.

- (4) The following papers are referred to the Portfolio Committee on Public Enterprises:

- (a) Policy Framework for an Accelerated Agenda Towards the Restructuring of State Owned Enterprises.
- (b) A Summary of the Policy Framework for an Accelerated Agenda for the Restructuring of State Owned Enterprises.

- (5) The following papers are referred to the Portfolio Committee on Health:

- (a) Government Notice No R.557 published in the Government Gazette No 21245 dated 9 June 2000, List of approved facilities for the purpose of performing community service in 2001 by medical practitioners, made in terms of the Health Professions Act, 1974.
- (b) Government Notice No 2234 published in the Government Gazette No 21292 dated 21 June 2000, the Chiropractors, Homeopaths and Allied Health Service Professions Amendment Bill, 2000 published for comment.
- (c) Government Notice No 644 published in the Government Gazette No 21313 dated 30 June 2000, Authorisation in terms of section 24 of the Human Tissue Act, 1983.
- (d) Government Notice No R.570 published in the Government Gazette No 21256 dated 5 June 2000, Regulations made in terms of the Medical Schemes Act, 1998.
- (e) Government Notice No R.569 published in the Government Gazette No 21255 dated 5 June 2000, Regulations made in terms of the Medical Schemes Act, 1998.
- (f) Government Notice No R.633 published in the Government Gazette No 21317 dated 22 June 2000, Regulations made in terms of the Medical Schemes Act, 1998.

- (5) The following paper is referred to the Portfolio Committee on Foreign Affairs:

General Agreement of Co-operation between the Government of the Republic of South Africa and the Government of the United Mexican States, tabled in terms of section 231(5) of the Constitution, 1996.

- (7) The following paper is referred to the Portfolio Committee on Health. The Report of the Auditor-General contained in the report of the Medical Research Council is referred to the Standing Committee on Public Accounts:

Report and Financial Statements of the Medical Research Council for 1998-99, including the Report of the Auditor-General on the Financial Statements for 1998-99.

- (3) The following paper is referred to the Portfolio Committee on Safety and Security for information:

Agreement between the Government of the Republic of South Africa and the Government of the People's Republic of China in respect of Police Co-operation, tabled in terms of section 231(5) of the Constitution, 1996.

- (9) The following paper is referred to the Portfolio Committee on Trade and Industry. The Report of the Auditor-General contained in the report of the National Lotteries Board is referred to the Standing Committee on Public Accounts:

Report and Financial Statements of the National Lotteries Board for 1998-99, including the Report of the Auditor-General on the Financial Statements for 1998-99.

- (10) The following paper is referred to the Standing Committee on Public Accounts:

Resolutions of the Standing Committee on Public Accounts for 2000 and replies thereto obtained by the National Treasury—First, Second, Third and Fourth Report, 2000.

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS OF NATIONAL ASSEMBLY

WEDNESDAY, 20 SEPTEMBER 2000

1. The House met at 15:06.
2. The Deputy Speaker took the Chair and requested members to observe a moment of silence for prayers or meditation.
3. [15:21] Questions to the President.
4. [17:05] Notices of motion.
5. [17:20] The Deputy Chief Whip of the Majority Party moved without notice: That, notwithstanding the provisions of Rule 106, the following times be allocated to parties for comment on the statement by the Minister for Agriculture and Land Affairs on foot-and-mouth disease:

Minister: 10 minutes; African National Congress: 5 minutes; Federal Alliance: 3 minutes; all other parties: 2 minutes each.

Agreed to.

6. [17:21] The Deputy Chief Whip of the Majority Party (for the Chief Whip of the Majority Party) moved: That, notwithstanding Rule 253, the Second Reading debate on the *Local Government: Municipal Systems Bill* [B 27B—2000] (National Assembly—sec 75) and the Second Reading debate on the *Local Government: Municipal Structures Amendment Bill* [B 51B—2000] (National Assembly—sec 75) be conducted tomorrow.

Agreed to.

7. [17:21] The Minister for Agriculture and Land Affairs made a statement on foot-and-mouth disease.

Debate concluded.

8. FIRST ORDER [17:59]

Second Reading debate—*Cross-Border Insolvency Bill* [B 43—2000] (National Assembly—sec 75).

Debate concluded.

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS OF NATIONAL COUNCIL OF PROVINCES

TUESDAY, 19 SEPTEMBER 2000

1. The Council met at 14:08.
2. The Chairperson took the Chair and requested members to observe a moment of silence for prayers or meditation.
3. [14:09] Notices of motion.
4. [14:11] Mr K D S Durr moved without notice: That the Council—
 - (1) calls upon the Government to—
 - (a) take and keep in place the most stringent measures to contain and eradicate the outbreak of foot-and-mouth disease in KwaZulu-Natal;
 - (b) take the necessary steps to reduce the risk of a repeat performance;
 - (c) urgently arrange for the compensation of farmers and other innocent victims of the outbreak; and
 - (d) prosecute anyone that has acted unlawfully that may have caused the outbreak; and
 - (2) thanks the Government for steps taken to date.Motion agreed to in accordance with section 65 of the Constitution.
5. [14:13] Ms E N Lubidla moved without notice: That the Council—
 - (1) notes the release of a report on the Ministerial inquiry into the Tempe military base shooting;
 - (2) further notes that the report indicates that racism in the South African National Defence Force continues to manifest itself in various forms, including—
 - (a) the use of abusive language against members based on their cultural origin;
 - (b) the failure to empower members; and

- (c) the use of insults, intimidation and harassment to prevent members from reporting cases to the police;
- (3) expresses its concern over this disturbing trend of racism and intolerance in our National Defence Force; and
- (4) supports the Minister of Defence in his endeavours to transform the SANDF.

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

6. [14:14] Mr N M Raju moved without notice: That the Council—

- (1) notes with great delight the sparkling performances of our Olympic athletes in Sydney, especially our soccer team under the formidable captaincy of field marshal Matthew Booth in inflicting a sound and handsome defeat on the much-vaunted Brazil team (SA 3: Brazil 1!), thanks to our shooting stars Quinton Fortune, Siyabonga Nomvete and Steve Lekoelea;
- (2) further notes the no less admirable performance of our water queen, Penny Heyns, who abdicated her throne to an uppity American Megan Quann—she was graceful in conceding defeat;
- (3) is of the view that all our representatives have done us proud, and will continue to do so; and
- (4) conveys its sincerest congratulations to all our compatriots battling it out in Sydney for more than gold: a nation's pride!

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

7. [14:15] Mr B J Mkhalihi moved without notice: That the Council—

- (1) notes that an ANC NCOP member, Mr B T Taabe, was involved in a car accident on Saturday, 9 September 2000;
- (2) further notes that the accident occurred at Barberton in Mpumalanga only a kilometer away from his home;
- (3) notes, with gratitude, that he is recovering well at his home;
- (4) expresses its deep concern over the incident and wishes Mr Taabe a speedy recovery;
- (5) notes that the lawlessness on our roads is being addressed with vigour, determination and consistency; and
- (6) reaffirms that the Department of Transport is going an extra mile to ensure that traffic offenders are accountable for their irresponsible behaviour.

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

8. [14:17] Mr A E van Niekerk moved without notice: That the Council notes that—

- (1) this coming Sunday is Heritage Day;
- (2) the theme for the festivities in Pietersburg will be "Celebrating our Multilingualism" and that the Minister of Arts, Culture, Science and Technology and the Deputy President of South Africa will participate in the festivities; and

- (3) a member or members of the National Council of Provinces should be represented there and that the Council's commitment to the execution of the constitutional prescriptions on multilingualism will be illustrated in this way.

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

9. [14:20] Ms C Nkuna moved without notice: That the Council—

- (1) notes—

- (a) that Mr Justice C J Claassen has sentenced Celaphe Ndlangandla to life imprisonment 20 times over and to a further 135 years; and

- (b) that he was found guilty on 19 counts of murder, 9 counts of attempted murder, 6 counts of robbery with aggravating circumstances and on other minor charges;

- (2) reaffirms that our criminal justice system will not tolerate serial murderers that bring extreme fear and trauma to the community; and

- (3) congratulates the 22-person investigating team of Piet Retief for their excellent detective work in tracking down this serial killer, as well as the prosecution team for their competent work.

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

10. [14:21] Mr Z S Kolweni moved without notice: That the Council—

- (1) welcomes the recent conviction and sentences of those responsible for the terrorist attack on a mosque in Rustenburg; and

- (2) believes that the arrest and conviction was the result of excellent investigative and prosecutorial work and that it will serve as a warning to those responsible for the terror campaign in Cape Town that the criminal justice system will eventually catch up with them.

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

11. [14:22] The Chief Whip of the Council moved: That the Council appoints an *ad hoc* committee to consider the proposed formation of a Pan-African Parliament, the committee—

- (1) to consist of 9 members;

- (2) to exercise those powers in Rule 160 that may assist it in carrying out its task;

- (3) to have power to confer with a corresponding committee in the National Assembly; and

- (4) to complete its task by 6 October 2000.

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

12. [14:25] The Council discussed the following matter in terms of Rule 74: Consideration of Report of Select Committee on Economic Affairs (Announcements, Tablings and Committee Reports, p 710—*SMME Sector*).

Debate concluded.

Report adopted in accordance with section 65 of the Constitution.

13. [15:15] The Council discussed the following matter in terms of Rule 74: Batho Pele—Provincial and local government perspectives towards an efficient and effective Public Service.
Debate concluded.
14. FIRST ORDER [16:10]
Consideration of Report of Select Committee on Economic Affairs (Announcements, Tablings and Committee Reports, p 695—*UNECE 1958 Agreement on Wheeled Vehicles*).
Order disposed of without debate.
Report adopted in accordance with section 65 of the Constitution (Western Cape abstaining).
15. SECOND ORDER [16:11]
Consideration of Report of Select Committee on Economic Affairs (Announcements, Tablings and Committee Reports, p 695—*UNECE Global Agreement on Wheeled Vehicles*).
Order disposed of without debate.
Report adopted in accordance with section 65 of the Constitution (Western Cape abstaining).
16. THIRD ORDER [16:12]
Consideration of Report of Select Committee on Land and Environmental Affairs (Announcements, Tablings and Committee Reports, p 664—*African-Eurasian Migratory Waterbird Agreement*).
Order disposed of without debate.
Report adopted in accordance with section 65 of the Constitution.
17. The Council adjourned at 16:14.

S G MFENYANA,

Secretary to Parliament.

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

WEDNESDAY, 20 SEPTEMBER 2000

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

- (1) The Joint Tagging Mechanism (JTM) on 20 September 2000 found that the *South African Boxing Bill* [B 58—2000] includes provisions to which the procedure in section 75 of the Constitution applies as well as provisions to which the procedure in section 76 of the Constitution applies. Therefore, the Bill is classified in terms of Joint Rule 160(6) as a mixed section 75/76 Bill.

Since there is no procedure whereby Parliament can pass such a mixed Bill, the Bill is out of order.

- (2) The Joint Tagging Mechanism (JTM) on 20 September 2000 in terms of Joint Rule 161, classified the following Bills as money Bills:

- (i) *Adjustment Appropriation Bill* [B 60—2000] (National Assembly—sec 77)—(Portfolio Committee on Finance—National Assembly).
- (ii) *Council for Medical Schemes Levies Bill* [B 61—2000] (National Assembly—sec 77)—(Portfolio Committee on Finance—National Assembly).

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Speaker and the Chairperson:

Special Review by the Auditor-General of the Selection Process of Strategic Defence Packages for the Acquisition of Armaments at the Department of Defence [RP 161-2000].

2. The Minister of Finance:
 - (a) Report and Financial Statements of the Corporation for Public Deposits for 1999-2000.
 - (b) Report and Financial Statements of the Development Bank of Southern Africa for 1999-2000.
3. The Minister of Transport:
 - (a) Report of the Regulating Committee for the Airports Company and Air Traffic and Navigation Services Companies for 1999-2000.
 - (b) Report of the Regulating Committee for the Airports Company and Air Traffic and Navigation Services Companies: Approach to the 2001/2—2005/6 Permissions.
4. The Minister for Justice and Constitutional Development:
 - (a) Government Notice No R.501 published in Government Gazette No 21204 dated 19 May 2000, Amendment of the Rules of the Magistrates' Courts made in terms of the Rules Board for Courts of Law Act, 1985 (Act No 107 of 1985).
 - (b) Government Notice No R.502 published in Government Gazette No 21204 dated 19 May 2000, Amendment of the rules regulating the conduct of the proceedings of the several Provincial and Local Divisions of the High Court of South Africa, made in terms of the Rules Board for Courts of Law Act, 1985 (Act No 107 of 1985).
 - (c) Proclamation No R.38 published in Government Gazette No 21353 dated 7 July 2000, Referral of matters to existing Special Investigating Unit and Special Tribunal, made in terms of the Special Investigating Units and Special Tribunals Act, 1996 (Act No 74 of 1996).
 - (d) Proclamation No R.44 published in Government Gazette No 21410 dated 28 July 2000, Commencement of the Justice Laws Rationalisation Act, 1996 (Act No 18 of 1996).
 - (e) Proclamation No R.52 published in Government Gazette No 21529 dated 1 September 2000, Commencement of sections 1 to 5 and 10 of the Judicial Matters Second Amendment Act, 1998 (Act No 122 of 1998).
 - (f) Proclamation No R.53 published in Government Gazette No 21529 dated 1 September 2000, Commencement of section 2 of the Sheriffs Amendment Act, 1998 (Act No 74 of 1998).
 - (g) Proclamation No R.54 published in Government Gazette No 21529 dated 1 September 2000, Commencement of sections 1, 2, 3, 4(2), 5, 6, 29 (with the exception of subsection (2)), 32, 33, and 34(1) of the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No 4 of 2000).
 - (h) Government Notice No R.850 published in Government Gazette No 21504 dated 1 September 2000, Amendment of Regulations made in terms of the Prevention of Organised Crime Act, 1998 (Act No 121 of 1998).
 - (i) Government Notice No R.865 published in Government Gazette No 21519 dated 1 September 2000, Determination of amounts

and exclusion of employees for the purposes of section 98A of the Insolvency Act, 1936 (Act No 24 of 1936).

- (j) Government Notice No R.874 published in Government Gazette No 21517 dated 1 September 2000, Establishment of Equality Review Committee and appointment of members thereof, made in terms of the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No 4 of 2000).

National Council of Provinces:

Papers:

1. The Minister of Safety and Security:

- (a) Agreement between the Government of the Republic of South Africa and the Government of the Republic of Chile on Co-operation and Mutual Assistance in the Prevention of Drug Abuse and Combating the Illicit Traffic in Narcotic Drugs and Psychotropic Substances, tabled in terms of section 231(3) of the Constitution, 1996.
- (b) Agreement between the Government of the Republic of South Africa and the Government of the Argentine Republic on Co-operation and Mutual Assistance in the Field of Combating the Production of and Illicit Traffic in Narcotics and Psychotropic Substances, the Improper Use of Drugs and related matters, tabled in terms of section 231(3) of the Constitution, 1996.

COMMITTEE REPORTS:

National Assembly:

- 1. Report of the Portfolio Committee on Provincial and Local Government on the *Local Government: Municipal Systems Bill* [B 27—2000] (National Assembly—sec 75), dated 15 September 2000:

The Portfolio Committee on Provincial and Local Government, having considered the subject of the *Local Government: Municipal Systems Bill* [B 27—2000] (National Assembly—sec 75), referred to it and classified by the Joint Tagging Mechanism as a section 75 Bill, presents a redraft of the Bill [B 27B—2000] (National Assembly—sec 75).

The Committee further reports as follows:

The Committee believes that this Bill is crucial to the establishment of the new system of local government that will come into effect after the forthcoming local government elections. The new system is a considerable advance over the present system of local government. However, the new system will not be able to be fully implemented immediately after the elections. The ability of a municipality to appropriately implement the provisions of this Bill will depend crucially on issues of capacity, resources and funding. There are provisions, therefore, for the phasing in of aspects of the Bill and the need to take into account the differing capacities of municipalities in the way aspects of

the Bill are implemented. These provisions have to be applied adroitly.

In the processing of this Bill and in various briefings to the Committee, the Department set out its programme for the transformation of municipalities. The effective implementation of significant provisions of this Bill depends crucially on this programme of transformation, and the Committee urges that this programme be appropriately resourced and implemented. The Committee will be monitoring the implementation of this programme.

The Committee understands that there was significant co-operation across Departments and Ministries in the process of bringing the Bill to Parliament. In view of the nature of the issues dealt with in the Bill and the extent to which they relate to the line-function responsibilities of several Departments and Ministries, the Committee feels that greater co-operation may have been necessary. As the policies and legislation of other Departments and Ministries are finalised, it may be appropriate in future to review some aspects of this Bill, especially if practical experiences in the transformation of municipalities also suggest this.

The Committee is acutely aware that the appropriate implementation of the Bill depends on the necessary funding. Municipalities will have to increase their capacity to raise their own revenue. The implementation of this Bill will contribute to this, but the national and provincial governments will also have to consider reviewing their financial and other support for local government.

There is a major review of local government finances under way at present, and the Committee urges that progress on this review be expeditiously advanced. The effective implementation of this Bill depends also on the political will of public representatives in all three spheres of government. The success, ultimately, of the implementation of this Bill depends on the concerted co-operation of all three spheres of government.

Report to be considered.

2. Report of the Portfolio Committee on Provincial and Local Government on the *Local Government: Municipal Structures Amendment Bill* [B 51—2000] (National Assembly—sec 75), dated 15 September 2000:

The Portfolio Committee on Provincial and Local Government, having considered the subject of the *Local Government: Municipal Structures Amendment Bill* [B 51—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 51A—2000].

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL ASSEMBLY

THURSDAY, 21 SEPTEMBER 2000

1. The House met at 14:04.
2. The Deputy Speaker took the Chair and requested members to observe a moment of silence for prayers or meditation.
3. [14:05] Notices of motion.
4. [14:20] The Deputy Chief Whip of the Majority Party moved without notice: That the House—
 - (1) notes that Terence Parkin won the silver medal in the 200-metres breaststroke event for men at the Olympic Games in Sydney;
 - (2) believes that this achievement despite the fact that he is deaf serves as a shining example to all South Africans, especially those with disabilities; and
 - (3) congratulates him on his sterling performance.

Agreed to.

5. FIRST ORDER [14:21]

Consideration of Report of Portfolio Committee on Provincial and Local Government on *Local Government: Municipal Systems Bill* [B 27B—2000] (National Assembly—sec 75) (Announcements, Tablings and Committee Reports, p 743).

Report adopted without debate.

6. SECOND ORDER [14:23]

Second Reading debate—*Local Government: Municipal Systems Bill* [B 27B—2000] (National Assembly—sec 75).

Debate concluded.

Bill read a second time (Democratic Party, New National Party, Freedom Front and Afrikaner Eenheidsbeweging dissenting).

7. THIRD ORDER [16:08]

Second Reading debate—*Local Government: Municipal Structures Amendment Bill* [B 51B—2000] (National Assembly—sec 75).

Debate concluded.

Bill read a second time (Inkatha Freedom Party dissenting).

8. [16:57] The House, at the request of Mr K Moonsamy, discussed the following subject: The challenge facing the Government in the effective utilisation of state and national resources in the alleviation of poverty in the context of historic underdevelopment and marginalisation of certain sectors of the population and the rapidly changing global economic terrain.

Debate concluded.

9. The House adjourned at 18:03.

S G MFENYANA,

Secretary to Parliament.

PARLIAMENT
OF THE
REPUBLIC OF SOUTH AFRICA

**ANNOUNCEMENTS,
TABLINGS AND
COMMITTEE REPORTS**

THURSDAY, 21 SEPTEMBER 2000

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

- (1) The Speaker of the National Assembly and the Chairperson of the National Council of Provinces withdrew their decision of 1 September 2000 establishing an *ad hoc* joint committee on the *General Intelligence Law Amendment Bill* [B 36—2000].
- (2) The Minister of Health on 29 August 2000 submitted a draft of the *Chiropractors, Homeopaths and Allied Health Service Professions Amendment Bill*, 2000, 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 Health and the Select Committee on Social Services by the Speaker and the Chairperson, respectively, in accordance with Joint Rule 159(2).
- (3) The following Bills were introduced in the National Assembly on 21 September 2000 and referred to the Joint Tagging Mechanism (JTM) for classification in terms of Joint Rule 160:
 - (i) *South African Reserve Bank Amendment Bill* [B 62—2000] (National Assembly—sec 75)—(Portfolio Committee on Finance—National Assembly) [Explanatory summary of Bill and prior notice of its introduction published in Government Gazette No 21513 of 29 August 2000.]
 - (ii) *Judicial Matters Amendment Bill* [B 63—2000] (National Assembly—sec 75)—(Portfolio Committee on Justice and Constitutional Development—National Assembly) [Explanatory summary of Bill and prior notice of its introduc-

tion published in Government Gazette No 21492 of 22 August 2000.]

- (iii) *South African Rail Commuter Corporation Limited Financial Arrangements Bill* [B 64—2000] (National Assembly—sec 75)—(Portfolio Committee on Transport—National Assembly) [Explanatory summary of Bill and prior notice of its introduction published in Government Gazette No 21547 of 29 August 2000.]
- (iv) *African Renaissance and International Co-operation Fund Bill* [B 65—2000] (National Assembly—sec 75)—(Portfolio Committee on Foreign Affairs—National Assembly) [Explanatory summary of Bill and prior notice of its introduction published in Government Gazette No 21514 of 29 August 2000.]

National Council of Provinces:

1. The Chairperson:

Message from National Assembly to National Council of Provinces:

Bill passed by National Assembly on 20 September 2000 and transmitted for concurrence:

- (1) *Cross-Border Insolvency Bill* [B 4B—2000] (National Assembly—sec 75)—(Select Committee on Security and Constitutional Affairs—National Council of Provinces).

Bills passed by National Assembly on 21 September 2000 and transmitted for concurrence:

- (1) *Local Government: Municipal Systems Bill* [B 27B—2000] (National Assembly—sec 75)—(Select Committee on Local Government and Administration—National Council of Provinces).
- (2) *Local Government: Municipal Structures Amendment Bill* [B 51B—2000] (National Assembly—sec 75)—(Select Committee on Local Government and Administration—National Council of Provinces).

Papers:

1. The Chairperson:

The following papers were tabled on 20 September 2000 and are now referred to the Select Committee on Security and Constitutional Affairs:

- (a) Agreement between the Government of the Republic of South Africa and the Government of the Republic of Chile on Co-operation and Mutual Assistance in the Prevention of Drug Abuse and Combating the Illicit Traffic in Narcotic Drugs and Psychotropic Substances, tabled in terms of section 231(3) of the Constitution, 1996.

- (b) Agreement between the Government of the Republic of South Africa and the Government of the Argentine Republic on Co-operation and Mutual Assistance in the Field of Combating the Production of and Illicit Traffic in Narcotics and Psychotropic Substances, the Improper Use of Drugs and related matters, tabled in terms of section 231(3) of the Constitution, 1996.

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Minister of Education:

Report and Financial Statements of the South African Qualifications Authority for 1999-2000, including Report of the Auditor-General on the Financial Statements for 1999-2000.

Referred to the Portfolio Committee on Education. The Report of the Auditor-General on the Financial Statements of the South African Qualifications Authority for 1999-2000 is referred to the Standing Committee on Public Accounts.

2. The Minister of Arts, Culture, Science and Technology:

Report on the National Advisory Council on Innovation for 1999.

Referred to the Portfolio Committee on Arts, Culture, Science and Technology and to the Select Committee on Education and Recreation.

COMMITTEE REPORTS:

National Council of Provinces:

1. Report of the Select Committee on Economic Affairs on the *Competition Second Amendment Bill* [B 41B—2000] (National Assembly—sec 75), dated 19 September 2000:

The Select Committee on Economic Affairs, having considered the subject of the *Competition Second Amendment Bill* [B 41B—2000] (National Assembly—sec 75), referred to it, reports the Bill with proposed amendments, as follows:

CLAUSE 1

1. On page 3, from line 21, to omit “, (b) or (c)” and to substitute “or (b)”.
2. On page 3, in line 56, to omit “81(1)” and to substitute “82(1)”.

PARLIAMENT
OF THE
REPUBLIC OF SOUTH AFRICA

**ANNOUNCEMENTS,
TABLINGS AND
COMMITTEE REPORTS**

FRIDAY, 22 SEPTEMBER 2000

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

- (1) On 22 September 2000 the following Bill, at the request of the Minister of Health, was introduced in the National Council of Provinces by the Select Committee on Social Services. It has been referred to the Joint Tagging Mechanism (JTM) for classification in terms of Joint Rule 160:

- (i) *Chiropractors, Homeopaths and Allied Health Service Professions Second Amendment Bill* [B 66—2000] (National Council of Provinces—sec 76)—(Select Committee on Social Services—National Council of Provinces) [Explanatory summary of Bill and prior notice of its introduction published in Government Gazette No 21483 of 25 August 2000.]

National Assembly:

The Speaker:

1. The following members have been appointed to serve on the Committee mentioned, viz:

Ad hoc Committee on General Intelligence Law Amendment Bill:

ANC

Benjamin, J (Alt); Bloem, D V; Cwele, S C; Ebrahim, E I; Gigaba, K M N (Alt); George, M E (Alt); Goniwe, T M; Kota, Z A; Landers, L T; Lekgoro, M K (Alt); Mapisa-Nqakula, N N; Mashimbye, J N; Modise, T R; Ngculu, L V; Scott, M I; Van der Merwe, S C.

DP

Pillay, R; Schalkwyk, P.

IFP

Ndlovu, V B.

New NP

Olckers, M E.

UDM

Abram, S.

ACDP

Green, L M.

FF

Mulder, C P.

AZAPO

Mangena, M.

Tuesday, 26 September 2000]

No 117—2000] SECOND SESSION, SECOND PARLIAMENT

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

**ANNOUNCEMENTS,
TABLINGS AND
COMMITTEE REPORTS**

TUESDAY, 26 SEPTEMBER 2000

TABLINGS:*National Assembly and National Council of Provinces:**Papers:*

1. The Minister of Labour:

Report and Financial Statements of the Commission for Conciliation, Mediation and Arbitration for 1998-99, including Report of the Auditor-General on the Financial Statements for 1998-99.

2. The Minister of Health:

(a) Government Notice No R.650 published in the Government Gazette No 21313 dated 30 June 2000, Amendment of Regulations made in terms of the Medical Schemes Act, 1998.

(b) Government Notice No R.755 published in the Government Gazette No 21399 dated 28 July 2000, Amendment of Regulations relating to milk and dairy products made in terms of the Foodstuffs, Cosmetics and Disinfectants Act, 1972.

(c) Government Notice No R.837 published in the Government Gazette No 21486 dated 25 August 2000, Amendment of Regulations relating to milk and dairy products made in terms of the Foodstuffs, Cosmetics and Disinfectants Act, 1972.

(d) Government Notice No 757 published in the Government Gazette No 21409 dated 28 July 2000, Notice of ratification of Protocol on Health in Southern African Development Community (SADC).

(e) Government Notice No R.836 published in the Government Gazette No 21486 dated 25 August 2000, Amendment of regulations regarding maximum limits for pesticide residues made in terms of the Foodstuffs, Cosmetics and Disinfectants Act, 1972.

(f) Government Notice No 838 published in the Government Gazette No 21483 dated 25 August 2000, Explanatory summary

on Chiropractors, Homeopaths and Allied Health Service Professions Amendment Bill, 2000 published for comment.

- (g) Government Notice No R.872 published in the Government Gazette No 21533 dated 8 September 2000, Regulations regarding the use of names which may not be used made in terms of the Medical, Dental and Supplementary Health Service Professions Act, 1974.
- (h) Government Notice No R.872 published in the Government Gazette No 21533 dated 8 September 2000, Regulations on fluoridating water supplies made in terms of the Health Laws Amendment Act, 1977.
- (i) Government Notice No R.921 published in the Government Gazette No 21552 dated 15 September 2000, Regulations regarding fees to be paid to the South African Nursing Council made in terms of the Nursing Act, 1978.
- (j) Government Notice No R.925 published in the Government Gazette No 21552 dated 15 September 2000, Regulations defining scope of profession of emergency care made in terms of the Medical, Dental and Supplementary Health Service Professions Act, 1974.
- (k) Government Notice No R.943 published in the Government Gazette No 21569 dated 22 September 2000, Regulations made in terms of the Medical Schemes Act, 1998.
- (l) Government Notice No 942 published in the Government Gazette No 21569 dated 22 September 2000, Explanatory summary of the Mental Health Care Bill, 2001 published for comment.
- (m) Government Notice No 876 published in the Government Gazette No 21535 dated 4 September 2000, Publication of the Chiropractors, Homeopaths and Allied Health Service professions Amendment Act, 2000 (Act No 6 of 2000).

COMMITTEE REPORTS:

National Assembly:

1. Report of the Portfolio Committee on Justice and Constitutional Development on the *Limitation of Legal Proceedings against Government Institutions Bill* [B 65—99] (National Assembly—sec 75), dated 20 September 2000:

The Portfolio Committee on Justice and Constitutional Development, having considered the subject of the *Limitation of Legal Proceedings against Government Institutions Bill* [B 65—99] (National Assembly—sec 75), referred to it and classified by the Joint Tagging Mechanism as a section 75 Bill, presents the *Institution of Legal Proceedings against Organs of State Bill* [B 65B—99] (National Assembly -sec 75), and endorses the classification of the Bill as a section 75 Bill.

The Committee wishes to report further, as follows:

1. During its deliberations on the Bill, the Committee's attention was drawn to the fact that certain provisions of existing laws provide for different—
 - (1) notice periods; and

(2) prescription periods,

for the institution of legal proceedings in respect of certain debts arising from delictual or contractual liability.

The Committee expressed the view that some of those provisions could possibly be unconstitutional, particularly in the light of—

- (a) the reasoning in *Mohlomi v Minister of Defence* 1997 (1) SA 124 (CC), where the Constitutional Court declared the provisions of section 113(1) of the Defence Act, 1957 (Act No. 44 of 1957), which provided for limitations of actions against the Defence Force, to be constitutionally invalid; and
- (b) the South African Law Commission's supplementary report on the investigation into time limits for the institution of legal proceedings against the State (Project 42).

In order to create uniformity, the Committee deemed it appropriate to repeal existing provisions providing for different notice periods, whether they are possibly unconstitutional or not, and to substitute them with a uniform notice period which will apply in respect of the institution of all legal proceedings against certain organs of state, as defined in the Bill, arising out of certain debts. The Committee, however, further deemed it appropriate to retain certain existing provisions which, for specific reasons, provide for notice periods that differ from the uniform period envisaged by the Bill. It is important to note that the Bill empowers a court, upon application by a creditor and if certain requirements are met, to condone such creditor's failure to comply with the notice requirements provided for in the Bill.

By defining debt as "any debt arising from any unlawful act or omission for which an organ of state is liable for payment of damages, including any delict or liability without fault in terms of a statutory provision, but does not include a debt arising from a breach of contract", the provisions providing for a notice period will not apply in respect of debts arising from contractual liability.

In order to create further uniformity, the Committee deemed it appropriate to repeal certain existing provisions, whether they are possibly unconstitutional or not, which provide for specific notice or prescription periods in respect of certain debts arising from delictual or contract liability. The Committee, however, further deemed it appropriate to retain certain existing provisions which, for specific reasons, provide for prescription periods that differ from the period provided for in Chapter III of the Prescription Act, 1969 (Act No. 68 of 1969). The effect of the repeal of the above-mentioned provisions is that the prescription of all debts arising from delictual or contractual liability will, after the commencement of this Bill and unless otherwise provided for by an existing provision, be regulated by Chapter III of the Prescription Act, 1969.

Due to the fact that no comprehensive review of all the provisions providing for different prescription periods, whether of a delictual or contractual nature, has been done, the Committee was not in a position to deal with the harmonisation of such different prescription periods on the strength of comprehensive research. Furthermore, because the main object of the Bill is to harmonise, and create uniformity in respect of, the provisions of existing laws providing for different notice periods, the Committee is of the view that the Bill is not the appropriate mechanism to deal with the harmonisation of provisions providing for different prescription periods.

Clause 2 of the Bill, however, provides for a limited harmonisation of such laws and also contains specific transitional arrangements to ensure a smooth transition.

The Committee therefore recommends that the Minister for Justice and Constitutional Development be requested to request the Chairperson of the South African Law Commission to include an investigation into the harmonisation of the provisions of existing laws providing for different prescription periods in the Law Commission's programme.

2. The Bill, as introduced into Parliament, provided for the repeal of section 44 of the Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993), which provides, *inter alia*, that "a right to benefits in terms of this Act shall lapse if the accident in question is not brought to the attention of the commissioner or of the employer or mutual association concerned, as the case may be, within 12 months after the date of such accident". Although the Committee considered the repeal or amendment of the said section 44, it expressed the view that it had insufficient information available to it to consider the repeal or amendment of that section properly and any possible consequential amendments to the said Act which might emanate from such repeal or amendment. In the light thereof, the Committee recommends that the Department of Labour be requested—

- (1) to investigate the repeal or amendment of section 44 with a view to bringing the provisions thereof into line with the provisions of the Bill and, if necessary, the Constitution, and to identifying possible consequential amendments to the above-mentioned Act emanating from such repeal or amendment; and
- (2) where necessary, to submit legislative proposals regarding the matter in question to Parliament for its consideration.

3. The Committee's attention was also drawn to section 23 of the Road Accident Fund Act, 1996 (Act No. 56 of 1996), which provides for the prescription of the right to claim compensation from, among others, the Road Accident Fund, established under section 2(1) of that Act, in respect of "loss or damage arising from the driving of a motor vehicle in the case where the identity

of either the driver or the owner thereof has been established". The Committee considered the possibility of repealing the said section 15 and including the Road Accident Fund in the definition of "organ of state" so as to make the provisions of the Bill applicable to that Fund. The Committee is aware of the Road Accident Fund Commission, which has been established to "inquire into and to make recommendations regarding a reasonable, equitable, affordable and sustainable system for the payment by the Road Accident Fund of compensation or benefits, or a combination of compensation and benefits, in the event of the injury or death of persons in road accidents in the Republic". It has been brought to the Committee's attention that the Road Accident Fund Commission is required to submit its Report to the President during the course of 2001. In the light of the above, the Committee decided against the repeal of section 15 and the inclusion of the Road Accident Fund in the definition of "organ of state". The Committee recommends that the Department of Transport be requested—

- (1) to consider and evaluate any recommendations regarding the matter in question as contained in the Report by the Road Accident Fund Commission;
- (2) in any case, to investigate the repeal or amendment of section 15 with the view to bringing the provisions thereof into line with the provisions of the Bill and, if necessary, the Constitution, and to identifying possible consequential amendments to the above-mentioned Act emanating from such repeal or amendment; and
- (3) where necessary, to submit legislative proposals regarding the matter in question to Parliament for its consideration.

4. The Committee's attention was also drawn to the fact that the Legal Succession to the South African Transport Services Act, 1989 (Act No. 9 of 1989), contains certain provisions providing for specific notice periods in respect of claims for compensation for livestock killed or injured by a train or for property destroyed or damaged by a fire caused by a burning object coming from a locomotive or train. Due to a lack of information, the Committee was not in a position to consider the repeal or amendment of those provisions properly for purposes of uniformity. The Committee therefore recommends that the Department of Transport be requested—

- (1) to investigate the repeal or amendment of the above-mentioned provisions with a view to bringing them into line with the provisions of the Bill and, if necessary, the Constitution, and to identifying possible consequential amendments to the above-mentioned Act emanating from such repeal or amendment; and
- (2) where necessary, to submit legislative proposals regarding the matter in question to Parliament for its consideration.

5. The Committee's attention was drawn to section 59 of The South African National Roads Agency Limited and National Roads Act, 1998 (Act No. 7 of 1998), which provides for notice periods for the institution of legal proceedings against, among others, The South African National Roads Agency Limited (the Agency) or an employee of the Agency for any damage or loss allegedly suffered by a person as a result of any act with regard to a national road which allegedly was performed or omitted by, among others, the Chief Executive Officer or any of the other employees of the Agency acting in the performance of their duties. Although the Bill, as introduced into Parliament, provided for the amendment of section 25 of the National Roads Act, 1971 (Act No. 54 of 1971), it did not provide for the amendment or repeal of the said section 59. It was brought to the Committee's attention that the whole of the National Roads Act, 1971, except section 2(1A) thereof, has been repealed by The South African National Roads Agency Limited and National Roads Act, 1998. In the light thereof, the Committee deemed it appropriate to include an amendment to section 59 of The South African National Roads Agency Limited and National Roads Act, 1998, in the Bill so as to make the uniform notice period envisaged by the Bill applicable to legal proceedings emanating from the provisions of that Act as well. The Committee also noted that section 59(3) provides that "[n]either the Agency nor ... any person who operates or has constructed a national road, will be liable for any damage or loss suffered by any person through the use of any part of the national road other than the roadway or as a result of the closure or deviation of a national road under this Act". Although, as a result of the repeal of section 59(1) and (2) of the latter Act, the Committee effected consequential amendments to section 59(3), it does not express any views on the constitutionality of that section.
6. The Committee expresses its concern that it had to amend the Black Administration Act, 1927 (Act No. 38 of 1927), once again, on a piecemeal basis. The Committee is aware that the said Act was one of the cornerstones of the previous dispensation and reflects many of the injustices of the past. The Committee also expresses the view that it is unacceptable that six years after the new constitutional dispensation came into being, the above-mentioned Act has still not been reviewed in its entirety with a view to bringing it into line with the Constitution. In this regard, it was further brought to the Committee's attention that on 5 September 2000 the High Court of Pretoria, in the case of D E Mosenke and Others v The Master of the High Court (Case No. 20006/2000), declared the provisions of clause 3(1) of the Regulations promulgated in terms of the above-mentioned Act to be invalid, unconstitutional and of no force and effect. In the light of the above, the Committee recommends that each Member of the Executive who is responsible for a Department that administers specific sections of the above-mentioned Act, and especially those Members who are responsible for the Departments of Home Affairs, Justice and Constitutional Development and Land Affairs, be requested to review the sections which their respective Departments administer, with a view to bringing those

sections into line with the Constitution. As it appears that the above-mentioned Act is administered by various different government structures, which may explain why no Department is taking responsibility for the review of the whole Act, the Committee recommends that this matter also be brought to the attention of the President. The Committee urges the Minister for Justice and Constitutional Development to consider referring the review of the whole of the above-mentioned Act to the South African Law Commission as a project of the highest priority.

7. The Committee requests that the Department of Justice and Constitutional Development and all the other Departments to which specific tasks have been assigned in terms of this Report, must each submit a report to the Committee on progress regarding the task or tasks assigned to them, with the Department of Justice and Constitutional Development co-ordinating the submission of such reports, within six months after the adoption of this Report.

Report to be considered.

2. Report of the Portfolio Committee on Public Works on the *Council for the Built Environment Bill* [B 16—2000] (National Assembly—sec 75), dated 21 September 2000:

The Portfolio Committee on Public Works, having considered the subject of the *Council for the Built Environment Bill* [B 16—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 16A—2000].

3. Report of the Portfolio Committee on Public Works on the *Architectural Profession Bill* [B 17—2000] (National Assembly—sec 75), dated 21 September 2000:

The Portfolio Committee on Public Works, having considered the subject of the *Architectural Profession Bill* [B 17—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 17A—2000].

4. Report of the Portfolio Committee on Public Works on the *Landscape Architectural Profession Bill* [B 18—2000] (National Assembly—sec 75), dated 21 September 2000:

The Portfolio Committee on Public Works, having considered the subject of the *Landscape Architectural Profession Bill* [B 18—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 18A—2000].

5. Report of the Portfolio Committee on Public Works on the *Engineering Profession Bill* [B 19—2000] (National Assembly—sec 75), dated 21 September 2000:

The Portfolio Committee on Public Works, having considered the subject of the *Engineering Profession Bill* [B 19—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 19A—2000].

6. Report of the Portfolio Committee on Public Works on the *Property Valuers Profession Bill* [B 20—2000] (National Assembly—sec 75), dated 21 September 2000:

The Portfolio Committee on Public Works, having considered the subject of the *Property Valuers Profession Bill* [B 20—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 20A—2000].

7. Report of the Portfolio Committee on Public Works on the *Project and Construction Management Professions Bill* [B 21—2000] (National Assembly—sec 75), dated 21 September 2000:

The Portfolio Committee on Public Works, having considered the subject of the *Project and Construction Management Professions Bill* [B 21—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 21A—2000].

8. Report of the Portfolio Committee on Public Works on the *Quantity Surveying Profession Bill* [B 22—2000] (National Assembly—sec 75), dated 21 September 2000:

The Portfolio Committee on Public Works, having considered the subject of the *Quantity Surveying Profession Bill* [B 22—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 22A—2000].

9. Report of the Portfolio Committee on Foreign Affairs on the *Abuja Treaty*, dated 20 September 2000:

The Portfolio Committee on Foreign Affairs, having considered the request for approval by Parliament of the *Treaty establishing the African Economic Community (Abuja Treaty)*, referred to it, recommends that the House, 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

WEDNESDAY, 27 SEPTEMBER 2000

1. The House met at 15:04.
2. The Speaker took the Chair and requested members to observe a moment of silence for prayers or meditation.
3. [15:06] Questions.
4. [17:07] The Deputy Speaker gave a ruling on a remark made by Mr D H M Gibson during debate on 19 September 2000, and directed him to withdraw the remark.

Whereupon the member withdrew the remark.

5. [17:09] Notices of motion.
6. [17:24] Mr D H M Gibson moved without notice: That the House—
 - (1) expresses sympathy and condolences with the family of Mr Willem van Schalkwyk, the game ranger who died over the weekend during the fire-fighting exercise in the Montagu Pass in the Southern Cape;
 - (2) expresses gratitude to all those individuals who help to fight fires in life-threatening circumstances;
 - (3) honours those who lose their lives in the execution of their important task;
 - (4) notes the runaway fires in the Southern Cape; and
 - (5) requests the Government to do everything within its means to prevent and fight such fires.

Agreed to.

7. [17:25] The Chairperson of Committees announced that the vacancy caused by the termination of membership of Dr E A Schoeman had been filled by the nomination of Mr J W le Roux with effect from 13 September 2000. The member had made and subscribed the oath in the Speaker's office.

PARLIAMENT
OF THE
REPUBLIC OF SOUTH AFRICA

**ANNOUNCEMENTS,
TABLINGS AND
COMMITTEE REPORTS**

WEDNESDAY, 27 SEPTEMBER 2000

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Minister of Finance:

Government Notice No R.896 published in the Government Gazette No 21545 dated 8 September 2000, Amendment of Prescribed Fees made in terms of section 36 of the Pension Funds Act, 1956 (Act No 24 of 1956).

2. The Minister of Trade and Industry:

Report and Financial Statements of the Support Programme for Industrial Innovation for 1999-2000.

National Assembly:

Bills:

1. The Minister for Justice and Constitutional Development:

(1) *Wetsontwerp op die Direktooraat vir Spesiale Operasies* [W 39—2000].

The *Directorate of Special Operations Bill* [B 39—2000] (National Assembly—sec 75) was introduced by the Minister for Justice and Constitutional Development on 11 August 2000 and referred to the Portfolio Committee on Justice and Constitutional Development.

CONFIDENTIAL

RECEIVED, ON 12-10-60, AT THE OFFICE OF THE DIRECTOR, FBI, WASHINGTON, D.C., A TELETYPE MESSAGE FROM THE NEW YORK OFFICE, DATED 12-9-60, AND A LETTER FROM THE NEW YORK OFFICE, DATED 12-8-60, BOTH RELATIVE TO THE MATTER OF THE ALLEGED ATTEMPT TO OBTAIN INFORMATION FROM THE NEW YORK OFFICE, BY AN INDIVIDUAL WHO IDENTIFIED HIMSELF AS "JOHN J. WATSON".

RE: NEW YORK

ON 12-9-60, THE NEW YORK OFFICE ADVISED THAT AN INDIVIDUAL WHO IDENTIFIED HIMSELF AS "JOHN J. WATSON", TELEPHONED THE NEW YORK OFFICE AND REQUESTED ASSISTANCE IN OBTAINING INFORMATION FROM THE NEW YORK OFFICE.

THE NEW YORK OFFICE ADVISED THAT IT HAD NO INFORMATION CONCERNING THE INDIVIDUAL WHO IDENTIFIED HIMSELF AS "JOHN J. WATSON".

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CONFIDENTIAL

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS OF NATIONAL ASSEMBLY

THURSDAY, 28 SEPTEMBER 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] Notices of motion.
4. [14:18] The Chief Whip of the Majority Party moved without notice: That the House—
 - (1) notes that our Speaker, Dr Frene Ginwala, has been honoured in India with the Priyadarshni Academy Global 2000 Award for promoting human rights and democratic values;
 - (2) further notes that tonight she will receive the Woman of the Year award bestowed by the University of Pretoria;
 - (3) recognises the invaluable contribution that the Speaker has made to the building of democracy and the transformation of Parliament; and
 - (4) congratulates Dr Ginwala on being awarded these honours which bestow prestige on the House, on Parliament and on the South African nation.

Agreed to.

5. [14:19] The House, at the request of the Chief Whip of the Majority Party, discussed the following subject: Recommendations of the conference on racism.

Debate concluded.

6. FIRST ORDER [16:28]

Consideration of Report of Portfolio Committee on Justice and Constitutional Development on *Limitation of Legal Proceedings against Government Institutions Bill* [B 65—99] (National Assembly—sec 75) (Announcements, Tablings and Committee Reports, p 753).

Report adopted without debate.

7. SECOND ORDER [16:29]

Second Reading debate—*Institution of Legal Proceedings against Organs of State Bill* [B 65B—99] (National Assembly—sec 75) (introduced as *Limitation of Legal Proceedings against Government Institutions Bill* [B 65—99] (National Assembly—sec 75)).

Debate concluded.

Bill read a second time.

8. The House adjourned at 17:15.

S MFENYANA,

Secretary to Parliament.

PARLIAMENT
OF THE
REPUBLIC OF SOUTH AFRICA

**ANNOUNCEMENTS,
TABLINGS AND
COMMITTEE REPORTS**

THURSDAY, 28 SEPTEMBER 2000

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

The following member has been appointed to serve on the Committee mentioned, viz:

Joint Standing Committee on Intelligence:

Pillay, S R

National Assembly:

1. The Speaker:

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

Ad hoc Committee on Pan-African Parliament:

ANC

Doidge, G Q; Ebrahim, E I; Gandhi, E; Hangana, N E; Jeffery, J J; Kalako, M V (Alt); Lekgoro, M K; Magazi, N M (Alt); Maphalala, M A; Marshoff, F B; Martins, B A D; Masithela, N H (Alt); Mokaba, P R (Alt); Ncube, B N Z; Nqakula, C; Ntuli, B M N; Ramotsamai, C M P.

DP

Eglin, C W; Clelland, N.

IFP

Van der Merwe, J H.

New NP

Geldenhuys, B; Schoeman, R S (Alt).

UDM

Abraham, T.

ACDP

Madasa, Z L.

FF

Mulder, P W A.

AZAPO

Mangena, M.

TABLINGS:***National Council of Provinces:******Papers:***

1. The Chairperson, as Chairperson of the Rules Committee of the National Council of Provinces, presents the Second Report of the Rules Committee of the National Council of Provinces, dated 19 September 2000, as follows:

The Rules Committee of the National Council of Provinces, having considered proposals for the amendment of the Rules of the National Council of Provinces, recommends the following amendments to the Rules:

1. Rule 121: **Subcommittees**

To amend Rule 121(1)(b) by the deletion of the words in bold brackets and the addition of the words underlined, and to insert a new subparagraph (h):

121. (1) The Rules Committee has the following subcommittees:

- (a) The Subcommittee on the Council Budget [**and Support for Members**];
- (b) the Subcommittee on Review of the Council Rules [**and Parliamentary Privileges**];
- (c)
- (f) the Subcommittee on Parliamentary Powers and Privileges.
- (g) the Subcommittee on Support for Council Members
- (h) any other subcommittee appointed in terms of rule 118(1)(f)

2. Heading: **“Subcommittee on the Council Budget and Support for Members”**

To amend the heading by the deletion of the words in bold brackets:

“Subcommittee on the Council Budget [and Support for Members]”

3. To insert a heading: **“Subcommittee on Support for Members of the Council”**

4. Rule 125B: **Chairperson**

To insert Rule 125B as follows:

125B: (1) The Rules Committee appoints one of the

members of the Subcommittee as the chairperson of the Subcommittee.

- (2) If the chairperson is not available the remaining members must elect another member to act as chairperson.

5. Rule 125D: Decisions

To insert Rule 125D as follows:

- 125D:**
- (1) A question before the Subcommittee is decided by consensus.
 - (2) If consensus cannot be reached all views in the Subcommittee must be reported to the Rules Committee.

6. Heading: "Subcommittee on Review of the Council Rules and Parliamentary Privileges"

To amend the heading by the deletion of the words in bold brackets:

"Subcommittee on Review of the Council Rules [and Parliamentary Privileges]"

7. To insert a heading: "Subcommittee on Parliamentary Powers and Privileges"

8. Rule 129B: Chairperson

To insert Rule 129B as follows:

- 129B:**
- (1) The Chairperson of the Council is the chairperson of the Subcommittee.
 - (2) If the chairperson is not available the remaining members must elect another member to act as chairperson.

9. Rule 129C: Functions and Powers

To insert Rule 129C as follows:

- 129C:** The Subcommittee may—
- (a) review existing legislation, the common law and practices relating to parliamentary powers and privileges;
 - (b) make recommendations to the Rules Committee to transform the existing law and practice on parliamentary powers and privileges; and
 - (c) perform any other function, and exercise any other power assigned to it by the Rules Committee.

10. Rule 129D: Decisions

To insert Rule 129D as follows:

- 129D:**
- (1) A question before the Subcommittee is decided by consensus.

- (2) If consensus cannot be reached all views in the Subcommittee must be reported to the Rules Committee.

G N M PANDOR
CHAIRPERSON: RULES COMMITTEE
NATIONAL COUNCIL OF PROVINCES
 19 September 2000

Report to be considered.

COMMITTEE REPORTS:

National Assembly:

1. Report of the Portfolio Committee on Trade and Industry on the *Abuja Treaty*, dated 20 September 2000:

The Portfolio Committee on Trade and Industry, having considered the request for approval by Parliament of the *Treaty establishing the African Economic Community (Abuja Treaty)*, referred to it, recommends that the House, in terms of section 231(2) of the Constitution, approve the said Treaty.

Report to be considered.

2. Report of the Portfolio Committee on Education on the *Higher Education Amendment Bill* [B 55—2000] (National Assembly—sec 75), dated 26 September 2000:

The Portfolio Committee on Education, having considered the subject of the *Higher Education Amendment Bill* [B 55—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 55A—2000].

3. Eighth Report of the Standing Committee on Public Accounts, dated 6 September 2000:

The Standing Committee on Public Accounts, having considered and examined the Report of the Auditor-General on the Financial Statements of Vote 9: Constitutional Development for the year ended 31 March 1999 [RP 132-99], as well as certain papers referred to it, and having heard evidence, reports as follows:

1. Financial management and internal audit *(Par 3.4, page 5)*

The Committee commends the Accounting officer on the solid foundation that has been laid on which the Department can build its financial management capacity. In particular, the dedicated focus on financial management as an essential part of general management is commendable, and the Committee is also keen to see the results of the value-for-money tests in relation to work done on behalf of the Department by contractors outside the public sector. Most importantly, the Committee commends the Department on the steps taken to ensure appropriate control over the extensive transfer payments made by it.

The Committee also took note of the Director-General's concern about the limited financial management expertise available in the public sector. Given the imminent implementation of the Public

Finance Management Act, this expertise was becoming available only at a premium that may not be affordable in terms of the public sector pay scales.

The Committee recommends that the Director-General persevere with the actions aimed at improved financial management, specifically with regard to the following aspects:

- (1) To ensure that the Audit Committee fully complies with the requirements of section 77 of the Public Finance Management Act, which could entail the application of section 77(c).
- (2) To bring the Internal Audit Component up to full strength, especially with regard to the head of the unit, and ensure continuing professional training for the staff in question. The Monitoring Unit: Internal Audit and Audit Committees established within the Office of the Accountant-General should advise the Accounting Officer and the Audit Committee on the adequacy of the staffing of the Department's Internal Audit Unit in terms of generally accepted benchmarks, and report to the Committee in this regard.
- (3) To tighten up the relevant control measures to prevent any irregularities regarding cheques.

With regard to other aspects relating to the implementation of the Public Finance Management Act, the Committee noted a number of commendable initiatives that the Accounting Officer had initiated, such as the recent review of the Department's approval of delegations as the first major step towards implementation of the Act. The Committee also noted the interaction with the National Treasury with regard to the management information systems currently available to public sector management that will have to support the various reporting requirements of the Public Finance Management Act.

The Committee therefore further recommends that—

- (a) the Accounting Officer report to the Committee regarding the manner in which the results of improved delegations will be measured, and whether any improvement has indeed been registered as a result;
- (b) the Accounting Officer report on the extent of the success of aligning the Department's business plan with the performance agreements of its senior managers;
- (c) the National Treasury provide the Committee with a brief report on the progress made with further improvements to the information systems required by Accounting Officers in order to comply with their reporting responsibilities in terms of the Public Finance Management Act.

2. *Multiparty negotiation process: Conference facilities at World Trade Centre*
(Par 3.1, page 2)

The Committee heard evidence from the Special Investigating Unit on its investigation into possible irregularities in expenditure relating to the leasing of conference facilities at the World Trade Centre, reported on in the Auditor-General's Reports on the 1992-93 to 1997-98 financial years.

Having referred the report of the Special Investigating Unit to the Auditor-General for comment, and having taken note of his comments, the Committee recommends that—

- (1) the Accounting Officer fully investigate the possibility that a double payment might have been made by the Department with regard to certain assets which were invoiced directly to the Department but for which rental was also charged;
- (2) the Parliamentary Law Advisers be requested to comment on the Special Investigating Unit's opinion that any claim by the Department against the WTC cannot be recovered, owing to the Prescription Act; and
- (3) the Department of Public Service and Administration, in consultation with the National Treasury, report to the Committee whether appropriate disciplinary or other regulations exist that would enable action to be taken against Accounting Officers who allow prescription to take place, thereby resulting in a loss to the State.

3. *Unauthorised expenditure, R217 215,05*
(Par 3.1.2(c), page 4)

The Committee took note of the finding of an independent consultant, appointed by the Director-General, that no official could be held responsible for the unauthorised expenditure. The Committee also took note that the Auditor-General concurred with the report of the consultant.

The Committee therefore recommends that the unauthorised expenditure of R217 215,05 be approved by Parliament.

Report to be considered.

4. Ninth Report of the Standing Committee on Public Accounts, dated 6 September 2000:

The Standing Committee on Public Accounts, having considered and examined the Report of the Auditor-General on the Financial Statements of Vote 8: Communications for the year ended 31 March 1999 [RP 131-99], as well as certain papers referred to it, and having heard evidence, reports as follows:

The Committee commends the Department on its successful transition from a statutory body to a national Department of State and in particular on the efficient and professional manner in which the accounting systems were transformed. However, the Committee wishes to note that although the issues reported in the Auditor-

General's Report appear to be of lesser materiality, issues of non-compliance and weak internal controls often lead to irregularities.

1. *Management and internal control*
(Par 2.2.4, page 2)

The Committee noted the evidence of the Director-General on the action taken against an official who by his actions had disregarded the requirements of the financial regulations, Treasury Instructions and departmental rules.

The Committee therefore recommends that the Director-General—

- (1) indicate to it how the success of the corrective measures already taken will prevent the repetition of similar transgressions; and
- (2) ensure that staff members are fully conversant with the measures to be implemented as well as with the applicable rules and regulations.

2. *Personnel expenditure*
(Par 2.2.6, page 6)

The Committee has noted the evidence of the Director-General on the promotion and appointment of certain personnel, and the fact that these matters have not been finalised between the Department and the Office of the Auditor-General. The Committee has also noted that the Director-General is to seek legal opinion in this regard. The Committee therefore requests that he report back to the Committee on progress made.

3. *Internal audit*

(Par 3.2.1, page 4)

The Committee has taken cognisance of the processes in place to address deficiencies in the internal audit function, as well as those of getting internal control up to the required standard. A fully operational internal audit function is indispensable for the proper management of finance.

The Committee welcomes the training workshops for personnel of the Department on the subject of internal control. The Committee requests the Director-General to submit to it the following within two weeks of the tabling of this Report in the National Assembly:

- (1) A report on the abovementioned workshop.
- (2) A copy of the Audit Committee Charter.
- (3) A copy of the Internal Audit Charter.
- (4) The latest audit programme, approved by the Audit Committee.

4. *Student loans*

(Par 3.3.1, page 5)

The issue of student loans has not been resolved between the Auditor-General's Office and the Department. The Committee recommends that this issue be resolved and that the Department as well as the Auditor-General report back to the Committee as a matter of urgency.

5. *Fruitless expenditure: Interest on credit card accounts*
(Par 3.4.1, page 6)

The Committee expresses its concern that the late settlements of accounts resulted in interest payments amounting to R47 270.

The Committee views such fruitless expenditure in a very serious light, more so because it is a waste of tax-payers' money. It is encouraging to note that the Director-General has initiated steps to ensure that such a situation does not recur in future.

The Committee urges the Department to ensure that the implementation of the corrective measures is maintained on an ongoing basis.

The effectiveness of these measures will be closely monitored by the Committee, in conjunction with the Office of the Auditor-General.

6. *Other debtors*
(Par 3.6, page 7)

Regarding the sale of the former Capital Radio, it is noted that this matter is before the courts and is therefore *sub judice*. The Committee also noted that the Director-General was confident that a future proposal will realise R10 million.

The Committee therefore requests that the Department report the outcome of the court case to it, as well as the details of any future sale proposal.

7. *General*

(1) *Late submission of financial statements*

The Director-General assured the Committee that, in respect of the 1999-2000 financial year, the Department's financial statements would be submitted to the Auditor-General's Office before the required time. The Committee welcomed this assurance, especially in view of the requirements and provisions of the Public Finance Management Act.

(2) *Procurement process*

Regarding the procurement process, the Committee recommends that the Director-General—

- (a) take appropriate steps to ensure adherence to all tender procedures; and
- (b) respond in writing regarding the contract for the sale of non-ferrous scrap metal of Telkom and the Post Office.

Report to be considered.

National Council of Provinces:

1. Report of the Select Committee on Land and Environmental Affairs on the *Meat Safety Bill* [B 29B—2000] (National Assembly—sec 76), dated 19 September 2000:

The Select Committee on Land and Environmental Affairs, having considered the subject of the *Meat Safety Bill* [B 29B—2000] (National Assembly—sec 76), referred to it, reports the Bill with amendments [B 29C—2000].

2. Report of the Select Committee on Land and Environmental Affairs on the *Tourism Amendment Bill* [B 50B—99] (National Assembly—sec 76), dated 19 September 2000:

The Select Committee on Land and Environmental Affairs, having considered the subject of the *Tourism Amendment Bill* [B 50B—99] (National Assembly—sec 76), referred to it, reports the Bill with amendments [B 50C—99].

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PARLIAMENT
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REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS OF NATIONAL ASSEMBLY

FRIDAY, 29 SEPTEMBER 2000

1. The House met at 09:01.
2. The Deputy Chairperson of Committees took the Chair and requested members to observe a moment of silence for prayers or meditation.
3. [09:03] Notices of motion.
4. FIRST, SECOND, THIRD, FOURTH, FIFTH, SIXTH AND SEVENTH ORDERS [09:20]

Second Reading debate—*Council for the Built Environment Bill* [B 16B—2000] (National Assembly—sec 75), Second Reading debate—*Architectural Profession Bill* [B 17B—2000] (National Assembly—sec 75), Second Reading debate—*Landscape Architectural Profession Bill* [B 18B—2000] (National Assembly—sec 75), Second Reading debate—*Engineering Profession Bill* [B 19B—2000] (National Assembly—sec 75), Second Reading debate—*Property Valuers Profession Bill* [B 20B—2000] (National Assembly—sec 75), Second Reading debate—*Project and Construction Management Professions Bill* [B 21B—2000] (National Assembly—sec 75), Second Reading debate—*Quantity Surveying Profession Bill* [B 22B—2000] (National Assembly—sec 75).

Debate concluded.

Council for the Built Environment Bill [B 16B—2000] read a second time.

Architectural Profession Bill [B 17B—2000] read a second time.

Landscape Architectural Profession Bill [B 18B—2000] read a second time.

Engineering Profession Bill [B 19B—2000] read a second time.

Property Valuers Profession Bill [B 20B—2000] read a second time.

Project and Construction Management Professions Bill [B 21B—2000] read a second time.

Quantity Surveying Profession Bill [B 22B—2000] read a second time.

5. The House adjourned at 11:08.

S MFENYANA,

Secretary to Parliament.

PARLIAMENT
OF THE
REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS,
TABLINGS AND
COMMITTEE REPORTS

FRIDAY, 29 SEPTEMBER 2000

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

The *South African Boxing Bill* [B 58—2000], introduced by the Minister of Sport and Recreation on 23 August 2000 and found to be out of order by the Joint Tagging Mechanism (JTM) (see Announcements, Tablings and Committee Reports, p 741), was removed from the Order Paper and referred back to the Minister on 28 September 2000.

National Assembly:

1. The Speaker:

- (1) The following changes have been made to the membership of Joint Standing Committees, viz:

Defence:

Appointed: Mohlala, R J B.

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

Public Enterprises:

Appointed: Mohlala, R J B.

Public Service and Administration:

Appointed: Mohlala, R J B.

Safety and Security:

Appointed: Bloem, D V (Alt).

National Council of Provinces:

1. The Chairperson:

Message from National Assembly to National Council of Provinces:

Bill passed by National Assembly on 28 September 2000 and transmitted for concurrence:

- (1) *Institution of Legal Proceedings against Organs of State Bill* [B 65B—99] (introduced as *Limitation of Legal Proceedings against Government Institutions Bill* [B 65—99] (National Assembly—sec 75))—(Select Committee on Security and Constitutional Affairs—National Council of Provinces).

2. The Chairperson:

Message from National Assembly to National Council of Provinces:

Bill passed by National Assembly on 29 September 2000 and transmitted for concurrence:

- (1) *Council for the Built Environment Bill* [B 16B—2000] (National Assembly—sec 75)—(Select Committee on Public Services—National Council of Provinces).
- (2) *Architectural Profession Bill* [B 17B—2000] (National Assembly—sec 75)—(Select Committee on Public Services—National Council of Provinces).
- (3) *Landscape Architectural Profession Bill* [B 18B—2000] (National Assembly—sec 75)—(Select Committee on Public Services—National Council of Provinces).
- (4) *Engineering Profession Bill* [B 19B—2000] (National Assembly—sec 75)—(Select Committee on Public Services—National Council of Provinces).
- (5) *Property Valuers Profession Bill* [B 20B—2000] (National Assembly—sec 75)—(Select Committee on Public Services—National Council of Provinces).
- (6) *Project and Construction Management Professions Bill* [B 21B—2000] (National Assembly—sec 75)—(Select Committee on Public Services—National Council of Provinces).
- (7) *Quantity Surveying Profession Bill* [B 22B—2000] (National Assembly—sec 75)—(Select Committee on Public Services—National Council of Provinces).

COMMITTEE REPORTS:

National Assembly:

1. Report of the Portfolio Committee on Health on the *Council for Medical Schemes Levies Bill* [B 61—2000] (National Assembly—sec 77), dated 29 September 2000:

The Portfolio Committee on Health, having considered the *Council for Medical Schemes Levies Bill* [B 61—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 Finance on the *Adjustments Appropriation Bill* [B 60—2000] (National Assembly—sec 77), dated 29 September 2000:

The Portfolio Committee on Finance, having considered the *Adjustments Appropriation Bill* [B 60—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.

3. Tenth Report of the Standing Committee on Public Accounts, dated 6 September 2000:

The Standing Committee on Public Accounts, having considered and examined the Report of the Auditor-General on the Financial Statements of Vote 21: Justice for the year ended March 1999 [RP 145-99] and the Deposit Account administered by the Department of Justice [RP 196-99], as well as certain papers referred to it, and having heard evidence, reports as follows:

The Committee heard evidence from the new Director-General for Justice, Adv Pikoli, and certain senior officials in the Department of Justice.

The Committee notes with concern the many shortcomings in financial management, contained in the Report. This concern is deepened by the fact that many of the shortcomings have been reported for the past two years, with little or no improvement shown. In the view of the Committee, this has led to the chaotic state of financial management in the Department, which was illustrated by the fact that the Department was unclear as to whether it had a financial manager between 1997 and January 2000.

While the Committee welcomes the drafting of the Financial Management Improvement Plan (FMIP) that it had recommended in its Third Report for 1999 (First Session, Second Parliament), it remains deeply concerned that already the Department is far behind schedule with the implementation of this FMIP.

Specifically, the Committee wishes to report the following areas of concern:

1. *Financial management*

The Committee has noted that the Department is aligning itself with the requirements of the Public Finance Management Act. The Committee disagrees with the Director-General that it will take three years to resolve the Department's financial management problems, and is of the view that the deterioration in respect of financial management during previous years must be halted immediately.

(1) The Committee insists that the Director-General appoint a chief financial officer at senior level as a matter of urgency.

(2) The Committee is concerned about the lack of progress regarding implementation of the FMIP, which at the time of the hearing was at least five months behind schedule. The Committee therefore requires the Department to provide it with a written report on progress with the implementation of the FMIP on a monthly basis until the end of this financial

year, or until such time that the Committee is satisfied that sufficient progress has been made.

- (3) The Committee further requires to be provided with the Department's monthly management reports for the period April to December 2000.
- (4) Given the seriousness of these matters, the Committee recommends that the Ministry assess progress in respect of financial management in the Department on an ongoing basis. Should the Committee be of the view that there is no significant improvement in the Department's management of public finances by the end of this financial year, it will request the National Treasury to intervene, in terms of the Public Finance Management Act, in the financial management of the Department of Justice.

2. Decentralisation

The Committee is concerned that the decentralisation process has had a negative impact on financial management in the Department, due to the lack of financial management capacity in the regions. The Committee strongly recommends that the review of the effect of the decentralisation of financial management be expedited and that, where necessary, the Director-General ensure that the required resources be made available or that other corrective measures be implemented without delay.

The Committee will consider making *in situ* visits to regions to assess capacity and the internal control environment.

3. Audit Committee

The Committee takes note of the unacceptable practice of members of the internal audit firm being appointed to the Audit Committee. The Committee recommends that the Department ensure that the independence of the Audit Committee always be beyond reproach.

The Committee notes with concern that the Audit Committee has not always been kept informed about financial management developments in the Department. In order to be effective, the Audit Committee must have access to all information relevant to its task.

The Committee recommends that it be furnished with reports by the chairperson of the newly constituted Audit Committee, containing the following information:

- (1) Whether internal auditors have conducted a risk analysis of the Department's operations with which the Audit Committee is satisfied.
- (2) A brief report on the effectiveness or otherwise of the internal audit section, including their audit planning.
- (3) An indication of whether the internal auditors' work complies with the standards of the Institute of Internal

Auditors (IIA), as required by new Treasury Regulation 3.2.5, and if not, which standards are applied in the meantime and by when they will be able to comply with the IIA standards.

- (4) An indication of the responsiveness by the Department's management to the findings of the internal auditors.
- (5) Any other matters pertinent to the state of financial management in the Department.

Where relevant, this information should be submitted on a quarterly basis.

4. *Deposit Account*

The Committee is concerned that the Deposit Account is characterised by a serious deterioration in control, and that no revision of procedures, prescripts and structures has occurred. The Committee further notes with concern that suspensions relating to fraud and financial irregularity have increased.

The Committee, noting with shock that a trust fund handling public moneys of up to R1,96 billion in the 1998-99 financial year has not produced any financial statements since the 1994-95 financial year, requests that, on conclusion of the audit mentioned below, financial statements be compiled in respect of the financial years 1994-95, 1995-96, 1996-97 and 1997-98, unless the said audit finds that this is not possible. In addition, it is imperative that regular reconciliations of the Account are undertaken, as required by the Public Finance Management Act.

Finally, in view of the seriousness of the problems noted, the Committee recommends that the Auditor-General initiate a special audit on the Deposit Account to address the following issues:

- (1) Whether the systems, prescripts and method of work will enable the production of financial statements that are reliable and auditable.
- (2) The correctness of opening balances.
- (3) The effect of commercialisation of the Deposit Account.
- (4) The extent of fraud, proposed action to combat fraud in the future, and the possibility of action against those involved in fraud.
- (5) The feasibility of ring-fencing the old business from the new.

5. *Regulations for investigating units*

The Committee recommends that the Department, in consultation with the Office of the Auditor-General, draft

year, or until such time that the Committee is satisfied that sufficient progress has been made.

- (3) The Committee further requires to be provided with the Department's monthly management reports for the period April to December 2000.
- (4) Given the seriousness of these matters, the Committee recommends that the Ministry assess progress in respect of financial management in the Department on an ongoing basis. Should the Committee be of the view that there is no significant improvement in the Department's management of public finances by the end of this financial year, it will request the National Treasury to intervene, in terms of the Public Finance Management Act, in the financial management of the Department of Justice.

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The Committee will consider making *in situ* visits to regions to assess capacity and the internal control environment.

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- (4) The extent of fraud, proposed action to combat fraud in the future, and the possibility of action against those involved in fraud.
- (5) The feasibility of ring-fencing the old business from the new.

5. *Regulations for investigating units*

The Committee recommends that the Department, in consultation with the Office of the Auditor-General, draft

regulations to ensure that investigating units report on their achievements in an auditable manner on a regular basis.

6. *Unauthorised expenditure*

The Committee notes that the Department was responsible for over 50% of the unauthorised expenditure by government departments in the financial year under review. This matter will be addressed in a separate Report.

Report to be considered.

National Council of Provinces:

1. Report of the Select Committee on Local Government and Administration on the *Local Government: Municipal Systems Bill* [B 27B—2000] (National Assembly—sec 75), dated 22 September 2000:

The Select Committee on Local Government and Administration, having considered the subject of the *Local Government: Municipal Systems Bill* [B 27B—2000] (National Assembly—sec 75), referred to it, reports that it has agreed to the Bill.

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

MONDAY, 2 OCTOBER 2000

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

I. The Speaker and the Chairperson:

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

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

Special Review by the Auditor-General of the Selection Process of Strategic Defence Packages for the Acquisition of Armaments at the Department of Defence [RP 161—2000].

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

(a) Report and Financial Statements of the Corporation for Public Deposits for 1999-2000.

(b) Report and Financial Statements of the Development Bank of Southern Africa for 1999-2000.

(c) Government Notice No R.896 published in the Government Gazette No 21545 dated 8 September 2000, Amendment of Prescribed Fees made in terms of section 36 of the Pension Funds Act, 1956 (Act No 24 of 1956).

- (3) The following papers are referred to the Portfolio Committee on Transport and to the Select Committee on Public Services:

(a) Report of the Regulating Committee for the Airports Company and Air Traffic and Navigation Services Companies for 1999-2000.

- (b) Report of the Regulating Committee for the Airports Company and Air Traffic and Navigation Services Companies: Approach to the 2001/2-2005/6 Permissions.
- (4) **The following papers are referred to the Portfolio Committee on Justice and Constitutional Development and to the Select Security and Constitutional Affairs:**
 - (a) Government Notice No R.501 published in the Government Gazette No 21204 dated 19 May 2000, Amendment of the Rules of the Magistrates' Courts made in terms of the Rules Board for Courts of Law Act, 1985 (Act No 107 of 1985).
 - (b) Government Notice No R.502 published in the Government Gazette No 21204 dated 19 May 2000, Amendment of the rules regulating the conduct of the proceedings of the several Provincial and Local Divisions of the High Court of South Africa, made in terms of the Rules Board for Courts of Law Act, 1985 (Act No 107 of 1985).
 - (c) Proclamation No R.38 published in the Government Gazette No 21353 dated 7 July 2000, Referral of matters to existing Special Investigating Unit and Special Tribunal, made in terms of the Special Investigating Units and Special Tribunals Act, 1996 (Act No 74 of 1996).
 - (d) Proclamation No R.44 published in the Government Gazette No 21410 dated 28 July 2000, Commencement of the Justice Laws Rationalisation Act, 1996 (Act No 18 of 1996).
 - (e) Proclamation No R.52 published in the Government Gazette No 21529 dated 1 September 2000, Commencement of sections 1 to 5 and 10 of the Judicial Matters Second Amendment Act, 1998 (Act No 122 of 1998).
 - (f) Proclamation No R.53 published in the Government Gazette No 21529 dated 1 September 2000, Commencement of section 2 of the Sheriffs Amendment Act, 1998 (Act No 74 of 1998).
 - (g) Proclamation No R.54 published in the Government Gazette No 21529 dated 1 September 2000, Commencement of sections 1, 2, 3, 4(2), 5, 6, 29 (with the exception of subsection (2)), 32, 33, and 34(1) of the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No 4 of 2000).
 - (h) Government Notice No R.850 published in the Government Gazette No 21504 dated 1 September 2000, Amendment of Regulations made in terms of the Prevention of Organised Crime Act, 1998 (Act No 121 of 1998).
 - (i) Government Notice No R.865 published in the Government Gazette No 21519 dated 1 September 2000, Determination of amounts and exclusion of employees for the purposes of section 98A of the Insolvency Act, 1936 (Act No 24 of 1936).
 - (j) Government Notice No R.874 published in the Government Gazette No 21517 dated 1 September 2000, Estab-

lishment of Equality Review Committee and appointment of members thereof, made in terms of the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No 4 of 2000).

- (5) The following paper is referred to the Portfolio Committee on Labour and to the Select Committee on Labour and Public Enterprises. The Report of the Auditor-General is referred to the Standing Committee on Public Accounts for consideration and report:

Report and Financial Statements of the Commission for Conciliation, Mediation and Arbitration for 1998-99, including Report of the Auditor-General on the Financial Statements for 1998-99.

- (6) The following papers are referred to the Portfolio Committee on Health and to the Select Committee on Social Services:

- (a) Government Notice No R.650 published in the Government Gazette No 21313 dated 30 June 2000, Amendment of Regulations made in terms of the Medical Schemes Act, 1998.
- (b) Government Notice No R.755 published in the Government Gazette No 21399 dated 28 July 2000, Amendment of Regulations relating to milk and dairy products made in terms of the Foodstuffs, Cosmetics and Disinfectants Act, 1972.
- (c) Government Notice No R.837 published in the Government Gazette No 21486 dated 25 August 2000, Amendment of Regulations relating to milk and dairy products made in terms of the Foodstuffs, Cosmetics and Disinfectants Act, 1972.
- (d) Government Notice No 757 published in the Government Gazette No 21409 dated 28 July 2000, Notice of ratification of Protocol on Health in Southern African Development Community (SADC).
- (e) Government Notice No R.836 published in the Government Gazette No 21486 dated 25 August 2000, Amendment of regulations regarding maximum limits for pesticide residues made in terms of the Foodstuffs, Cosmetics and Disinfectants Act, 1972.
- (f) Government Notice No 838 published in the Government Gazette No 21483 dated 25 August 2000, Explanatory summary on Chiropractors, Homeopaths and Allied Health Service Professions Amendment Bill, 2000 published for comment.
- (g) Government Notice No R.872 published in the Government Gazette No 21533 dated 8 September 2000, Regulations regarding the use of names which may not be used made in terms of the Medical, Dental and Supplementary Health Service Professions Act, 1974.
- (h) Government Notice No R.872 published in the Government Gazette No 21533 dated 8 September 2000, Regulations on fluoridating water supplies made in terms of the Health Laws Amendment Act, 1977.