PARLIAMENT OF THE
REPUBLIC OF SOUTH AFRICA

NATIONAL COUNCIL OF PROVINCES

ORDER PAPER

TUESDAY, 3 DECMBER 2019

Meeting of Council: 14:00

ORDERS OF THE DAY:

1. Consideration of **Border Management Authority Bill** [B 9B – 2016] (National Assembly – sec 75) and Report of Select Committee on Security and Justice thereon **(**Announcements, Tablings and Committee Reports, 26 November 2019, p 21).

2. Consideration of **Promotion of Access to Information Amendment Bill** [B 20 - 2019] (National Assembly – sec 75) and Report of Select Committee on Security and Justice thereon (Announcements, Tablings and Committee Reports, 27 November 2019, p 81).

3. Consideration of Report of Select Committee on Security and Justice (Announcements, Tablings and Committee Reports, 28 November 2019, p 50) **Whether or not to restore Advocate Nomgcobo Jiba and Advocate Lawrence Sithembiso Mrwebi, to their positions of Deputy National Director of Public Prosecutions and Special Director of Public Prosecutions at the National Prosecuting Authority, in terms of section 12(6) of the National Prosecuting Authority Act 32 of 1998**.

4. Consideration of Report of Select Committee on Finance (Announcements, Tablings and Committee Reports, 13 November 2019, p 5) **State of local government finances and financial management**.

MOTIONS (Notices given on 26 November 2019):

1. Draft resolution (Ms M O Mokause): That the Council-

   (1) debates and find solutions to the problems of community health workers in the Northern Cape Province who are working as volunteers under inhumane conditions without benefits for many years and are exploited by the Provincial Health Department.

2. Draft resolution (Ms Z V Ncitha): That the Council-

   (1) notes that 29 November marks the United Nations International Day of Solidarity with the Palestinian People, which is a global observance in terms of resolution 181 that was adopted by United Nations General Assembly on 29 November 1947;

   (2) further notes that this day is intended to highlight the plight of the people of Palestine in their quest for their freedom; and

   (3) takes this opportunity to join the rest of the world in showing solidarity to the people of Palestine. 19dc 74

3. Draft resolution (Mr G Michalakis): That the Council-

   (1) notes the recent Auditor-General report on the 2018/19 audit outcomes for provincial governments;

   (2) further notes that in this report, 79% of the Western Cape departments received a clean audit;

   (3) also notes that when governments do well they need to be praised and used to learn from;

   (4) also notes that Free State received not a single clean audit with 0% with 69% of the auditees requiring urgent intervention;

   (5) acknowledges that in a country where unemployment is creeping nearer to 30% and people, especially young people are left out of opportunities as well as where service delivery is falling apart, these results of the Free State are unacceptable; and

   (6) calls upon the Select Committee on Cogta to organise a meeting between the Western Cape (the best run provincial government in the country) and Free State government (the

worst run in the Country) so that they can learn from the DA on how to govern in the interest of all people.19dc 75

4. Draft resolution (Mr J J Londt): That the Council-

   (1) debates the state of police stations in South Africa including the Kwanonqaba Police Station in Mossel Bay; and

   (2) notes the responsibility of the state to ensure a safe and professional working environment for police and the negative knock-on effects when these stations are not up to standard and how it affects society, their safety, the economy as well as the morale of those that serve and should serve.19dc 77

5. Draft resolution (Mr S E Mfayela): That the Council-

   (1) debates the safety and security affecting all public service officials that provide health services to the nation.19dc 78

6. Draft resolution (Ms M O Mokause): That the Council-

   (1) debates and find solutions on the condition of Kuruman Hospital its dysfunctional mortuary which services the entire Gasegonyana and surrounding municipalities; and

   (2) notes that this situation has compromised a lot of families whom cannot afford private mortuaries and depend on government services.19dc 79

FURTHER BUSINESS

ORDERS

1. Consideration of Report of Select Committee on Land Reform, Environment, Mineral and Energy Resources (Announcements, Tablings and Committee Reports, 27 November 2019, p 34) **Legislation relating to the domestic trade in Rhinoceros Horns, in terms of Section 8(3) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), requiring that all subordinate legislation issued under the Act, which affects provinces, to be submitted to the National Council of Provinces for approval**.

2. Consideration of Report of Select Committee on Land Reform, Environment, Mineral Resources and Energy Resurces

(Announcements, Tablings and Committee Reports, 27 November 2019, p 35) **Oversight visit to Pretoria, dated 19 November 2019**.

PETITIONS REFERRED TO COMMITTEES

1. **Submission of a petition calling for the intervention of National Council of Provinces in relation to the alleged failure by the Limpopo Department of Health to honour its undertaking of building a health care centre for the community of Dichoeung in Jane Furse, Limpopo (Mr Elcourt Matlala)**-(Select Committee on Petitions and Executive Undertakings – National Council of Provinces and Select Committee on Health and Social Services - The Select Committee on Petitions and Executive Undertakings is instructed in terms of rule 105(2) of the Council Rules to consult the Select Committee on Health and Social Services when it considers the matter).

2. **Submission of a petition calling for the intervention of National Council of Provinces in relation to the alleged disagreement between the Department of Higher Education and Training, Sector Education and Training Authority (SETA), EOH Abantu (Pty) Ltd and the disgruntled former learners of EOH Abantu (Pty)[Speaker of Gauteng Provincial Legislature, on behalf of disgruntled former learners of EOH Abantu (Pty) Ltd]** (Select Committee on Petitions and Executive Undertakings and the Select Committee on Education and Technology, Sports, Arts and Culture for consideration and report. The Select Committee on Petitions and Executive Undertakings is instructed in terms of rule 105(2) of the Council Rules to consult the Select Committee on Education and Technology, Sports, Arts and Culture when it considers the matter).

BILLS REFERRED TO JOINT TAGGING MECHANISM (JTM)

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

2. **Prescription in Civil and Criminal Matters (Sexual Offences) Amendment Bill** [B 22 - 2019] (National Assembly – proposed sec 75).

BILLS REFERRED TO COMMITTEES

1. **National Land Transport Amendment Bill** [B 7D – 2016] (National Assembly – sec 76) – (Portfolio Committee on Transport – National Assembly).

2. **National Forests Amendment Bill** [B 11B – 2016] (National Assembly – sec 76) – (Select Committee on Land Reform, Environment, Mineral and Energy Resources –National Council of Provinces).

3. **Traditional Courts Bill** [B 1B – 2017] (National Assembly – sec 76) – (Select Committee on Security and Justice – National Council of Provinces).

4. **Cybercrimes Bill** [B 6B – 2017] (National Assembly – sec 75) – (Select Committee on Security and Justice – National Council of Provinces).

5. **National Environmental Management Laws Amendment Bill** [B 14D – 2017] (National Assembly – sec 76) – (Select Committee on Land Reform, Environment, Mineral and Energy Resources – National Council of Provinces).

6. **Road Accident Benefit Scheme Bill** [B 17B – 2017] (National Assembly – sec 75) – (Portfolio Committee on Transport – National Assembly).

7. **Defence Amendment Bill** [B 18 – 2017] (National Assembly – sec 75) – (Portfolio Committee on Defence and Military Veterans – National Assembly).

8. **International Crimes Bill** [B 37 – 2017] (National Assembly – sec 75) – (Portfolio Committee on Justice and Correctional Services – National Assembly).

9. **Airports Company Amendment Bill** [B 5B – 2018] (National Assembly – sec 75) – (Portfolio Committee on Transport – National Assembly).

10. **Air Traffic and Navigation Services Amendment Bill** [B 6B – 2018] (National Assembly – sec 75) – (Portfolio Committee on Transport – National Assembly).

11. **Customary Initiation Bill** [B 7B - 2018] (National Assembly – sec 76) – (Select Committee on Cooperative Governance and Traditional Affairs, Water and Sanitation and Human Settlements – National Council of Provinces).

12. **Social Assistance Amendment Bill** [B 8 – 2018] (National Assembly – sec 76) – (Portfolio Committee on Social Development – National Assembly).

13. **Prevention of Hate Crimes and Hate Speech Bill** [B 9 – 2018] (National Assembly – sec 75) – (Portfolio Committee on Justice and Correctional Services – National Assembly).

14. **Civil Union Amendment Bill** [B 11B – 2018] (National Assembly – sec 75) – (Select Committee on Health and Social Services – National Council of Provinces).

15. **State Liability Amendment Bill** [B 16 – 2018] (National Assembly – sec 75) – (Portfolio Committee on Justice and Correctional Services – National Assembly).

16. **Hydrographic Bill** [B 17B – 2018] (National Assembly – sec 75) – (Select Committee on Security and Justice – National Council of Provinces).

17. **Local Government: Municipal Structures Amendment Bill** [B 19B – 2018] (National Assembly – sec 76) – (Select Committee on Cooperative Governance and Traditional Affairs, Water and Sanitation and Human Settlements – National Council of Provinces).

18. **South African Reserve Bank Bill** [B 26 – 2018] (National Assembly – sec 75) – (Standing Committee on Finance – National Assembly).

19. **National Gambling Amendment Bill** [B 27B – 2018] (National Assembly – sec 76) – (Select Committee on Trade and Industry, Economic Development, Small Business Development, Tourism, Labour and Employment – National Council of Provinces).

20. **National Health Amendment Bill** [B 29 – 2018] (National Assembly – sec 76) – (Portfolio Committee on Health – National Assembly).

21. **Child Justice Amendment Bill** [B 32B – 2018] (National Assembly – sec 75) – (Select Committee on Security and Justice – National Council of Provinces).

22. **Science and Technology Laws Amendment Bill** [B 42B - 2018] (National Assembly – sec 75) – (Portfolio Committee on Higher Education and Science and Technology– National Assembly).

23. **Civil Aviation Amendment Bill** [B 44 – 2018] (National Assembly – sec 75) – (Portfolio Committee on Transport – National Assembly).

24. **Local Government: Municipal Systems Amendment Bill** [B 2 – 2019] (National Assembly – sec 76) – (Portfolio Committee Cooperative Government and Traditional Affairs – National Assembly).

25. **National Minimum Wage Amendment Bill** [B 9 - 2019] (National Assembly – sec 75) (Select Committee on Trade and Industry, Economic Development, Small Business Development, Tourism, Labour and Employment – National Council of Provinces

26. **National Health Insurance Bill** [B 11 - 2019] (National Assembly – sec 76) – (Portfolio Committee on Health – National Assembly).

27. **Recognition of Customary Marriages Amendment Bill** [B 12 - 2019] (National Assembly – sec 76) – (Portfolio Committee on Justice and Correctional Services – National Assembly) [Referred to the National House of Traditional Leaders].

28. **Judicial Matters Amendment Bill** [B 13 - 2019] (National Assembly –sec 75) – (Portfolio Committee on Justice and Correctional Services – National Assembly).

29. **Adjustments Appropriation Bill** [B 16 – 2019] (National Assembly – sec 77) (Standing Committee on Appropriations - National Assembly).

30. **Independent Electricity Management Operator Bill** [B 14 - 2019] (National Assembly – sec 76) – (Portfolio Committee on Mineral Resources and Energy – National Assembly).

31. **Rates and Monetary Amounts and Amendment of Revenue Laws Bill** [B 17 – 2019] (National Assembly – sec 77) (Select Committee on Finance - National Council of Provinces).

32. **Taxation Laws Amendment Bill** [B 18 – 2019] (National Assembly – sec 77) – (Select Committee on Finance– National Council of Provinces).

33. **Tax Administration Laws Amendment Bill** [B 19 – 2019] (National Assembly – sec 75) – (Select Committee on Finance– National Council of Provinces).

34. **Military Discipline Bill** [B 21 - 2019] (National Assembly – proposed sec 75) (Portfolio Committee on Defence and Military Veterans – National Assembly).

35. **Prescription in Civil and Criminal Matters (Sexual Offences) Amendment Bill** [B 22 - 2019] (National Assembly – proposed sec 75) (Portfolio Committee on Defence and Military Veterans – National Assembly).

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

1. **Border Management Authority Bill** [B 9B – 2016] (National Assembly – sec 75).

2. **National Forests Amendment Bill** [B 11B – 2016] (National Assembly – sec 76).

3. **Traditional Courts Bill** [B 1B – 2017] (National Assembly – sec 76).

4. **Cybercrimes Bill** [B 6B – 2017] (National Assembly – sec 75) (introduced as **Cybercrimes and Cybersecurity Bill** [B 6 – 2017]).

5. **National Environmental Management Laws Amendment Bill** [B 14D – 2017] (National Assembly – sec 76).

6. **Customary Initiation Bill** [B 7B - 2018] (National Assembly – sec 76).

7. **Civil Union Amendment Bill** [B 11B - 2018] (National Assembly – sec 75).

8. **Hydrographic Bill** [B 17B – 2018] (National Assembly – sec 75).

9. **Local Government: Municipal Structures Amendment Bill** [B 19B – 2018] (National Assembly – sec 76).

10. **National Gambling Amendment Bill** [B 27B – 2018] (National Assembly – sec 76).

11. **National Minimum Wage Amendment Bill** [B 9 - 2019] (National Assembly – sec 75).

12. **Promotion of Access to Information Amendment Bill** [B 20 - 2019] (National Assembly – sec 75).

INTERNATIONAL AGREEMENTS

1. **Convention establishing the Square Kilometre Array (SKA) Observatory** (Tabled on 18 September 2019) (Referred to Portfolio Committee on Higher Education, Science and Technology on 19 September 2019 – reported on 8 October 2019).

2. **Agreement between the Government of the Republic of South Africa and the International Centre for Genetic Engineering and Biotechnology (ICGEB) on the Establishment of an International Centre for Genetic Engineering and Biotechnology (ICGEB) Component in the Republic of South Africa** (Tabled on 18 September 2019) (Referred to Portfolio Committee on Higher Education, Science and Technology on 19 September 2019).

3. **Ratification of the Agreement between the Government of the Republic of India, the Government of the Federative Republic of Brazil and the Government of the Republic of South Africa on the IBSA Fund for the Alleviation of Poverty and Hunger (signed 17 October 2017)** (Tabled on 18 October 2019) (Referred to Portfolio Committee on International Relations and Cooperation on 22 October 2019) (NCOP: Referred to Select Committee on Security and Justice on 24 October 2019).

4. **Economic Partnership Agreement (EPA) between the Southern African Customs Union and Mozambique (SACUM), and the United Kingdom (UK)** (Tabled on 22 October 2019) (NCOP: Referred to Select Committee on Trade and Industry, Economic Development, Small Business Development, Tourism, Employment and Labour on 22 October 2019-reported on 5 November 2019) (NA: Referred to Portfolio Committee on Trade and Industry on 22 October 2019 – reported on 29 October 2019).

5. **Treaty between the Government of the Republic of South Africa and the Government of the Republic of Bangladesh on Extradition** (Tabled on 14 November 2019).

6. **Treaty between the Government of the Republic of South Africa and the Government of the Republic of Bangladesh on Mutual Legal Assistance in Criminal Matters** (Tabled on 14 November 2019).

7. **Agreement between the Government of the Republic of South Africa and the European Atomic Energy Community (EURATOM) for Co-operation in the Peaceful Uses of Nuclear Energy** (Tabled on 14 November 2019).