The Bill has been referred to the Portfolio Committee on Justice and Constitutional Development of the National Assembly.

In terms of Joint Rule 154 written views on the classification of the Bill may be submitted to the Joint Tagging Mechanism (JTM) within three parliamentary working days.

(3) The Minister of Communications on 13 February 2002 submitted a draft of the ***Electronic Communications and Transactions Bill***, 2002, 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 Communications and the Select Committee on Labour and Public Enterprises by the Speaker and the Chairperson, respectively, in accordance with Joint Rule 159(2).

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Minister of Finance:

   (1) The Budget Speech of the Minister of Finance [RP 27-2002].

   (2) Estimate of National Revenue for 2002-2003 [RP 22-2002].

   (3) Taxation Proposals: Income Tax.

   (4) Taxation proposals in respect of custom and excise duties laid upon the Table at 15:30.

   (5) Division of Revenue Bill [B 5—2002] tabled in terms of section 10(1) of the Intergovernmental Fiscal Relations Act, 1997 (Act No 97 of 1997).

   (6) Budget Review 2002 [RP 26-2002], including "Annexure E: Memorandum to accompany the Division of Revenue Bill", tabled in terms of section 10(5) of the Intergovernmental Fiscal Relations Act, 1997 (Act No 97 of 1997).

   (7) Appropriation Bill [B 4—2002].

   (8) Estimate of National Expenditure 2002 [RP 24-2002], which includes:

      1. Memorandum on Vote No 1—"Presidency", Main Estimates, 2002-2003;

      2. Memorandum on Vote No 2—"Parliament", Main Estimates, 2002-2003;

      3. Memorandum on Vote No 3—"Foreign Affairs", Main Estimates, 2002-2003;

      4. Memorandum on Vote No 4—"Home Affairs", Main Estimates, 2002-2003;

      5. Memorandum on Vote No 5—"Provincial and Local Government", Main Estimates, 2002-2003;

      6. Memorandum on Vote No 6—"Public Works", Main Estimates, 2002-2003;

7. Memorandum on Vote No 7—"Government Communications and Information System", Main Estimates, 2002-2003;

8. Memorandum on Vote No 8—"National Treasury", Main Estimates, 2002-2003;

9. Memorandum on Vote No 9—"Public Enterprises", Main Estimates, 2002-2003;

10. Memorandum on Vote No 10—"Public Service and Administration", Main Estimates, 2002-2003;

11. Memorandum on Vote No 11—"Public Service Commission", Main Estimates, 2002-2003;

12. Memorandum on Vote No 12—"South African Management Development Institute", Main Estimates, 2002-2003;

13. Memorandum on Vote No 13—"Statistics South Africa", Main Estimates, 2002-2003;

14. Memorandum on Vote No 14—"Arts, Culture, Science and Technology", Main Estimates, 2002-2003;

15. Memorandum on Vote No 15—"Education", Main Estimates, 2002-2003;

16. Memorandum on Vote No 16—"Health", Main Estimates, 2002-2003;

17. Memorandum on Vote No 17—"Housing", Main Estimates, 2002-2003;

18. Memorandum on Vote No 18—"Social Development", Main Estimates, 2002-2003;

19. Memorandum on Vote No 19—"Sport and Recreation South Africa", Main Estimates, 2002-2003;

20. Memorandum on Vote No 20—"Correctional Services", Main Estimates, 2002-2003;

21. Memorandum on Vote No 21—"Defence", Main Estimates, 2002-2003;

22. Memorandum on Vote No 22—"Independent Complaints Directorate", Main Estimates, 2002-2003;

23. Memorandum on Vote No 23—"Justice and Constitutional Development", Main Estimates, 2002-2003;

24. Memorandum on Vote No 24—"Safety and Security", Main Estimates, 2002-2003;

25. Memorandum on Vote No 25—"Agriculture", Main Estimates, 2002-2003;

26. Memorandum on Vote No 26—"Communications", Main Estimates, 2002-2003;

27. Memorandum on Vote No 27—"Environmental Affairs and Tourism", Main Estimates, 2002-2003;

28. Memorandum on Vote No 28—"Labour", Main Estimates, 2002-2003;

29. Memorandum on Vote No 29—"Land Affairs", Main Estimates, 2002-2003;

30. Memorandum on Vote No 30—"Minerals and Energy", Main Estimates, 2002-2003;

31. Memorandum on Vote No 31—"Trade and Industry", Main Estimates, 2002-2003;

32. Memorandum on Vote No 32—"Transport", Main Estimates, 2002-2003;

33. Memorandum on Vote No 33—"Water Affairs and Forestry", Main Estimates, 2002-2003.

COMMITTEE REPORTS:

National Assembly:

1. Report of the Portfolio Committee on Agriculture and Land Affairs on the ***Animal Health Bill*** [B 64B—2001] (National Council of Provinces—sec 76), dated 19 February 2002:

   The Portfolio Committee on Agriculture and Land Affairs, having considered the subject of the ***Animal Health Bill*** [B 64B—2001] (National Council of Provinces—sec 76), referred to it and classified by the Joint Tagging Mechanism as a section 76 Bill, reports the Bill with amendments [B 64C—2001].

2. Report of the Portfolio Committee on Environmental Affairs and Tourism on the ***Kyoto Protocol on Climate Change***, dated 19 February 2002:

   The Portfolio Committee on Environmental Affairs and Tourism, having considered the request for approval by Parliament of the ***Kyoto Protocol to the United Nations Framework Convention on Climate Change***, referred to it, recommends that the House, in terms of section 231(2) of the Constitution, approve the said Protocol.

   Report to be considered.

National Council of Provinces:

1. Report of the Select Committee on Land and Environmental Affairs, dated 20 February 2002:

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

No 6—2002] FOURTH SESSION, SECOND PARLIAMENT

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL ASSEMBLY

THURSDAY, 21 FEBRUARY 2002

1. The House met at 14:02.

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

3. The Deputy Speaker made an announcement wishing the parliamentary delegation well on its mission to observe the elections in Zimbabwe.

4. [14:05] Notices of motion.

5. [14:20] The Chief Whip of the Majority Party moved without notice: That the House—

   (1) notes that Saturday is the Muslim Festival of Eid-al-Adha, the second most important celebration of Islam, which marks the last day of Haj, the pilgrimage to Makkah, as it commemorates the willingness of Ibrahim to sacrifice his son to God; and

   (2) conveys to all Muslims the greetings of this House and wishes them "Eid Mubarak".

   Agreed to.

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

   (1) notes with shock and sadness the tragic train accident in Egypt, resulting in more than 370 deaths;

   (2) shares the sorrow of the Egyptian people;

   (3) offers its condolences to the bereaved; and

   (4) wishes all those injured a speedy recovery.

   Agreed to.

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

   (1) notes that —

      (a) today is International Mother Language Day; and

(b) that South Africa is a multi-language society, and that the multilingual nature of our society is enshrined in the Constitution;

(2) recognises that the multilingual nature of our society is not reflected in the day-to-day-reality of our people, where the mother languages of millions of our citizens are not in use for purposes of education, commerce and governance;

(3) urges all South Africans to promote the use of all our languages in commerce, industry, education and governance;

(4) calls on Government to implement training programmes and professional standards for interpreters and to provide extended access to government communications in all South Africa's languages; and

(5) undertakes to provide more extensive and effective interpretation services within Parliament, to offer increased use of all our languages in public participation programmes and to transform Parliament into an institution that leads in the promotion of our country as one which respects and cherishes all our languages, putting none above the other.

Agreed to.

8. [14:23] The House, at the request of the Chief Whip of the Majority Party, discussed the following subject: ***Promoting mother language as an instrument for social, cultural and educational development and empowerment***.

Debate concluded.

9. [16:18] The Deputy Chairperson of Committees announced that Motion No 1 on the Order Paper had by omission not been moved and that he would now give the Chief Whip of the Majority Party an opportunity to move the motion.

10. The Chief Whip of the Majority Party moved: That, with reference to the letter from the Minister of Communications of 31 January 2002 concerning the filling of vacancies on the Independent Communications Authority of South Africa (Icasa) Council (Announcements, Tablings and Committee Reports, p 102), the Portfolio Committee on Communications make recommendations to the House for the filling of the vacancies in accordance with section 5 of the Independent Communications Authority of South Africa Act (Act No 13 of 2000), the Committee to report to the House by 3 May 2002.

Agreed to.

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

(1) notes that the multi-party Parliamentary Observer Team will leave for Zimbabwe tomorrow to observe the Zimbabwean Presidential elections;

(2) believes that it is in the interests, not only of Zimbabwe, but of all the people in the Southern African region that the people of Zimbabwe should have the opportunity to elect their President in an atmosphere free from violence and intimidation and through an electoral process that is genuinely free and fair;

(3) also notes the undertaking made by the government of Zimbabwe at the SADC extraordinary summit on 14 January 2002 in Blantyre, Malawi, as contained in the final SADC communiqué on the Zimbabwean Presidential elections;

(4) believes that adherence to the SADC undertaking should form part of the basis on which the freeness and fairness of the elections is determined;

(5) further notes—

(a) the concern expressed by the SADC summit over a previous statement made by the Zimbabwean army on the outcome of the election and the summit's urging of the government of Zimbabwe to ensure that, in accordance with the multi-party political dispensation prevalent in the SADC, political statements are made not by the military, but by political leaders; and

(b) that this concern is consistent with the OAU position regarding the conduct of the military in political affairs; and

(6) believes that—

(a) it is in the interests of both the people of Zimbabwe and the people of South Africa that the Parliamentary delegation, in conjunction with the other delegations from South Africa, undertakes their task with responsibility, impartiality and integrity; and

(b) the presence of the multi-party Parliamentary Observer Team in Zimbabwe will make a constructive contribution towards ensuring that the election process is free and fair.

Agreed to.

12. The House adjourned at 16:22.

S MFENYANA,

Secretary to Parliament.

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL COUNCIL OF PROVINCES

THURSDAY, 21 FEBRUARY 2002

1. The Council met at 14:03.

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

3. [14:04] Notices of motion.

4. [14:07] Mr A E van Niekerk moved without notice: That the Council—

   (1) commits itself to implement and promote the language clause as prescribed in section 6 of the Constitution of South Africa, with special reference to section 6(2) and (3), which—

      (a) compels the State to take positive steps to increase the status and use of indigenous languages;

      (b) affords the national and provincial governments the opportunity to use any of the official languages on condition that at least two languages are used; and

      (c) provides that regional conditions must be taken into account and that municipalities must take cognisance of the language usage and preferences of their residents;

   (2) instructs that at national and provincial levels legislation and other measures must be implemented to regulate and monitor the use of the official languages;

   (3) requests a progress report from the aforementioned governments;

   (4) supports Pansalb in all its functions, as set out in section 5, by—

      (a) becoming acquainted with the activities of Pansalb and promoting it in the relevant provinces and constituencies;

      (b) inviting the chairpersons of the national and provincial language committees of Pansalb to advise the Council on the activities and progress of these committees; and

(c) requesting the relevant bodies and Pansalb to report to the Council about the bodies which persistently ignore the recommendations of Pansalb in respect of language rights violations;

(5) acknowledges the right of every South African to use any of the official languages, but also the responsibility to have respect for the languages of others; and

(6) urges all South Africans to learn as many languages as possible within the spirit of the Constitution.

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

5. [14:09] Mr M A Sulliman moved without notice: That the Council—

(1) congratulates the Minister of Finance on the Budget which was presented by him yesterday;

(2) further congratulates him for making more funds available to provincial governments and local government; and

(3) welcomes the announcement on the increase of old age pensions and the child support grant.

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

6. [14:10] Dr P J C Nel moved without notice: That the Council—

(1) notes that—

(a) on 18 February 2002 the Minister of Health opened a new hi-tech satellite training centre in Bloemfontein which was erected at a cost of R11 million;

(b) the new management centre is the first of its kind in the RSA and therefore only the beginning of telemedicine in Southern Africa, which will provide nursing students, general practitioners and community doctors who are living and working in even the remotest parts the opportunity to receive training and communicate with specialists; and

(c) this system is being used with great success all over the world;

(2) congratulates the Free State health department on this technological development; and

(3) requests the Minister of Health to encourage the other provinces soon to follow in their footsteps, because if this does not happen the system in question cannot become fully operative countrywide.

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

7. FIRST ORDER [14:13]

Consideration of ***Animal Identification Bill*** [B 49—2001] (National Assembly—sec 75) and of Report of Select Committee on Land and Environmental Affairs thereon (Announcements, Tablings and Committee Reports, p 27).

Debate concluded.

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

8. SECOND ORDER [15:08]

Consideration of ***Veterinary and Para-Veterinary Professions Amendment Bill*** [B 66B—2001] (National Assembly—sec 75) and of Report of Select Committee on Land and Environmental Affairs thereon (Announcements, Tablings and Committee Reports, p 27).

Debate concluded.

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

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

9. [15:49] The Council discussed the following matter in terms of Rule 84: Promoting mother language as an instrument for social, cultural and educational development and empowerment.

Debate concluded.

10. THIRD ORDER [16:39]

Consideration of Report of Select Committee on Social Services (Announcements, Tablings and Committee Reports, 2000, p 195—***Convention on the Nationality of Married Women***).

Debate concluded.

Report adopted in accordance with section 65 of the Constitution.

11. The Council adjourned at 16:47.

S MFENYANA,

Secretary to Parliament.

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

THURSDAY, 21 FEBRUARY 2002

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

   (1) The Minister of Transport on 12 February 2002 submitted a draft of the ***National Railway Safety Regulator Bill***, 2002, 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 by the Speaker and the Chairperson, respectively, in accordance with Joint Rule 159(2).

   (2) The Minister for Justice and Constitutional Development on 19 February 2002 submitted a draft of the ***Prevention of Corruption Bill***, 2002, 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) Message from National Council of Provinces to National Assembly:

   Bills, subject to proposed amendments, passed by National Council of Provinces on 21 February 2002 and transmitted for consideration of Council's proposed amendments:

   (i) ***Animal Identification Bill*** [B 49—2001] (National Assembly—sec 75) (for proposed amendments, see Announcements, Tablings and Committee Reports, p 27).

(ii) ***Veterinary and Para-Veterinary Professions Amendment Bill*** [B 66B—2001] (National Assembly—sec 75) (for proposed amendments, see Announcements, Tablings and Committee Reports, p 27).

The Bills have been referred to the Portfolio Committee on Agriculture and Land Affairs of the National Assembly for a report on the amendments proposed by the Council.

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Minister for Justice and Constitutional Development:

   (1) Proclamation No R.1 published in the Government Gazette No 23035 dated 18 January 2002, Referral of matters to Special Investigating Unit and Special Tribunal, made in terms of section 2(2) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No 74 of 1996).

   (2) Government Notice No R.1087 published in the Government Gazette No 22796 dated 26 October 2001, Magistrates' Courts: Amendment of the Rules of Court, made in terms of section 6 of the Rules of Courts of Law Act, 1985 (Act No 107 of 1985).

   (3) Government Notice No R.1088 published in the Government Gazette No 22796 dated 26 October 2001, 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 of Courts of Law Act, 1985 (Act No 107 of 1985).

2. The Minister of Labour:

   Report and Financial Statements of the Tourism, Hospitality and Sport Education and Training Authority for 2000-2001.

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

FRIDAY, 22 FEBRUARY 2002

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

   (1) The Joint Tagging Mechanism (JTM) on 21 February 2002 in terms of Joint Rule 160(6), classified the following Bill as a section 75 Bill:

   (i) *Media Development and Diversity Agency Bill* [B 2—2002] (National Assembly—sec 75).

National Assembly:

1. 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 Agriculture and Land Affairs:**

   The Strategic Plan for South African Agriculture.

   (2) **The following paper is referred to the Portfolio Committee on Transport:**

   The Road to Safety 2001-2005, "Building the foundations of a safe and secure road traffic environment in South Africa".

   (3) **The following papers are referred to the Portfolio Committee on Finance:**

   (a) Proclamation No 64 published in the Government Gazette No 22924 dated 7 December 2001, Commencement of the Pension Funds Amendment Act, 2001 (Act No 65 of 2001), made in terms of section 5 of the Pension Funds Amendment Act, 2001 (Act No 65 of 2001).

   (b) Proclamation No 65 published in the Government Gazette No 22924 dated 7 December 2001, Commencement of the Pension Funds Second Amendment Act, 2001 (Act No 39 of 2001), made

in terms of section 7 of the Pension Funds Second Amendment Act, 2001 (Act No 39 of 2001).

(c) Government Notice No R.1256 published in the Government Gazette No 22877 dated 30 November 2001, Financial instrument regulations, made in terms of section 6(1)*(c)* of the Unit Trusts Control Act, 1981 (Act No 54 of 1981).

(d) Government Notice No R.1370 published in the Government Gazette No 22939 dated 13 December 2001, Regulations relating to representative offices of foreign banking institutions, made in terms of section 90 of the Banks Act, 1990 (Act No 94 of 1990).

(e) Government Notice No R.1342 published in the Government Gazette No 22907 dated 14 December 2001, Procedure for the imposition of penalties by the Registrar of Short-Term Insurance, made in terms of section 66(2) of the Short-Term Insurance Act, 1998 (Act 53 of 1998).

(f) Government Notice No R.1343 published in the Government Gazette No 22907 dated 14 December 2001, Procedure for the imposition of penalties by the Registrar of Long-Term Insurance, made in terms of section 68(2) of the Long-Term Insurance Act, 1998 (Act 52 of 1998).

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Minister of Finance:

   (a) Report of the Auditor-General on the Financial Statements of the Reconstruction and Development Programme Fund for 1997-98 [RP 190-2001].

   (b) Report of the Auditor-General on the Financial Statements of the Reconstruction and Development Programme Fund for 1998-99 [RP 187-2001].

   (c) Report of the Auditor-General on the Financial Statements of the Reconstruction and Development Programme Fund for 1999-2000 [RP 188-2001].

   (d) Report of the Auditor-General on the Financial Statements of the Reconstruction and Development Programme Fund for 2000-2001 [RP 189-2001].

2. The Minister for Justice and Constitutional Development:

   Proposed Regulations made in terms of the Promotion of Access to Information Act, 2000, submitted to Parliament in terms of section 92(2) of the Promotion of Access to Information Act, 2000 (Act No 2 of 2000).

3. The Minister of Water Affairs and Forestry:

   Report and Financial Statements of the Sedibeng Water Board for 2000-2001.

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

MONDAY, 25 FEBRUARY 2002

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

   (1) The Joint Tagging Mechanism (JTM) on 25 February 2002 in terms of Joint Rule 160(6), classified the following Bill as a section 75 Bill:

      (i) ***Local Government: Municipal Finance Management Bill*** [B 1—2002] (National Assembly—sec 75).

   (2) The Joint Tagging Mechanism (JTM) on 25 February 2002 in terms of Joint Rule 160(6), classified the following Bill as a money Bill (section 77):

      (i) ***Appropriation Bill*** [B 4—2002] (National Assembly—sec 77).

   (3) The Joint Tagging Mechanism (JTM) on 25 February 2002 in terms of Joint Rule 160(6), classified the following Bill as a section 76 Bill:

      (i) ***Division of Revenue Bill*** [B 5—2002] (National Assembly—sec 76).

COMMITTEE REPORTS:

National Assembly:

1. Report of the Portfolio Committee on Finance on the ***Division of Revenue Bill*** [B 5—2002] (National Assembly—sec 76), dated 25 February 2002:

   The Portfolio Committee on Finance, having considered the subject of the ***Division of Revenue Bill*** [B 5—2002] (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 5A—2002].

National Council of Provinces:

1. Report of the Select Committee on Labour and Public Enterprises on the ***Labour Relations Amendment Bill*** [B 77B—2001] (National Assembly—sec 75), dated 22 February 2002:

The Select Committee on Labour and Public Enterprises, having considered the subject of the ***Labour Relations Amendment Bill*** [B 77B—2001] (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 45

1. On page 17, in line 25, to omit "500 employees or more" and to substitute "more than 500 employees".

CLAUSE 48

1. On page 21, in line 13, to omit "substitution for subsection (3)" and to substitute "addition".
2. On page 21, in line 14, to omit "(3)" and to substitute "(4)".

CLAUSE 58

1. On page 29, in line 36, to omit "2001" and to substitute "2002".

2. Report of the Select Committee on Labour and Public Enterprises on the ***Basic Conditions of Employment Amendment Bill*** [B 70B—2001] (National Assembly—sec 75), dated 22 February 2002:

The Select Committee on Labour and Public Enterprises, having considered the subject of the ***Basic Conditions of Employment Amendment Bill*** [B 70B—2001] (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 21

1. On page 7, in line 21, to omit "of employment".
2. On page 7, in line 28, to omit "member" and to substitute "part".

CLAUSE 24

1. On page 8, in line 42, to omit "2001" and to substitute "2002".

No 3—2002] FOURTH SESSION, SECOND PARLIAMENT

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 26 FEBRUARY 2002

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. [14:06] Dr E A Conroy moved without notice: That the Council—

   (1) wishes our fellow South African, Mark Shuttleworth, who is also fondly known among South Africans as "Boeranof", well in his final preparations toward count-down for the epic and adventurous voyage he will soon be taking into outer space with his fellow Russian astronauts and travel companions;

   (2) salutes his pioneering spirit, which does us proud; and

   (3) will be applauding him at that final moment of lift-off.

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

5. [14:07] Mr N M Raju moved without notice: That the Council—

   (1) notes with utter disappointment the abysmal performance of the SA Proteas against the touring Australians in the first cricket test match just completed at the Wanderers in Johannesburg;

   (2) further notes that this fourth continuous defeat of the SA national cricket XI at the hands of the Aussies from down under is hurting every South African lover of sport; and

   (3) expresses the hope and optimism that hopefully the national cricket team has reached its nadir, and would rise like a phoenix from the ashes of ignominous defeat to become a formidable force in internationl cricket once again and reclaim its status with grit, determination, passion and a sense of national pride.

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

6. [14:08] Mr P A Matthee moved without notice: That the Council—

   (1) takes note that the SA Police Service on the South Coast of KwaZulu-Natal last week arrested seven men, recovered 19 stolen vehicles, seized four firearms and recovered stolen goods worth thousands of rands after cracking an armed robbery syndicate;

   (2) further notes that the robbers were involved in a spate of armed robberies on the South Coast of KwaZulu-Natal in recent months; and

   (3) congratulates the SAPS on the South Coast of KwaZulu-Natal and urges them to continue their good work in the interests of all the citizens of the South Coast of KwaZulu-Natal.

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

7. [14:09] Mr J Horne moved without notice: That the Council—

   (1) congratulates the Minister of Education and his department as well as the private sector for having joined forces to launch a self-defence programme at schools in response to the shockingly high rape statistics;

   (2) notes that according to Rape Crisis a women is raped every 23 seconds in the country and that according to a study carried out by Unisa, based on police information, a million women and children are raped annually; and

   (3) calls upon all school girls in the country to actively participate in the self-defence programmes, which will provide them with necessary tools to protect themselves against would-be attackers and rapists.

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

8. FIRST ORDER [14:10]

   Consideration of ***Births and Deaths Registration Amendment Bill*** [B 53—2001] (National Assembly—sec 75) and of Report of Select Committee on Social Services thereon (Announcements, Tablings and Committee Reports, p 112).

   Debate concluded.

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

9. The Council adjourned at 14:44.

S MFENYANA,

Secretary to Parliament.

No 22—2002] FOURTH SESSION, SECOND PARLIAMENT

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

TUESDAY, 26 FEBRUARY 2002

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

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

   Improvement of Quality of Life and Status of Children, Youth and Disabled Persons:

   Appointed: Reid, L L R.
   Discharged: Bhengu, F.

   Improvement of Quality of Life and Status of Women:

   Appointed: Morutoa, M R.

National Assembly:

1. The Speaker:

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

   Agriculture and Land Affairs:

   Appointed: Dlali, D M (Alt); Gomomo, P J (Alt).

   Arts, Culture, Science and Technology:

   Appointed: Tolo, L J (Alt).
   Discharged: Chiwayo, L L; Gandhi, E; Sotyu, M M.

   Communications:

   Appointed: Morutoa, M R (Alt).

   Correctional Services:

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

Defence:

Appointed: Dlali, D M.

Education:

Discharged: Mothoagae, P K.

Environmental Affairs and Tourism:

Appointed: Goosen, A D (Alt).
Discharged: Arendse, J D.

Finance:

Appointed: Cachalia, I M; Chiwayo, L L; Mabe, L (Alt).
Discharged: Booi, M S; Moloto, K A.

Minerals and Energy:

Appointed: Dlali, D M; Gomomo, P J (Alt).

Provincial and Local Government:

Appointed: Molebatsi, M A.
Discharged: Kannemeyer, B W; Mahlawe, N.

Public Accounts:

Appointed: Mothoagae, P K; Nobunga, B J (Alt).
Discharged: Gerber, P A; Joemat, R R; Nel, A C.

Sport and Recreation:

Appointed: Morobi, D M (Alt); Reid, L L R; Xingwana, L M T (Alt).
Discharged: Fihla, N B; Nobunga, B J.

Trade and Industry:

Appointed: Gomomo, P J (Alt).
Discharged: Chiwayo, L L.

Water Affairs and Forestry:

Appointed: Goosen, A D.

National Council of Provinces:

1. The Chairperson:

   (1) Bill passed by National Council of Provinces on 26 February 2002: To be submitted to President of the Republic for assent:

      (i) ***Births and Deaths Registration Amendment Bill*** [B 53—2001] (National Assembly—sec 75).

2. The Chairperson:

   (1) The following private member's legislative proposal was submitted to the Chairperson on 4 December 2001, in accordance with Rule 178:

      (i) ***Sectional Titles Amendment Bill*** (Dr E A Conroy).

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

3. 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 Select Committee on Security and Constitutional Affairs:**

Proposed Regulations made in terms of the Promotion of Access to Information Act, 2000, submitted to Parliament in terms of section 92(2) of the Promotion of Access to Information Act, 2000 (Act No 2 of 2000).

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

Report and Financial Statements of the Sedibeng Water Board for 2000-2001.

(3) **The following papers are referred to the Select Committee on Finance:**

(a) Report of the Auditor-General on the Financial Statements of the Reconstruction and Development Programme Fund for 1997-98 [RP 190-2001].

(b) Report of the Auditor-General on the Financial Statements of the Reconstruction and Development Programme Fund for 1998-99 [RP 187-2001].

(c) Report of the Auditor-General on the Financial Statements of the Reconstruction and Development Programme Fund for 1999-2000 [RP 188-2001].

(d) Report of the Auditor-General on the Financial Statements of the Reconstruction and Development Programme Fund for 2000-2001 [RP 189-2001].

TABLINGS:

National Assembly:

Papers:

1. The Minister of Finance:

Resolutions of the Standing Committee on Public Accounts for 2001 and replies thereto obtained by the National Treasury: Fifth, Seventh, Eighth, Ninth, Eleventh, Twelfth and Thirteenth Reports, 2001.

No 7—2002] FOURTH SESSION, SECOND PARLIAMENT

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL ASSEMBLY

WEDNESDAY, 27 FEBRUARY 2002

1. The House met at 15:01.

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

3. [15:02] Questions—Deputy President and Cluster 2: Social Services and Governance.

4. [17:06] Notices of motion.

5. [17:21] Mr D H M Gibson moved without notice: That the House—

   (1) notes that—

      (a) the late Nkosi Johnson has been nominated posthumously for the World Children's Prize, sometimes known as the children's Nobel Prize;

      (b) this is a great honour and recognition of his legacy as an international Aids activist; and

      (c) this award will bring much needed funding to Nkosi's Haven for children of mothers with Aids; and

   (2) calls on all South Africans to pledge their support and vote for Nkosi so that more South African children can benefit from his legacy.

   Agreed to.

6. The House adjourned at 17:22.

S MFENYANA,

Secretary to Parliament.

No 23—2002] FOURTH SESSION, SECOND PARLIAMENT

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

WEDNESDAY, 27 FEBRUARY 2002

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Speaker and the Chairperson:

   Report of the Auditor-General on the Financial Statements of the Office of the Public Protector for 1999-2000 [RP 09-2002].

National Assembly:

1. The Speaker:

   (1) Written Explanation from the Chairperson of the Independent Electoral Commission in terms of the Public Finance Management Act, 1999 (Act No 1 of 1999), setting out reasons why the Annual Report and the Financial Statements of the Independent Electoral Commission for 2000-2001 were not tabled in time:

Ms F Ginwala
Speaker
National Assembly
PO Box 15
CAPE TOWN
8000

Dear Colleague

ELECTORIAL COMMISSION: TABLING OF ANNUAL REPORT AND FINANCIAL STATEMENTS IN PARLIAMENT

Thank you for your letter dated 29 January 2002 that was unfortunately only received in my office on 25 February.

The reports of the Auditor-General on our financial statements for the financial years ending 31 March 2000 and 31 March 2001 were received from the Auditor-General on 9 November 2001.

Printer's proofs to our satisfaction could only be submitted to the Office of the Auditor-General for their approval on 15 January 2002 as a result of the festive season. His Office returned these to us on 4 February 2002 requesting further editorial adjustments. These were effected and the Office of the Auditor-General signed the proofs on 20 February. The reports (annual report, financial statements and the report of the Auditor-General) are presently being printed and we should be able to table the reports in Parliament during the week of 4 March 2002.

The delay, due to circumstances beyond our control, is regretted.

Yours sincerely

DR BRIGALIA HLOPHE BAM
Chairperson : IEC

(2) **Report of the Working Group on the African Union**

A. Introduction

The President, in his address to the Joint Sitting of the Houses on 31 October 2001, indicated that Parliament had made important observations on the implementation of the Constitutive Act of the African Union. The President requested that members of Parliament elaborate on the problematic areas they identified, propose possible remedies and spell out what form the various organs mentioned in the Constitutive Act should take.

On 16 November 2001 the National Assembly passed a resolution establishing a Working Group to consider the implementation of the Constitutive Act of the African Union.

The Working Group is chaired by the Speaker (Dr F N Ginwala) and includes the Deputy Speaker (Ms B Mbete), Dr R H Davies, Adv J H de Lange, Ms F Hajaig, Dr P Z Jordan, Mr C W Eglin, Mr M F Cassim, Dr B L Geldenhuys, Mr W G Makanda.

The Working Group met on 15 January 2002, 14 February 2002 and 27 February 2002. The Working Group established a Planning Team to deal with detailed planning and technical matters. The Planning Team held its first meeting on 19 February 2002.

B. Objects of the Working Group

The brief of the Working Group is to consider how to make Parliamentary inputs into the implementation of the Constitutive Act of the African Union and suggest appropriate procedural mechanisms for doing so. Parliament should assist the South African government in its participation in the implementation of the African Union and the establishment of its structures. In carrying out this task, Parliament will need to consider the vision of the African Union, make recommendations on how to achieve that vision and also consider policy implications and the legal and constitutional issues arising from the Act including the institutional framework being created by it. To this end, Parliament will make recommendations on what form the various organs of the African Union should take, and on the protocols and relevant rules and regulations.

C. Process

In order to perform its task, the Working Group has mapped out the way forward as follows:

1. A meeting of the Working Group with the Executive will take place before the end of February 2002. The purpose of the meeting is to discuss, among other things:

   (a) the vision of the African Union.

   (b) progress being made in preparing for the inauguration of the African Union in July 2002.

   (c) the implementation of the Constitutive Act.

   (d) political considerations and implications for South Africa.

   (e) participation in the African Union by other countries and regional bodies.

   (f) the transition from the Organisation of African Union (OAU) to the African Union (AU).

2. In cooperation with the Africa Institute of South Africa, the Institute for Global Dialogue and the South African Institute for International Affairs, a seminar on the African Union has been scheduled for 1 and 2 March 2002 consisting of the Working Group, members of Parliament as well as representatives from government. The purpose of the seminar is to allow Members to deliberate on the African Union specifically and familiarise Members with the Union and the issues arising in the course of its establishment.

   The seminar programme is to cover the following areas:

   (a) an overview of the African Union.

   (b) a situation analysis.

   (c) the African Union and other African initiatives.

   (d) the constitution, powers and functions of organs of the African Union.

   (e) implications of the Constitutive Act of the African Union.

3. It is recommended that a Parliamentary Debate on the African Union be held in the current session in order to raise awareness among the South African public about issues pertaining to the African Union.

4. Following the seminar, the Working Group will submit a further report on how Parliament should proceed and involve itself in the process of the implementation of the Constitutive Act.

Report to be considered.

COMMITTEE REPORTS:

National Assembly:

1. Report of the Portfolio Committee on Agriculture and Land Affairs on the ***Animal Identification Bill*** [B 49—2001] (National Assembly—sec 75), dated 26 February 2002:

The Portfolio Committee on Agriculture and Land Affairs, having considered the ***Animal Identification Bill*** [B 49—2001] (National Assembly—sec 75) and proposed amendments of the National Council of Provinces (Announcements, Tablings and Committee Reports, p 27), referred to the Committee, reports the Bill with amendments [B 49A—2001].

Report to be considered.

2. Report of the Portfolio Committee on Social Development on Study Tour to Britain, dated 31 October 2001:

A. Preamble

A delegation from the Portfolio Committee on Social Development undertook a study tour to Britain from 20 to 29 July 2001. The multi-party delegation was led by the Chairperson of the Committee, Mr E Saloojee (ANC), accompanied by Mr M Masuta (ANC), Ms M Ramotsamai (ANC), Ms R Southgate (ACDP), Ms S Kalyan (DP), Prof L Mbadi (UDM), Ms Z Adhikari (Committee Secretary), Mr F Abrahams (Researcher) and Ms N Ahmed (Parliamentary Researcher).

B. Background

The Committee and the Department were instrumental in advocating for the complete review and development of comprehensive childcare legislation for South Africa's children. This legislative review was underpinned by the belief that all children in this country should have a right to protection and promotion of human dignity.

The SA Law Commission was tasked with this undertaking and mandated to premise their investigation on "the best interest of the child". The "best interest of the child", as reflected in the Constitution, 1996, and International Instruments like the UN Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child, is the common thread in the development of comprehensive childcare legislation for South Africa. The SA Law Commission is finalising its legislative proposals.

C. Terms of reference

The Committee undertook this study tour in preparation for the critical assessment of the legislative proposals and to make recommendations based on a thorough understanding of what should constitute the key provisions in comprehensive South African childcare legislation.

Furthermore, the Committee wanted to evaluate proposed mechanisms to monitor the implementation of legislation and identify problems with implementation. This will, among others, assist the Committee in gaining understanding of what the budgetary implications are likely to be when implementing comprehensive legislation. Provisions for special family courts, child protection services and models of care were to be explored.

Objectives of tour

A consideration of international children's statutes indicated that a study tour to Britain would offer the Committee the most appropriate opportunity to realise the objectives of the tour. These objectives were to:

1. Critically review the British Children's Act of 1989 and other relevant childcare legislation.
2. Review legislative and policy measures that focus on protecting children in exceptionally difficult circumstances.
3. Identify existing gaps in the current legislation that negatively impact on children enjoying full protection.
4. Assess the ways in which the Children's Act is in line with the Convention on the Rights of the Child.
5. Identify measures that have been put in place to facilitate oversight of the implementation of such legislation.
6. Investigate partnerships between the government and children's rights activists in giving effect to legislative provisions to protect children.
7. Identify intersectoral mechanisms at national, provincial and local level that facilitate the promotion and protection of children's rights.
8. Evaluate ways in which all legislation that affects the Children's Act is in synergy, thus advancing children's rights.

A brief consideration of the UK legislation affecting children is presented as the context within which discussions were conducted by the Committee.

D. British legislation

Children's Act (1989)

The Children's Act codified legislation affecting children, and enshrined the rights of children as well as adults' responsibilities toward them. The Act is fundamentally based upon the belief that children are generally best looked after within the family, with both parents playing a full part and without resorting to legal proceedings. If a child is removed from the family, however, or is subjected to court proceedings, the welfare of the child must be the paramount consideration. The Act therefore makes it a requirement that the child's wishes are heard before a decision regarding his or her future is made, and that proceedings that involve children, must be finalised with minimal delay.

In terms of the Children's Act, a court may make a range of orders concerning the best interests of a child. However, the issue is approached from the "no-order presumption" premise, which means that it is assumed that parents should see a court application as a last resort when other options (including professional conciliation or mediation) have failed.

Should the court make an order, this may include:

1. A Parental Responsibility Order, which confers similar rights on an unmarried and married father.
2. A Contact Order, which requires the person with whom the child lives to allow the child to visit or stay with the person named in the order, or for that person and the child to have contact with each other.

3. A Residence Order, which stipulates where the child will live, but importantly, not to whom the child belongs. Where a residence order is made, the holder of the order cannot change the child's surname and neither can the child be removed from the UK without the written consent of all those with parental responsibility or by a court order.

4. A Specific Issue Order/Prohibited Steps Order, which enables the court to make orders requiring specific actions (Specific Issues Order) to be taken or prohibiting certain steps (Prohibited Steps Order) being taken in respect of children. These orders are intended to safeguard the interests of the children where major issues of concern arise.

5. Family Assistance Order, which provides short-term help to overcome any problems and conflict associated with separation or divorce. A Court Welfare Officer will normally supervise such an order.

6. An Assessment, Care and Supervision Order, which provides for the courts to deal with situations in which children are, or may be, at risk of significant harm, and which makes it possible for Social Services to seek, through the courts, orders for assessment (including medical examinations) and Care and Supervision Orders.

The Act further provides the framework for the delivery of a wide range of services and court-related proceedings, and makes statutory provision for the co-operation of different government agencies when the need to protect a child becomes apparent. This is done at local government level, where local authorities are required to prepare plans for the provision of children's services in their area and to keep those plans under review.

E. Additional legislative measures

Despite the wide purport for the Children's Act of 1989, the government has had to introduce a number of other legislative measures to supplement this Act, and to define the responsibilities of different levels of government.

1. Some more important changes

(a) New powers for courts to add exclusion requirements to interim care orders and emergency protection orders, where domestic violence is an issue, and allowing the child to remain at home but the violent person to be removed.

(b) Providing for certain orders under the Crime and Disorder Act, 1998, to be made in family proceedings.

(c) Linking the Family Law Act, 1996, with the Children's Act by designating FLA applications as "family proceedings".

(d) Extending the range of children who can qualify for advice and assistance to those who are accommodated in health authority settings.

(e) The introduction of the Protection of Children's Act, 1999, in order to restrict the opportunities for those with criminal

records for offences against children to be employed or considered for fostering, adoption or work in certain settings with children.

(f) Requiring local authorities to prepare plans for the provision of children's services in their areas and to keep those plans under review.

(g) Requiring, through the Children's Act, 2000, that young people who have been looked after by a local authority, are assisted to move from care into living independently in as stable a fashion as possible. To this end, the Children's Act is amended by placing a duty on local authorities to assess and meet the care and support needs of children in care (aged 16 and 17) and children who leave care, as well as those who were in care before reaching the age of 18 years. The local authority will be obliged to maintain contact with all its care leavers who qualify for these new support arrangements, including those aged 18 to 21 years, and beyond in some instances.

(h) Enabling local authorities to offer new support to carers to help them maintain their own health and well-being. The Children's Act, 2000, gives local authorities the power to supply certain services—services that help the carer care for the person cared for—directly to carers following assessment. Secondly, the Act empowers local authorities to make direct payments to carers, while it also gives local authorities a power to charge carers for the services they receive.

2. ***Quality protection programme***

In an important step to realise what is implicit in the Children's Act, eight comprehensive and outcome-focused objectives in respect of personal social services for children were published with the launch of the Quality protection programme in September and November 1998. In effect, they aim to expand on the meaning of safeguarding and promoting children's welfare and to strengthen some of the strategic planning underpinning the Act since its implementation.

The eight objectives were to:

(a) Ensure that children are securely attached to carers capable of providing safe and effective care for the duration of their childhood.

(b) Ensure that children are protected from emotional, physical and sexual abuse and neglect (significant harm).

(c) Ensure that children gain maximum mileage from educational opportunities, health care and social care.

(d) Ensure that children cared for gain maximum life chance benefits from educational opportunities, health care and social care.

(e) Ensure that young people leaving care, as they enter adulthood, are not isolated, but participate socially and economically as citizens.

(f) Ensure that children with specific social needs arising from disability or a health condition are living in families or other appropriate settings in the community where their assessed needs are adequately met and reviewed.

(g) Ensure that referral and assessment processes discriminate effectively between different types and levels of needs and production, and are timeously reported on.

(h) Ensure that resources are planned and provided for at levels that represent best value for money, and allow for choice and different responses for different needs and circumstances.

3. Guidance

Child protection services are governed by the Children's Act, 1989. The Act provides a comprehensive framework for the care and protection of children. The Act also places a statutory duty on local authorities to act when any child has suffered, or is likely to suffer, significant harm. In the event that the child is, or is likely to be, experiencing significant harm, he or she is placed on a child protection register. A child protection plan is then developed and the child is assigned to a care worker. There are approximately 30 000 children on child protection registers in Britain at any given time.

The Children's Act, 1989, is accompanied by Guidance developed by the Department of Health, the Home Office and the Department for Education and Employment. This document intends to provide a national framework within which agencies and professionals at local level need to work collaboratively to promote children's welfare and protect them from abuse and neglect. It is addressed to those who work in the health and education services, the police, social services, the probation service, and others whose work brings them in contact with children and families. Furthermore, it applies to those working in the statutory and voluntary sectors. The information contained in this document:

(a) Describes how actions to safeguard children fit within the wider context of support to children and families.

(b) Describes some of the ways to best operate child protection processes.

(c) Sets out the role and responsibilities of different agencies and practitioners.

(d) Outlines the way in which joint working arrangements should be agreed upon, implemented and reviewed through the mechanism of Area Child Protection Committees.

(e) Sets out the processes that should be followed when there are concerns about a child, and the action that must be taken to safeguard and promote the welfare of children who are suffering, or at risk of suffering, significant harm.

(f) Provides guidance on child protection in specific circumstances, including children living away from home.

Concept of significant harm

The Children's Act, 1989, introduced the concept of significant harm as the threshold that justifies compulsory intervention in family life, in the best interest of the child. A court may only make a care order (committing the child to the care of the local authority) or supervision order (placing the child under the supervision of a social worker or probation officer) in respect of a child if it is satisfied that:

* the child is suffering, or is likely to suffer, significant harm; and

* the harm or likelihood of harm is attributable to a lack of adequate parental care or control.

There are no absolute criteria on which to rely when judging what constitutes significant harm. Consideration of the severity of ill-treatment may include the degree and the extent of physical harm, the duration and frequency of abuse and neglect, the extent of premeditation, and the degree of threat and coercion.

The Guidance document, entitled Working Together to Safeguard Children, is issued under the Local Authority Social Services Act, 1970, requires local authorities in their social service functions to act under the general guidance of the Secretary of State. As such, this document does not have the full force of statute, but should be complied with, unless local circumstances indicate exceptional reasons that justify a variation.

F. Reforms to youth justice system

The UK government has also made some reforms to the youth justice system in an attempt to strengthen the link between that system and the protection of children, as contemplated in the Children's Act.

The Crime and Disorder Act, 1998, establishes the prevention of offending as the principal aim of the youth justice system and places a statutory duty on all those working within the youth justice system to have regard to that aim. The Act provides a range of new interventions and punishments to help local communities and youth justice agencies take effective action to tackle youth crime.

These include new powers to enable early, targeted intervention to deal with anti-social behaviour and to divert the very young from crime—local child curfew schemes to protect children under 10 in a particular area from getting into trouble.

Under these powers, local authorities may apply to the Home Office to establish a local scheme which may, for example, form part of local

crime and disorder strategies required under section 6 of the Act. This includes:

1. Child safety orders, to provide targeted intervention with children under 10 at risk of getting into trouble.

2. Anti-social behaviour orders, to deal with serious, but not necessarily criminal, anti-social behaviour by those aged 10 and above.

3. Empowering the police to remove truants to designated premises to allow the police, working with local authorities and schools, to tackle truancy, one of the factors that put young people at risk of committing offences.

New structures at local and national level have been introduced to provide the framework to tackle youth offending. Youth offending teams will bring together the staff and wider resources of the police, social services, the probation service, education and health, in the delivery of youth justice services, with the scope to involve others, including the voluntary sector. At national level, the Youth Justice Board for England and Wales will provide oversight of the operation of the teams and the youth justice system.

The Crime and Disorder Act also includes provision for setting statutory time limits for young offender and persistent young offender cases, as well as for adult cases. In addition to measures currently being piloted, the Act also introduced a range of other procedural changes specifically relating to the youth court.

The Youth Justice and Criminal Evidence Act, 1999, introduce reforms that ensure effective intervention with first-time offenders, emphasising personal responsibility, reparation and the role of the family, friends and other responsible adults in addressing offending behaviour. Under these measures, first-time offenders who plead guilty and do not require a custodial sentence will be referred through a referral order to a panel drawn from the community and facilitated by the youth offending team. The panel will consider the causes of offending and draw up a contract with the young offender and their parents to address these.

G. Organisations

The Committee met with the following organisations:

1. State agencies

(a) Juvenile Offender Unit

This office forms part of the Home Office and is responsible for the planning of policies for juvenile offenders.

(b) Youth Justice Board

The Youth Justice Board is an executive non-departmental public body, established under the Crime and Disorder Act, 1998. The Board believes that the youth justice system must aim to prevent offending by early intervention in the lives of young people, effective local systems, strong intervention by the Board where local agencies are failing, and a co-ordinated approach across government to tackle youth offending as a priority.

The Board is responsible for:

* Advising the Home Secretary on the operation of the youth justice system in delivering its aim to prevent offences by young people;
* Monitoring operation and performance of the youth justice system, including the youth court, the work of the offending teams and the delivery of secure accommodation;
* Advising the Home Secretary on drawing up standards for the work of youth offender teams and juvenile secure estates, and monitoring and publishing performance indicators;
* Identifying and disseminating good practice, including commissioning research and providing grants for developing best practice.

The Youth Justice Board is responsible for reforming conditions for young offenders in custody, and will ensure that time is well spent so that when young persons are released, they do not commit offences again. Vulnerable young offenders will be placed in appropriate institutions, as close to their homes as possible.

The new sentence for young offenders—the Detention and Training Order—will mean that offenders serve their sentences half in custody and half under the supervision of the Youth Offender Teams in the community. The Youth Justice Board believes that achieving continuity between both elements is vital to preventing further offending. Multi-agency Youth Offender Teams (Yots) look at the causes of the offences and exercise oversight on sentence requirements.

The system of restorative justice, which forms the basis of the work of the Yots, is relatively new in the UK, and is based on the premise that it is more beneficial to society to order the offender to make reparations to the victims of their offences than to send such young persons to prison. The Yots must assess the youth and their families, and within 15 days a community panel will be established for the offending youth and victim to meet and decide on reparation.

2. ***NGOs/charities***

(a) Young Minds

This organisation has been dealing with children's mental health issues for the past 10 years. Their work is based on the philosophy that adults have the capacity to stimulate children to enjoy good mental health. Their manifesto lists the following issues:

* Support for parents through a national transition to a parenthood programme.
* Help for schools to support children with mental health problems.

* Mental health services for young offenders and those at risk of offending.
* Comprehensive services to meet the needs of adolescents.
* Accessible, well co-ordinated emergency services for young people.
* Greater access to training for those who work with children and young people.
* Co-ordination across health, education and social services.
* The provision of well-staffed, specialist children's mental health services.
* Increased accountability for children's mental health services.
* An end to the postcode lottery of service provision.

The organisation believes that through lobbying it has contributed to the launch of a government policy called "Together We Stand", which covers various sectors. There has been a move to understanding health as being more than physical.

Critique of Children's Act

The Children's Act, with its emphasis on children's rights and parental responsibility, has been an important breakthrough in their work. However, the organisation is concerned about the many children being left undiagnosed and therefore untreated. Studies conducted suggest that one in four children have a mental health problem, while specialist services tend to reach only 900 000 throughout the country. This means that the majority of children in need of remedial care are not being catered for by the health care system.

(b) Family Rights Group

Solicitors, social workers and anti-poverty workers formed this organisation 25 years ago, focusing on the rights of the family. The organisation was involved in the drafting of the Children's Act, and it feels very strongly that the State should only intervene in families if there is a clear indication that the child is in danger. They also noted the link between poverty and childcare problems within families.

The Family Rights Group works towards its aims by:

* Providing an advice and advocacy service for families.
* Undertaking policy and research projects.
* Producing a range of publications, including advice materials for families and models of good practice.
* Providing training and consultation for local authorities and voluntary agencies.

* Campaigning for changes in legislation, policy and practice that support the concept of "working in partnership".

Critique of Children's Act

While noting that the Children's Act is an example of innovative legislation, this organisation expressed reservations. The legislation needs to place children in the context of their families, and the rights of families must be respected. Similarly, the organisation feels that there is an over-emphasis on child protection, which gives social services strong investigative powers, sometimes at the cost of the family. In addition, the mechanisms to ensure partnerships between different arms of government, service providers and families have not been sufficiently developed.

3. ***Children in Crisis***

This organisation targets four- to 11-year-olds with its drug education programme. They had previously worked with 11 to 18 year olds, but had found the impact of their message reached this group too late. They have a holistic approach that focuses on social, health and personal development. Teachers are closely involved and are trained and provided with resources by Children In Crisis. In addition, they work directly with local authorities and social services.

Internationally, they work in six countries where children are in crisis situations. These countries do not have legislation pertaining to children, but most have ratified the UNCRC. Their work in these countries is based on the rights set out in the UNCRC, while at the same time respecting the legislation and culture of those countries.

Critique of Children's Act

The organisation sees the Children's Act as enabling legislation, but feels that it still has some gaps, especially with regard to the issue of child soldiers. Children as young as 16 are able to enlist in the army, but are only considered majors at the age of 18 years. They feel this contravenes the UNCRC and international labour law.

4. ***National Society for Prevention of Cruelty to Children (NSPCC)***

This charity was established in 1884 and is the only organisation that has the right to remove children from their homes in the case of suspected abuse. They have a 24-hour helpline, which they run in conjunction with Childline. In addition, the NSPCC has a database of social services and is able to contact service providers directly.

The organisation has gained public trust, as members of the public would rather contact the NSPCC than Social Services. They also conduct a range of professional and public awareness programmes about child protection, particularly in relation to parenting advice and the responsibility of the whole community for the care and safety of children.

In 1999 the NSPCC launched a campaign, Full Stop, in collaboration with two other charities, Barnados and the Child Poverty Action Group. The organisation's Public Policy Department contributed to much of the thinking behind the Children's Act, and together with a consortium of 10 organisations lobbied over the contents of the Family Law Act, 1996. It has also campaigned extensively for changes to the criminal justice system.

Among the amendments successfully lobbied for, was one in the Criminal Procedures and Investigations Act, 1996, which allows children to give evidence by video, including during cross-examination. The NSPCC was also a leading supporter of the Protection of Children's Act, 1999, which was developed to ensure that paedophiles were prevented from working with children. It requires childcare organisations in England and Wales to provide the Department of Health with details of anyone known to them who is suspected of harming children or putting them at risk.

5. ***Barnados***

It is the UK's largest children's charity, supporting over 50 000 children and their families through more than 300 projects in England, Northern Ireland, Scotland and Wales.

Their belief is that the lives of all children should be free from poverty, abuse and discrimination, and they use their expertise and knowledge to campaign for better care for children and to champion for the rights of every child. Their work focuses on what they regard as the vital components that make for a happy, healthy childhood, under which a family can cope, protecting children from harm, providing for their emotional, physical and mental health needs, creating a sense of belonging in the community, and giving them opportunities to learn and take their rightful place in society.

Barnados works with the most disadvantaged children to ensure that their vital needs are met. Although the organisation's history is closely tied to residential care, there is a strong feeling now that children are best cared for within the family. Homes require suitable staff that will benefit children and are relatively expensive to manage. Only in extreme cases are children institutionalised, and there are currently about 7 000 children in residential care. They feel that the opportunities for looked after children (a term used in Britain to refer to children looked after by the state need to be improved.

Critique of Children's Act

With reference to current children's legislation in the UK, Barnados noted that while the Children's Act gave some expression to the UNCRC, there were some provisions that were not adhered to, such as the status of asylum-seeking children and the aspect of corporal punishment. In general, however, they maintained that the Children's Act allowed for children to be seen as individuals with their own rights within the context of their families.

The organisation believes that too much emphasis and resources are placed on the investigation of child abuse, and that more

attention should be given to a resolution of emerging problems before a formal investigation. Furthermore, the sentiment was expressed that often children who are removed from abusive situations are exposed to abuse from incompetent and poorly trained staff in care institutions.

The organisation expressed the sentiment that resources will be utilised more effectively in preventative programmes, rather than focusing too strongly on looked after children in the care system. The latter option is also considered a very expensive one.

6. Children's Society

The Children's Society works throughout England and Wales on over 100 projects, aiming to build safer communities and seeking to develop them. They focus on projects that are not covered by government policies, such as the effect of domestic violence on children.

The organisation concentrates its resources on tackling the root causes of the problems these children and young people face. Their Social Policy Unit collaborates with MPs, Ministers and departments, as well as professional networks, to research and advise on key issues of concern to children and young people. These issues cover broad policy areas such as children's health, children's rights and participation, poverty, social exclusion and youth justice. The Social Policy Unit is currently operative in the following areas:

(a) Children's Fund: This fund is part of the governments' strategy to tackle child poverty and social exclusion, and aims to provide additional resources to complement the work of mainstream services or specific initiatives.

(b) Children's Rights: The organisation is writing a report, asking children and young people what they think about their rights in England and Wales.

(c) Child Poverty: This is addressed through campaigning and lobbying, both as an individual organisation and as part of the End Child Poverty Coalition.

(d) Young Runaways: The organisation has campaigned for the rights of children who run away from, or are forced to leave, home or substitute care. They are currently working with the government on developing a national strategy for the UK's 100 000 young runaways.

(e) Health: The Social Policy Unit, together with a consortium of charities, have produced an analysis of Health Improvement Programmes across England to assess the impact of the emphasis being placed on children and young people's health.

(f) Youth Justice System: The Children's Society is working to make the youth justice system more child-focused and more effective at solving the problems of youth crime. According to Tough Justice, a recent report on young people in prison produced by The Children's Society, over half of all young

people in prison have a diagnosable mental illness. The report calls for an immediate end to remand in custody for 15- and 16-year-olds and a reappraisal of the policy of incarcerating children and young people in trouble with the law. The Children's Society opposes all use of prison custody for persons younger than 18.

Critique of Children's Act

While the children's legislation sets the framework, the organisation believes that the manner in which the Act is operationalised, may not deal effectively with the problems. While they recognise the need for statutory interventions, they emphasise the importance of community involvement, as members of the community have more intimate contact with children than professionals. The organisation therefore acknowledges the importance of working with communities and other agencies to protect children and young people from harm and to promote their welfare.

7. National Children's Homes (NCH)

The NCH was founded in 1869, and run over 460 projects in the UK, supporting more than 89 000 children at risk, vulnerable young people and families in need of support.

Although the NCH believes that children are best cared for by their families, for some children this is not possible, and therefore the organisation offers a range of alternatives. They run a few small residential homes, where each child has an individual care plan that focuses on their individual needs. They are also registered as an adoption agency and find foster and adoptive families for hundreds of children each year. In addition, they run specialist education services for children, which follow the national curriculum.

The NCH was one of the first charities to set up a network of projects, offering therapeutic support for sexually abused children and their non-abusing relatives. Their children's rights services encourage children to speak out about the services they receive and the issues that affect their lives.

In the same way as the other charities, the NCH lobbies government about its policies and proposed legislation. These interventions range from conferences around an issue to submissions to select committees, expert briefings and advocacy work. They also focus on making their opinion heard by individual MPs.

Critique of Children's Act

When looking at the Children's Act and considering whether it adequately addresses the UNCRC and children's rights, the NCH feels that while the legislation sets sound principles, the "Quality Protects" document specifies the foundations for the realisation of children's rights. They note that guidelines are often taken less seriously than legislation, are open to interpretation and will vary, depending on the area in which people live. A further comment was that the principle that children's rights be

paramount, should be extended to all other legislation that affects children.

The NCH further feels that the legislation does not adequately address the needs of poor children—children in need, as contemplated in section 17 of the Children's Act. The organisation therefore devotes the bulk of its services to supporting family life and helping children to reach their full potential, especially in the context of families who face social exclusion through poverty. The NCH's family centres offer parenting skills, playing and development opportunities for their children. Their community centres provide a community network, advice and, in some cases, credit unions and food co-operatives, all of which attempt to place a strong emphasis on preventative work with families at risk.

H. Implications for South Africa

In considering the content and merits of the discussions held with the different organisations, the Committee has identified numerous issues that must be considered in view of forthcoming legislative proposals from the SA Law Commission. Some of the issues include principles that must inform the development of legislation, while others address provisions that must give effect to the identified principles. Financial considerations also merit special attention, as this issue was consistently raised by all the organisations working in the areas of children's rights and protection.

1. Issues for consideration

(a) Principles

* It is important to consider the weight that is attached in a children's statute to the issue of child protection and statutory intervention. While this is clearly a critical area, due consideration must be given to promoting and supporting healthy children and their families. Thus, there must also be a focus in legislation on prevention and early intervention activities. In giving effect to the Convention on the Rights of the Child, national legislation must be comprehensive insofar as it gives effect to all the rights that children must enjoy.

* A strong emphasis on child protection and statutory intervention is likely to result in large numbers of children being in the care system. Cognisance must be given to research in Britain, that highlights that children in care have consistently poorer outcomes than those not in care. These apply to social, emotional, health and education indicators. Consideration must be given to such research findings in evaluating legislative proposals.

* It is necessary to ensure that the principle of "children first" must inform all legislation that affects children. Consideration must be given to the way in which comprehensive childcare legislation will facilitate this

principle being operationalised and given effect to in other legislation that affects children.

* The need to extend existing legislation to include young people up to the age of 21 years. There is a need in legislation to protect individuals who want to continue with their studies in their quest to become mature and responsible adults. Particular attention must be given to children in care whose activities may exceed those that are appropriate for their age.

* Careful consideration must be given in legislation to duties conferred and powers given to those agencies tasked with child protection. The rights of the child to protection, support and development must inform these decisions.

* It is necessary to duly consider those provisions that are included in the statute, and those in regulations. Furthermore, where intersectoral roles and responsibilities are delineated, it may be worthwhile to include these in the legislation, as it places statutory responsibilities on the responsible agencies.

* Children's protection and the establishment of their well-being has historically been considered the preserve of the social development sector. It must be recognised that all sectors must support children's development, as this is integral to human development. Due consideration must be given to the duties that all government departments have in being responsive to the needs of children, as they traverse all sectors. It may be necessary in a children's statute to consider placing statutory responsibilities on government departments to develop policies and programmes that target the protection and well-being of children.

* While the law is able to establish a framework for the protection and development of children, consideration must be given to the ways in which this framework is applied in practice. This includes mechanisms for implementation as well as censure where children's rights are violated. Consideration must therefore be given to the institutional arrangements that can facilitate good practice in respect of children.

* In giving effect to the principle of participation by children in decisions that affect their lives, careful thought must be given to the ways in which such participation is facilitated and implemented.

(b) General Provisions

* Very careful consideration must be given to the most suitable implementing agencies rendering services to

children and their families. British practice has established local authorities as the most appropriate vehicle for delivery, as it is at the local level that resources can be mobilised to effect intervention and prevention in children's lives. It is also at this level that maximum effect can be given to the principle of intersectoral collaboration.

* Thought has to be given to the family as the context in which many children live. There may thus be a need to consider the provision of family services within the statute. There is an inherent danger in legislation that is very strongly focused on child protection, to pay less attention to the family.

* It is necessary to undertake a thorough review of all legislation affecting children, as well as envisaged provisions in the legislative proposals that will have an impact on other sectoral responsibilities. Careful consideration must be given to such provisions, as the principle children's statute must bear direct relevance to all other provisions that affect children.

* In establishing family courts, it is necessary to ensure that one judge presides over all proceedings affecting children, as such consistency is important in developing the trust of children and their families in the judicial process.

* Attention has to be paid in legislation to the issue of kinship placements. Specific discussions need to consider what role the State should play in supporting relatives who are looking after children. The form that such State support should take, also requires due consideration.

* On the issue of adoption, discussions must be conducted that focus on the role of adoption in social development policy—specifically, the conventional practice of adoption as a placement option for a child who may be in need of care. It must be considered whether the practice of severing biological ties may not be misguided, as such severance may in fact not be in the best interest of the child. It has been suggested that children form lasting familial attachments, and severing these do more harm than good. Severing of biological ties must be interrogated in respect of whose best interest is being served in severing such ties.

* With regard to implementation, it is necessary to review the current service delivery paradigm operative within the domain of children's services. It may be necessary to consider a mix of social service delivery, including the voluntary sector, without undue dependence on the statutory sector. Such provisions are

directly related to a well-defined balance between preventative and promotive services, and statutory intervention in the lives of children and families.

* In view of South Africa's policy focus on family preservation, it may be advisable to consider the issues of parenting skills as a mandatory requirement in all programmes targeting children and families. This should apply to the State and the voluntary sector.

* It may be worth considering the emphasis in British legislation on partnerships in endeavouring promoting children's rights. Such partnerships may include the different levels of government, as well as those with the not-for-profit and private sectors as well as communities.

* Given the current realities of poverty and HIV and AIDS, legislative provisions must attempt to challenge and address conventional practices in the area of childcare, as well as conventional models of care. Practice needs to be guided by the best interest of the child, in the context of material conditions that exist in this country.

(c) Financial Considerations

* Envisaged children's legislation must be thoroughly costed before enactment, as cost determines the success of implementation. A cost-benefit analysis may also be very appropriate in this regard.

* Any children's legislation needs to be adequately resourced to ensure that it is fully implementable. Lack of resources can seriously undermine the impact of the most well-intended legislation.

* Resources must be allocated to preventative and promotive initiatives in the lives of children and families. With a strong focus on child protection, resources can quite easily be targeted at state intervention and subsequent residential care activities. The British experience indicates that money spent in the care system seems not to be yielding expected benefits, as children in the care system generally have poorer outcomes.

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2002

1. The House met at 14:07.

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

3. [14:08] Notices of motion.

4. [14:23] The Acting Chief Whip of the Majority Party moved without notice: That the House—

   (1) notes—

   (a) that Parliament has sent a delegation to Zimbabwe to observe Presidential elections which will take place on 10 March 2002; and

   (b) hon Deputy President Jacob Zuma's meeting with his Zimbabwean counterpart, Mr Simon Mudzenga, and initiatives by South African Government to contribute to free and fair elections in Zimbabwe;

   (2) reiterates its support for the parliamentary delegation for the work it is doing in assisting to build and strengthen democracy in the country; and

   (3) encourages them to continue their good work.

   Agreed to.

5. The Deputy Chief Whip of the Majority Party (for the Chief Whip of the Majority Party) moved: That the House, noting the retirement on 15 February 2002 of Mr C J P Lucas, General Manager of Parliament, and Adv A M Meyer, Chief Law Adviser of Parliament, wishes to place on record its deep-felt gratitude to them for their loyal service to Parliament and wishes them well in their retirement.

   Debate concluded.

   Motion agreed to.

6. FIRST ORDER [14:56]

Second Reading debate—***Division of Revenue Bill*** [B 5B—2002] (National Assembly—sec 76).

Debate concluded.

Bill read a second time.

7. SECOND ORDER [15:47]

Second Reading debate—***Animal Health Bill*** [B 64D—2001] (National Council of Provinces—sec 76).

Debate concluded.

Bill read a second time.

8. [17:00] The Deputy Chairperson of the Committees gave a ruling on a point of order raised during debate on 21 February 2002.

9. [17:03] The House, at the request of Mr M C J van Schalkwyk, discussed the following subject as a party motion: ***The importance of a free and fair election in Zimbabwe.***

Debate concluded.

10. The House adjourned at 18:40.

S MFENYANA,

Secretary to Parliament.

No 4—2002] FOURTH SESSION, SECOND PARLIAMENT

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL COUNCIL OF PROVINCES

THURSDAY, 28 FEBRUARY 2002

1. The Council met at 14:01.

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

3. [14:02] Notices of motion.

4. [14:03] Mr M A Sulliman moved without notice: That the Council—

   (1) lauds the efforts of our Government and those of the rest of the Southern African Development Community countries upon their success with the establishment of the Inter-Congolese Dialogue that started at Sun City on Monday, 25 February 2002;

   (2) notes that mediators are ensuring that the dialogue broadly represents the full spectrum of stakeholders, comprising political parties, civil society formations and rebel groups;

   (3) further notes that this is a tentative, yet positive steps towards the attainment of a lasting and just peace in the Democratic Republic of Congo and particularly the Great Lakes Region; and

   (4) believes that these efforts represent a tremendous boost for the success of the New Partnership for Africa's Development (Nepad) and would go a long way towards restoring the faith of the peoples of the SADC region in our ability to solve our problems through dialogue and negotiation.

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

5. [14:05] Ms E C Gouws moved without notice: That the Council notes that—

   (1) the motor industry in Port Elizabeth will soon get a boost of several millions of rands;

   (2) the Bel-Essex Corporation of Port Elizabeth, in collaboration with the Italian company, Almec, is going to invest R109 million in a new cast-iron plant in Port Elizabeth;

(3) this is a very welcome financial injection for the motor industry in particular and for the region as a whole;

(4) many new job opportunities will be created, especially in the Nelson Mandela Metropole; and

(5) the people of the Eastern Cape are delighted about the positive investors for this poor province.

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

6. [14:06] Mr A E van Niekerk moved without notice: That the Council—

(1) congratulates the Department of Arts, Culture, Science and Technology on the pilot project TISSA (The Telephone Interpreting Service for South Africa);

(2) notes that this trial will be targeted at 60 sites throughout South Africa, will run from March to December 2002 and will be managed by the Unit for Language Facilitation and Empowerment of the University of the Free State;

(3) further notes the positive role Pansalb plays in this regard;

(4) believes that the lack of clear communication in high risk situations in hospitals and police stations can be resolved by the use of this interpreting service over the phone, where the interpreter need not be with the communicator or receiver in person; and

(5) notes that this is a first in Africa and a step in the direction of becoming really multilingual in practice.

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

7. [14:07] Mr M I Makoela moved without notice: That the Council—

(1) notes that for many years the children at the Tsoga O Itirele school for the mentally disabled in GaMphahlele near Polokwane in the Limpopo province used to sleep on the floor;

(2) further notes that since Tuesday these children no longer have to sleep on bare concrete floors after receiving over 100 beds, blankets, pillows, chairs and tables from the Minister of Public Works, the honourable Ms Stella Sigcau;

(3) commends the Minister of Public Works for lighting up the hearts of these mentally handicapped children; and

(4) welcomes her intervention as proof of our Government's commitment to roll back the frontiers of poverty.

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

8. [14:08] Ms P C P Majodina moved without notice: That the Council—

(1) notes that on the eve of Human Rights month it is still painful to realise that in the Eastern Cape thousands of our people still live below poverty lines and that kids go to school and to bed without anything in their stomachs; and

(2) calls on all South African citizens to extend their kind hands to assist the have-nots as part of working together in the concept of ubuntu and ilima.

Blessed are the hands that give!

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

9. FIRST ORDER [14:10]

Consideration of ***Basic Conditions of Employment Amendment Bill*** [B 70B—2001] (National Assembly—sec 75) and of Report of Select Committee on Labour and Public Enterprises thereon (Announcements, Tablings and Committee Reports, p 129).

Debate concluded.

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

10. SECOND ORDER [14:10]

Consideration of ***Labour Relations Amendment Bill*** [B 77B—2001] (National Assembly—sec 75) and of Report of Select Committee on Labour and Public Enterprises thereon (Announcements, Tablings and Committee Reports, p 129).

Debate concluded.

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

11. [15:30] The African National Congress, New National Party, Democratic Party, Inkatha Freedom Party and the Deputy Chairperson made statements to bid farewell to Mr C J P Lucas, General Manager of Parliament, and Adv A M Meyer, Chief Law Adviser of Parliament, on their retirement.

12. The Council adjourned at 15:45.

S MFENYANA,

Secretary to Parliament.

No 24—2002] FOURTH SESSION, SECOND PARLIAMENT

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

THURSDAY, 28 FEBRUARY 2002

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

(1) The following Bill was introduced by the Minister of Transport in the National Assembly on 28 February 2002 and referred to the Joint Tagging Mechanism (JTM) for classification in terms of Joint Rule 160:

(i) ***National Railway Safety Regulator Bill*** [B 7—2002] (National Assembly—sec 76) [Explanatory summary of Bill and prior notice of its introduction published in ***Government Gazette*** No 23100 of 6 February 2002.]

The Bill has been referred to the Portfolio Committee on Transport of the National Assembly.

In terms of Joint Rule 154 written views on the classification of the Bill may be submitted to the Joint Tagging Mechanism (JTM) within three parliamentary working days.

National Assembly:

1. The Speaker:

(1) Message from National Council of Provinces to National Assembly:

Bills, subject to proposed amendments, passed by National Council of Provinces on 28 February 2002 and transmitted for consideration of Council's proposed amendments:

(i) ***Basic Conditions of Employment Amendment Bill*** [B 70B—2001] (National Assembly—sec 75) (for proposed amendments, see Announcements, Tablings and Committee Reports, p 129).

(ii) ***Labour Relations Amendment Bill*** [B 77B—2001] (National Assembly—sec 75) (for proposed amendments, see Announcements, Tablings and Committee Reports, p 129).

The Bills have been referred to the Portfolio Committee on Labour of the National Assembly for a report on the amendments proposed by the Council.

National Council of Provinces:

1. The Chairperson:

(1) Message from National Assembly to National Council of Provinces:

Bill, as amended, passed by National Assembly on 28 February 2002 and transmitted for consideration of Assembly's amendments:

(i) ***Animal Health Bill*** [B 64D—2001] (National Council of Provinces—sec 76).

The amended Bill has been referred to the Select Committee on Land and Environmental Affairs for a report and recommendations on the Assembly's amendments.

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

Bill passed by National Assembly on 28 February 2002 and transmitted for concurrence:

(i) ***Division of Revenue Bill*** [B 5B—2002] (National Assembly—sec 76).

The Bill has been referred to the Select Committee on Finance of the National Council of Provinces.

No 25—2002] FOURTH SESSION, SECOND PARLIAMENT

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

FRIDAY, 1 MARCH 2002

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

   (1) The Minister for Justice and Constitutional Development submitted the ***Wetsontwerp op die Internasionale Strafhof*** [W 42—2001] (National Assembly—sec 75) to the Speaker and the Chairperson on 1 March 2002. This is the official translation of the ***International Criminal Court Bill*** [B 42—2001] (National Assembly—sec 75), which was introduced in the National Assembly by the Minister on 20 August 2001.

National Assembly:

1. The Speaker:

   The following Private Members' Legislative Proposals were withdrawn on 27 February 2002:

   (i) ***Special Investigating Units and Special Tribunals Amendment Bill*** (Adv H C Schmidt).

   (ii) ***Special Investigating Units and Special Tribunals Amendment Bill*** (Mr F Beukman).

TABLINGS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

   The Financial and Fiscal Commission's Strategic Plan for 2002-2003.

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

MONDAY, 4 MARCH 2002

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

   (1) The Joint Tagging Mechanism (JTM) on 1 March 2002 in terms of Joint Rule 160(6), classified the following Bill as a section 75 Bill:

      (i) ***Reinstatement of Enrolment of Certain Legal Practitioners Bill*** [B 6—2002] (National Assembly—sec 75).

ANNOUNCEMENTS:

National Assembly:

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 Justice and Constitutional Development:**

      Proposed Regulations made in terms of the Promotion of Access to Information Act, 2000, submitted to Parliament in terms of section 92(2) of the Promotion of Access to Information Act, 2000 (Act No 2 of 2000).

   (2) **The following paper is referred to the Portfolio Committee on Water Affairs and Forestry:**

      Report and Financial Statements of the Sedibeng Water Board for 2000-2001.

   (3) **The following papers are referred to the Standing Committee on Public Accounts for consideration and report and to the Portfolio Committee on Finance for information:**

(a) Report of the Auditor-General on the Financial Statements of the Reconstruction and Development Programme Fund for 1997-98 [RP 190-2001].

(b) Report of the Auditor-General on the Financial Statements of the Reconstruction and Development Programme Fund for 1998-99 [RP 187-2001].

(c) Report of the Auditor-General on the Financial Statements of the Reconstruction and Development Programme Fund for 1999-2000 [RP 188-2001].

(d) Report of the Auditor-General on the Financial Statements of the Reconstruction and Development Programme Fund for 2000-2001 [RP 189-2001].

National Council of Provinces:

1. The Chairperson:

The following paper tabled on 27 February 2002 is now referred to the Select Committee on Security and Constitutional Affairs:

(1) Report of the Auditor-General on the Financial Statements of the Office of the Public Protector for 1999-2000 [RP 09-2002].

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

TUESDAY, 5 MARCH 2002

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

(1) The following Bill was introduced by the Minister of Communications in the National Assembly on 5 March 2002 and referred to the Joint Tagging Mechanism (JTM) for classification in terms of Joint Rule 160:

(i) ***Electronic Communications and Transactions Bill*** [B 8—2002] (National Assembly—sec 75) [Bill and prior notice of its introduction published in ***Government Gazette*** No 23195 of 1 March 2002.]

The Bill has been referred to the Portfolio Committee on Communications of the National Assembly.

In terms of Joint Rule 154 written views on the classification of the Bill may be submitted to the JTM within three parliamentary working days.

(2) On 5 March 2002 the Joint Tagging Mechanism (JTM), in terms of Joint Rule 160, classified the following Bill, which was introduced as a section 76 Bill, as a section 75 Bill:

(i) ***Disestablishment of South African Housing Trust Limited Bill*** [B 3—2002].

In terms of Joint Rule 160(4), the JTM finds that the Bill:

(a) is not a section 76 Bill;

(b) includes no provision to which the procedure prescribed in section 76 of the Constitution applies;

(c) is in breach of section 73(3) of the Constitution in that it was incorrectly introduced in the wrong House; and

(d) is thus constitutionally out of order.

In terms of Joint Rule 160(6) the Bill is constitutionally out of order. According to Joint Rule 162 the Bill may not be proceeded with, but may be re-introduced in the correct House.

(3) The following Bill was introduced by the Minister of Housing in the National Assembly on 5 March 2002:

(i) ***Disestablishment of South African Housing Trust Limited Bill*** [B 3—2002] (National Assembly—sec 75) [Explanatory summary of Bill and prior notice of its introduction published in ***Government Gazette*** No 22728 of 5 October 2001].

The Bill has been referred to the Portfolio Committee on Housing of the National Assembly.

NOTE: On 14 February 2002, at the request of the Minister of Housing, this Bill was introduced as a section 76 Bill in the National Council of Provinces by the Select Committee on Public Services. As the Bill has since been classified by the Joint Tagging Mechanism (JTM) as a section 75 Bill (see p 166 in the Announcements, Tablings and Committee Reports of today, 5 March 2002), it cannot be proceeded with in the National Council of Provinces.

As the Bill introduced today has not been printed again, the information relating to the House of introduction, person in charge and classification of the Bill, as reflected on its front page, is incorrect. The Bill is in fact a section 75 Bill introduced in the National Assembly by the Minister of Housing.

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Minister of Finance:

(1) Proclamation No 6 of 2002 published in the Government Gazette No 23078 dated 31 January 2002, Commencement of section 1, Chapter 1 sections 2 to 16, Chapter 2 sections 17 to 20 and Chapter 5 sections 72 to 82 exception section 79 of the Financial Intelligence Centre Act, 2001, made in terms of section 82 of the Financial Intelligence Centre Act, 2001 (Act No 38 of 2001).

(2) Government Notice No R.100 published in the Government Gazette No 23080 dated 1 February 2002, Amendment of prescribed fees, made in terms of section 36 of the Pension Funds Act, 1956 (Act No 24 of 1956).

(3) Government Notice No 23105 published in the Government Gazette No 23105 dated 15 February 2002, Amendment of regulations under the Long-Term Insurance Act, 1998, made in terms of section 72 read with section 49 of the Long-Term Insurance Act, 1998 (Act No 52 of 1998).

2. The Minister of Water Affairs and Forestry:

   Report and Financial Statements of the Namaqua Water Board for 2000-2001.

COMMITTEE REPORTS:

National Assembly:

1. Report of the Portfolio Committee on Agriculture and Land Affairs on the ***Veterinary and Para-Veterinary Professions Amendment Bill*** [B 66B—2001] (National Assembly—sec 75), dated 1 March 2002:

   The Portfolio Committee on Agriculture and Land Affairs, having considered the ***Veterinary and Para-Veterinary Professions Amendment Bill*** [B 66B—2001] (National Assembly—sec 75) and proposed amendments of the National Council of Provinces (Announcements, Tablings and Committee Reports, p 27), referred to the Committee, reports the Bill with amendments [B 66C—2001].

   Report to be considered.

2. Report of the Portfolio Committee on Labour on the ***Basic Conditions of Employment Amendment Bill*** [B 70B—2001] (National Assembly—sec 75), dated 5 March 2002:

   The Portfolio Committee on Labour, having considered the ***Basic Conditions of Employment Amendment Bill*** [B 70B—2001] (National Assembly—sec 75) and proposed amendments of the National Council of Provinces (Announcements, Tablings and Committee Reports, p 129), referred to the Committee, reports the Bill with amendments [B 70C—2001].

   Report to be considered.

3. Report of the Portfolio Committee on Labour on the ***Labour Relations Amendment Bill*** [B 77B—2001] (National Assembly—sec 75), dated 5 March 2002:

   The Portfolio Committee on Labour, having considered the ***Labour Relations Amendment Bill*** [B 77B—2001] (National Assembly—sec 75) and proposed amendments of the National Council of Provinces (Announcements, Tablings and Committee Reports, p 129), referred to the Committee, reports the Bill with amendments [B 77C—2001].

   Report to be considered.

No 9—2002] FOURTH SESSION, SECOND PARLIAMENT

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL ASSEMBLY

WEDNESDAY, 6 MARCH 2002

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. [15:05] Questions—Cluster 3: Economics.

4. [17:00] Notices of motion.

5. [17:15] The Deputy Chief Whip of the Majority Party moved without notice: That the House—

   (1) notes with shock and sadness the death of Shri G M C Balayogi, the Speaker of the Lok Sabha, the House of the People of the Indian Parliament;

   (2) believes that the death of Speaker Balayogi is a loss that will be felt by the parliamentary community throughout the world;

   (3) mourns the loss of Speaker Balayogi; and

   (4) offers its heartfelt condolences to his family and loved ones, and to the Parliament and people of India, whom the late Shri Balayogi so unstintingly served.

   Agreed to.

6. Mr D H M Gibson moved without notice: That the House—

   (1) notes the great achievements of South African sportsmen Baby Jake Matlala and Ernie Els at the weekend;

   (2) acknowledges Baby Jake Matlala as one of the world's most successful boxers and as a man who has inspired many young South Africans and has brought credit to his country;

   (3) congratulates him on his victory at the weekend and wishes him well in his retirement; and

   (4) further congratulates Ernie Els on his victory in the Genuity Tournament in the USA and looks forward to many more victories from him in the future.

   Agreed to.

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

   (1) notes that—

      (a) Baby Jake Matlala won with a technical knockout against Juan Herrera of Colombia last weekend; and

      (b) this was Matlala's last fight and was attended by dignitaries such as US-born actor Will Smith and former President of the Republic of South Africa, Mr Nelson Rolihlahla Mandela;

   (2) believes that Baby Jake Matlala has been an inspiration and a mentor to young people;

   (3) congratulates him on his achievement during his career as a boxer; and

   (4) wishes him good luck on his future career plans.

   Agreed to.

8. The Deputy Chief Whip of the Majority Party moved without notice: That, notwithstanding Rule 106, for the rest of 2002 the following times be allocated for party responses to statements by Ministers:

   African National Congress: 5 minutes; Democratic Party: 4 minutes; Inkatha Freedom Party: 4 minutes; New National Party: 3 minutes; United Democratic Movement: 2 minutes and all other parties: 1 minute each.

   Agreed to.

9. [17:18] The Minister of Health made a statement on the Health Systems Trust Report on the national prevention of mother-to-child transmission of HIV.

   Debate concluded.

10. FIRST ORDER [18:06]

    Consideration of ***Basic Conditions of Employment Amendment Bill*** [B 70D—2001] (National Assembly—sec 75) and of Report of Portfolio Committee on Labour thereon (Announcements, Tablings and Committee Reports, p 168).

    There was no debate.

    Report adopted and Bill agreed to.

11. SECOND ORDER [18:07]

    Consideration of ***Labour Relations Amendment Bill*** [B 77D—2001] (National Assembly—sec 75) and of Report of Portfolio Committee on Labour thereon (Announcements, Tablings and Committee Reports, p 168).

    There was no debate.

    Report adopted and Bill agreed to.

12. The House adjourned at 18:07.

S MFENYANA,

Secretary to Parliament.

No 28—2002] FOURTH SESSION, SECOND PARLIAMENT

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

WEDNESDAY, 6 MARCH 2002

ANNOUNCEMENTS:

National Assembly:

1. The Speaker:

   Dr G G Woods has resigned as chairperson of the Standing Committee on Public Accounts with effect from 1 March 2002.

2. The Speaker:

   (1) Bills passed by National Assembly on 6 March 2002: To be submitted to President of the Republic for assent:

      (i) ***Basic Conditions of Employment Amendment Bill*** [B 70D—2001] (National Assembly—sec 75).

      (ii) ***Labour Relations Amendment Bill*** [B 77D—2001] (National Assembly—sec 75).

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Speaker and the Chairperson:

   Report of the Auditor-General on the Financial Statements of the Cross-Border Road Transport Agency for 1999-2000 [RP 89-2001].

No 29—2002] FOURTH SESSION, SECOND PARLIAMENT

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

THURSDAY, 7 MARCH 2002

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

   (1) The Minister for Justice and Constitutional Development submitted the ***Molaotlhomo wa Pusetso ya Kwadiso ya Babueledi ba Semolao ba ba Rileng*** [M 6—2002] (National Assembly—sec 75) to the Speaker and the Chairperson on 7 March 2002. This is the official translation of the ***Reinstatement of Enrolment of Certain Legal Practitioners Bill*** [B 6—2002] (National Assembly—sec 75), which was introduced in the National Assembly by the Minister on 20 February 2002.

   (2) The Minister of Home Affairs submitted the ***umTsetfosivivinyo wetiFikinamtfwalo*** [umTstetfosivivinyo 79—2001] (National Assembly—sec 75) to the Speaker and the Chairperson on 7 March 2002. This is the official translation of the ***Immigration Bill*** [B 79—2001] (National Assembly—sec 75), which was introduced in the National Assembly by the Minister on 1 October 2001.

National Council of Provinces:

1. The Chairperson:

   The following paper tabled on 1 March 2002 is now referred to the Select Committee on Finance: The Financial and Fiscal Commission's Strategic Plan for 2002-2003.

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Minister of Education:

Report and Financial Statements of the National Student Financial Aid Scheme for 2000-2001.

COMMITTEE REPORTS:

National Assembly:

1. Report of the Portfolio Committee on Defence on the ***Conventional Arms Control Bill*** [B 50—2000] (National Assembly—sec 75), dated 5 March 2002:

The Portfolio Committee on Defence, having considered the subject of the ***Conventional Arms Control Bill*** [B 50—2000] (National Assembly—sec 75), referred to it and classified by the Joint Tagging Mechanism as a section 75 Bill, presents the ***Conventional Arms Control Bill*** [B 50B—2000] (National Assembly—sec 75).

No 10—2002] FOURTH SESSION, SECOND PARLIAMENT

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL ASSEMBLY

FRIDAY, 8 MARCH 2002

1. The House met at 09:30.
2. The Deputy Speaker took the Chair and requested members to observe a moment of silence for prayers or meditation.
3. [09:31] Notices of motion.
4. [09:45] The Deputy Chief Whip of the Majority Party moved without notice: That the House—

   (1) notes that —

      (a) 108 people have died because of earthquake Dahani Zoa in the Khuram Sarbagh region of the Samangan province in Afghanistan; and

      (b) 400 homes were flooded and another 1 000 homes reduced to rubble;

   (2) expresses its condolences to the families of the deceased; and

   (3) joins the people of Afghanistan in mourning the deceased.

   Agreed to.

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

   (1) notes reports that 500 people died as a result of religious clashes between Muslims and Hindus in India last weekend;

   (2) believes that people have a right to practise the religion of their choice;

   (3) condemns the killings;

   (4) expresses its sympathy to the families of the deceased; and

   (5) welcomes the initiative by 800 Muslim and Hindu leaders to march for peace in India.

   Agreed to.

6. [09:47] The Deputy Chief Whip of the Majority Party, on behalf of the Chief Whip of the Majority Party, moved: That the following business that appeared on the Order Paper on the last sitting day of 2001, and that lapsed in terms of Rule 316, be placed back on the Order Paper:

(1) Consideration of Eleventh Report of Standing Committee on Public Accounts (Announcements, Tablings and Committee Reports, 2001, p 1391).

(2) Consideration of Twelfth Report of Standing Committee on Public Accounts (Announcements, Tablings and Committee Reports, 2001, p 1395).

(3) Consideration of Thirteenth Report of Standing Committee on Public Accounts (Announcements, Tablings and Committee Reports, 2001, p 1447).

(4) Consideration of Fourteenth Report of Standing Committee on Public Accounts (Announcements, Tablings and Committee Reports, 2001, p 1454).

(5) Consideration of Report of Standing Committee on Private Members' Legislative Proposals and Special Petitions (Announcements, Tablings and Committee Reports, 2001, p 1445—***Petition of Mr O B van Schalkwyk***).

(6) Consideration of Report of Standing Committee on Private Members' Legislative Proposals and Special Petitions (Announcements, Tablings and Committee Reports, 2001, p 1445).

(7) Consideration of Report of Portfolio Committee on Home Affairs (Announcements, Tablings and Committee Reports, 2001, p 1398—***Illegal Zimbabwean farm labour in Soutpansberg***).

(8) Consideration of Report of Portfolio Committee on Education (Announcements, Tablings and Committee Reports, 2001, p 1399—***Study Tour to Cuba***).

(9) Consideration of Report of Standing Committee on Private Members' Legislative Proposals and Special Petitions (Announcements, Tablings and Committee Reports, 2001, p 1375—***Petition of Mr G C Clarke***).

(10) Consideration of Report of Portfolio Committee on Home Affairs (Announcements, Tablings and Committee Reports, 2001, p 1184—***Status of Employment Contract of Director-General: Home Affairs***).

(11) Consideration of Second Report of Standing Committee on Public Accounts (Announcements, Tablings and Committee Reports, 2001, p 575).

(12) Consideration of Interim Report of Joint Committee on Ethics and Members' Interests (***Complaint against Mr T S Yengeni, MP***) (*see* Announcements, Tablings and Committee Reports, 2001, p 705).

Agreed to.

7. [09:47] The Minister of Arts, Culture, Science and Technology made a statement on Telephone Interpreting Service for South Africa (Tissa).

Debate concluded.

8. [10:18] The House, at the request of the Chief Whip of the Majority Party, discussed the following subject: ***Women's rights: An important pillar of human rights***.

   Debate concluded.

9. The House adjourned at 12:37.

S MFENYANA,

Secretary to Parliament.

No 30—2002] FOURTH SESSION, SECOND PARLIAMENT

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

FRIDAY, 8 MARCH 2002

ANNOUNCEMENTS:

National Assembly:

1. The Speaker:

(1) The following members have been appointed to serve on the Committee mentioned, viz:

Ad Hoc Committee on Filling of Vacancies in Human Rights Commission:

African National Congress

Arendse, J D; Chalmers, J; Gumede, D M; Kekana, N N; Komphela, B M; Landers, L T; Lobe, M C; Mabe, L; Montsitsi, S D; Ngculu, L V; Ngwenya, M L; Nobunga, B J; Ntuli, B M; Oliphant, G G (Alt); Van der Merwe, S C.

Democratic Party

Smuts, M; Swart, P S.

Inkatha Freedom Party

Vos, S C.

New National Party

Durand, J.

United Democratic Movement

Makanda, W G.

African Christian Democratic Party

Swart, S N.

Freedom Front

Mulder, C P.

United Christian Democratic Party

Ditshetelo, P H K.

Federal Alliance

Blanché, J P I (Alt); Van Niekerk, A I.

Minority Front

Rajbally, S.

Afrikaner Eenheidsbeweging

Aucamp, C.

Azanian People's Organisation

Nefolovhodwe, P J.

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

Agriculture and Land Affairs:

Appointed: Mogoba, M S.

Arts, Culture, Science and Technology:

Appointed: Pheko, S E.

Communications: Appointed: De Lille, P.

Correctional Services:

Appointed: Mogoba, M S (Alt).

Defence:

Appointed: Mogoba, M S.

Education:

Appointed: Mogoba, M S.

Environmental Affairs and Tourism:

Appointed: Arendse, J D (Alt); Mogoba, M S (Alt).

Finance:

Appointed: Moloto, K A; Pheko, S E (Alt).

Foreign Affairs:

Appointed: Pheko, S E.

Health:

Appointed: De Lille, P.

Home Affairs:

Appointed: De Lille, P.

Housing:

Appointed: De Lille, P (Alt); Semple, J A.

Justice and Constitutional Development:

Appointed: Pheko, S E (Alt).

Minerals and Energy:

Appointed: De Lille, P (Alt).

Public Accounts:

Appointed: De Lille, P (Alt).

Public Enterprises:

Appointed: Pheko, S E (Alt).

Provincial and Local Government:

Appointed: Pheko, S E (Alt).

Safety and Security:

Appointed: Pheko, S E.

Water Affairs and Forestry:

Appointed: Mogoba, M S (Alt).

2. The Speaker:

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

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

(a) The Budget Speech of the Minister of Finance [RP 27-2002].

(b) Estimate of National Revenue for 2002-2003 [RP 22-2002].

(c) Taxation Proposals: Income Tax.

(d) Taxation proposals in respect of customs and excise duties.

(e) Division of Revenue Bill [B 5—2002] tabled in terms of section 10(1) of the Intergovernmental Fiscal Relations Act, 1997 (Act No 97 of 1997).

(f) Budget Review 2002 [RP 26-2002], including "Annexure E: Memorandum to accompany the Division of Revenue Bill", tabled in terms of section 10(5) of the Intergovernmental Fiscal Relations Act, 1997 (Act No 97 of 1997).

(g) Appropriation Bill [B 4—2002].

(h) Estimate of National Expenditure 2002 [RP 24-2002].

(2) **The following paper is referred to the Portfolio Committee on Foreign Affairs:**

Memorandum on Vote No 3—"Foreign Affairs", Main Estimates, 2002-2003.

(3) **The following paper is referred to the Portfolio Committee on Home Affairs:**

Memorandum on Vote No 4—"Home Affairs", Main Estimates, 2002-2003.

(4) **The following paper is referred to the Portfolio Committee on Provincial and Local Government:**

Memorandum on Vote No 5—"Provincial and Local Government", Main Estimates, 2002-2003.

(5) **The following paper is referred to the Portfolio Committee on Public Works:**

Memorandum on Vote No 6—"Public Works", Main Estimates, 2002-2003.

(6) **The following papers are referred to the Portfolio Committee on Communications:**

(a) Memorandum on Vote No 7—"Government Communications and Information System", Main Estimates, 2002-2003.

(b) Memorandum on Vote No 26—"Communications", Main Estimates, 2002-2003.

(7) **The following papers are referred to the Portfolio Committee on Finance:**

(a) Memorandum on Vote No 8—"National Treasury", Main Estimates, 2002-2003.

(b) Memorandum on Vote No 13—"Statistics South Africa", Main Estimates, 2002-2003.

(8) **The following paper is referred to the Portfolio Committee on Public Enterprises:**

Memorandum on Vote No 9—"Public Enterprises", Main Estimates, 2002-2003.

(9) **The following papers are referred to the Portfolio Committee on Public Service and Administration:**

(a) Memorandum on Vote No 10—"Public Service and Administration", Main Estimates, 2002-2003.

(b) Memorandum on Vote No 11—"Public Service Commission", Main Estimates, 2002-2003.

(c) Memorandum on Vote No 12—"South African Management Development Institute", Main Estimates, 2002-2003.

(10) **The following paper is referred to the Portfolio Committee on Arts, Culture, Science and Technology:**

Memorandum on Vote No 14—"Arts, Culture, Science and Technology", Main Estimates, 2002-2003.

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

Memorandum on Vote No 15—"Education", Main Estimates, 2002-2003.

(12) **The following paper is referred to the Portfolio Committee on Health:**

Memorandum on Vote No 16—"Health", Main Estimates, 2002-2003.

(13) **The following paper is referred to the Portfolio Committee on Housing:**

Memorandum on Vote No 17—"Housing", Main Estimates, 2002-2003.

(14) **The following paper is referred to the Portfolio Committee on Social Development:**

Memorandum on Vote No 18—"Social Development", Main Estimates, 2002-2003.

(15) **The following paper is referred to the Portfolio Committee on Sport and Recreation:**

Memorandum on Vote No 19—"Sport and Recreation South Africa", Main Estimates, 2002-2003.

(16) **The following paper is referred to the Portfolio Committee on Correctional Services:**

Memorandum on Vote No 20—"Correctional Services", Main Estimates, 2002-2003.

(17) **The following paper is referred to the Portfolio Committee on Defence:**

Memorandum on Vote No 21—"Defence", Main Estimates, 2002-2003.

(18) **The following papers are referred to the Portfolio Committee on Safety and Security:**

(a) Memorandum on Vote No 22—"Independent Complaints Directorate", Main Estimates, 2002-2003.

(b) Memorandum on Vote No 24—"Safety and Security", Main Estimates, 2002-2003.

(19) **The following paper is referred to the Portfolio Committee on Justice and Constitutional Development:**

Memorandum on Vote No 23—"Justice and Constitutional Development", Main Estimates, 2002-2003.

(20) **The following papers are referred to the Portfolio Committee on Agriculture and Land Affairs:**

(a) Memorandum on Vote No 25—"Agriculture", Main Estimates, 2002-2003.

(b) Memorandum on Vote No 29—"Land Affairs", Main Estimates, 2002-2003.

(21) **The following paper is referred to the Portfolio Committee on Environmental Affairs and Tourism:**

Memorandum on Vote No 27—"Environmental Affairs and Tourism", Main Estimates, 2002-2003.

(22) **The following paper is referred to the Portfolio Committee on Labour:**

Memorandum on Vote No 28—"Labour", Main Estimates, 2002-2003.

(23) **The following paper is referred to the Portfolio Committee on Minerals and Energy:**

Memorandum on Vote No 30—"Minerals and Energy", Main Estimates, 2002-2003.

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

Memorandum on Vote No 31—"Trade and Industry", Main Estimates, 2002-2003.

(25) **The following paper is referred to the Portfolio Committee on Transport:**

Memorandum on Vote No 32—"Transport", Main Estimates, 2002-2003.

(26) **The following paper is referred to the Portfolio Committee on Water Affairs and Forestry:**

Memorandum on Vote No 33—"Water Affairs and Forestry", Main Estimates, 2002-2003.

(27) **The following papers are referred to the Portfolio Committee on Justice and Constitutional Development:**

(a) Proclamation No R.1 published in Government Gazette No 23035 dated 18 January 2002, Referral of matters to Special Investigating Unit and Special Tribunal, made in terms of section 2(2) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No 74 of 1996).

(b) Government Notice No R.1087 published in Government Gazette No 22796 dated 26 October 2001, Magistrates' Courts: Amendment of the Rules of Court, made in terms of section 6 of the Rules of Courts of Law Act, 1985 (Act No 107 of 1985).

(c) Government Notice No R.1088 published in Government Gazette No 22796 dated 26 October 2001, 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 of Courts of Law Act, 1985 (Act No 107 of 1985).

(28) **The following paper is referred to the Portfolio Committee on Labour, Portfolio Committee on Environmental Affairs and Tourism and to the Portfolio Committee on Sport and Recreation. The Report of the Auditor-General contained in the following paper is referred to the Standing Committee on Public Accounts for consideration and report:**

Report and Financial Statements of the Tourism, Hospitality and Sport Education and Training Authority for 2000-2001.

(29) **The following paper is referred to the Standing Committee on Public Accounts:**

Resolutions of the Standing Committee on Public Accounts for 2001 and replies thereto obtained by the National Treasury: Fifth, Seventh, Eighth, Ninth, Eleventh, Twelfth and Thirteenth Reports, 2001.

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

Report and Financial Statements of the Department of Labour for 2000-2001, including the Report of the Auditor-General on the Financial Statements of Vote 19—Labour for 2000-2001 [RP 130-2001].

(31) **The Report of the Auditor-General contained in the following paper is referred to the Standing Committee on Public Accounts for consideration and report:**

Annual Report: Parliament of the Republic of South Africa for 2000-2001, including Financial Statements and the Report of the Auditor-General.

(32) **The following paper is referred to the Standing Committee on Public Accounts for consideration and report and to the Portfolio Committee on Justice and Constitutional Development for information:**

Report of the Auditor-General on the Financial Statements of the Office of the Public Protector for 1999-2000 [RP 09-2002].

(33) **The following paper is referred to the Portfolio Committee on Home Affairs and to the Standing Committee on Public Accounts:**

Written Explanation from the Chairperson of the Independent Electoral Commision in terms of the Public Finance Management Act, 1999 (Act No. 1 of 1999), setting out reasons why the Annual Report and the Financial Statements of the Independent Electoral Commission for 2000-2001 were not tabled in time.

(34) **The following paper is referred to the Portfolio Committee on Finance:**

The Financial and Fiscal Commission's Strategic Plan for 2002-2003.

(35) **The following paper is referred to the Portfolio Committee on Water Affairs and Forestry:**

Report and Financial Statements of the Namaqua Water Board for 2000-2001.

(36) **The following papers are referred to the Portfolio Committee on Finance:**

(1) Proclamation No 6 of 2002 published in the Government Gazette No 23078 dated 31 January 2002, Commencement of section 1, Chapter 1 sections 2 to 16, Chapter 2 sections 17 to 20 and Chapter 5 sections 72 to 82 exception section 79 of the Financial Intelligence Centre Act, 2001, made in terms of section 82 of the Financial Intelligence Centre Act, 2001 (Act No 38 of 2001).

(2) Government Notice No R.100 published in the Government Gazette No 23080 dated 1 February 2002, Amendment of prescribed fees, made in terms of section 36 of the Pension Funds Act, 1956 (Act No 24 of 1956).

(3) Government Notice No 23105 published in the Government Gazette No 23105 dated 15 February 2002, Amendment of regulations under the Long-Term Insurance Act, 1998, made in terms of section 72 read with section 49 of the Long-Term Insurance Act, 1998 (Act No 52 of 1998).

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

Report of the Auditor-General on the Financial Statements of the Cross-Border Road Transport Agency for 1999-2000 [RP 89-2001].

National Council of Provinces:

1. 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 Select Committee on Land and Environmental Affairs:**

Report and Financial Statements of the Namaqua Water Board for 2000-2001.

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

(a) Proclamation No 6 of 2002 published in the Government Gazette No 23078 dated 31 January 2002, Commencement of section 1, Chapter 1 sections 2 to 16, Chapter 2 sections 17 to 20 and Chapter 5 sections 72 to 82 exception section 79 of the Financial Intelligence Centre Act, 2001, made in terms of section 82 of the Financial Intelligence Centre Act, 2001 (Act No 38 of 2001).

(b) Government Notice No R.100 published in the Government Gazette No 23080 dated 1 February 2002, Amendment of prescribed fees, made in terms of section 36 of the Pension Funds Act, 1956 (Act No 24 of 1956).

(c) Government Notice No 23105 published in the Government Gazette No 23105 dated 15 February 2002, Amendment of regulations under the Long-Term Insurance Act, 1998, made in terms of section 72 read with section 49 of the Long-Term Insurance Act, 1998 (Act No 52 of 1998).

(3) **The following paper is referred to the Select Committee on Public Services:**

Report of the Auditor-General on the Financial Statements of the Cross-Border Road Transport Agency for 1999-2000 [RP 89-2001].

TABLINGS:

National Assembly:

1. The Speaker:

(1) **Final Report of the Election Observation Mission to the 2001 Presidential, Parliamentary and Local Government Elections in the Republic of Zambia:**

As stated in previous statements to the media and stakeholders, the SADC Parliamentary Forum Election Observer Mission for the 2001 Presidential, Parliamentary and Local Government Elections were in the Republic of Zambia from 10th—30th December 2001.

The Election Observation Mission to Zambia comprised 26 Members of Parliament drawn from Angola, Botswana, Lesotho, Malawi, Mozambique, Namibia, Tanzania, South Africa, Swaziland and Zimbabwe. The coming to Zambia of this Mission was part of the SADC Parliamentary Forum's commitment to the struggle for and achievement of justice, democracy, gender equality and equity, the rule of law, sustainable development and good governance in the SADC region.

The SADC Parliamentary Forum election observation mission's mandate was primarily to assess the integrity of the electoral process and support the expression of the will of all Zambians in the democratic process. As with five other national elections that the SADC Parliamentary Forum has observed since 1999, the Mission maintained the principle that ultimately, it is the constitutional prerogative of the people of Zambia to decide who or which party forms the next government of Zambia.

The Forum's observation programme in Zambia was in five phases, namely:

Voter registration
Orientation workshop
Pre-election phase
Election phase
Post election phase (declaration of results)

Upon arrival in Zambia on 10 December 2001, both staff and Members of Parliament attended orientation workshop on the socio-political, economic situation and electoral systems and processes in Zambia. The workshop was aimed at adequately briefing Members of Parliament on the obtaining circumstances relative to the electoral process. At the end of the orientation workshop, the Mission was formally constituted under the leadership of the Speaker of the National Assembly of Lesotho, Hon. Ntlhoi Motsamai. Hon. Elia Kaiyamo of the National Assembly of Namibia was elected deputy mission leader.

The Mission immediately commenced its work by consulting with and receiving briefings from political parties, the Electoral Commission of Zambia (ECZ), non-governmental organizations, religious leaders, academics and the media among other key stakeholders.

In accordance with established practice, the Mission deployed teams in all the nine administrative provinces of Zambia. The teams were in the provinces from 14th—28th December 2001. While in the provinces, the teams submitted daily reports of their activities and observations to the Mission headquarters in Lusaka.

The team that remained in Lusaka Province comprised Speaker Ntlhoi Motsamai of Lesotho (Mission team Leader), Hon. Dr. Theresa Cohen of Angola, Hon. Dr. Hassy H.B. Kitine of Tanzania, Hon. Aniceto Hamukwaya of Angola and Hon. Lutero Simango of Mozambique.

In addition to its normal observation agenda as it applied to other provincial teams, the team took the initiative of further consulting with political parties, the Electoral Commission of Zambia, non-governmental organizations, relevant government authorities and other international observer missions; notably the European Union and the Carter Centre.

At the end of the official designated voting period (27 December 2001) the provincial teams reconvened in Lusaka and issued an interim statement in which the following findings and recommendations were made:

* The Mission congratulated the people of Zambia for turning out in large numbers, for braving the rain and for voting in the most peaceful and exemplary manner. In spite of the long delays experienced at polling stations in a number of provinces, such as Lusaka and Northern Provinces among others, Zambians demonstrated remarkable patience, tolerance, political maturity and determination to cast their votes even late into the early hours of the next day.

* The Mission established that political parties other than the ruling party had either limited access or no access to the public media. The Mission noted with serious concern that the media in Zambia is regrettably, highly polarized and was generally partisan in its coverage of the electoral process. Ideally, the public media should accord all political parties fair and equal coverage.

* While acknowledging and appreciating that the fixing of the date of elections in Zambia is the prerogative of the President, a situation that obtains in most Westminster-style constitutions, the Mission regretted the timing of the tripartite elections in Zambia. The Mission noted that as the day fell during the festive and comparatively rainy season, some voters might have been disenfranchised. The Mission was of the view that elections should ideally be held during a period most convenient to the electorate. The Mission recognized however, that notwithstanding the above, the people of Zambia turned out in their large numbers and exercised their constitutional right.

* In recognition of the critical importance of elections as the midwife to participatory governance and representative democracy, the Mission was of the view that authorities consider creating a conducive environment for the electorate to exercise the right to vote. To this end, the Mission notes with concern that no official regard was accorded to 27 December as the day of voting—an activity that takes place once in five years. The Mission recommended that the date of voting should be declared a public holiday. This, it was hoped, would allow as many eligible voters as possible to cast their ballots. The congestion and long queues that were experienced during the just-ended tripartite elections could be partly attributed to the fact that some people could only find time to vote after working hours—or some thirty minutes before the closing of polling stations.

* Without prejudice to the good work of the Electoral Commission of Zambia, particularly in the pre-election period, the Mission strongly recommended that the Commission overhauls its election management system in order to ensure that the integrity of the process is not compromised. This was especially in view of the fact that in some polling stations, voting could not commence on time or only commenced the following day due to logistical and administrative problems. Some polling stations did not receive election material in time leading to delays in the voting process.

* In view of the confusion observed during the casting of ballots in the tripartite elections, it was recommended that where more than one election are held simultaneously, transparent ballot boxes be introduced together with ballot papers of different colours corresponding to the respective ballot boxes. This recommendation was based on lesson learned from the 2000 Tanzania general elections. This would not only save time but also reduce the incidence of ballots being cast in the wrong ballot boxes.

* Without prejudice to the sterling efforts of various NGOs in educating voters about the electoral process, the Mission noted that in some cases, voters in the rural areas were not fully aware of the voting procedures. The Mission strongly recommended that the Electoral Commission of Zambia (ECZ) seriously consider taking as one of its primary responsibilities, the education of voters. It was also recommended that as the primary beneficiaries of the electoral process, political parties must engage in voter education. The Mission was of the view that the efforts of NGOs should complement those efforts of the primary stakeholders.

* The Mission noted with concern the rather low number of registered voters. According to the 2000 Census results, there are 4,687,997 adults or about 46% of the population in Zambia. However, of that number, at the close of the extended voter registration exercise on 31 July 2001, only 2,604,761 or 56% of eligible citizens had registered to vote. Given the fact that for a variety of reasons not all registered voters normally cast their ballots, the Mission concluded that the voters' roll of 56% of eligible citizens as too low. The Mission also observed that on the eve of voting day and on voting day itself, many voters had still not collected their cards. The Mission noted with appreciation however that the ECZ made arrangements for voters to collect their cards on voting day. Against this background, the Mission recommended that authorities should strive to ensure that the process of applying for a National Registration Card is less cumbersome. In the same breadth, the Mission welcomed the announcement by the ECZ that voter registration would be carried out on a continuous basis, and not only in the period immediately preceding an election.

* In view of the rather slow rate at which election results are being released as compared to other elections in the past, the Mission urged the Electoral Commission to expedite the announcement of election results.

* At the relevant time, the Mission also congratulated the ECZ and stakeholders for working together in election-related Conflict Management Committees. The Mission was of the view that such Committees were an essential ingredient for a peaceful and participatory electoral process.

The Mission lamented the slow return and declaration of results, particularly those relating to the Presidential poll, which made it difficult for the Mission and indeed other international observers, to pronounce its position on the integrity of the entire electoral process.

It is against this background that it was agreed that a four-member team remains in the country to observe the final phase of the electoral process. The decision to leave only a four-member team was reached against a background of limited financial resources to sustain a large team, but also in a view of the fact that the task at hand required the mission's presence in the capital, Lusaka.

Thus agreed, the Mission team leader, Hon. Speaker Ntlhoi Motsamai of Lesotho, the deputy team leader, Hon. Elia Kaiyamo of Namibia, Hon. Lureto C. Simango of Mozambique and Hon. Dr. Hassy H.B. Kitine of the United Republic of Tanzania remained in the country to assess the final declaration and announcement of results.

In spite of the repeated assurances by the Electoral Commission that based established practice since 1962, and in terms of the electoral laws, the President-elect and indeed all the new Parliamentarians would be known "twenty four hours after voting", the unprecedented delays in the declaration of the results impacted negatively on the credibility of the Electoral Commission. Notwithstanding the fact that the tripartite elections were being conducted for the first time in the electoral history of Zambia, the delay in the declaration of the results was unacceptable. The delays raised questions about the integrity of the process itself and created fertile ground for unnecessary suspicions among stakeholders. This problem was further aggravated by allegations that some of the results announced at the Electoral Commission headquarters were different from those counted and verified at polling stations. The Commission did not produce proof to disprove of such allegations.

The fact that incoming faxed results from the districts could not be monitored as there were data captured by the Electoral Commission headquarters by party agents; observers or monitors left much to be desired.

While the counting and announcement of provisional results by returning officers could be monitored and verified by party agents and observers, there was no monitoring and verification at the Electoral Commission headquarters as the results were being received from the constituencies.

There were clear cases of discrepancies between the results announced and verified at polling stations and those announced by the Commission. The Commission attributed these anomalies exclusively to the technical failures of fax machines leading to the omission of some figures. However, the mission did not find the explanation plausible. In fact, these anomalies raised questions as to the prevalence of the anomalies and their possible correction.

As the results trickled in, there was perceived selective announcement of results from constituencies widely seen as strongholds of the ruling party. This created the impression that the results were being unfairly announced to the nation.

As indicated in the mission's Preliminary Statement issued on 30 December 2001, up to the level of the announcement of the provisional results at the polling station, the mission considered

the process free and transparent in respect of the parliamentary poll. However, the painstakingly slow release of results, coupled with the apparent lack of effective supervision and transparency between the transmission and collation of those results to the Commission headquarters, the tabulation and final announcement of results, a crisis of confidence in the outcome was created.

In view of the above, the SADC Parliamentary Forum mission to the 2001 Presidential, Parliamentary and Local Government elections is of the view that although the elections were generally free, the nature of te defects was such that the Mission was unable to confirm the accuracy of the results.

As part of its contribution to strengthening democracy in the region, and based on lessons learned and experiences gained in observing elections in Mozambique, Namibia, Mauritius, Zimbabwe, and Tanzania, the SADC Parliamentary Forum adopted Norms and Standards for Elections in the SADC region on 25 March 2001.

Based on these norms, the mission recommends:

* Strict adherence to the electoral laws and the provisions of the Constitution.

* There should be immediate release of official results on completion of counting, signed by returning officers and confirmed by party agents.

* Verification and reconciliation of ballots should be done before counting begins and this should be done in the presence of candidates and or their agents.

* The Electoral Commission should prepare and make available a timetable of the electoral process including the acquisition of electoral materials, the packaging and distribution to polling stations. The timetable, including all stages of electoral events should, by law, be made accessible to all stakeholders.

* Election laws should be reviewed to make it possible for election related disputes to be disposed of before the declaration of the results.

As stated in the ***Norms and Standards for Elections in the SADC region***, parliaments and governments in the region should seriously consider adopting and implementing the norms and standards in their electoral systems and practices. This "... would certainly go a long way in entrenching a democratic culture, in minimizing conflict and contributing to political stability and peaceful development in Southern Africa." [SADC Parliamentary Forum Norms and Standards for Elections in the SADC region, 2001.]

(2) **SADC Parliamentary Forum Election Observation Report for Zambia, 05—30 December 2001:**

SADC Parliamentary Forum Election Observation Report for Zambia 05 – 30 December 2001

INTRODUCTION

On December 27, 2001 Zambia had its third multiparty presidential and parliamentary elections together with its local government elections.
One of the objectives of the SADC Parliamentary Forum is to promote multiparty democracy, peace, good governance, political stability, and ensure respect of human and fundamental rights, and the rule of law in the Southern African region. In line with this objective, the SADC has been sending election observation delegations to all its member states whenever there are elections taking place. In December a team of observers was sent to Zambia in order to provide an impartial and independent assessment of the Zambian elections.

The team comprised of eleven staff members and twenty-five Members of Parliament from SADC parliaments, four staff members from the SADC PF Secretariat, and four from the Zambian parliament.
Hon. Speaker N. Motsamai (Lesotho) was chosen as the leader of the delegation with Hon. E.G. Kaiyamo (Namibia) as deputy team leader.

Members of staff arrived in Lusaka on 5 December 2001 and Members of Parliament started arriving on 9 December 2001 with the last group that was there under the auspices of the SADC PF Gender Desk arriving on the 20th.

WEEK ONE

On 6-7 December a workshop was held at the National Assembly Motel, Lusaka for staff members. This was aimed at revisiting and highlighting part of the training workshop that was conducted in May 28-1 June 2001 at the Pamodzi Hotel in Lusaka. The workshop included:

- **Framework for election observation in Southern Africa** – this presentation done by Mr. Dennis Kadima focused on the overview of the pre-election, election day and post-election stages, with emphasis on the SADC Parliamentary Forum's norms and standards for election observation as the outline for the electoral and observation processes
- **Reporting and writing** – this presentation was also done by Mr. Kadima and it was mainly on staff responsibilities for capturing information for the delegation, with emphasis on listening techniques, note taking, and synthesising of information
- **Deployment planning and material preparations** – discussion of the deployment plan with Ms Pitso (SADC PF Elections Officer). This included recommended itinerary, stakeholder contact lists, management of accommodation and transport, and financial management.

On the 8th and 9th staff had to make bookings for accommodation in the provinces and also sort information for the compilation of the briefing handbook for the Members of Parliament. Included in the briefing handbook was information on:

- Administrative matters – logistics memorandum, terms of reference, list of SADC PF observers and support staff, workshop briefing schedule, field deployment plan, staff deployment responsibilities, code of conduct for Forum observers, and SADC observer guidelines
- General information – History of Zambia, map, 2001 census interim report
- Political overview – constitutional and legal framework, list of political parties contesting the 2001 elections and their nominations process, Electoral Commission of Zambia code of conduct, Electoral Commission of Zambia 1001 and 1996 election reports, voter registration report 2001, number of registered voters per voting station and constituency, constituency maps, reports of 2001 by-elections
- Useful elections information – copies of handbooks for returning officers and presiding officers, list of constituencies and polling stations, CVs of presidential candidates, party manifestos, number of candidates per party, list of women candidates in each party and gender issues in the elections, system of voting, sample of ballot paper, information on media, newspapers
- Voting and counting checklists
- Contact points in the region

WEEK TWO

Members of Parliament started arriving in Lusaka on 9 December. From the 10th – 13th, orientation and briefing sessions were held for Members of Parliament at Mlungushi Conference Centre. The aim of these sessions was to familiarize them with the political and electoral situation in the country. These sessions included presentations by people from all stakeholders involved in the electoral process. The presentations included:

- **Framework for election observation in Southern Africa** – this presentation involved the review of the SADC PF election observation guide for Members of Parliament. The presentation also included discussions on who observes election and why, and how to assess elections in a country in order to reach a judgement about the freeness and fairness of the elections as an observer mission
- **Gender and elections** – the emphasis of this presentation was on how the electoral process could be observed from a gender perspective starting from the voter registration phase to the election phase. The observations would include checking whether the electoral law protects the rights of women, party constitutions reflect gender sensitivity, structures for nomination of candidates allow for women participation and representation etc. In the 2001 Zambia elections out of the eleven presidential candidates two were women.
- **Norms and standards for elections in the SADC region / criteria for assessing an election** – the discussion reviewed all the sections of the SADC PF document on norms and standards for election in the SADC region
- **Media reporting on elections** – the presentation was an evaluation of media coverage of the electoral process and the accessibility of state-owned media to the various candidates contesting the elections. The Members of Parliament

were also briefed on how to interact with the media without compromising their credibility with premature judgements about the electoral process

- **Historical and political background** – the delegation was briefed on the geographical spread and ethnic composition of Zambia, administrative structure of Zambia, political background of the country, the economy, the 1996 elections issues, problems and results, ethnicity and its impact on elections, and political parties contesting the 2001 election and their ideological orientation
- **NGOs** – different NGOs addressed the delegates about their role in the electoral process, voter education, their perceptions about involvement and participation of women in politics in Zambia, and their observations on the electoral process particularly the pre-election phase
- **Political parties** – not all political parties that were invited came for the presentation. Those who attended addressed all issues pertaining to elections including voter registration, nomination of candidates, women participation in elections, date set for voting, voter education, partiality/impartiality of the electoral commission, access to media, campaigns etc.
- **Electoral Commission of Zambia** - the presentation focused on the composition of the electoral commission and how it is appointed, electoral laws, voter registration, demarcation of constituencies, nomination of candidates, logistics for the upcoming election etc.
- **European Union and Carter Centre** – had long-term observer teams deployed in all the nine provinces. The purpose of this presentation was to share information on their observations of the pre-election phase

DEPLOYMENT

On 14 December, teams were deployed to all nine provinces, with two teams remaining in Lusaka. Prior to the voting day, the teams were supposed to have meetings with local stakeholders and attend rallies and public meetings, and visit polling stations on voting day. Staff responsibilities during this time, was to make logistical arrangements for their teams and write daily reports that were sent to the SADC PF office in Lusaka.

Team 9 – Southern Province

The team comprised of two Members of Parliament, Hon K. Msiska (Malawi) – team leader and Hon. P. Siska (Namibia), and one staff member Ms L. Ndabankulu (South Africa). Hon. J. Kahama (Tanzania) joined the team on 22 December.
We had meetings with regional and district stakeholders and attended a number of rallies and public meetings including two major rallies on 22nd and 23rd that were addressed by Presidential candidates Gen. C. Tembo and Mr. A. Mazoka respectively.
The meetings attended included ones with:

- Provincial Commanding Officer and local police – main issues discussed were security arrangements for the election period and the role of the police in the electoral process.
- Provincial and district election officers – discussions were on their preparedness for the upcoming elections which included demarcation of constituencies, registration of voters, appointment and training of electoral staff, voter education etc. Also discussed were the political situation and the

electoral environment in the region and we got information on the number of constituencies and number of polling stations in each constituency in the region.

- NGOs – discussions focused on their role in the elections, role of women in elections, voter apathy, voter education etc.
- Political parties – the team had meetings with various political parties contesting the elections and their parliamentary candidates and discussions were on voter registration, demarcation of constituencies and accessibility of polling stations, funding of political parties, media coverage, nomination of candidates, gender representation, voter education, and generally how the campaign period had been.
- Other international observers – the team had a meeting with the European Union observers who were also deployed in the region to share information and experiences as they had arrived in the region earlier than our team.
- Voting day – each team had to observe the opening and closing of at least one polling station. The Southern Province team managed to cover four constituencies and visited eleven polling stations.
- On the 28th we went back to the districts that had experienced problems with distribution of voting materials and electoral staff to check on whether they had managed to solve those problems.

Team - Luapula Province

The team comprised of Hon. P. Themba (South Africa) – team leader, Hon. D. Nyoni (Swaziland) and Mr J. Mwenyeheli (Malawi). The team had meeting with the provincial and district stakeholders including:

- Police – the purpose of this meeting was to introduce the team and get information on the security situation in the province, briefing delegation on preparedness of the police towards providing security in rallies and during voting day, procedure followed in issuing permits to political parties to hold rallies
- NGOs – the team held meetings with a number of NGOs (i.e. FODEP, Coalition 2001, Women's Lobby Group) in the province. Issues discussed include gender representation vis-à-vis participation of women in politics, role of NGOs in the electoral process, voter apathy in the province and how it is being addressed, sensitising the electorate on voting, their perceptions on the 2001 election and political playing field vis-à-vis media, public resources, and the police.

  Most NGOs were not happy about the use of public resources for campaigning by the ruling party
- Political parties – the issues discussed ranged from voter registration, demarcation of constituencies, procedure followed in nominating candidates, voter education, campaigns, funding of political parties, accessibility of media etc.
- Voting day – the delegation visited ten polling stations in three constituencies

CONCLUSION

All the teams went back to Lusaka on the 28th and had a meeting on the 29th to report on their observations during deployment. The SADC PF released a press statement and made recommendations based on their observations.

From our observations the elections went well, however in the meetings held with political parties and NGOs there were a lot of complaints about the use of public resources by the ruling party, buying of voter's cards from the electorate, the election day being during the rainy season, and students disenfranchised because they had registered at the boarding schools and colleges. On the actual voting day there were reported logistics problems like shortage of ballot papers and transportation of election officers and materials in some areas.

Among the recommendations were the use of transparent ballot boxes and ballot papers with different colours, that the media should give all political parties equal coverage, government should consider having a fixed election date at a time that is convenient to the electorate and that it be made a public holiday, that there be equal access to resources, that there be strict adherence to the electoral laws, and that voter registration be an on-going process.

A team comprised of four Members of Parliament remained in Lusaka to observe the post election phase. SADC PF will release a final and comprehensive report.

No 31—2002] FOURTH SESSION, SECOND PARLIAMENT

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

MONDAY, 11 MARCH 2002

ANNOUNCEMENTS:

National Assembly:

1. The Speaker:

   (1) The following paper tabled on 7 March 2002 is referred to the Portfolio Committee on Education:

   Report and Financial Statements of the National Student Financial Aid Scheme for 2000-2001.

National Council of Provinces:

1. The Chairperson:

   (1) The following statement has been submitted to the National Council of Provinces by the MEC for Housing and Local Government in the Northern Cape under section 106(3) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000):

   Committee of Inquiry into the Affairs of the Tsantsabane Municipality, Northern Cape

   The Statement is referred to the Select Committee on Local Government and Administration.

   (2) The following statement has been submitted to the National Council of Provinces by the MEC for Housing and Local Government in the Northern Cape under section 106(3) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000):

   Committee of Inquiry into the Affairs of the Siyancuma Municipality, Northern Cape

   The Statement is referred to the Select Committee on Local Government and Administration.

Copies of the statements are available from the office of the Clerk of the Papers.

(3) The following paper tabled on 7 March 2002 is referred to the Select Committee on Education and Recreation:

Report and Financial Statements of the National Student Financial Aid Scheme for 2000-2001.

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Minister of Finance:

(1) The Strategic Plan for the National Treasury for 2002-2005.

(2) Memorandum of Subsidiary Arrangement between the Government of the Republic of South Africa and the Government of Australia concerning Developing Profitable Beef Business Systems for Previously Disadvantaged Farmers in South Africa, tabled in terms of section 231(3) of the Constitution, 1996.

(3) Memorandum of Understanding between the Government of the Republic of South Africa and the Government of Canada concerning the South Africa Teacher Development Project, tabled in terms of section 231(3) of the Constitution, 1996.

(4) Rider No. 1 to Financing Agreement No. SA/B7-3200-99/26 between the Government of the Republic of South Africa and the European Union concerning the Support Programme for Social Housing, tabled in terms of section 231(3) of the Constitution, 1996.

(5) Rider No. 1 to Financing Agreement No. SA7/-3200-96/14 between the Government of the Republic of South Africa and the European Union concerning the Trade and Industry Policy Support Programme, tabled in terms of section 231(3) of the Constitution, 1996.

(6) Rider to Financing Agreements for programmes between the Government of the Republic of South Africa and the European Union, tabled in terms of section 231(3) of the Constitution, 1996.

(7) Financing Agreement No. SA/73200/00/31 between the Government of the Republic of South Africa and the European Union concerning the Economic Integration Support Programme to the BLNS Phase 1, tabled in terms of section 231(3) of the Constitution, 1996.

(8) Rider No. 3 to Financing Agreement No. SA/B7-5070-95/009 between the Government of the Republic of South Africa and the European Union concerning the Library Books and Training of Historically Disadvantaged Institutions Programme, tabled in terms of section 231(3) of the Constitution, 1996.

(9) Rider No. 5 to Financing Agreement No. SA/97/3200/11 between the Government of the Republic of South Africa and the European Union concerning the Public Health Sectoral Support Programme, tabled in terms of section 231(3) of the Constitution, 1996.

(10) Rider No. 1 to Financing Agreement No. SA/73200-98/12 between the Government of the Republic of South Africa and the European Union concerning the Technical Assistance Team to Support Planning, Implementation and Monitoring of RDP Projects, tabled in terms of section 231(3) of the Constitution, 1996.

(11) Rider No. 2 to Financing Agreement No.SA/73200-98/09 between the Government of the Republic of South Africa and the European Union concerning Support for the SADC Finance and Investment Protocol, tabled in terms of section 231(3) of the Constitution, 1996.

(12) Rider No. 3 to Financing Agreement No. SA/95-75075-006 between the Government of the Republic of South Africa and the European Union concerning the Private Sector Development Programme, tabled in terms of section 231(3) of the Constitution, 1996.

(13) Rider No. 1 to Financing Agreement No. SA/73200-98/03 between the Government of the Republic of South Africa and the European Union concerning the Financial Management Improvement Programme (FMIP), tabled in terms of section 231(3) of the Constitution, 1996.

(14) Rider No. 4 to Financing Agreement No. SA/96-73200-007 between the Government of the Republic of South Africa and the European Union concerning Non-Grid Electrification of Rural Schools, tabled in terms of section 231(3) of the Constitution, 1996.

(15) Rider No. 1 to Financing Agreement No. SA/73200-00/31 between the Government of the Republic of South Africa and the European Union concerning the Economic Integration Support Programme to the BLNS Phase 1, tabled in terms of section 231(3) of the Constitution, 1996.

(16) Agreement between the Government of the Republic of South Africa and the Government of the Republic of Finland on Finnish Assistance to the Northern Province Rural Development Programme, tabled in terms of section 231(3) of the Constitution, 1996.

(17) Agreement between the Government of the Republic of South Africa and the Government of the Republic of Finland concerning general terms and procedure for Development Co-operation, tabled in terms of section 231(3) of the Constitution, 1996.

(18) Agreement between the Government of the Republic of South Africa and the Government of the Republic of Finland on Finnish Assistance to the Support to Environment and Sustainable Development in the North West Province, tabled in terms of section 231(3) of the Constitution, 1996.

(19) Memorandum of Understanding between the Government of the Republic of South Africa and the Government of Flanders on Development Co-operation, tabled in terms of section 231(3) of the Constitution, 1996.

(20) Agreement between the Government of the Republic of South Africa and the Government of the Republic of France on Development Co-operation, tabled in terms of section 231(3) of the Constitution, 1996.

(21) Exchange of Notes concerning the Study and Expert Fund project between the Government of the Republic of South Africa and the Federal Republic of Germany, tabled in terms of section 231(3) of the Constitution, 1996.

(22) Implementing agreement between the Government of the Republic of South Africa and the Government of Sweden concerning Local Government Support to the Northern Cape Province, tabled in terms of section 231(3) of the Constitution, 1996.

(23) Agreement between the Government of the Republic of South Africa and the Government of Sweden on General Terms and Conditions for Development Co-operation 1 September 2001-31 December 2005, tabled in terms of section 231(3) of the Constitution, 1996.

(24) Agreement between the Government of the Republic of South Africa and the Government of Sweden on a Partnership Programme between Sweden and Buffalo City within the area of Urban Development, tabled in terms of section 231(3) of the Constitution, 1996.

(25) Amendment No. 1 to the Bilateral Agreement No. SO9AG-674-0326 between the Government of the Republic of South Africa and the United States of America concerning increased commercial viability of existing small and medium Agribusiness Programme, tabled in terms of section 231(3) of the Constitution, 1996.

(26) Amendment No. 1 to the Bilateral Agreement No. SO2-674-0327 between the Government of the Republic of South Africa and the United States of America concerning Workforce Development Programme, tabled in terms of section 231(3) of the Constitution, 1996.

(27) Amendment No. 1 to the Bilateral Agreement No. SO6AG-674-0312D between the Government of the Republic of South Africa and the United States of America concerning Fiscal Management of Urban Environmental Infrastructure, tabled in terms of section 231(3) of the Constitution, 1996.

(28) Amendment No. 1 to the Bilateral Agreement No. SO4AG-674-04A1 between the Government of the Republic of South Africa and the United States of America concerning support for economic growth and analysis and Mandela Economics Scholars Programme, tabled in terms of section 231(3) of the Constitution, 1996.

(29) Amendment No. 8 to the Bilateral Agreement No.674-0320-G-00-5053 between the Government of the Republic of South Africa and the United States of America concerning the Equity in Integrated Primary Health Care Project, tabled in terms of section 231(3) of the Constitution, 1996.

(30) Amendment No. 3 to the Bilateral Agreement No. SO1AG-674-0322A between the Government of the Republic of South Africa and the United States of America concerning the Local Governance Support Programme, tabled in terms of section 231(3) of the Constitution, 1996.

(31) Amendment No. 7 to the Bilateral Agreement No. 674-0301-G-00-4182-07 between the Government of the Republic of South Africa and the United States of America concerning the Criminal Justice Strengthening Programme, tabled in terms of section 231(3) of the Constitution, 1996.

(32) Amendment No. 6 to the Bilateral Agreement No. 674-0314-G-00-5041 between the Government of the Republic of South Africa and the United States of America concerning the Primary Education Results Package, tabled in terms of section 231(3) of the Constitution, 1996.

(33) Amendment No. 6 to the Bilateral Agreement No. 674-0315-G-00-5042 between the Government of the Republic of South Africa and the United States of America concerning the Tertiary Education Linkages Project, tabled in terms of section 231(3) of the Constitution, 1996.

(34) Amendment No. 4 to the Bilateral Agreement No. GA-674-0309-G-00-5048 between the Government of the Republic of South Africa and the United States of America concerning the Support to Tertiary Education Project, tabled in terms of section 231(3) of the Constitution, 1996.

(35) Exchange of Letters between the Government of the Republic of South Africa and the Government of the United Kingdom concerning Support for the Economic Reform Project Phase II, tabled in terms of section 231(3) of the Constitution, 1996.

2. The Minister for Safety and Security:

The Strategic Plan for the South African Police Service for 2002-2005.

National Assembly:

1. The Speaker:

(1) **Second Report of the Working Group on the African Union, dated 8 March 2002**

1. The Working Group on the African Union was established by a House resolution on 16 November 2001, to consider the implementation of the Constitutive Act of the African Union.

2. The Presidency advised the Working Group that an Inter-Ministerial Committee on the African Union had been established. The Working Group had a meeting with some members of the Inter-Ministerial Committee on 28 February 2002.

3. Parliament, in cooperation with the Africa Institute of South Africa and the Institute for Global Dialogue, hosted a seminar on the African Union on 1 and 2 March 2002.

4. The seminar was also attended by representatives from the Departments of Foreign Affairs and Trade and Industry.

5. A full report on the seminar with recommendations will be tabled before the end of the current Parliamentary term.

6. The Working Group recommends: That

(a) The Working Group should continue with deliberations on the African Union.

(b) Dialogue between Parliament and the Executive on the African Union should continue.

(c) Parliament should establish the response of the Executive to the second reports, dated 27 February 2001, of the Portfolio Committee on Foreign Affairs and the Select Committee on Economic Affairs, respectively, on the Constitutive Act of the African Union.

Report to be considered.

COMMITTEE REPORTS:

National Assembly:

1. Report of the Portfolio Committee on Finance on the ***Appropriation Bill*** [B 4—2002] (National Assembly—sec 77), dated 8 March 2002:

The Portfolio Committee on Finance, having considered the ***Appropriation Bill*** [B 4—2002] (National Assembly—sec 77), referred to it and classified by the Joint Tagging Mechanism as a Money Bill, reports as follows:

A. Introduction

The Committee held hearings on the 2002-03 Budget from 21 February 2002 to 1 March 2002. The Committee wishes to express its appreciation to all participants for their contributions. Written presentations submitted form part of the records of the Committee Section. The Committee would also like to express its appreciation to the Minister of Finance, the Deputy Minister of Finance, the Director-General of Finance, the Commissioner of the South African Revenue Services, the Chairperson of the Financial and Fiscal Commission, and their respective staffs, for their presence and contributions during the hearings. A list containing the names of those who made oral submissions is included in part D of this Report.

B. Overview of 2002-03 Budget as presented in Budget Review

The Budget was presented within the context of growth recovery. Years of fiscal discipline provide the framework of the Budget, which now represents a significant expansionary fiscal policy over the medium term. The Budget offers considerable tax relief on the revenue side and strong growth in spending on the expenditure side. The central priorities outlined in the Budget include increasing infrastructure investment, broadening the social security net, fighting crime and increasing support to local government to extend access to basic services.

1. Macro-economic outlook

Despite the global slowdown and the recent sharp depreciation of the rand, South Africa's economic growth remains positive and is expected to recover within the medium term. Furthermore, South Africa is expected to benefit from the global recovery anticipated in the second half of 2002-03, due particularly to improved performance of the export sector.

(a) GDP growth

The assumption underlying the Budget is that South Africa will experience economic recovery. The National Treasury believes that economic growth will be positive over the medium term and projects growth to average 3,1% over the next three years. Underpinning the National Treasury's assumptions are the following characteristics of the South African economy:

* Healthy balance of payments
* Improved export performance as a result of the rand depreciation
* Real growth in government spending
* Improved productivity
* Increased infrastructure spending

Annual GDP Growth Rate	
2001	2,2%
2002	2,3%
2003	3,3%
2004	3,6%

(b) Inflation

Due to the substantial depreciation of the rand that took place during the latter part of last year, CPI inflation is expected to fall marginally outside the Reserve Bank's target of 3-6% this year, returning to the target in 2002-03.

Expected Average CPI Inflation	
2001	6,6%
2002	6,9%
2003	5,8%
2004	5,0%

(c) Other economic indicators

The National Treasury reported as follows:

(i) Depreciation of rand

The rand depreciated by 37,4% in nominal terms against the US dollar in 2001 and the real trade-weighted effective exchange rate declined by 6,5% from December 2000 to August 2001. The National Treasury maintains that the depreciation towards the end of last year was overdone since the underlying health of the South African balance of payments is not in question. There has been some recovery in the exchange rate in early 2002. The adverse movement in the exchange rate improves South Africa's international competitiveness and helps to strengthen the economy by creating a more export-oriented balance of payments.

(ii) Exports

While slower world exports have slowed South African exports, the underlying trend has been an increase in South African manufactured exports as a proportion of total exports. Manufactured exports increased from 9% in 1990 to 27% of total exports in 2001. Total real exports increased by 4,7% in the first three quarters of 2001 from a year earlier. The depreciation of the rand also caused substantial increases in the revenue from gold and platinum export production in the latter part of last year. The value of mineral and non-mineral exports have increased by 17,3% and 29%, respectively, in the year to November 2001.

(iii) Real merchandise imports

Total real imports increased by 0,4% in the first three quarters of 2001 from a year earlier due to weaker

domestic conditions and the depreciation of the rand. Import volume was sluggish, increasing by 1,3% compared to the same period in 2000.

(iv) Current account and balance of payments

The current account and balance of payments remain strong. The current account deficit remained small in 2001 as a consequence of a healthy export sector. An increase in capital flows is expected as the world recovers.

(v) Net open forward position (NOFP)

The NOFP of the Reserve Bank has been reduced from US$4,8 billion in 2001 to US$3 billion in 2002. This is expected to be phased out by the end of 2003.

2. Projected Fiscal and Budget Framework

The fiscal stance of the Budget is expansionary, oriented towards growth and improved targeting of public spending. Government expenditure trends reflect the nation's broad social and economic objectives—economic growth, job creation, increased spending in poverty alleviation and infrastructure investment and improved social development. The primary outcome of the expansionary fiscal policy is significant tax relief and substantial increases in public expenditure. Resources for such expansionary policies are made available from increased revenue receipts and savings realised from a lower budget deficit and a reduction in the government debt burden. Main budget revenue translates into R15 billion more than the 2001 budget estimate. This increased revenue performance is largely due to improvement in company tax receipts.

(a) Increased expenditure

Real non-interest expenditure across the national and provincial governments is expected to grow at an annual average rate of 4,1% in real terms over the medium-term period.

Total National Expenditure over medium-term

2002-03	R287,9 billion
2003-04	R311,2 billion
2004-05	R334,6 billion

Highlights of increased spending over the 2002 medium-term:

* Capital spending growth is budgeted to grow by 18,1% per annum over the next three years
* Significant additional amounts of R1,5 billion in 2002-03, R2,3 billion in 2003-04 and R2,7 billion in 2004-05 have been allocated to the Department of Provincial and Local Government to assist the provincial and local spheres with development planning, capacity building, infrastructure and service delivery

— Provincial infrastructure grants amount to R6,7 billion in total

— Assistance for municipalities grows by 18% per year—this includes support for water and sanitation, electrification, free basic services and local economic development

— The Consolidated Municipal Infrastructure Programme (CMIP) will grow by 27,8%

* Over the next three years, increases in the real value of the grants will place more money in the hands of the poor

— Social services expenditure (education, health, welfare and other social services) make up about 57% of non-interest allocations in 2002-03, and is expected to grow steadily over the MTEF period.

— The child support grant for children of seven and younger will go to a further 1,2 million children by the end of the year and is increased by 18%

— The disability grant, care dependency grant and old-age pension have each been raised by R50 or 8,7%

* 16 000 additional police personnel are to be employed over the next three years—expenditure on safety and security has risen from R19,2 billion in 2002-03 to R22,9 billion in 2004-05 to fund the employment of additional police personnel

(b) Budget deficits

Increased expenditure is financed through revenue growth and a budget deficit of 2,1% of the GDP in 2002-03.

Expected Budget Deficit

2001-02	1,4% of GDP
2002-03	2,1% of GDP
2004-05	1,7% of GDP

(c) Debt service cost

Debt service costs are expected to fall within the medium-term framework, releasing R10 billion for spending on servicing.

Debt service cost

2001-02	4,8% of GDP
2002-03	4,4% of GDP
2004-05	4,1% of GDP

3. Revenue—lower taxes

The Budget proposes significant tax reductions in both direct and indirect taxes. This is largely comprised of substantial personal income tax relief to all taxpayers, skewed in favour of low- and middle-income taxpayers. Tax relief for small businesses is

provided to encourage entrepreneurship and reform to corporate tax structures is undertaken in order to enhance the competitiveness of the South African economy. In his address to the Committee, the Minister highlighted the following significant tax reforms:

(a) Personal income tax

R15 billion in personal income tax relief is proposed. Individuals earning below R27 000 (R42 640 for taxpayers over 65) will not pay any personal income tax. This constitutes an increase in the current threshold of 17,4% (R4 000) for taxpayers below 65 and 8,9% (R3 486) for taxpayers over 65. Rates and brackets are adjusted to provide relief across the income spectrum. However, average rate cuts are skewed towards lower- and middle-income groups. The income bracket earning less than R150 000 gains 57% of the R15 billion. The highest marginal rate is cut by 2%.

(b) Domestic interest and dividend income

It is recommended that the domestic interest and dividend income exemption is raised from R4 000 to R6 000 for those under 65 and from R6 000 to R10 000 for people aged 65 and older. It is further proposed that foreign interest and dividends are only exempt up to R1 000 of the total exemption (estimated revenue loss—R163 million).

(c) Transfer duty

R300 million in transfer duty relief is proposed to ease the acquisition of property, To provide relief to low-income groups, certain residential property is exempt from transfer duty. A new rate structure is proposed, which cuts rates on all property value and where no duty payable on property with a value of less than R100 000.

(d) Taxation of deemed foreign income

This is an important part of the residence-based income tax structure introduced in January 2001. The proposal is to make deemed foreign income subject to income tax where a taxpayer does not account for foreign assets.

(e) Review of monetary thresholds

The following changes are proposed regarding several monetary thresholds:

* Bravery and long service award: exemption from income tax to rise from R2 000 to R5 000
* Donation tax causal: increase from R5 000 to R10 000
* Donations individuals: increase from R25 000 to R30 000

* Estate duty: basic deduction increase from R1 million to R1,5 million
* Medical aid deduction: elimination of the R1 000 threshold
* Bursaries and scholarships: increase in exemptions for bursaries and scholarships

(estimated revenue loss—R36 million)

(f) Administration improvements

The following reforms are proposed in order to improve the efficiency of tax administration:

* Single tax year (estimated revenue gain—R10 million)
* Increase in provisional tax registration threshold from R2 000 to R10 000 (estimated cost—R60 million)
* Review of SITE

(g) Company accelerated depreciation

As part of an investment boost to the economy to increase short-term stimulus and build long-term capacity, an accelerated depreciation scheme is proposed. Manufacturing assets acquired within three years will be depreciated at 40% of cost in the first year and at 20% per annum for the subsequent three years. It is also proposed that the immediate expensing threshold be increased to R2 000 (estimated cost—R295 million).

(h) Tax relief for small business

In order to enhance small business development, the following tax relief for small business is proposed:

* An increase in the threshold from R100 000 to R150 000 for the 15% tax rate
* An increase in the threshold from R1 million to R3 million turnover for small business relief
* Simplification and reduction of the tax administrative burden in order to reduce compliance costs (estimated net revenue loss—R40 million)

(i) Indirect taxes

The Minister emphasised the decision not to increase the general fuel levy. Traditionally the fuel levy is adjusted to cater for inflation. This would help to contain the impact of inflation on transport and food cost, thereby helping the poor. The following indirect tax changes are proposed:

* A two-cents-a-litre increase in the Road and Accident Fund Levy (estimated to raise R310 million for the RAF)

* Environmentally-friendly diesel fuel subject to 70% of the general fuel levy
* Duties on alcoholic beverages raised by 8-10% (estimated revenue gain R355 million)
* Duties on tobacco products raised by 10,7 to 43,7% (estimated revenue gain—R443 million)
* Elimination of duties on soft drinks and mineral water (estimated revenue loss—R135 million)

(j) Southern African Customs Union (SACU)

The Minister highlighted that important negotiations are taking place regarding SACU. South Africa's outlays to SACU are anticipated to rise to R8,3 billion in 2002-03.

(k) Further individual tax changes

* Limit on employee deductions (estimated revenue gain—R85 million)
* Elimination of the R150-a-day expenditure provision (estimated revenue gain—R15 million)
* Elimination of the R500 occasional free service allowance (estimated revenue gain—R5 million)

(l) Other company and trust tax changes

* Expensing of intellectual property threshold raised to R5 000 (estimated revenue loss—R5 million)
* Flat 40% tax rate on certain trusts (estimated revenue gain—R90 million)

(m) Further tax reform programmes

* Taxation of the retirement industry
* Banking sector

4. Asset and liability management

Financial management and debt restructuring remain key priorities. Key developments include:

* The announcement of a credit-rating upgrade in November 2001
* Reduced domestic public sector borrowing
* Total government loan debt as a percentage of the GDP is projected to decline from 42,9% at the end of March 2002 to 37,4% by the end of 2004-05
* Foreign borrowing of R33,2 billion in 2001-02, with a further R16,3 billion planned for 2002-03

5. Provincial and local government finance

There have been strong increases in equitable share allocations to both provinces and municipalities. Provincial transfers grow by 7,9% and the equitable share to provinces is to grow at an annual average rate of 8,5%. Municipality allocations increase

significantly by 18,3% a year over the MTEF. Other important reforms include:

* Extension of provincial taxation powers to take effect this year
* Three-year rolling budgets to be introduced at local government level
* Simplification of transfers to local government to increase certainty and greater flexibility for municipalities
* Further steps taken in restructuring and rationalising conditional grants to improve administrative efficiency
* Phasing out of the supplementary grant
* Housing grants increase by 10,3% a year, while grants to tackle HIV/AIDS increase sevenfold over the period

C. Main priorities of Budget

The main priorities that emerged from the hearings on the Budget were:

Economic growth, investment and job creation Poverty alleviation Tax concerns

1. Economic growth, investment and job creation

A central objective of the Budget is achieving sustainable economic growth, attracting investment and creating employment opportunities. The National Treasury recognises that, in addition to improving the lives of all South Africans, these factors play an important role in the alleviation of poverty among the most vulnerable. The Budget addresses the issues of economic growth through the following measures:

* Increased spending on infrastructure and capital
* Well-targeted tax incentives for individuals, small business and corporations
* Greater investment in education and skills development

Furthermore, the increasingly important role to be played by exports was highlighted and concern over inflation and South Africa's monetary policy was expressed. The following section highlights the salient points and themes in this regard:

(a) Increased infrastructure and capital investment

The Budget emphasised greater infrastructure investment as a central objective. This will assist in lowering production, transport and communication costs as well as in increasing job creation opportunities. The priorities of infrastructure spending outlined in the Budget include:

* Increased funding for construction, electrification, water, industrial development and road and rail services
* Improved provincial spending for social infrastructure, including schools, hospitals and housing
* Greater allocations directed towards municipal infrastructure financing

Capital expenditure by all three spheres of government increases from R20 billion in 1998-99 to R38,9 billion in 2004-05, representing an annual average growth rate of 11,7% per annum. This capital expenditure includes allocations specifically for infrastructure programmes through supplementary allocations in 2001-02 and 2002-03 and conditional grants to provincial and local governments. Consolidated national and provincial capital expenditure is projected to increase from R18 billion in 2001-02 to R29,6 billion in 2004-05, representing an average growth of 18,1% over the next three years. Provincial infrastructure grants amount to R6,7 billion over the 2002-03 medium-term expenditure period, an increase of 44% over the 2001 budget allocations. Funding for the CMIP is raised by R600 million to R1,7 billion in 2002-03, increasing to R2,5 billion in 2004-05. Other programmes targeted at resource service, including water and electrification, brings the total contribution to local infrastructure spending to R3,3 billion next year. Furthermore, direct expenditure by the government is complemented by investment programmes of public enterprises and public/private agreements.

Macro-economic experts, Mr Roux from Investec and Mr Ballim from Standard Bank, pointed out that capital expenditure by the government has been decreasing significantly, with the government's capital to current expenditure ratio falling. Consequently, the public sector has constrained investment. Thus, the increase in infrastructure spending over the medium term was welcomed. Furthermore, Mr Ballim highlighted that positive spin-offs could be expected from front-loaded investment spending, since this will create a higher base for expansion in subsequent years. Mr Roux suggested that government investment could be decisive and the Budget implies massive growth. The challenge is for the government to deliver. Mr Ballim warned that the government risks reputational damage of over-promising and under-delivering. Failure to deliver promised infrastructure spending will harm confidence and bring into question any future government commitments.

The business sector, represented by SACOB, also welcomed the increase in capital expenditure in the Budget. However, it was suggested that, while higher capital investment represents a shift in the right direction, it is insufficient to encourage the foreign direct investment that South Africa

needs. SACOB pledged its support for further increases in capital expenditure on economic infrastructure.

While FEDUSA, as a voice of labour, expressed general approval of the Budget, it was highlighted that social capital is as important as capital expenditure. FEDUSA expressed concern regarding the role of the government in creating jobs, savings and achieving reasonable levels of growth. According to FEDUSA, the MTEF growth rates projections are still well below the rates that are required to provide relief for the millions of unemployed. Thus, it was FEDUSA's recommendation that the government draws its attention to introducing imaginative schemes to boost employment.

(b) Tax incentives

The proposed tax reforms contained within the Budget include well-targeted tax incentives, aimed at stimulating consumption demand, increasing savings, boosting small business and increasing investment. Such factors help contribute towards job creation and growth. The personal income tax relief, which is significantly skewed towards the poor, includes an increase in the primary threshold to R27 000 and cuts the top marginal bracket by 2%. According to the National Treasury, these measures would help stimulate consumption and saving as the lower-income groups have a greater propensity to consume while the upper-income bracket is likely to save more. Companies can expect to benefit from the R295 million set aside for an accelerated depreciation scheme and an increase in the immediate expensing threshold. The National Treasury has also focused on tax relief for small business to create incentives for entrepreneurship. Relief is extended to businesses with a turnover of R3 million and simplification to the tax regime governing small business has also been proposed.

Tax incentives, particularly to small business, were generally well received. (Greater detail regarding the discussion of tax issues is more completely dealt with under the subsequent poverty alleviation and tax sections). The extension of the threshold for small business tax rates was welcomed by tax experts as a positive incentive for new entrepreneurs. Tax expert Mr Clegg suggested that it would be useful to track the period it takes for a small business to expand to the threshold limit in order to establish whether the new threshold is at the right level. The accelerated depreciation allowance was also received positively. Mr Clegg welcomed the new manufacturing tax depreciation allowance as an improvement over the previous regime. Mr Clegg suggested that the three-year life be extended indefinitely.

Business welcomed both the personal and corporate tax incentives. SACOB pointed out that lowering of the marginal rate to 40% could serve to retain skills in the country and would enable the top bracket to contribute to the

economic saving needed for growth. SACOB further welcomed the relief to small business as significant. In particular, the proposed simplification of the tax compliance administration procedure was strongly supported. This proposal for further simplification was echoed by tax expert, Adv Du Toit. However, SACOB pointed out that these measures in the Budget are focused at "non-service" sector, while the service sector is becoming increasingly important, having grown by 4,5% last year. Particularly, SACOB expressed concern at the manner in which personal service companies are treated under the tax system and highlighted the need to extend concessions to the service sector.

IDASA also agreed that tax incentives for businesses have the potential to reduce poverty through the impact they would have on investment and job creation.

(c) ***Education and skills development***

Education remains a central priority in the Budget, and spending in this regard increases to R59 billion next year, or 24% of non-interest expenditure. Skills development forms part of this priority. Consequently, the Employment and Skills Development Programme has been allocated R157 million in 2002-03, with a projected allocation of R494 million. This represents real growth at an annual average of 2,44% over the medium term. The 1% skills levy on company payrolls, introduced in 2000-01, directs resources to SETAs and the National Skills Fund, which are responsible for addressing training needs. For 2002-03, projected revenue from this tax has been revised, from R2,8 billion to R2,75 billion. Implementation of a learnership incentive has also been proposed. This entails a tax allowance to employers that fund learnership for employees.

During discussions, a concern was expressed at the issues surrounding the Skills Development Fund. SACOB articulated some anxiety regarding the functioning of the SETAs. The National Treasury pointed out that the initial two years were used to set up the infrastructure and to develop SETA capacity. With the framework now in place, the pace of skills development can improve. However, the need to get a sense of the obstacles was expressed.

(d) ***Role of exports***

Miss Moola, an economist with Merrill Lynch, pointed out that demand in the economy was very weak and was expected to slow down during the first six months of the year. It was suggested that the difficulty of getting higher growth from the domestic side could be overcome through improved export performance. South Africa's recent export performance, helped by the depreciation of the rand, has been reasonably strong, despite the slowdown in the global economy. This positive sentiment is reinforced by Mr Roux,

who expects export volumes to rise as the global economy recovers and the effects of the rand depreciation take place. Mr Roux predicts relative growth in the value of exports to imports, which will have a positive effect on the trade balance as predicted by the National Treasury.

(e) Concern at lack of investment and investor confidence

A recurring theme throughout the hearings was the concern expressed at the lack of investment in South Africa. Mr Ballim explained that investment is affected by factors relating to profitability, which include investor confidence. It was suggested that a key contributing factor to the lack of investment is the lack of confidence in the South African economy. This is worrying, particularly since South Africa is a stable democracy which has been experiencing positive and sustainable growth based on sound macro-economic principles. Thus, the lack of confidence is seen as a major problem. Furthermore, Mr Ballim pointed out that higher inflation, the tightening of monetary policy, hesitant global economy and greater uncertainty may temper confidence and thus dampen consumer spending and private investment. While private sector investment will be encouraged by tax incentives, government infrastructure spending could also help off-set these negative factors and boost confidence if there is delivery.

It was suggested that, in order to increase confidence, South Africa needed to break from its relatively constrained growth of between 2% and 3% and achieve growth rates of between 5% and 6%.

(f) Inflation concerns

The recent depreciation of the rand has contributed to an anticipated inflation rate this year of 6,9%. Several concerns were expressed in this regard. According to Mr Roux, the major risk to inflation in 2002 are food price increases. This was a matter of deep concern for the Committee. Mr Ballim further expressed concern at the risk of wage spiral. If upward pressure in wages and prices affects future wage negotiations, this could translate into a wage spiral, which would exacerbate pressure on the market.

A concern was raised that the expansionary fiscal policy would exacerbate inflation. However, the National Treasury says South Africa has the capacity and this should not become a reason for strong concern.

(g) Monetary policy

The macro-economists agreed that there might be potential for a hike in interest rates, which may retard spending, reduce some of the stimulus of the fiscal injection and dampen domestic demand. Mr Ballim and Miss Moola agreed that a restrictive monetary policy might mean that tax relief is not as robust as suggested. However, Mr Roux pointed out that fiscal policy is a long-term tool, used to build a long-term framework, and should not be used in a

cyclical fashion. Monetary policy is the instrument to use to manage the cycle. At times, the two policies may clash. However, according to Mr Roux, it was preferable to attempt to contain inflation through monetary policy, rather than by withholding tax cuts.

2. *Poverty alleviation*

Poverty alleviation remains a priority in the Budget process, and was a clear concern throughout the hearings. Specifically, the Budget aims to alleviate poverty directly through strong real growth in expenditure and targeted tax relief. A 6,9% real growth in government expenditure is proposed, with significant increases in spending on social services and an 18% nominal increase in infrastructure spending. The growth in real government expenditure averages at 4,1% over the 2002 medium-term. According to the Minister, on the expenditure side all services that impact on the lives of the poor in South Africa add up to R140 billion. These services include increased spending on social grants, education, health and improving municipal infrastructure in order to provide more free basic services. The Budget also addresses poverty indirectly through growth and job creation. The National Treasury believes the Budget will have a significant effect on consumer spending, which would boost economic growth.

(a) Increased social security expenditure

Over the next three years, spending on social services grows by an average of 8,7%. Allocation to national departments includes R1,5 billion in 2002-03 and in 2003-04 for poverty relief and income-generating projects targeted towards the rural poor, woman, youth and the disabled. The provincial equitable share increases to accommodate improvements in health services and welfare spending. Provinces receive R132,4 billion next year, which represents 56% of the national Budget. Assistance to municipalities increases by 18% per year, which includes support in respect of water, sanitation, electrification and free basic services. Significant increases and extensions of interventions and programmes that address HIV/AIDS are proposed, and spending on HIV/AIDS exceeds R1 billion over the medium term.

(b) Increased social grants

In order to relieve poverty, the Budget proposes to increase social grants. The child support grant for children seven years and younger is budgeted to reach a further 1,2 million children by the end of 2003, and increases by 18% from R110 to R130 per month. The disability grant, care dependency grant and old age pension have all been raised by R50 or 8,7%, from R570 to R620.

However, IDASA's budget Information Service Manager, Albert van Zyl, criticised the R15 billion in personal income tax relief as excessive, and argued that social security allocation was insufficient. While IDASA welcomed the real increases in the value of the grants, Mr Van Zyl pointed out

that the limited reach of the present poverty relief system does little to help the poor. He argued that the challenge to poverty relief is to include poor households that do not currently qualify for grants. According to IDASA, only 4,3 million, or 15,9% of people in need of income support, received grants. No support is offered to the economically active population and their children older than six. Consequently, IDASA argued in favour of extending the child support grant to children aged seven to twelve. IDASA suggested that this could be funded either through a deficit of 2,6% or more income tax relief. According to the National Treasury, while the government considered extending the grant, the current system was ill-equipped to cope administratively with a number of recipients greater than that planned for.

(c) Basic Income Grant

During the hearings, the possibility of introducing a Basic Income Grant to alleviate poverty was brought up. IDASA agreed that introducing the proposed universal grant scheme would significantly boost the income of the poor. However, the Minister pointed out several problems that surround the introduction of a Basic Income Grant. The government is awaiting publication of the Commission's report, advising it on a comprehensive system of social security.

(d) Tax relief for low- and middle-income groups

The greatest proportion of the personal income tax relief was skewed towards low- and middle-income groups. The National Treasury felt that the significant tax relief measures, which increase the disposal income of these groups, would impact positively on consumption demand. Furthermore, it was pointed out that many poor people survived with support from the employed and therefore income tax cuts would indirectly increase support to them substantially.

However, IDASA criticised the personal income tax relief as not being a direct income support measure of the very poor, who are either unemployed or earning less than R27 000 per year. IDASA argued that the tax cuts were excessive and that more should have been spent on social security allocation. While IDASA's Mr Van Zyl agreed that families that are supported by employed people in this country would benefit, he maintained that there was still a significant gap between the employed and unemployed.

(e) Local government

Increased support of local government through greater appropriations in the Budget was welcomed. SACOB pointed out that much of service delivery takes place at local

government level, and supported the Budget's initiative. However, SACOB warned that these increased transfer payments needed to be met with care, especially since problems in local government included lack of skills, non-spending of resources and service delivery. Co-operation with local businesses would be central to local government development.

(f) Food prices

Due to higher inflation this year, severe concern was expressed at its impact on food prices, in particular the price of maize, which forms part of the stable diet of many of the poor. IDASA highlighted its concern regarding the hike in food prices and the impact this would have on the income of the poor. IDASA predicted food inflation for 2002-03 to be between 12% and 15%. Particularly, the price of maize increased by between 17,5% and 20% in January and has increased by 66% since May last year. However, the National Treasury pointed out that, with the current changes in the global food market and food shortages, the world will be buying maize from South Africa, who could secure good maize prices. Ms Moola suggested that healthier maize harvests this year meant that prices should decrease. All members agreed that this was an important issue, which needed attention.

(g) Improved service delivery

Speakers expressed general concern at the lack of service delivery, particularly in local government, as this directly impacts on the poor. Mr Ballim warned that the government risks damaging investor confidence by promising and not delivering. SACOB also urges the government to ensure delivery and to hold public managers accountable for measurable delivery.

(h) Economic growth and job creation

The Minister pointed out that there is an important link between economic growth and poverty alleviation. In order to keep reducing poverty, it is vital that South Africa keeps growing.

3. Tax concerns

The present tax-to-GDP ratio is 25,1%, falling to 24,3% next year. The National Treasury and SARS target to keep this ratio between 24% and 25%. The Minister highlighted that on the revenue side the goal was consolidation and improved collection and efficiency. The previous years of discipline permit the significant proposed tax relief.

Adv Du Toit pointed out that the Budget focused on tax stabilisation, rather than on making any significant tax changes. This stance was welcomed by the tax experts. However, there remained some controversy over the tax cuts. Concern about taxing the retirement industry, the non-profit sector and the

general tax regime was also expressed. Finally, positive comment was received about SARS's administration.

(a) Controversy over tax cuts

In response to the tax cuts, concern about relief to the unemployed was also expressed. In order to address these concerns, the Minister highlighted several reasons for the tax cuts:

* The need to eliminate fiscal drag, which is the effect of inflation on wages.

* The need to close the gap between the corporate rate and personal rate in order to assist taxpayers with compliance.

* The tax cuts have been focused on low-income groups, with an increase in the primary threshold raised to R27 000.

* The commitment to re-examine SITE, which has approximately three million contributors.

Thus the Minister stressed that examining the taxes has been a process, which continuously focused on examining the impact of tax on the lives of ordinary South Africans. The Minister also stressed that a further attempt to help the poor was the decision not to increase the fuel levy. This would limit increases in transportation and food costs.

The macro-economist perspective concurred that the tax cut was a welcome stimulus for dampened domestic demand, particularly for the low and middle-income groups. Merril Lynch calculated the tax cuts to be of equal benefit to consumers as a four-percentage point cut in interest rates. Mr Roux pointed out that the income tax cuts fully off-set the negative impact of rising inflation. Tax cuts would increase transfers to households' income, which would off-set the crunch.

SACOB expressed concern that no other tax relief for the corporate sector was a negative signal, which failed to bring South Africa in line with other emerging markets. Specifically, they pointed out that present corporate tax of 30% and STC of 12,5% resulted in an effective company tax rate that was not synchronised with South Africa's trading partners.

(b) Need to reassess tax on retirement funds

Adv Du Toit emphasised that the present tax regime on retirement funds represents a significant imbalance in the economy. This concern was echoed by SACOB. SACOB pointed out that the bearer of such taxes is not the insurance industry, but members of the retirement industry. At its present level of 25%, the tax on retirement funds is a disincentive to saving and especially harsh to lower- and middle-income workers whose personal tax rate is lower

than 25%. In addition, people who receive pensions from these funds are penalised through severe erosion of their savings. They stressed that the tax on retirement funds is in dire need of drastic reform. The Budget reiterates a review of the retirement industry. However, the concern expressed by SACOB was that in the process of revamping the system, people continue to be penalised. Hence, they suggest that the problem needs to be addressed by an interim ***ad hoc*** relief measure. The interim measure suggested was to decrease the rate from 25% to the minimum personal income tax rate of 18%.

The Committee also expressed its concern regarding this issue, and agreed that it needed to be addressed with some urgency. The Committee expressed its desire to engage the National Treasury in this regard.

(c) Tax concerns of non-profit sector

According the voice of the non-profit community, the Non-Profit Partnership, the present tax regime is inadequate for non-profit organisations, particularly regarding changes in respect of income tax.

The Non-Profit Partnership welcomed the increase in thresholds for tax-deductible donations by individuals. However, they submitted that there was no justification for the differentiation between individuals and companies, and suggested that the issue of deduction limits be revisited. Concern was expressed that the new framework has been narrowed instead of extending the tax exemption and deductible donation benefits. They also urged that their proposal regarding a general category of public benefit activity be included in the list of public benefit activities.

(d) Concern over taxes

Adv Du Toit highlighted the need to revisit a group tax. According to Adv Du Toit, South Africa is not synchronised with the rest of world, because it has a residence-based tax system and a capital gains tax, but not a group tax regime. South Africa's present tax regime in this regard is fragmented and creates difficulties. A group tax will better reflect the economic reality of the corporate world. This concern at the lack of a group tax was echoed by SACOB, who pointed out that, when combined with the capital gains tax, this regime has a cascading effect.

Adv Du Toit also emphasised the importance of a robust tax regime, with a balanced degree of regulation.

Mr Clegg pointed out that the capital gains tax and residence-based taxation rules are complex. Therefore, he urged SARS not to introduce any substantive changes in these systems over the next two years, so as to enable taxpayers to become familiar with the new system. Concern was also expressed by SACOB for the need to simplify the

tax system. They pointed out that tax simplification was urgent in the interest of tax certainty and tax morality. The Minister had expressed his commitment to simplify compliance procedure for small business.

(e) SARS administration

SARS' success in collection is commendable, with significant increases in efficiency. SACOB commended SARS on an efficient system regarding both enforcement and service.

4. Other issues

The following section highlights various issues raised by the groups in their submission to the Committee.

(a) Tax experts

In his address to the Committee, Adv P du Toit pointed to the need for a fundamental re-examination of the auditing profession, both in its scope and underlying principles. He highlighted the inadequacy of the auditing principles underlying generally accepted accounting practice (GAAP).

(b) Business

SACOB highlighted that interaction with small business in the consultation stage of the Budget would be useful. Ensuring interaction between business and labour at this level forms part of the cornerstones of South Africa's objective of a participatory democracy.

(c) Labour

FEDUSA articulated its concern about the arms procurement package. FEDUSA also expressed its concern regarding the Reserve Bank. While recognising the role of the Reserve Bank, FEDUSA suggested that the activities of the Bank were too narrowly focused on inflation targets. The Bank, according to FEDUSA, also has a responsibility to stimulate the economy.

(d) Non-profit sector

In its submission, the Non-Profit Partnership called for institutionalised dialogue between the National Treasury and its technical team of lawyers, on a three- to six-monthly consultation basis. They expressed a desire to form a regular relationship with the National Treasury that would take account of their views before the Budget is finalised. It was their opinion that Budget Proposals do not necessarily reflect the priorities of the sector in its overall aim of poverty relief and sustainable development.

D. Oral submissions

The following people made oral submissions before the Committee, some in their personal capacity. These submissions are available on request from the Committee Section of Parliament:

1. Mr M Morobe, Chairperson: Financial and Fiscal Commission
2. Mr J Josie, Deputy Chairperson: Financial and Fiscal Commission
3. Dr H Fast, Manager: Parliamentary Office
4. Mr I Momoniat, Deputy Director-General: Intergovernmental Fiscal Relations
5. Mr V Kahle, Chief Director: Legal Services, Intergovernmental Fiscal Relations
6. Ms M Ngqaleni, Director: Intergovernmental Fiscal Relations
7. Mr P du Toit, Tax Expert
8. Mr D Clegg, Tax Expert
9. Ms N Moola, Economist: Merrill Lynch
10. Mr A Roux, Economist: Investec
11. Mr G Ballim, Economist: Standard Corporate Merchant Bank
12. Adv A Meiring, SACOB
13. Mr R J Wood, SACOB
14. Adv K Warren, SACOB
15. Mr W Boonzaaier, Afrikaanse Handelsinstituut
16. Mr A van Zyl, IDASA
17. Ms G Humphries, FEDUSA
18. Mr E Saldanha, Non-Profit Partnership
19. Ms K Nelson, Non-Profit Partnership
20. Ms P Dlamini, Non-Profit Partnership

No 11—2002] FOURTH SESSION, SECOND PARLIAMENT

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL ASSEMBLY

TUESDAY, 12 MARCH 2002

1. The House met at 14:00.

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

3. [14:01] Notices of motion.

4. [14:16] The Deputy Chief Whip of the Majority Party moved without notice: That the House—

   (1) notes that—

      (a) Miriam Makeba turned 70 on Monday, 4 March 2002; and

      (b) she is the first African singer to receive the Poros Award by the Swedish government in recognition of her achievement in music;

   (2) believes that Miriam Makeba played an important role in raising awareness to the international community about the struggle of the people of South Africa for freedom, peace and security; and

   (3) congratulates "Mama Africa" on this historic achievement and wishes her many happy returns.

   Agreed to.

5. Mr D H M Gibson moved without notice: That the House—

   (1) notes that—

      (a) Ms Sarika Sukdeo of Chatsworth in KwaZulu-Natal has won the title of Miss India Worldwide 2002;

      (b) this is the first time since the inception of the competition 10 years ago that it has been won by a South African; and

      (c) this is an honour for South Africa which is home to the largest Indian population outside of India; and

   (2) congratulates Ms Sukdeo on her achievement and wishes her well during her reign.

   Agreed to.

6. FIRST ORDER [14:17]

Introduction—***Social Grants Appropriation Bill*** [B 9—2002] (National Assembly—sec 77).

The Minister of Finance introduced the Bill.

Bill, together with the introductory speech, referred to the Portfolio Committee on Finance for consideration and report.

7. SECOND ORDER [14:22]

Introduction—***Burundi Protection Support Appropriation Bill*** [B 10—2002] (National Assembly—sec 77).

The Minister of Finance introduced the Bill.

Bill, together with the introductory speech, referred to the Portfolio Committee on Finance for consideration and report.

8. [14:27] The Deputy Speaker gave a ruling on a remark made by Mr K M Andrew during the debate on 6 March, and directed him to withdraw the remark.

Whereupon the member withdrew the remark.

9. THIRD ORDER [14:29]

Debate on African Union.

Debate concluded.

10. [15:48] The Speaker gave a ruling on a remark made by Mr K M Andrew during Question Time on 27 February, and directed him to withdraw the remark.

Whereupon the member withdrew the remark.

11. [15:59] The House, at the request of the Chief Whip of the Majority Party, discussed the following subject: ***Encouraging South-South cooperation to reinforce national and regional efforts in capacity-building in respect of institutional infrastructure and human resource development.***

Debate concluded.

12. The House adjourned at 17:16.

S MFENYANA,

Secretary to Parliament.

No 32—2002] FOURTH SESSION, SECOND PARLIAMENT

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

TUESDAY, 12 MARCH 2002

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

   (1) The following Bills were introduced by the Minister of Finance in the National Assembly on 12 March 2002 and referred to the Joint Tagging Mechanism (JTM) for classification in terms of Joint Rule 160:

   (i) ***Social Grants Appropriation Bill*** [B 9—2002] (National Assembly—sec 77);

   (ii) ***Burundi Protection Support Appropriation Bill*** [B 10—2002] (National Assembly—sec 77).

   The Bills have been referred to the Portfolio Committee on Finance of the National Assembly.

   In terms of Joint Rule 154 written views on the classification of the Bills may be submitted to the Joint Tagging Mechanism (JTM) within three parliamentary working days.

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Minister of Finance:

   (1) Explanatory Memorandum on the Social Grants Appropriation Bill, 2002 [B9-2002]

   (2) Explanatory Memorandum on the Burundi Protection Support Appropriation Bill, 2002 [B10-2002]

(3) Resolutions of the Standing Committee on Public Accounts for 2001 and replies thereto obtained by the National Treasury: Tenth and Fourteenth Reports, 2001.

(4) Strategic Plan for Statistics South Africa for 2002-2005.

2. The Minister for Environmental Affairs and Tourism:

Strategic Plan for Environmental Affairs and Tourism 2002-2005.

3. The Minister for the Public Service and Administration:

Medium Term Strategic Plan for the Public Service and Administration for 2002-2005.

No 12—2002] FOURTH SESSION, SECOND PARLIAMENT

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL ASSEMBLY

WEDNESDAY, 13 MARCH 2002

1. The House met at 15:01.
2. The Speaker took the Chair and requested members to observe a moment of silence for prayers or meditation.
3. [15:02] Questions—Deputy President and Cluster 1: Peace and Security.
4. FIRST ORDER [17:00]

   Consideration of Report of Portfolio Committee on Environmental Affairs and Tourism (Announcements, Tablings and Committee Reports, p 117—***Kyoto Protocol on Climate Change***).

   Report adopted without debate.
5. [17:01] Notices of motion.
6. THIRD ORDER [17:18]

   Consideration of ***Animal Identification Bill*** [B 49B—2001] (National Assembly—sec 75) and of Report of Portfolio Committee on Agriculture and Land Affairs thereon (Announcements, Tablings and Committee Reports, p 138).

   There was no debate.

   Report adopted and Bill agreed to.
7. FOURTH ORDER [17:19]

   Consideration of ***Veterinary and Para-Veterinary Professions Amendment Bill*** [B 66D—2001] (National Assembly—sec 75) and of Report of Portfolio Committee on Agriculture and Land Affairs thereon (Announcements, Tablings and Committee Reports, p 168).

   There was no debate.

   Report adopted and Bill agreed to.
8. The Speaker announced that, by agreement, Order No 2 stood over.

9. The House adjourned at 17:20.

S MFENYANA,

Secretary to Parliament.

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

WEDNESDAY, 13 MARCH 2002

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

   (1) The Minister of Social Development on 4 March 2002 submitted a draft of the ***Probation Services Amendment Bill***, 2002, 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 Social Development and the Select Committee on Social Development by the Speaker and the Chairperson, respectively, in accordance with Joint Rule 159(2).

National Assembly:

1. The Speaker:

   (1) Bills passed by National Assembly on 13 March 2002: To be submitted to President of the Republic for assent:

      (i) ***Animal Identification Bill*** [B 49B—2001] (National Assembly—sec 75).

      (ii) ***Veterinary and Para-Veterinary Professions Amendment Bill*** [B 66D—2001] (National Assembly—sec 75).

2. The Speaker:

   (1) The following members have been appointed to serve on the **Portfolio Committees** mentioned, viz:

   Health: Appointed: Ngculu, L V.

   Housing:

   Appointed: Kota, Z A.

(2) Mrs Z A Kota has been appointed as chairperson of the Portfolio Committee on Housing with effect from 13 March 2002.

National Council of Provinces:

1. The Chairperson:

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

(1) **The following papers are referred to the Select Committee on Finance:**

(a) Strategic Plan of Statistics South Africa for 2000-2003 and 2004-2005.

(b) Strategic Plan of Statistics South Africa for 2002-2005.

(c) Explanatory Memorandum on the Social Grants Appropriation Bill, 2002 [B9-2002].

(d) Explanatory Memorandum on the Burundi Protection Support Appropriation Bill, 2002 [B10-2002].

(e) The Strategic Plan for the National Treasury for 2002-2005.

(f) Memorandum of Subsidiary Arrangement between the Government of the Republic of South Africa and the Government of Australia concerning Developing Profitable Beef Business Systems for Previously Disadvantaged Farmers in South Africa, tabled in terms of section 231(3) of the Constitution, 1996.

(g) Memorandum of Understanding between the Government of the Republic of South Africa and the Government of Canada concerning the South Africa Teacher Development Project, tabled in terms of section 231(3) of the Constitution, 1996.

(h) Rider No. 1 to Financing Agreement No. SA/B7-3200-99/26 between the Government of the Republic of South Africa and the European Union concerning the Support Programme for Social Housing, tabled in terms of section 231(3) of the Constitution, 1996.

(i) Rider No. 1 to Financing Agreement No. SA7/-3200-96/14 between the Government of the Republic of South Africa and the European Union concerning the Trade and Industry Policy Support Programme, tabled in terms of section 231(3) of the Constitution, 1996.

(j) Rider to Financing Agreements for programmes between the Government of the Republic of South Africa and the European Union, tabled in terms of section 231(3) of the Constitution, 1996.

(k) Financing Agreement No. SA/73200/00/31 between the Government of the Republic of South Africa and the European Union concerning the Economic Integration Support Programme to the BLNS Phase 1, tabled in terms of section 231(3) of the Constitution, 1996.

(l) Rider No. 3 to Financing Agreement No. SA/B7-5070-95/009 between the Government of the Republic of South Africa and the European Union concerning the Library Books and Training of Historically Disadvantaged Institutions Programme, tabled in terms of section 231(3) of the Constitution, 1996.

(m) Rider No. 5 to Financing Agreement No. SA/97/3200/11 between the Government of the Republic of South Africa and the European Union concerning the Public Health Sectoral Support Programme, tabled in terms of section 231(3) of the Constitution, 1996.

(n) Rider No. 1 to Financing Agreement No. SA/73200-98/12 between the Government of the Republic of South Africa and the European Union concerning the Technical Assistance Team to Support Planning, Implementation and Monitoring of RDP Projects, tabled in terms of section 231(3) of the Constitution, 1996.

(o) Rider No. 2 to Financing Agreement No.SA/73200-98/09 between the Government of the Republic of South Africa and the European Union concerning Support for the SADC Finance and Investment Protocol, tabled in terms of section 231(3) of the Constitution, 1996.

(p) Rider No. 3 to Financing Agreement No. SA/95-75075-006 between the Government of the Republic of South Africa and the European Union concerning the Private Sector Development Programme, tabled in terms of section 231(3) of the Constitution, 1996.

(q) Rider No. 1 to Financing Agreement No. SA/73200-98/03 between the Government of the Republic of South Africa and the European Union concerning the Financial Management Improvement Programme (FMIP), tabled in terms of section 231(3) of the Constitution, 1996.

(r) Rider No. 4 to Financing Agreement No. SA/96-73200-007 between the Government of the Republic of South Africa and the European Union concerning Non-Grid Electrification of Rural Schools, tabled in terms of section 231(3) of the Constitution, 1996.

(s) Rider No. 1 to Financing Agreement No. SA/73200-00/31 between the Government of the Republic of South Africa and the European Union concerning the Economic Integration Support Programme to the BLNS Phase 1, tabled in terms of section 231(3) of the Constitution, 1996.

(t) Agreement between the Government of the Republic of South Africa and the Government of the Republic of Finland on Finnish Assistance to the Northern Province Rural Development Programme, tabled in terms of section 231(3) of the Constitution, 1996.

(u) Agreement between the Government of the Republic of South Africa and the Government of the Republic of Finland concerning general terms and procedure for Development Co-operation, tabled in terms of section 231(3) of the Constitution, 1996.

(v) Agreement between the Government of the Republic of South Africa and the Government of the Republic of Finland on Finnish Assistance to the Support to Environment and Sustainable Development in the North West Province, tabled in terms of section 231(3) of the Constitution, 1996.

(w) Memorandum of Understanding between the Government of the Republic of South Africa and the Government of Flanders on

Development Co-operation, tabled in terms of section 231(3) of the Constitution, 1996.

(x) Agreement between the Government of the Republic of South Africa and the Government of the Republic of France on Development Co-operation, tabled in terms of section 231(3) of the Constitution, 1996.

(y) Exchange of Notes concerning the Study and Expert Fund project between the Government of the Republic of South Africa and the Federal Republic of Germany, tabled in terms of section 231(3) of the Constitution, 1996.

(z) Implementing agreement between the Government of the Republic of South Africa and the Government of Sweden concerning Local Government Support to the Northern Cape Province, tabled in terms of section 231(3) of the Constitution, 1996.

(aa) Agreement between the Government of the Republic of South Africa and the Government of Sweden on General Terms and Conditions for Development Co-operation 1 September 2001-31 December 2005, tabled in terms of section 231(3) of the Constitution, 1996.

(bb) Agreement between the Government of the Republic of South Africa and the Government of Sweden on a Partnership Programme between Sweden and Buffalo City within the area of Urban Development, tabled in terms of section 231(3) of the Constitution, 1996.

(cc) Amendment No. 1 to the Bilateral Agreement No. SO9AG-674-0326 between the Government of the Republic of South Africa and the United States of America concerning increased commercial viability of existing small and medium Agribusiness Programme, tabled in terms of section 231(3) of the Constitution, 1996.

(dd) Amendment No. 1 to the Bilateral Agreement No. SO2-674-0327 between the Government of the Republic of South Africa and the United States of America concerning Workforce Development Programme, tabled in terms of section 231(3) of the Constitution, 1996.

(ee) Amendment No. 1 to the Bilateral Agreement No. SO6AG-674-0312D between the Government of the Republic of South Africa and the United States of America concerning Fiscal Management of Urban Environmental Infrastructure, tabled in terms of section 231(3) of the Constitution, 1996.

(ff) Amendment No. 1 to the Bilateral Agreement No. SO4AG-674-04A1 between the Government of the Republic of South Africa and the United States of America concerning support for economic growth and analysis and Mandela Economics Scholars Programme, tabled in terms of section 231(3) of the Constitution, 1996.

(gg) Amendment No. 8 to the Bilateral Agreement No.674-0320-G-00-5053 between the Government of the Republic of South Africa and the United States of America concerning the Equity in Integrated Primary Health Care Project, tabled in terms of section 231(3) of the Constitution, 1996.

(hh) Amendment No. 3 to the Bilateral Agreement No. SO1AG-674-0322A between the Government of the Republic of South Africa and the United States of America concerning the Local Governance Support Programme, tabled in terms of section 231(3) of the Constitution, 1996.

(ii) Amendment No. 7 to the Bilateral Agreement No. 674-0301-G-00-4182-07 between the Government of the Republic of South Africa and the United States of America concerning the Criminal Justice Strengthening Programme, tabled in terms of section 231(3) of the Constitution, 1996.

(jj) Amendment No. 6 to the Bilateral Agreement No. 674-0314-G-00-5041 between the Government of the Republic of South Africa and the United States of America concerning the Primary Education Results Package, tabled in terms of section 231(3) of the Constitution, 1996.

(kk) Amendment No. 6 to the Bilateral Agreement No. 674-0315-G-00-5042 between the Government of the Republic of South Africa and the United States of America concerning the Tertiary Education Linkages Project, tabled in terms of section 231(3) of the Constitution, 1996.

(ll) Amendment No. 4 to the Bilateral Agreement No. GA-674-0309-G-00-5048 between the Government of the Republic of South Africa and the United States of America concerning the Support to Tertiary Education Project, tabled in terms of section 231(3) of the Constitution, 1996.

(mm) Exchange of Letters between the Government of the Republic of South Africa and the Government of the United Kingdom concerning Support for the Economic Reform Project Phase II, tabled in terms of section 231(3) of the Constitution, 1996.

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

Strategic Plan for the Department of Environmental Affairs and Tourism 2002-2005.

(3) **The following papers are referred to the Select Committee on Labour and Public Enterprises:**

(a) Convention concerning Tripartite Consultations to Promote the Implementation of International Labour Standards, 1976 (Convention No 144), tabled in terms of section 231(2) of the Constitution, 1996.

(b) Convention concerning Occupational Safety and Health and the Working Environment, 1983 (Convention No 155), tabled in terms of section 231(2) of the Constitution, 1996.

(c) Explanatory Memorandum to the Conventions.

(4) **The following paper is referred to the Select Committee on Public Services:**

Medium Term Strategic Plan for the Public Service and Administration for 2002-2005.

(5) **The following paper is referred to the Select Committee on Security and Constitutional Affairs:**

The Strategic Plan for the South African Police Service for 2002-2005.

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Speaker and the Chairperson:

   Report of the Auditor-General on the Delays in the tabling of Annual Reports as required by the Public Finance Management Act, 1999 (Act 1 of 1999) [RP 45-2002].

2. The Minister of Social Development:

   Strategic Plan for Social Development for 2002-2005.

3. The Minister of Water Affairs and Forestry:

   Strategic Plan for Water Affairs and Forestry for 2002-2005.

No 2—2002] FOURTH SESSION, SECOND PARLIAMENT

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

JOINT SITTING

THURSDAY, 14 MARCH 2002

1. Members of the National Assembly and the National Council of Provinces assembled in the Chamber of the National Assembly at 14:03
2. The Chairperson of the National Council of Provinces took the Chair and requested members to observe a moment of silence for prayers or meditation.
3. [14:05] Welcoming address by the Deputy Chairperson of the National Council of Provinces.
4. [14:12] Address by His Excellency Mr C A Ciampi, President of the Republic of Italy.
5. [14:32] Vote of thanks by Ms F Hajaig, member of the National Assembly.
6. The Chairperson of the National Council of Provinces adjourned the Joint Sitting at 14:40.

S MFENYANA,

Secretary to Parliament.

No 13—2002] FOURTH SESSION, SECOND PARLIAMENT

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL ASSEMBLY

THURSDAY, 14 MARCH 2002

1. The House met at 14:50.
2. The Deputy Speaker took the Chair.
3. [14:51] Notices of motion.
4. [15:05] The Deputy Chief Whip of the Majority Party moved without notice: That the House—

   (1) notes that South Africa received a Water Globe Award amongst 1 300 entrants from 98 countries;

   (2) recognises that the Department of Water Affairs and Forestry is addressing an enormous backlog in the delivery of basic water services to all the people of South Africa through its Community Water Sanitation Programme;

   (3) acknowledges that in meeting the water security and sanitation needs of the poor, our Government is giving life to human rights enshrined in our Constitution;

   (4) believes South Africa remains committed to the Millennium target set by President Thabo Mbeki and 100 other heads of state at the United Nations to halve the number of people without safe water by 2015; and

   (5) congratulates the Department of Water Affairs for winning such a prestigious award.

   Agreed to.

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

   (1) notes that —

      (a) the University of the Western Cape conferred an honorary doctorate to the Minister of Finance, hon Trevor Manuel; and

      (b) this was done in recognition of his role in the sound management of economic policies; and

(2) congratulates Minister Manuel for receiving this doctorate.

Agreed to.

6. The Deputy Chief Whip of the Majority Party (for the Chief Whip of the Majority Party) moved: That the terms of reference of the ad hoc committee appointed by the House on 2 November 2001 to nominate persons to fill pending vacancies on the South African Human Rights Commission be altered as follows:

The Committee to nominate persons to fill the vacancies—

(1) caused by the resignation of Dr N B Pityana, Adv F P Tlakula and Mr J Nkeli and report to the House thereon by 6 May 2002; and

(2) that will arise as a result of the term of office of commissioners expiring in September 2002 and report to the House thereon by 25 June 2002.

Agreed to.

7. FIRST ORDER [15:10]

First Reading debate—***Appropriation Bill*** [B 4—2002] (National Assembly—sec 77).

Debate concluded.

Bill read a first time (Democratic Party dissenting).

8. The House adjourned at 19:40.

S MFENYANA,

Secretary to Parliament.

No 34—2002] FOURTH SESSION, SECOND PARLIAMENT

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

THURSDAY, 14 MARCH 2002

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

   (1) The Joint Tagging Mechanism (JTM) on 14 March 2002 in terms of Joint Rule 160(6), classified the following Bill as a section 75 Bill:

      (i) ***Electronic Communications and Transactions Bill*** [B 8—2002] (National Assembly—sec 75).

   (2) The Joint Tagging Mechanism (JTM) on 14 March 2002 in terms of Joint Rule 160(6), classified the following Bills as money Bills (section 77):

      (i) ***Social Grants Appropriation Bill*** [B 9—2002] (National Assembly—sec 77).

      (ii) ***Burundi Protection Support Appropriation Bill*** [B 10—2002] (National Assembly—sec 77).

National Assembly:

1. The Speaker:

   (1) The Report by the Deputy Speaker on her Visit to the People's Republic of China (National People's Congress) from 17 to 26 November 2001 is available from the Parliamentary Library.

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

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

(a) Annual Report of the South African Geographical Names Council for 2000-2001 [RP 28-2002].

(b) Annual Report of the National Museum for 2000-2002.

(c) Strategic Plan for Arts, Culture, Science and Technology for 2002-2005.

2. The Minister for Justice and Constitutional Development:

(a) The report regarding the suspension from office of Magistrate R M Nongema, tabled in terms of section 13(3)*(c)* of the Magistrates Act, 1993 (Act No 90 of 1993).

(b) European Convention on Extradition, tabled in terms of section 231(2) of the Constitution, 1996.

(c) Additional Protocol to the European Convention on Extradition, tabled in terms of section 231(2) of the Constitution, 1996.

(d) Second Additional Protocol to the European Convention, tabled in terms of section 231(2) of the Constitution, 1996.

(e) Explanatory Memorandum to the European Convention and the Protocols.

(f) SADC Protocol Against Corruption, tabled in terms of section 231(2) of the Constitution, 1996.

(g) Explanatory Memorandum to the Protocol.

3. The Minister for the Public Service and Administration:

Strategic Plan for South African Management Development Institute for 2001-2002 to 2003-2004.

COMMITTEE REPORTS:

National Assembly:

1. Report of the Portfolio Committee on Finance on the ***Social Grants Appropriation Bill*** [B 9—2002] (National Assembly—sec 77), dated 13 March 2002:

> The Portfolio Committee on Finance, having considered the subject of the ***Social Grants Appropriation Bill*** [B 9—2002] (National Assembly—sec 77), referred to it and classified by the Joint Tagging Mechanism as a money Bill, reports that it has agreed to the Bill.

2. Report of the Portfolio Committee on Finance on the ***Burundi Protection Support Appropriation Bill*** [B 10—2002] (National Assembly—sec 77), dated 13 March 2002:

> The Portfolio Committee on Finance, having considered the subject of the ***Burundi Protection Support Appropriation Bill*** [B 10—2002] (National Assembly—sec 77), referred to it and classified by the Joint Tagging Mechanism as a money Bill, reports that it has agreed to the Bill.

3. Report of the Portfolio Committee on Provincial and Local Government on the ***Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities Bill*** [B 62—2001] (National Assembly—sec 75), dated 13 March 2002:

The Portfolio Committee on Provincial and Local Government, having considered the subject of the ***Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities Bill*** [B 62—2001] (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 62A—2001].

The Committee further reports as follows:

The Committee believes that the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities can serve a vital role in providing for the expression of cultural, religious and linguistic rights in a way that fosters nation-building. If the Commission is effective, it will represent a significant further step in the consolidation of the process of our transition from a divided past to a common future that acknowledges both our diversity and unity.

The Committee notes that the Ministry and the Department of Provincial and Local Government undertook an extensive three-year process of consultation with a wide range of stakeholders before finalising the Bill for introduction into Parliament. The process included consultative conferences, workshops, provincial public hearings and the establishment of a technical committee, representative of key stakeholders, to process earlier drafts of the Bill. In fact, the process was so consultative that several key stakeholders decided not to participate in the parliamentary public hearings because they felt that they had been given adequate opportunity to express their concerns.

The Committee congratulates the Ministry and the Department for the sensitive way in which it has processed this Bill.

The Commission is the only institution "supporting constitutional democracy", provided for in Chapter 9 of the Constitution, that has not yet been established. With the passing of this Bill, the Commission can now be established, and the Committee proposes that the Commission be launched as soon as possible. It seems to the Committee that 24 September—Heritage Day—might be a suitable day.

The Committee recognises that there could be an overlap between the powers and functions of the Commission and those of other institutions, including the South African Human Rights Commission, the Pan South African Language Board, the National House of Traditional Leaders and the Commission for Gender Equality. The Committee is also aware that questions are being raised about how productive and effective some of these institutions are, and whether the country, with its limited resources and many challenges, can afford to have so many constitutional institutions. The Committee believes that these issues should be carefully considered at some appropriate stage.

Within the prescripts of the Constitution, the Committee sought to both define a specific role for the Commission and to encourage the Commission to co-operate effectively with other institutions. Section 6 in particular focuses on the need for this co-operation. It is in the practical implementation of the Bill, however, that certain issues around the specific role of the Commission, its co-operation with other institutions and its productivity and effectiveness will be addressed. We urge the Department and to-be-established Commission to ensure that these issues are appropriately dealt with. We will certainly be monitoring the process.

In many senses, the proposed Commission is unique. There are few, if any, parallels for it anywhere in the world. The Commission has a major responsibility to provide for the expression of diversity and unity in a mutually reinforcing way as part of our nation-building process. We wish it well.

National Council of Provinces:

1. Report of the Select Committee on Finance on the ***Unemployment Insurance Contributions Bill*** [B 85—2001] (National Assembly—sec 77), dated 13 March 2002:

   The Select Committee on Finance, having considered the subject of the ***Unemployment Insurance Contributions Bill*** [B 85—2001] (National Assembly—sec 77), referred to it, reports that it has agreed to the Bill.

2. Report of the Select Committee on Economic and Foreign Affairs on the ***Copyright Amendment Bill*** [B 73B—2001] (National Assembly—sec 75), dated 13 March 2002:

   The Select Committee on Economic and Foreign Affairs, having considered the subject of the ***Copyright Amendment Bill*** [B 73B—2001] (National Assembly—sec 75), referred to it, reports the Bill with proposed amendments, as follows:

   CLAUSE 3

   1. On page 3, in line 18, after "user" to insert "performer".
   2. On page 3, after line 37, to add:

      (3) In the event of any right to a royalty being assigned to any successor in title, either by contractual arrangement, operation of law, testamentary disposition or otherwise, any successor in title shall be entitled to enforce such right to a royalty against the person who in terms of this section is obliged to pay or against his or her successor in title.

3. Report of the Select Committee on Economic and Foreign Affairs on the ***Performers' Protection Amendment Bill*** [B 74B—2001] (National Assembly—sec 75), dated 13 March 2002:

   The Select Committee on Economic and Foreign Affairs, having considered the subject of the ***Performers' Protection Amendment Bill*** [B 74B—2001] (National Assembly—sec 75), referred to it, reports the Bill with proposed amendments, as follows:

CLAUSE 3

1. On page 4, in line 1, to omit "or his or her successor in title".

2. On page 4, after line 14, to add:

(6) In the event of any right to a royalty being assigned to any successor in title, either by contractual arrangement, operation of law, testamentary disposition or otherwise, any successor in title shall be entitled to enforce such right to a royalty against the person who in terms of this section is obliged to pay or against his or her successor in title.

No 14—2002] FOURTH SESSION, SECOND PARLIAMENT

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL ASSEMBLY

FRIDAY, 15 MARCH 2002

1. The House met at 09:05.

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

3. [09:06] Notices of motion.

4. [09:21] The Deputy Chief Whip of the Majority Party (for the Chief Whip of the Majority Party) moved: That the House elects Mr A Mlangeni to preside during today's sitting of the House when requested by a presiding officer to do so.

   Agreed to.

5. The Deputy Chief Whip of the Majority Party (for the Chief Whip of the Majority Party) moved: That Rule 253(1) be suspended for the purposes of conducting the Second Reading debates on the ***Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities Bill*** [B 62—2001] (National Assembly—sec 75) and on the ***National Railway Safety Regulator Bill*** [B 7—2002] (National Assembly—sec 76).

   Agreed to.

6. The Deputy Chief Whip of the Majority Party (for the Chief Whip of the Majority Party) moved: That, notwithstanding Rule 290(1), the ***Private Security Industry Levies Bill*** [B 11—2002]—(National Assembly—sec 77), upon its introduction, be referred to the Portfolio Committee on Safety and Security for consideration and report, the Committee to have the power to confer with the Portfolio Committee on Finance.

   Agreed to.

7. FIRST ORDER [09:22]

   Consideration of Report of Portfolio Committee on Justice and Constitutional Development (Announcements, Tablings and Committee Reports, p 81—***Legal Aid Guide, 2001***).

   Report adopted without debate.

8. SECOND ORDER [09:22]

Consideration of Report of Standing Committee on Private Members' Legislative Proposals and Special Petitions (Announcements, Tablings and Committee Reports, 2001, p 1445—***Petition of Mr O B van Schalkwyk***).

Report adopted without debate.

9. THIRD ORDER [09:23]

Consideration of Report of Standing Committee on Private Members' Legislative Proposals and Special Petitions (Announcements, Tablings and Committee Reports, 2001, p 1375—***Petition of Mr G C Clarke***).

Report adopted without debate.

10. FOURTH ORDER [09:23]

Consideration of Report of Portfolio Committee on Justice and Constitutional Development (Announcements, Tablings and Committee Reports, p 80—***Suspension and Removal from Office of Mr H Z Zulu, Additional Magistrate, Port Shepstone***).

Report adopted without debate.

11. FIFTH ORDER [09:24]

Introduction—***Private Security Industry Levies Bill*** [B 11—2002]—(National Assembly—sec 77).

The Minister of Finance introduced the Bill.

Bill, together with the introductory speech, referred to the Portfolio Committee on Safety and Security for consideration and report.

12. SIXTH ORDER [09:26]

First Reading debate—***Burundi Protection Support Appropriation Bill*** [B 10—2002] (National Assembly—sec 77).

Debate concluded.

Bill read a first time (Freedom Front and Afrikaner Eenheidsbeweging dissenting).

13. SEVENTH ORDER [10:09]

Second Reading debate—***Burundi Protection Support Appropriation Bill*** [B 10—2002] (National Assembly—sec 77).

There was no debate.

Bill read a second time.

14. EIGHTH ORDER [10:10]

First Reading debate—***Social Grants Appropriation Bill*** [B 9—2002] (National Assembly—sec 77).

Debate concluded.

Bill read a first time.

15. NINTH ORDER [11:09]

Second Reading debate—***Social Grants Appropriation Bill*** [B 9—2002] (National Assembly—sec 77)

There was no debate.

Bill read a second time.

16. The House adjourned at 11:10.

S MFENYANA,

Secretary to Parliament.

(4) The following Bill was introduced by the Minister of Finance in the National Assembly on 15 March 2002 and referred to the Joint Tagging Mechanism (JTM) for classification in terms of Joint Rule 160:

(i) ***Private Security Industry Levies Bill*** [B 11—2002] (National Assembly—sec 77).

The Bill has, in accordance with a resolution by the National Assembly on 15 March 2002, been referred to the Portfolio Committee on Safety and Security of the National Assembly.

In terms of Joint Rule 154 written views on the classification of the Bills may be submitted to the Joint Tagging Mechanism (JTM) within three parliamentary working days.

National Assembly:

1. The Speaker:

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

(1) **The following papers are referred to the Portfolio Committee on Finance:**

(a) Strategic Plan of Statistics South Africa for 2000-2003 and 2004-2005.

(b) Strategic Plan of Statistics South Africa for 2002-2005.

(c) The Strategic Plan for the National Treasury for 2002-2005.

(d) Memorandum of Subsidiary Arrangement between the Government of the Republic of South Africa and the Government of Australia concerning Developing Profitable Beef Business Systems for Previously Disadvantaged Farmers in South Africa, tabled in terms of section 231(3) of the Constitution, 1996.

(e) Memorandum of Understanding between the Government of the Republic of South Africa and the Government of Canada concerning the South Africa Teacher Development Project, tabled in terms of section 231(3) of the Constitution, 1996.

(f) Rider No. 1 to Financing Agreement No. SA/B7-3200-99/26 between the Government of the Republic of South Africa and the European Union concerning the Support Programme for Social Housing, tabled in terms of section 231(3) of the Constitution, 1996.

(g) Rider No. 1 to Financing Agreement No. SA7/-3200-96/14 between the Government of the Republic of South Africa and the European Union concerning the Trade and Industry Policy Support Programme, tabled in terms of section 231(3) of the Constitution, 1996.

(h) Rider to Financing Agreements for programmes between the Government of the Republic of South Africa and the European Union, tabled in terms of section 231(3) of the Constitution, 1996.

(i) Financing Agreement No. SA/73200/00/31 between the Government of the Republic of South Africa and the European Union concerning the Economic Integration Support Programme to the

BLNS Phase 1, tabled in terms of section 231(3) of the Constitution, 1996.

(j) Rider No. 3 to Financing Agreement No. SA/B7-5070-95/009 between the Government of the Republic of South Africa and the European Union concerning the Library Books and Training of Historically Disadvantaged Institutions Programme, tabled in terms of section 231(3) of the Constitution, 1996.

(k) Rider No. 5 to Financing Agreement No. SA/97/3200/11 between the Government of the Republic of South Africa and the European Union concerning the Public Health Sectoral Support Programme, tabled in terms of section 231(3) of the Constitution, 1996.

(l) Rider No. 1 to Financing Agreement No. SA/73200-98/12 between the Government of the Republic of South Africa and the European Union concerning the Technical Assistance Team to Support Planning, Implementation and Monitoring of RDP Projects, tabled in terms of section 231(3) of the Constitution, 1996.

(m) Rider No. 2 to Financing Agreement No.SA/73200-98/09 between the Government of the Republic of South Africa and the European Union concerning Support for the SADC Finance and Investment Protocol, tabled in terms of section 231(3) of the Constitution, 1996.

(n) Rider No. 3 to Financing Agreement No. SA/95-75075-006 between the Government of the Republic of South Africa and the European Union concerning the Private Sector Development Programme, tabled in terms of section 231(3) of the Constitution, 1996.

(o) Rider No. 1 to Financing Agreement No. SA/73200-98/03 between the Government of the Republic of South Africa and the European Union concerning the Financial Management Improvement Programme (FMIP), tabled in terms of section 231(3) of the Constitution, 1996.

(p) Rider No. 4 to Financing Agreement No. SA/96-73200-007 between the Government of the Republic of South Africa and the European Union concerning Non-Grid Electrification of Rural Schools, tabled in terms of section 231(3) of the Constitution, 1996.

(q) Rider No. 1 to Financing Agreement No. SA/73200-00/31 between the Government of the Republic of South Africa and the European Union concerning the Economic Integration Support Programme to the BLNS Phase 1, tabled in terms of section 231(3) of the Constitution, 1996.

(r) Agreement between the Government of the Republic of South Africa and the Government of the Republic of Finland on Finnish Assistance to the Northern Province Rural Development Programme, tabled in terms of section 231(3) of the Constitution, 1996.

(s) Agreement between the Government of the Republic of South Africa and the Government of the Republic of Finland concerning general terms and procedure for Development Co-operation, tabled in terms of section 231(3) of the Constitution, 1996.

(4) The following Bill was introduced by the Minister of Finance in the National Assembly on 15 March 2002 and referred to the Joint Tagging Mechanism (JTM) for classification in terms of Joint Rule 160:

(i) ***Private Security Industry Levies Bill*** [B 11—2002] (National Assembly—sec 77).

The Bill has, in accordance with a resolution by the National Assembly on 15 March 2002, been referred to the Portfolio Committee on Safety and Security of the National Assembly.

In terms of Joint Rule 154 written views on the classification of the Bills may be submitted to the Joint Tagging Mechanism (JTM) within three parliamentary working days.

National Assembly:

1. The Speaker:

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

(1) **The following papers are referred to the Portfolio Committee on Finance:**

(a) Strategic Plan of Statistics South Africa for 2000-2003 and 2004-2005.

(b) Strategic Plan of Statistics South Africa for 2002-2005.

(c) The Strategic Plan for the National Treasury for 2002-2005.

(d) Memorandum of Subsidiary Arrangement between the Government of the Republic of South Africa and the Government of Australia concerning Developing Profitable Beef Business Systems for Previously Disadvantaged Farmers in South Africa, tabled in terms of section 231(3) of the Constitution, 1996.

(e) Memorandum of Understanding between the Government of the Republic of South Africa and the Government of Canada concerning the South Africa Teacher Development Project, tabled in terms of section 231(3) of the Constitution, 1996.

(f) Rider No. 1 to Financing Agreement No. SA/B7-3200-99/26 between the Government of the Republic of South Africa and the European Union concerning the Support Programme for Social Housing, tabled in terms of section 231(3) of the Constitution, 1996.

(g) Rider No. 1 to Financing Agreement No. SA7/-3200-96/14 between the Government of the Republic of South Africa and the European Union concerning the Trade and Industry Policy Support Programme, tabled in terms of section 231(3) of the Constitution, 1996.

(h) Rider to Financing Agreements for programmes between the Government of the Republic of South Africa and the European Union, tabled in terms of section 231(3) of the Constitution, 1996.

(i) Financing Agreement No. SA/73200/00/31 between the Government of the Republic of South Africa and the European Union concerning the Economic Integration Support Programme to the

BLNS Phase 1, tabled in terms of section 231(3) of the Constitution, 1996.

(j) Rider No. 3 to Financing Agreement No. SA/B7-5070-95/009 between the Government of the Republic of South Africa and the European Union concerning the Library Books and Training of Historically Disadvantaged Institutions Programme, tabled in terms of section 231(3) of the Constitution, 1996.

(k) Rider No. 5 to Financing Agreement No. SA/97/3200/11 between the Government of the Republic of South Africa and the European Union concerning the Public Health Sectoral Support Programme, tabled in terms of section 231(3) of the Constitution, 1996.

(l) Rider No. 1 to Financing Agreement No. SA/73200-98/12 between the Government of the Republic of South Africa and the European Union concerning the Technical Assistance Team to Support Planning, Implementation and Monitoring of RDP Projects, tabled in terms of section 231(3) of the Constitution, 1996.

(m) Rider No. 2 to Financing Agreement No.SA/73200-98/09 between the Government of the Republic of South Africa and the European Union concerning Support for the SADC Finance and Investment Protocol, tabled in terms of section 231(3) of the Constitution, 1996.

(n) Rider No. 3 to Financing Agreement No. SA/95-75075-006 between the Government of the Republic of South Africa and the European Union concerning the Private Sector Development Programme, tabled in terms of section 231(3) of the Constitution, 1996.

(o) Rider No. 1 to Financing Agreement No. SA/73200-98/03 between the Government of the Republic of South Africa and the European Union concerning the Financial Management Improvement Programme (FMIP), tabled in terms of section 231(3) of the Constitution, 1996.

(p) Rider No. 4 to Financing Agreement No. SA/96-73200-007 between the Government of the Republic of South Africa and the European Union concerning Non-Grid Electrification of Rural Schools, tabled in terms of section 231(3) of the Constitution, 1996.

(q) Rider No. 1 to Financing Agreement No. SA/73200-00/31 between the Government of the Republic of South Africa and the European Union concerning the Economic Integration Support Programme to the BLNS Phase 1, tabled in terms of section 231(3) of the Constitution, 1996.

(r) Agreement between the Government of the Republic of South Africa and the Government of the Republic of Finland on Finnish Assistance to the Northern Province Rural Development Programme, tabled in terms of section 231(3) of the Constitution, 1996.

(s) Agreement between the Government of the Republic of South Africa and the Government of the Republic of Finland concerning general terms and procedure for Development Co-operation, tabled in terms of section 231(3) of the Constitution, 1996.

(t) Agreement between the Government of the Republic of South Africa and the Government of the Republic of Finland on Finnish Assistance to the Support to Environment and Sustainable Development in the North West Province, tabled in terms of section 231(3) of the Constitution, 1996.

(u) Memorandum of Understanding between the Government of the Republic of South Africa and the Government of Flanders on Development Co-operation, tabled in terms of section 231(3) of the Constitution, 1996.

(v) Agreement between the Government of the Republic of South Africa and the Government of the Republic of France on Development Co-operation, tabled in terms of section 231(3) of the Constitution, 1996.

(w) Exchange of Notes concerning the Study and Expert Fund project between the Government of the Republic of South Africa and the Federal Republic of Germany, tabled in terms of section 231(3) of the Constitution, 1996.

(x) Implementing agreement between the Government of the Republic of South Africa and the Government of Sweden concerning Local Government Support to the Northern Cape Province, tabled in terms of section 231(3) of the Constitution, 1996.

(y) Agreement between the Government of the Republic of South Africa and the Government of Sweden on General Terms and Conditions for Development Co-operation 1 September 2001-31 December 2005, tabled in terms of section 231(3) of the Constitution, 1996.

(z) Agreement between the Government of the Republic of South Africa and the Government of Sweden on a Partnership Programme between Sweden and Buffalo City within the area of Urban Development, tabled in terms of section 231(3) of the Constitution, 1996.

(aa) Amendment No. 1 to the Bilateral Agreement No. SO9AG-674-0326 between the Government of the Republic of South Africa and the United States of America concerning increased commercial viability of existing small and medium Agribusiness Programme, tabled in terms of section 231(3) of the Constitution, 1996.

(bb) Amendment No. 1 to the Bilateral Agreement No. SO2-674-0327 between the Government of the Republic of South Africa and the United States of America concerning Workforce Development Programme, tabled in terms of section 231(3) of the Constitution, 1996.

(cc) Amendment No. 1 to the Bilateral Agreement No. SO6AG-674-0312D between the Government of the Republic of South Africa and the United States of America concerning Fiscal Management of Urban Environmental Infrastructure, tabled in terms of section 231(3) of the Constitution, 1996.

(dd) Amendment No. 1 to the Bilateral Agreement No. SO4AG-674-04A1 between the Government of the Republic of South Africa and the United States of America concerning support for economic growth and analysis and Mandela Economics Scholars Programme, tabled in terms of section 231(3) of the Constitution, 1996.

(ee) Amendment No. 8 to the Bilateral Agreement No.674-0320-G-00-5053 between the Government of the Republic of South Africa and the United States of America concerning the Equity in Integrated Primary Health Care Project, tabled in terms of section 231(3) of the Constitution, 1996.

(ff) Amendment No. 3 to the Bilateral Agreement No. SO1AG-674-0322A between the Government of the Republic of South Africa and the United States of America concerning the Local Governance Support Programme, tabled in terms of section 231(3) of the Constitution, 1996.

(gg) Amendment No. 7 to the Bilateral Agreement No. 674-0301-G-00-4182-07 between the Government of the Republic of South Africa and the United States of America concerning the Criminal Justice Strengthening Programme, tabled in terms of section 231(3) of the Constitution, 1996.

(hh) Amendment No. 6 to the Bilateral Agreement No. 674-0314-G-00-5041 between the Government of the Republic of South Africa and the United States of America concerning the Primary Education Results Package, tabled in terms of section 231(3) of the Constitution, 1996.

(ii) Amendment No. 6 to the Bilateral Agreement No. 674-0315-G-00-5042 between the Government of the Republic of South Africa and the United States of America concerning the Tertiary Education Linkages Project, tabled in terms of section 231(3) of the Constitution, 1996.

(jj) Amendment No. 4 to the Bilateral Agreement No. GA-674-0309-G-00-5048 between the Government of the Republic of South Africa and the United States of America concerning the Support to Tertiary Education Project, tabled in terms of section 231(3) of the Constitution, 1996.

(kk) Exchange of Letters between the Government of the Republic of South Africa and the Government of the United Kingdom concerning Support for the Economic Reform Project Phase II, tabled in terms of section 231(3) of the Constitution, 1996.

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

Strategic Plan for the Department of Environmental Affairs and Tourism 2002-2005.

(3) **The following papers are referred to the Portfolio Committee on Labour for consideration and report:**

(a) Convention concerning Tripartite Consultations to Promote the Implementation of International Labour Standards, 1976 (Convention No 144), tabled in terms of section 231(2) of the Constitution, 1996.

(b) Convention concerning Occupational Safety and Health and the Working Environment, 1983 (Convention No 155), tabled in terms of section 231(2) of the Constitution, 1996.

(c) Explanatory Memorandum to the Conventions.

(4) **The following paper is referred to the Portfolio Committee on Public Service and Administration:**

Medium Term Strategic Plan for the Public Service and Administration for 2002-2005.

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

The Strategic Plan for the South African Police Service for 2002-2005.

(6) **The following papers are referred to the Standing Committee on Public Accounts:**

(a) Explanatory Memorandum on the Social Grants Appropriation Bill, 2002 [B9-2002]

(b) Explanatory Memorandum on the Burundi Protection Support Appropriation Bill, 2002 [B10-2002]

(c) Resolutions of the Standing Committee on Public Accounts for 2001 and replies thereto obtained by the National Treasury: Tenth and Fourteenth Reports, 2001.

National Council of Provinces:

1. The Chairperson:

(1) Message from National Assembly to National Council of Provinces:

Bills passed by National Assembly on 15 March 2002 and transmitted for concurrence:

(i) ***Social Grants Appropriation Bill*** [B 9—2002] (National Assembly—sec 77);

(ii) ***Burundi Protection Support Appropriation Bill*** [B 10—2002] (National Assembly—sec 77).

The Bills have been referred to the Select Committee on Finance of the National Council of Provinces.

2. 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 Select Committee on Finance:**

(a) Report of the Auditor-General on the Delays in the tabling of Annual Reports as required by the Public Finance Management Act, 1999 (Act 1 of 1999) [RP 45-2002].

(2) **The following paper is referred to the Select Committee on Social Development:**

(a) Strategic Plan for Social Development for 2002-2005.

(3) **The following paper is referred to the Select Committee on Land and Environmental Affairs:**

(a) Strategic Plan for Water Affairs and Forestry for 2002-2005.

TABLINGS:

National Assembly and National Council of Provinces:

1. The Minister of Minerals and Energy:

   Strategic Plan for the Department of Minerals and Energy for 2002-2005.

COMMITTEE REPORTS:

National Assembly:

1. Report of the Portfolio Committee on Transport on the ***National Railway Safety Regulator Bill*** [B 7—2002] (National Assembly—sec 76), dated 13 March 2002:

   The Portfolio Committee on Transport, having considered the subject of the ***National Railway Safety Regulator Bill*** [B 7—2002] (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 7A—2002].

National Council of Provinces:

1. Report of the Select Committee on Land and Environmental Affairs on the ***Animal Health Bill*** [B 64D—2001] (National Council of Provinces—sec 76), dated 15 March 2002:

   The Select Committee on Land and Environmental Affairs, having considered the ***Animal Health Bill*** [B 64D—2001] (National Council of Provinces—sec 76), amended by the National Assembly and referred to the Committee, reports that it has agreed to the Bill.

Monday, 18 March 2002]

No 15—2002] FOURTH SESSION, SECOND PARLIAMENT

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL ASSEMBLY

MONDAY, 18 MARCH 2002

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. [14:02] Notices of motion.
4. [14:17] The Deputy Chief Whip of the Majority Party moved without notice: That the House—

   (1) notes that this week is National Water Week which is celebrated under the banner: *Our Water feeds our nation's needs*;

   (2) recognises that it is appropriate that when we celebrate Human Rights day, we recall that millions of our people do not have access to clean, safe water, while millions are still without adequate sanitation;

   (3) calls on all Members of this House to encourage their constituencies to focus on the need to restore and preserve the integrity of this most precious resource, water; and

   (4) calls on all South Africans to take responsibility to ensure that this scarce resource is managed in an effective and sustainable manner.

   Agreed to.

5. Mr C H F Greyling moved without notice: That the House—

   (1) congratulates the Proteas on their victory and excellent performance in the last match in the test series against the Australian cricket team; and

   (2) wishes them all the best in the upcoming one-day matches against Australia.

   Agreed to.

6. FIRST ORDER [14:19]

   Second Reading debate—***Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities Bill*** [B 62B—2001] (National Assembly—sec 75).

   Debate concluded.

   Bill read a second time (African Christian Democratic Party and Freedom Front dissenting).

7. SECOND ORDER [16:00]

Second Reading debate—***National Railway Safety Regulator Bill*** [B 7B—2002] (National Assembly—sec 76).

Debate concluded.

Bill read a second time.

8. [17:04] The Deputy Chief Whip of the Majority Party moved without notice: That, notwithstanding Rule 23, the hours of sitting for tomorrow, 19 March 2002, are as follows:

> 10:00 to adjournment, subject to the availability of the report of the parliamentary mission to observe the Zimbabwean presidential election.

Agreed to.

9. The House adjourned at 17:05.

S MFENYANA,

Secretary to Parliament.

No 36—2002] FOURTH SESSION, SECOND PARLIAMENT

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

MONDAY, 18 MARCH 2002

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

   (1) The Minister of Finance submitted the ***Wetsontwerp op die Verdeling van Inkomste*** [W 5—2002] (National Assembly—sec 76) to the Speaker and the Chairperson on 18 March 2002. This is the official translation of the ***Division of Revenue Bill*** [B 5—2002] (National Assembly—sec 76), which was introduced in the National Assembly by the Minister on 20 February 2002.

   (2) The Minister for Agriculture and Land Affairs submitted the ***Wetsontwerp op Dieregesondheid*** [W 64—2001] (National Council of Provinces—sec 76) to the Speaker and the Chairperson on 18 March 2002. This is the official translation of the ***Animal Health Bill*** [B 64—2001] (National Council of Provinces—sec 76), which was introduced in the National Council of Provinces by the Select Committee on Land and Environmental Affairs at the request of the Minister on 5 September 2001.

National Council of Provinces:

1. The Chairperson:

   Message from National Assembly to National Council of Provinces:

   Bills passed by National Assembly on 18 March 2002 and transmitted for concurrence:

   (1) ***Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities Bill*** [B 62B—2001] (National Assembly—sec 75).

   The Bill has been referred to the Select Committee on Local Government and Administration of the National Council of Provinces.

   (2) ***National Railway Safety Regulator Bill*** [B 7B—2002] (National Assembly—sec 76).

The Bill has been referred to the Select Committee on Public Services of the National Council of Provinces.

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Speaker and the Chairperson:

   Report of the Auditor-General on the Financial Statements of the Pan South African Language Board for 2000-2001 [RP 38-2002].

2. The Minister of Finance:

   Report and Financial Statements of the South African Revenue Services for 2000-2001, including the Report of the Auditor-General on the Financial Statements for 2000-2001.

3. The Minister of Labour:

   Report and Financial Statements of the Health and Welfare Sector Training Authority for 2000-2001, including the Report of the Auditor-General on the Financial Statements for 2000-2001.

National Assembly:

1. The Speaker:

   (1) **Third Report of the Working Group on the African Union, dated 18 March 2002**

The Working Group was established to consider the implementation of the Constitutive Act of the African Union, and recommends that:

1. The Working Group, as it has not finalised its task, should be mandated to continue with its work on the African Union, including the issues raised at the seminar of 1 and 2 March 2002.
2. The Presiding Officers should be authorised to expand the membership of the Working Group when required.
3. The Minister of Foreign Affairs should be requested to sign the Protocol on Pan African Parliament and table it in Parliament as soon as possible. The Protocol should be referred to the Working Group for consideration and its ratification should be finalised by the end of May 2002.
4. The National Assembly should interact with other African Parliaments and Parliamentary formations, in particular the SADC Parliamentary Forum, in order to promote early ratification of the Protocol.
5. As the Constitutive Act of the African Union provides for the participation of the African peoples and the Pan African Parliament in the activities of the Union, Parliament should engage the Executive, among other things, to establish a role for African Parliaments in the African Union Summit in July 2002.
6. Parliament should establish the response of the Executive to the second reports, dated 27 February 2001, of the Portfolio

Committee on Foreign Affairs and the Select Committee on Economic Affairs, respectively, on the Constitutive Act of the African Union.

Report to be considered.

(2) **Interim Report of the Task Group on Sexual Abuse of Children on the progress with regard to the hearings held on the sexual abuse of children, dated 18 March 2002:**

1. The Task Group on the Sexual Abuse of Children was established by the Speaker to give effect to the motion passed in the National Assembly on 14 November 2001. (See ATC dated 11 February 2002.) This multiparty Task Group consists of two members each of the following committees: Portfolio Committee on Education; Portfolio Committee on Health; Portfolio Committee on Justice and Constitutional Affairs; Portfolio Committee on Safety and Security; Portfolio Committee on Social Development; Joint Monitoring Committee on the Improvement of Quality of Life and Status of Children, Youth and People with Disabilities and the Joint Monitoring Committee on the Improvement of Quality of Life and Status of Women.

2. At the first meeting of the Task Group on 6 February 2002, Mr E Saloojee was unanimously elected as chairperson and it was agreed that he would take the responsibility of setting up the hearings. It was decided at this meeting that the hearings should be publicised as widely as possible and that the relevant government departments should be invited to brief the Task Group on their programmes aimed at combating the sexual abuse of children as well as the legislative framework within which these programmes operate.

3. As a result, advertisements were placed in the Sunday Times and City Press on 10 and 17 February 2002 indicating a cut-off date of 3 March 2002. In addition, in the week of 11-15 February 2002 approximately 150 letters were faxed and emailed to a range of organisations and individuals throughout the country who would be interested in the issue of rape and abuse of children. The five relevant Ministers and Departments were invited to make very brief submissions on the first day of the hearings. In addition, the South African Law Commission was invited to talk about their work on the Review of the Child Care Act and the Sexual Offences Act.

4. Each Member of Parliament was given a batch of ten copies of the print advert with a covering letter asking them to publicise the hearings in their constituencies.

5. The Chairperson also engaged the services of the Public Education Department at Parliament, which organised public information radio spots about the issue on 14 radio stations in all the official languages during the week of 23 February 2002 to 3 March 2002. This was done using the resources of the Public Education Department.

6. Notwithstanding the time constraints placed upon the TG by the deadline of 15 March 2002, 51 responses in terms of applications to make oral submissions were received. Through a process of careful selection, the Chairperson decided on which organisations and individuals would be accorded a time slot. It

was decided to ask those who could not be accommodated in the programme to submit written submissions.

7. The Task Group agreed to fund eight individuals who were not able to afford to travel to Cape Town so that people are not excluded due to economic reasons.

8. In all about 76 submissions had been received. The Task Group agreed to accept written submissions in any of the official languages, and in cases where people are unable to write, to accept recorded submissions so that as many voices were heard as possible.

9. The deadline confined the hearings to be held from Monday, 11 March 2002 until Wednesday, 13 March 2002 from 09:00 to 17:00 each day, and from 14:00 until 18:00 on Thursday, 14 March 2002, thereby limiting the time for adequate questions to the presenters. The meeting on 14 March 2002, at which the Task Group heard submissions from a group of children, was not open to the public. This was facilitated by the Afrika Cultural Trust. This was done in order to protect the identities of the children, some of who were survivors of abuse including sexual abuse.

10. The Task Group heard from the following persons and organisations:

Monday, 11 March 2002

* Department of Social Development
* Department of Education
* Department Safety and Security
* Department Justice and Constitutional Development
* Department Home Affairs
* Department of Health
* South African Law Commission
* Chairperson of the NCOP (Ms N Pandor)
* Ms T Duze—Bultfontein
* Community Law Centre (UWC)
* Ms L Khoza—Newcastle

Tuesday, 12 March 2002

* Cape Town Child Welfare Society
* It's Your Move Youth Action
* South African National Council for Child Welfare
* WACA Advice Centre—G A Rankua
* South African Human Rights Commission
* Childline
* UN Child Justice Project
* Ms F Dyanti (Rape Survivor)
* South African Catholics Bishops' Conference

* Domestic Violence Helpline (Durban)
* Shadow Pictures
* Rapcan
* Nadel

Wednesday, 13 March 2002

* Molo Songololo
* Ms R Kadalie
* UCT Children's Institute
* Far North Regional Network on Violence—Pietersburg
* Professional Board for Psychology
* CIET Africa
* Palliative Medicine Institute
* Johannesburg Child Welfare Society
* Medical Research Council
* Child Protection Programme (UWC)
* National House of Traditional Leaders
* ACCESS/ Children's Rights Centre / Soul City

Thursday, 14 March 2002

* Afrika Cultural Trust

11. The Task Group, having heard from the persons and organisations listed above, having examined the written submissions and in view of—

    * the limited time available to the Task Group to carefully consider all the information gathered at the hearings to enable it to prepare its report;
    * the complexity of the divergent issues raised during the public hearings, which require careful consideration for appropriate action;
    * the myriad of legislative measures dealing with sexual offences against children that have been raised for close scrutiny by various parties at the hearings;
    * the need for careful review in order to co-ordinate the roles and relationships of the various institutions and other role-players involved in combating the sexual abuse of children; and
    * the need for detailed recommendations to be discussed by the various political parties individually prior to their inclusion in a final report of the Task Group,

    proposes that a final report be tabled in the National Assembly during the second parliamentary session, after careful consideration by all political parties, with full recommendations for appropriate action to be taken in response to those issues raised in the Report.

To be considered.

COMMITTEE REPORTS:

National Assembly:

1. Interim Report of the ***Ad Hoc*** Committee on Powers and Privileges of Parliament, dated 18 March 2002:

   The ***Ad Hoc*** Committee on Powers and Privileges of Parliament reports as follows:

   1. The Committee met on 12, 13, 15 and 19 February 2002 to consider the Fourth Draft of the ***Powers and Immunities of Parliament Bill***. These deliberations led to several points being identified on which the Committee needed to make a final decision. The Committee requested the Parliamentary Law Advisers to prepare a fifth draft of the Bill, highlighting the clauses on which such decisions had to be made.

   2. The fifth draft of the Bill was distributed to all the members of the Committee, to enable all political parties to consider its contents, and to generate some discussion on the subject. It is envisaged that the members will bring to the next Committee meeting the viewpoints of their respective parties.

   3. The ***Ad Hoc*** Select Committee on Powers and Privileges of Parliament of the National Council of Provinces had to withdraw from the process at the request of its chairperson, due to the nature of the NCOP programming. The Bill was circulated to the provincial legislatures for comment, and to date only the following provinces have responded: Free State, Northern Province (Limpopo), Gauteng, Western Cape, Northern Cape and Eastern Cape. KwaZulu-Natal has not yet passed any legislation in this regard. The three provinces who have not responded, need to be urged to do so.

   4. It is proposed that the Committee meets as follows:

      * 26 April 2002, to consider the fifth draft of the Bill, to exercise options on clauses where there is still uncertainty; and
      * 3 May 2002, to consider a sixth and final draft of the Bill.

   5. The ***Ad Hoc*** Select Committee will be invited to attend these meetings.

   6. It is hoped that the Committee will finalise and adopt the final draft of the Bill on 3 May 2002, for submission to the National Assembly.

   Report to be considered.

National Council of Provinces:

1. Report of the Select Committee on Finance on the ***Social Grants Appropriation Bill*** [B 9—2002] (National Assembly—sec 77), dated 18 March 2002:

   The Select Committee on Finance, having considered the subject of the ***Social Grants Appropriation Bill*** [B 9—2002] (National Assembly—sec 77), referred to it, reports that it has agreed to the Bill.

2. Report of the Select Committee on Finance on the ***Burundi Protection Support Appropriation Bill*** [B 10—2002] (National Assembly—sec 77), dated 18 March 2002:

> The Select Committee on Finance, having considered the subject of the ***Burundi Protection Support Appropriation Bill*** [B 10—2002] (National Assembly—sec 77), referred to it, reports that it has agreed to the Bill.

3. Report of the Select Committee on Land and Environmental Affairs on ***Winter Cereal Industry***, dated 18 March 2002:

> The Select Committee on Land and Environmental Affairs, having considered the application by the National Agricultural Marketing Council for the continuation of the statutory measures in the Winter Cereal Industry, reports, in terms of section 15 of the Marketing of Agricultural Products Act, 1996, that it has approved the recommendations of the council.

4. Report of the Select Committee on Finance on the ***Division of Revenue Bill*** [B 5B—2002] (National Assembly—sec 76), dated 18 March 2002:

The Select Committee on Finance, having considered the subject of the ***Division of Revenue Bill*** [B 5B—2002] (National Assembly—sec 76), referred to it, reports the Bill with amendments [B 5C—2002]. The Committee reports further, as follows:

A. Introduction

The Select Committee on Finance held hearings on the 2002-03 Division of Revenue Bill from 6 March 2002 to 8 March 2002. The Committee wishes to express its appreciation to all the participants for their submissions and contributions during the hearings. The Committee would also like to express its appreciation to the National Treasury, the chairperson of the Financial Fiscal Commission and their staff, SALGA, the Office of the Auditor-General, Directors-General, Deputy Directors-General and Chief Financial Officers from national departments for their submissions and contributions. Written presentations submitted form part of the records of the Committee Section.

B. Background information

The Division of Revenue, as set out in section 214 of the Constitution, provides for the equitable distribution of revenue raised nationally among the national, provincial and local spheres of government to ensure that provinces and municipalities are able to provide basic services and perform the functions allocated to them. Additional revenue raised by provinces or municipalities may not be deducted from their share of revenue raised nationally or other allocations made to them out of national government revenue (section 227(2) of the Constitution). Provinces and local government may receive other allocations from national government revenue, either conditionally, unconditionally or in kind (section 227(1)*(b)* of the Constitution). Revenue shared amongst the three spheres of government includes revenue collected at national level, plus borrowing, but excludes funds for the Reconstruction and Development Programme and social security funds.

2. *Overview of Division of Revenue Bill 2002-03*

The 2002-03 Division of Revenue Bill continues to focus on the broad policy priorities of the government, with emphasis on public spending and reduction of poverty to alleviate inequality and vulnerability. It shows strong increases in the equitable share allocations to both provinces and municipalities, recognising their critical role in the delivery of social development, basic household services and infrastructure.

Rebuilding local government and meeting commitments to ensure free basic service delivery remains the government's key priority, with municipal infrastructure financing receiving substantial increases in allocations over the next three years. The Division of Revenue Bill takes account of the judgement passed by the KwaZulu-Natal High Court to include equitable share allocations for district category C municipalities in the additional allocations to local government.

Necessary steps are taken to improve financial management capacity, accountability and improved quality of public service delivery across all spheres of government. It, however, became clear in the hearings that the ongoing transformation of local government and proposed new policies and legislation have created some uncertainty in the municipal finance environment. These include the Municipal Finance Management Bill.

3. *National Treasury*

In its submission the National Treasury reported real growth in non-interest government spending of 4,1% a year over the MTEF period. Additional allocations for government spending excluding debt service costs and contingency reserve increase by R13,4 billion in 2002-03 and by R17,9 billion in 2003-04.

Positive real growth in all three spheres of government is reported (an inflation rate of around 6,5% is assumed). The national allocation increasing to R6,6 billion (nominal terms) in 2002-03 and R8,5 billion (nominal terms) in 2003-04, while provincial allocation shares increase to R5,3 million (nominal terms) and R7 billion (nominal terms) and local government share increase by R1,6 million (nominal terms) and R2,4 billion (nominal terms) over the same period. The Treasury reported a marked improvement in provincial financial management and improved spending on social infrastructure. Certain departments have shown steady progress in meeting the requirements of the Public Finance Management Act, 1999 (PFMA). There was strong support from the Office of the Auditor-General for the government's endeavours to improve financial management measures.

The table below shows the revised and medium term estimates percentage shares in the vertical division of revenue amongst the three spheres of government.

VERTICAL DIVISION OF REVENUE—2002 BUDGET

R billion	2000/01	2001/2/01		2002/03	2003/04	2004/05
	Outcome	Budget	Revised	Medium-term estimates		
National allocation	73,142	84,286	87,317	96,106	103,307	109,911
Provincial allocation	108,904	117,387	121,206	132,420	142,844	152,363
Equitable share	98,398	106,260	107,460	119,452	128,466	137,089
Conditional grants	10,506	11,127	13,745	12,967	14,378	15,274
Local government allocation	5,576	6,506	6,552	8,580	10,235	10,854
Equitable share	2,315	2,618	2,618	3,852	5,021	5,461
Conditional grants	3,261	3,888	3,934	4,728	5,213	5,393
Allocated expenditure	187,622	208,179	215,075	237,106	256,386	273,128
Percentage shares						
National	39,0%	40,5%	40,6%	40,5%	40,3%	40,2%
Provinces	58,0%	56,4%	56,4%	55,8%	55,7%	55,8%
Local government	3,0%	3,1%	3,0%	3,6%	4,0%	4,0%

The national share remains stable from 40,6% of nationally collected revenue after the top slice in 2001-02 to 40,5% in 2002-03 to 40,2% in 2004-05. The provincial share remains static over the MTEF period, it grows by 7,9% a year over the medium-term expenditure framework. For 2001-02, 2002-03, the provincial share decreases from 56,4% to 55,8%. This is partly due to the one-off R2 billion for social security grants, the provincial supplementary grant administered by the National Treasury being phased out.

Two changes have been made in the equitable share formula. Firstly, the welfare weighting has increased by 1% at a cost of economic weighting, to take account of the increase of welfare spending in provincial budgets. Secondly, the education enrolment data has been updated. The seven components of the equitable share formula as commented upon by the FFC and recommended by the government include:

Education share	41%
Health care	19%
Social security share	18%
Basic share	7%
Backlog component	3%
Economic component	7%
Institutional component	5%

A comparison of the 2001 actual spending share to the equitable share formula shows that the education share is 2% less than the formula; the health care share 5% more than formula (tertiary services funded from conditional grants and 19% share in formula higher than share for provinces with no academic hospitals), and the social security share is 1% more than formula.

In 2002-03 local government has the fastest growing allocations from the pool of nationally collected revenue. The 2% budgeted share for 2000-01 is doubled in the 2002-03 Division of Revenue Bill. Assistance for municipalities grows by 18,3% a year in

nominal terms. Local government allocation includes support for water and sanitation, electrification, free basic services and local economic development. Though static over the MTEF period, local share increases to 4% in 2002-03 from 3,6% in 2001-02.

Reform of municipal finances is under way. Among the key elements of the local government transformation is the Municipal Finance Management Bill (MFMB), three-year budgeting, the codifying of municipal accounting practices, a framework for municipal borrowing and new financial reporting standards. Priorities in the 2002-03 Division of Revenue Bill include the following:

* Extension of basic municipal services
* Higher social grants and increased take-up of child support grant
* Social, municipal, housing and economic infrastructure
* Bolster health system against the impact of HIV/AIDS
* Extending tertiary health services and training of medical personnel
* Early childhood education programme

The 2002-03 national priorities include the restructuring of the SA Post Office, the restructuring of the Unemployment Insurance Fund, currency depreciation and fight against crime. Provincial priorities include social security grants, education, capital investment and maintenance. Local government priorities include infrastructure and capacity-building.

Future changes to fiscal framework include the following:

* The Provincial Tax Regulation Process Act, 2001, that will take effect in the 2003-04 Budget to improve the fiscal capacity of provinces
* The evolution of a borrowing framework for provinces and local governments, subject to further discussion by the Budget Council
* The transformation process for local government is still in progress
* The completion of merging municipalities for 2003-04 municipal budgets
* The finalisation of the division of functions between category B and C municipalities

4. *Conditional grants*

(a) Overview

The general purpose of conditional grants is to fund the provision of national priority programmes, compliance with norms and standards as set out by the national government

and cross-border spill-overs. The criteria used for each grant is different, depending on the purpose of the grant.

Overall spending in conditional grants geared towards operating activities has improved. While there seems to be improvements in spending on conditional grants designed for infrastructure, underspending or no spending is still reported in respect of certain grants, (e.g. the HIV/Aids grant and the Primary School Nutrition grant in certain provinces). The decline in the Primary School Nutrition grant from -6,19% in 2001-02 to -6,10% in 2002-03 reflects previous underspending and poor delivery. Poor planning and implementation of projects seems to be the major problem. Changes in priorities, delays in the development of business plans and long tender processes seem to be the factors contributing to low expenditure. Further delays are reported in the transfers of funds between the national government and provincial governments.

During 2001-02 spending did not occur in certain provinces in the Early Childhood Development grant as a result of delays in tender processes, the setting up of the necessary system and the delays in the transfer of funds to the sites as bank accounts have not been opened yet. Many national departments have measures in place to monitor and evaluate the performance of projects. Most departments hope to overcome these bottlenecks in the near future.

The HIV/AIDS grant to the three departments—Health, Education and Social Development—have been enhanced to strengthen the HIV/AIDS strategic plan. The Early Childhood Ddevelopment grant that was introduced in 2001-02, is be phased into the equitable share in 2003-04. The roll-out of the grant, which is to be phased in over 10 years, will mainly be funded from the provincial equitable share. Most grants in the Health Department have been renamed. The provincial supplementary grant administered by the National Treasury has been phased out, the funds will be transferred to the equitable share.

(b) Financial and Fiscal Commission (FFC)

The FFC notes the importance of conditional grants as an instrument for speeding up access to basic services, given national norms and standards, as some national departments have no clearly defined norms and standards that would facilitate the efficient monitoring of how far provinces are delivering on national priorities. The FFC's position on the use of conditional grants is that they should be limited and should promote constitutional intentions with respect to decentralisation and the principles of good governance applicable to subnational governments. It is the view of the FFC that accountability for conditional grants should be

shared between the national government and the recipient government in the sense that they remain part of the national equitable share, for which the national government is accountable.

The FFC further reported improved compliance in respect of the PFMA reporting and disclosure requirements with regard to Provincial Conditional Grants. It is estimated that the proportion of conditional grant value accounted for has increased from 63% to 98% to reveal the extent of underspending. Over the past two years underspending on Provincial Conditional Grants has increased from 5% to 16%. This may according to the FFC reflect management or systems inefficiencies. Underspending is high in respect of infrastructure grants and transitional and special allocation grants, but has declined in the social sector. Slight over-spending for all health and welfare grants, except for HIV/AIDS, is predicted.

(c) SALGA

SALGA welcomed the invitation to address the Committee on some of the difficulties they experience. SALGA's view is that despite the transition and transformation of local government many are not and will not be sustainable in fiscal and financial terms. A number of municipalities are still faced with financial problems associated with inefficient service delivery patterns and high levels of poverty amongst their communities. Others suffer because of ineffective management systems and lack of administrative capacities, coupled with inefficient budget systems.

SALGA's contention is that the Intergovernmental Fiscal Relations Act, 1997, be reviewed with a view to include organised local government in the Budget Council in view of the consolidation of grants to local government and the increasingly critical role that local government plays in the improvement of the quality of lives of the poor. SALGA recommended that they be given a practical role to play in the fiscal framework associated with conditional grants design and management of conditional grants by various line departments. The non-payment of services still plays a major role in hampering effective financial sustainability.

SALGA called on for a distinction to be made between the indigent policy and the provision of free basic services. They further echoed their support of the recommendations of the FFC of 2001-02.

(d) Other cross-cutting issues

(i) Lack of capacity-building and section 154 of Constitution

Section 154 of the Constitution requires that the national government and provincial governments support and strengthen the capacity of municipalities to manage their own affairs, to exercise their powers and

to perform their functions. A strong point was made that local government should be seen as a sphere of government that is responsible for key services impacting on the lives of all South Africans. Submissions from SALGA suggested that funds from the national government should be directly transferred to local government rather than via provinces, or else provincial governments must clearly indicate in their budgets how much provision has been made for local government capacity-building.

Most departments raised concerns over capacity-building in the newly established municipalities, after the 5 December 2000 elections. A serious problem with conditional grants seems to be the lack of capacity at provincial and municipal level to administer and monitor them.

(ii) Division of Revenue Framework

There is concern over the volume of regulation and legislation with which the under-capacitated municipalities have to comply. The perceived over-detailed nature of these regulations and the unrealistically short compliance periods are perceived as problematic.

(iii) Lack of intergovernmental co-ordination

Departments called for better co-ordination between different departments. The transfer of functions between national and provincial departments and local government needs to be properly communicated as they have financial implications. Funds transferred must include service and administration costs. A clear provision needs to be made for the maintenance of the infrastructure that is being transferred. For example, the electricity restructuring from the national government to local government may have huge implications for the local government, as it might lower municipal revenue and adversely impact on fiscal capacity. Regarding the Municipal Infrastructure Conditional grant (MIC), the Department of Water Affairs and Forestry raised concerns on the clarity of responsibilities between the national department of local government and other provincial departments.

(iv) Elimination of small grants

A suggestion was made that small conditional grants must be eliminated or converted to grants in kind. Conditional grants that will eventually be phased out, should be included in the equitable share to provinces or local government. Small grants are said to be disproportionate administrative burdens.

(v) Compliance

Most departments that appeared before the committee, have measures in place to ensure that they fully comply with the requirements of the PFMA. Reduction in the number of grants to lower administrative burden while streamlining decision-making and consultation is important.

(vi) Allocation of powers and functions for category B and C municipalities

The shifting of powers and functions between these two categories of non-metropolitan municipalities is a significant challenge for the Department of Provincial and Local Government. The division could have wide-ranging fiscal, service delivery and personnel implications. The view of SALGA is that powers and functions must be allocated to the category of municipality where they will be administered effectively. Nonetheless, the department, in conjunction with key stakeholders, are doing all in their power to determine an appropriate allocation of functions in each category. The department hopes to finalise the powers and functions for these categories by April 2002.

5. Conclusion

While initiatives made by the National Treasury on working with municipalities and provincial governments to meet their developmental goals, as set out in the Constitution, were acknowledged in the hearings, a lot of pressures and challenges still remain.

Challenges that still need to be addressed in the intergovernmental system of South Africa, include:

* The transition and transformation process in the local government sphere
* A more supportive system to both provinces and local government to enhance their capacity to spend, manage and implement projects
* An improved revenue capacity and sound financial management for provinces and local government
* The impact of restructuring of the electricity distribution industry on the structure of local government finances
* Finalising the powers and functions of category B and C municipalities
* A need to strengthen accountability and transparency and increased efforts to improve reporting
* Introduction of tight measures to deal with departments that have not implemented the PFMA
* Improving the quality, quantity and reliability of information used in the division of nationally raised revenue

* Better co-ordination between various national departments
* Clear grant policy framework
* A more predictable and stable fiscal environment that will make municipalities more attractive to private lenders and investors.

No 16—2002] FOURTH SESSION, SECOND PARLIAMENT

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL ASSEMBLY

TUESDAY, 19 MARCH 2002

1. The House met at 10:02.
2. The Speaker took the Chair and requested members to observe a moment of silence for prayers or meditation.
3. FIRST ORDER [10:03]

   Discussion on report of observer mission to Zimbabwe.

   Debate concluded.

   BUSINESS SUSPENDED AT 12:13 AND RESUMED AT 14:03.
4. [14:04] Notices of motion.
5. [14:18] The Chief Whip of the Majority Party moved without notice: That the House—

   (1) notes—

   (a) the report of the South African Parliamentary Observer Mission;

   (b) that 3,1 million people cast their votes in the Presidential elections; and

   (c) the conditions described in the report of the South African Parliamentary Observer Mission and the polarisation that exists in Zimbabwe; and

   (2) resolves—

   (a) to call on all Zimbabweans to work together towards national unity and reconciliation of the people of Zimbabwe; and

   (b) that the 2002 Presidential elections are a credible expression of the will of the people of Zimbabwe.

   Mr M J Ellis moved as an amendment: To omit all words after "That" and to substitute: "the House—

   (1) notes—

(a) the overwhelming proof of election irregularities in the Zimbabwe elections; and

(b) that it was accordingly impossible for Zimbabweans to cast their votes in a free and fair manner; and

(2) resolves not to endorse the elections in Zimbabwe as being genuinely free and fair or as representing the will of the people."

Mr L M Green moved as a further amendment: That the following words be substituted for the words in paragraph (2)*(b)*: "that the elections in Zimbabwe cannot be certified as being free and fair.".

Amendment moved by Mr L M Green negatived.

Amendment moved by Mr M J Ellis put.

Division demanded.

The House divided:

AYES:—71: Andrew, K M; Aucamp, C; Bakker, D M; Baloyi, O S B; Bell, B G; Beukman, F; Bhengu, G B; Biyela, B P; Blaas, A; Blanche, J P I; Clelland, N J; Da Camara, M L; Dhlamini, B W; Ditshetelo, P H K; Dowry, J J; Dudley, C; Ellis, M J; Farrow, S B; Gore, V C; Gous, S J; Green, L M; Greyling, C H F; Grobler, G A J; Groenewald, P J; Heine, R J; Herandien, C B; Hlengwa, M W; Jankielsohn, R; Kalyan, S V; Kgauwe, Q J; Le Roux, J W; Lee, T D; Lowe, C M; Madasa, Z L; Maluleke, D K; McIntosh, G B D; Meshoe, K R J; Mfundisi, I S; Moonsamy, K; Moorcroft, E K; Morkel, C M; Morobi, D M; Mpontshane, A M; Mulder, C P; Ndlovu, V B; Ndou, R S; Niemann, J J; Pillay, S; Rabie, P J; Redcliffe, C R; Roopnarain, U; Schippers, J; Seeco, M A; Semple, J A; Sibiya, M S M; Sigcawu, A N; Simmons, S; Slabbert, J H; Smith, P F; Sono, B N; Southgate, R M; Swart, P S; Swart, S N; Uys, P; Van der Merwe, A S; Van der Merwe, J H; Van Jaarsveld, A Z A; Van Niekerk, A I; Vos, S C; Woods, G; Zondi, K M.

NOES:—196: Abram, S; Ainslie, A R; Balfour, B M N; Baloyi, M R; Baloyi, S F; Benjamin, J; Bhengu, F; Bloem, D V; Booi, M S; Botha, N G W; Buthelezi, M N; Cachalia, I M; Chalmers, J; Chiba, L; Chikane, M M; Chiwayo, L L; Chohan-Kota, F I; Coetzee-Kasper, M P; Cwele, S C; De Lange, J H; Diale, L N; Didiza, A T; Dithebe, S L; Dlali, D M; Dlamini, B O; Doidge, G Q M; Douglas, B M; Duma, N M; Dyani, M M Z; Fankomo, F C; Fazzie, M H; Fihla, N B; Frolick, C T; Gandhi, E; Gcina, C I; George, M E; Gerber, P A; Gillwald, C E; Gogotya, N J; Gomomo, P J; Goniwe, M T; Goosen, A D; Gumede, D M; Gxowa, N B; Hajaig, F; Hanekom, D A; Hlaneki, C J M; Hlangwana, N L; Jassat, E E; Jeffery, J H; Joemat, R R; Kannemeyer, B W; Kasienyane, O R; Kati, J Z; Kgarimetsa, J J; Kgauwe, Q J; Kgwele, L M; Komphela, B M; Koornhof, G W; Kota, Z A; Kotwal, Z; Landers, L T; Lekota, M G P; Lishiva, T E; Louw, J T; Louw, S K; Luthuli, A N; Lyle, A G; Mabe, L; Mabena, D C; Mabuza, D D; Madlala-Routledge, N C; Magazi, M N; Magubane, N E; Magwanishe, G; Mahlangu, M J; Maimane, D S; Maine, M S; Makanda, W G; Malebana, H F; Maloney, L; Malumise, M M; Maphalala, M A; Mapisa-Nqakula, N N; Martins, B A D; Maseka, J T; Maserumule, F T; Masithela, N H; Masutha, M T; Mathibela, N F; Maunye, M M; Maziya, A M; Mbombo, N D; Mbulawa-Hans, B G; Mguni, B A; Middleton, N S; Mkono, D G; Mnandi, P N; Mndende, O N; Mngomezulu, G P; Mnumzana, S K; Modisenyane, L J; Modise, T R; Moeketse, K M; Mofokeng, T R; Mogoba, M S; Mohamed, I J; Mohlala, R J B; Molebatsi, M A; Molewa, B G; Moloi, J; Moloto, K A; Mongwaketse, S J; Montsitsi, S D; Moonsamy, K; Moropa, R M; Morutoa, M R; Moss, M I; Mothiba, L C; Mothoagae, P K; Motubatse, S D; Mpaka, H M; Mshudulu, S A; Mthembu, B; Mtsweni, N S;

Mutsila, I; Mzondeki, M J G; Nair, B; Nash, J H; Ncinane, I Z; Ncube, B; Ndou, R S; Ndzanga, R; Nefolovhodwe, P J; Nel, A C; Nene, N M; Newhoudt-Druchen, W S; Ngaleka, N E; Ngcengwane, N D; Ngculu, L V J; Ngubane, H; Ngubeni, J M; Nhleko, N P; Nhlengethwa, D G; Njobe, M A A; Nobunga, B J; Nqakula, C; Nqodi, S B; Ntshulana-Bhengu, N R; Ntuli, B M; Ntuli, M B; Ntuli, S B; Nzimande, L P M; Oliphant, G G; Pahad, A G H; Pahad, E G; Phadagi, M G; Pheko, S E M; Phohlela, S; Pieterse, R D; Radebe, B A; Rajbally, S; Ramgobin, M; Ramotsamai, C M P; Rasmeni, S M; Reid, L R R; Saloojee, E; Schneeman, G D; Schoeman, E A; Scott, M I; Sekgobela, P S; Serote, M W; Shilubana, T P; Sigcawu, A N; Sigwela, E M; Solomon, G; Sonjica, B P; Sosibo, J E; Sotyu, M M; Thabethe, E; Tinto, B; Tinto, B; Tolo, L J; Tsheole, N M; Twala, N M; Vadi, I; Van den Heever, R P Z; Van der Merwe, S C; Van Wyk, A (Annelize); Van Wyk, J F; Van Wyk, N; Xingwana, L M T; Zondo, R P.

Amendment accordingly negatived.

Motion moved by the Chief Whip of the Majority Party put.

Division demanded.

The House divided:

AYES:—198: Abram, S; Ainslie, A R; Balfour, B M N; Baloyi, M R; Baloyi, S F; Benjamin, J; Bhengu, F; Bloem, D V; Booi, M S; Botha, N G W; Buthelezi, M N; Cachalia, I M; Carrim, Y I; Chalmers, J; Chiba, L;Chikane, M M; Chiwayo, L L; Chohan-Kota, F I; Coetzee-Kasper, M P; Cwele, S C; De Lange, J H; Diale, L N; Didiza, A T; Dithebe, S L; Dlali, D M; Dlamini, B O; Doidge, G Q M; Douglas, B M; Duma, N M; Dyani, M M Z; Fankomo, F C; Fazzie, M H; Fihla, N B; Frolick, C T; Gandhi, E; Gcina, C I; George, M E; Gerber, P A; Gillwald, C E; Gogotya, N J; Gomomo, P J; Goniwe, M T; Goosen, A D; Gumede, D M; Gxowa, N B; Hajaig, F; Hanekom, D A; Hendrickse, P A C; Hlaneki, C J M; Hlangwana, N L; Jassat, E E; Jeffery, J H; Joemat, R R; Kannemeyer, B W; Kasienyane, O R; Kati, J Z; Kgarimetsa, J J; Kgauwe, Q J; Kgwele, L M; Komphela, B M; Koornhof, G W; Kota, Z A; Kotwal, Z; Landers, L T; Lekota, M G P; Lishiva, T E; Louw, J T; Louw, S K; Luthuli, A N; Lyle, A G; Mabe, L; Mabena, D C; Mabuza, D D; Madlala-Routledge, N C; Magazi, M N; Magubane, N E; Magwanishe, G; Mahlangu, M J; Maimane, D S; Maine, M S; Makanda, W G; Malebana, H F; Maloney, L; Malumise, M M; Maphalala, M A; Mapisa-Nqakula, N N; Martins, B A D; Maseka, J T; Maserumule, F T; Masithela, N H; Masutha, M T; Mathibela, N F; Maunye, M M; Maziya, A M; Mbombo, N D; Mbulawa-Hans, B G; Mguni, B A; Middleton, N S; Mkono, D G; Mnandi, P N; Mndende, O N; Mngomezulu, G P; Mnumzana, S K; Modisenyane, L J; Modise, T R; Moeketse, K M; Mofokeng, T R; Mogoba, M S; Mohamed, I J; Mohlala, R J B; Molebatsi, M A; Molewa, B G; Moloi, J; Moloto, K A; Mongwaketse, S J; Montsitsi, S D; Moonsamy, K; Morobi, D M; Moropa, R M; Morutoa, M R; Moss, M I; Mothiba, L C; Mothoagae, P K; Motubatse, S D; Mpaka, H M; Mshudulu, S A; Mthembu, B; Mtsweni, N S; Mutsila, I; Mzondeki, M J G; Nair, B; Nash, J H; Ncinane, I Z; Ncube, B; Ndou, R S; Ndzanga, R A; Nefolovhodwe, P J; Nel, A C; Nene, N M; Newhoudt-Druchen, W S; Ngaleka, N E; Ngcengwane, N D; Ngculu, L V J; Ngubeni, J M; Nhleko, N P; Nhlengethwa, D G; Njobe, M A A; Nobunga, B J; Nqakula, C; Nqodi, S B; Ntombela, S H; Ntshulana-Bhengu, N R; Ntuli, B M; Ntuli, M B; Ntuli, S B; Nzimande, L P M; Oliphant, G G; Pahad, A G H; Pahad, E G; Phadagi, M G; Pheko, S E M; Phohlela, S; Pieterse, R D; Radebe, B A; Rajbally, S; Ramgobin, M; Ramotsamai, C M P; Rasmeni, S M; Reid, L R R; Saloojee, E; Schneeman, G D; Schoeman, E A; Scott, M I; Sekgobela, P S; Serote, M W; Shilubana, T P; Sigcawu, A N; Sigwela, E M;

Skweyiya, Z S T; Smith, V G; Solo, B M; Solomon, G; Sonjica, B P; Sosibo, J E; Sotyu, M M; Thabethe, E; Tinto, B; Tolo, L J; Tsheole, N M; Twala, N M; Vadi, I; Van den Heever, R P Z; Van der Merwe, S C; Van Wyk, A (Annelize); Van Wyk, J F; Van Wyk, N; Xingwana, L M T; Zondo, R P.

NOES:—70: Andrew, K M; Aucamp, C; Bakker, D M; Baloyi, O S B; Bell, B G; Beukman, F; Bhengu, G B; Biyela, B P; Blaas, A; Blanche, J P I; Botha, A J; Clelland, N J; Da Camara, M L; Dhlamini, B W; Ditshetelo, P H K; Dowry, J J; Dudley, C; Ellis, M J; Farrow, S B; Ferreira, E T; Gore, V C; Gous, S J; Green, L M; Greyling, C H F; Grobler, G A J; Groenewald, P J; Heine, R J; Herandien, C B; Hlengwa, M W; Jankielsohn, R; Kalyan, S V; Le Roux, J W; Lee, T D; Lowe, C M; Madasa, Z L; Maluleke, D K; McIntosh, G B D; Meshoe, K R J; Mfundisi, I S; Moorcroft, E K; Morkel, C M; Mpontshane, A M; Mulder, C P; Ndlovu, V B; Ngubane, H; Niemann, J J; Pillay, S; Rabie, P J; Redcliffe, C R; Roopnarain, U; Schippers, J; Seeco, M A; Semple, J A; Sibiya, M S M; Simmons, S; Slabbert, J H; Smith, P F; Smuts, M; Sono, B N; Southgate, R M; Swart, P S; Swart, S N; Uys, P; Van der Merwe, A S; Van der Merwe, J H; Van Jaarsveld, A Z A; Van Niekerk, A I; Vos, S C; Woods, G; Zondi, K M.

Motion accordingly agreed to.

6. SECOND ORDER [14:38]

Debate on Vote No 18—Social Development, ***Appropriation Bill*** [B 4—2002] (National Assembly—sec 77).

Debate concluded.

7. THIRD ORDER [17:08]

Consideration of Interim Report of Task Group on Sexual Abuse of Children (Announcements, Tablings and Committee Reports, p 254).

Debate concluded.

Report adopted.

8. The House adjourned at 18:44.

S MFENYANA,

Secretary to Parliament.

No 5—2002] FOURTH SESSION, SECOND PARLIAMENT

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 19 MARCH 2002

1. The Council met at 14:05.
2. The Chairperson took the Chair and requested members to observe a moment of silence for prayers or meditation.
3. [14:06] Questions.
4. [16:19] Notices of motion.
5. [16:21] Mr N M Raju moved without notice: That the Council—

   (1) notes that, notwithstanding the fact that the recently concluded 2nd leg of the cricket test series between South Africa and Australia resulted in a drubbing of the Proteas 5-1, the South African national team did manage to retrieve an ample measure of national pride by vanquishing the world's greatest cricket side in the final test match at Kingsmead with an inspirational display of guts, determination and passion—qualities that seemingly deserted the team in the previous five encounters; and

   (2) congratulates the stand-in captain, Mark Boucher, and his team on their convincing victory and wishes them well in the exciting one-dayers commencing on Friday at Newlands.

   Motion agreed to in accordance with section 65 of the Constitution.
6. [16:22] Mr A E van Niekerk moved without notice: That the Council—

   (1) expresses its gratitude and appreciation for the pioneering work done by Dr Christa Roodt of the Pan-South African Language Board with regard to limiting violation of language rights and the promotion of multilingualism;

   (2) recognises—

      (a) the balanced manner and dedication she displayed in mediation; and

      (b) the passion with which she promoted multilingualism as a reality in practice;

   (3) wishes her a successful academic career in the knowledge that the flame of caring for language and culture across all boundaries will not

be extinguished and that it will still be in the service of all the linguistic and cultural communities in South Africa. Thank you with a capital letter!

We wish her successors good luck and prosperity.

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

7. FIRST ORDER [16:23]

Consideration of ***Division of Revenue Bill*** [B 5D—2002] (National Assembly—sec 76) and of Report of Select Committee on Finance thereon (Announcements, Tablings and Committee Reports, p 258).

Debate concluded.

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

8. SECOND ORDER [18:33]

Consideration of ***Unemployment Insurance Contributions Bill*** [B 85—2001] (National Assembly—sec 77) and of Report of Select Committee on Finance thereon (Announcements, Tablings and Committee Reports, p 238).

Debate concluded.

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

9. THIRD ORDER [18:37]

Consideration of ***Copyright Amendment Bill*** [B 73B—2001] (National Assembly—sec 75) and of Report of Select Committee on Economic and Foreign Affairs thereon (Announcements, Tablings and Committee Reports, p 238).

Debate concluded.

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

10. FOURTH ORDER [18:37]

Consideration of ***Performers' Protection Amendment Bill*** [B 74B—2001] (National Assembly—sec 75) and of Report of Select Committee on Economic and Foreign Affairs thereon (Announcements, Tablings and Committee Reports, p 238).

Debate concluded.

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

11. FIFTH ORDER [19:00]

Consideration of ***Animal Health Bill*** [B 64D—2001] (National Council of Provinces—sec 76) and of Report of Select Committee on Land and Environmental Affairs thereon (Announcements, Tablings and Committee Reports, p 249).

Debate concluded.

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

12. The Council adjourned at 19:08.

S MFENYANA,

Secretary to Parliament.

No 37—2002] FOURTH SESSION, SECOND PARLIAMENT

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

TUESDAY, 19 MARCH 2002

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

   (1) The following Bill was introduced by the Minister of Finance in the National Assembly on 19 March 2002 and referred to the Joint Tagging Mechanism (JTM) for classification in terms of Joint Rule 160:

   (i) ***Financial Services Ombudschemes Bill*** [B 13—2002] (National Assembly—sec 75) [Bill and prior notice of its introduction published in ***Government Gazette*** No 23122 of 19 March 2002.]

   The Bill has been referred to the Portfolio Committee on Finance of the National Assembly.

   In terms of Joint Rule 154 written views on the classification of the Bill may be submitted to the Joint Tagging Mechanism (JTM) within three parliamentary working days.

2. The Speaker and the Chairperson:

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

   (1) **The following papers are referred to the Portfolio Committee on Arts, Culture, Science and Technology and to the Select Committee on Education and Recreation:**

   (a) Annual Report of the South African Geographical Names Council for 2000-2001 [RP 28-2002].

   (b) Annual Report of the National Museum for 2000-2002.

   (c) Strategic Plan for Arts, Culture, Science and Technology for 2002-2005.

(2) **The following papers are referred to the Portfolio Committee on Justice and Constitutional Development for consideration and report. The reports are also referred to the Select Committee on Security and Constitutional Affairs for consideration and report:**

(a) The report regarding the suspension from office of Magistrate R M Nongema, tabled in terms of section 13(3)*(c)* of the Magistrates Act, 1993 (Act No 90 of 1993).

(b) European Convention on Extradition, tabled in terms of section 231(2) of the Constitution, 1996.

(c) Additional Protocol to the European Convention on Extradition, tabled in terms of section 231(2) of the Constitution, 1996.

(d) Second Additional Protocol to the European Convention, tabled in terms of section 231(2) of the Constitution, 1996.

(e) Explanatory Memorandum to the European Convention and the Protocols.

(f) SADC Protocol Against Corruption, tabled in terms of section 231(2) of the Constitution, 1996.

(g) Explanatory Memorandum to the Protocol.

National Assembly:

1. The Speaker:

(1) Mr L V Ngculu has been elected as chairperson of the Portfolio Committee on Health with effect from 19 March 2002.

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

Bills, subject to proposed amendments, passed by National Council of Provinces on 19 March 2002 and transmitted for consideration of Council's proposed amendments:

(i) ***Copyright Amendment Bill*** [B 73B—2001] (National Assembly—sec 75) (for proposed amendments, see Announcements, Tablings and Committee Reports, p 238).

(ii) ***Performers' Protection Amendment Bill*** [B 74B—2001] (National Assembly—sec 75) (for proposed amendments, see Announcements, Tablings and Committee Reports, p 238).

The Bills have been referred to the Portfolio Committee on Trade and Industry of the National Assembly for a report on the amendments proposed by the Council.

(3) Message from National Council of Provinces to National Assembly:

Bill, as amended, passed by National Council of Provinces on 19 March 2002 and transmitted for consideration of Council's amendments:

(i) ***Division of Revenue Bill*** [B 5D—2002] (National Assembly—sec 76).

The amended Bill has been referred to the Portfolio Committee on Finance for a report and recommendations on the Council's amendments.

National Council of Provinces:

1. The Chairperson:

   (1) Bills passed by National Council of Provinces on 19 March 2002: To be submitted to President of the Republic for assent:

      (i) ***Unemployment Insurance Contributions Bill*** [B 85—2001] (National Assembly—sec 77).

      (ii) ***Animal Health Bill*** [B 64D—2001] (National Council of Provinces—sec 76).

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Minister for Justice and Constitutional Development:

   Documents in terms of section 9(1) of the Promotion of National Unity and Reconciliation Act, 1995, regarding the Remuneration, Allowances and other employment Benefits of the Staff of the Truth and Reconciliation Commission.

National Assembly:

1. The Speaker:

   Report of the South African Parliamentary Observer Mission (Zimbabwe Presidential Elections: 9—11 March 2002).

National Council of Provinces:

1. The Chairperson:

   Constitution of the Republic of South Africa Amendment Bill, 2002 (submitted by the Minister for Justice and Constitutional Development to the Chairperson in terms of section 74(5)*(c)* of the Constitution for a public debate in the Council).

   The Bill has been referred to the Select Committee on Security and Constitutional Affairs for consideration and report.

COMMITTEE REPORTS:

National Council of Provinces:

1. Report of the Select Committee on Security and Constitutional Affairs on ***Legal Aid Guide, 2001***, dated 19 March 2002:

   The Select Committee on Security and Constitutional Affairs, having considered the ratification of the Legal Aid Guide, 2001, referred to it, recommends that the Council, in terms of section 3A(2) of the Legal Aid Act, 1969 (Act No. 22 of 1969), ratify the said Guide.

Report to be considered.

No 17—2002] FOURTH SESSION, SECOND PARLIAMENT

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL ASSEMBLY

WEDNESDAY, 20 MARCH 2002

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. [14:02] Questions—Cluster 2: Social Services and Governance.
4. [16:02] Notices of motion.
5. [16:17] The Chief Whip of the Majority Party moved without notice: That the House—

   (1) notes that tomorrow, 21 March, is Human Rights Day;

   (2) further notes that the Constitution of South Africa enshrines the rights of all people in our country and affirms the democratic values of dignity, equality and freedom;

   (3) recognises that these rights include equality regardless of race, gender, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth, and that no person may unfairly discriminate directly or indirectly against anyone on one or more of these grounds;

   (4) also notes that other rights enshrined in the Constitution include human dignity, freedom and security of the person, privacy, freedom of religion, belief and opinion, freedom of expression, and other fundamental rights;

   (5) recommits itself to protecting and entrenching these rights; and

   (6) calls on all Members to promote a culture of respect for human rights and to work to ensure that all members of our society are aware of and understand these rights as well as their responsibilities to their fellow citizens—and to society as a whole—that emanate from these rights.

   Agreed to (African Christian Democratic Party dissenting).

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

   (1) notes that the ACP-EU Joint Assembly, which convened this week in Cape Town, was created out of a common desire to bring together the elected representatives of the European Community—the Members of the European Parliament—and the representatives—both elected and non-elected—of the African, Caribbean and Pacific states ("ACP countries") that have signed the Lomé Convention and that it is the only institution of its kind in the world;

   (2) recognises that it is the only international assembly in which the representatives of various countries sit together regularly with the aim of promoting the interdependence of North and South;

   (3) acknowledges that a substantial part of the work of the Joint Assembly is directed towards promoting human rights and democracy and the common values of humanity, and this has produced joint commitments undertaken within the framework of the UN conferences; and

   (4) welcomes the ACP-EU to Cape Town and wishes the assembly every success in achieving its goals, which will have immeasurable benefit to our country, our region and the world as a whole.

   Agreed to.

7. The Deputy Chief Whip of the Majority Party moved without notice: That the House, in accordance with section 193(5) of the Constitution, appoint an ad hoc committee to nominate persons to fill the existing vacancy on the Commission for Gender Equality, the committee—

   (1) to consist of 27 members in the following proportions: ANC 14, DP 2, all other parties 1;

   (2) to exercise those powers in Rule 138 that may assist it in carrying out its task;

   (3) to take into consideration the list of candidates proposed by interested parties which will be referred to the committee; and

   (4) to complete its task by 24 May 2002.

   Agreed to.

8. The Chief Whip of the Majority Party moved: That the House, on the recommendation of the Speaker and the Chairperson of the National Council of Provinces, appoints Mr M Coetzee as Deputy Secretary to Parliament with effect from 15 April 2002.

   Agreed to.

9. The Chief Whip of the Majority Party moved: That, with reference to the resolution adopted by the House on 13 November 2001, the period for the trial run of questions for oral reply be further extended until 28 June 2002.

   Question put: That the motion be agreed to.

   Division demanded.

   The House divided:

AYES:—218: Abram, S; Ainslie, A R; Asmal, A K; Aucamp, C; Bakker, D M; Baloyi, S F; Bekker, H J; Benjamin, J; Bhengu, F; Bhengu, G B; Blaas, A; Blanche, J P I; Bloem, D V; Bogopane, H I; Booi, M S; Botha, N G W; Buthelezi, M N; Cachalia, I M; Carrim, Y I; Chalmers, J; Chauke, H P; Chiba, L; Chikane, M M; Chohan-Kota, F I; Coetzee-Kasper, M P; Cronin, J P; Cwele, S C; De Lange, J H; Diale, L N; Dithebe, S L; Dlali, D M; Dlamini, B O; Doidge, G Q M; Dowry, J J; Duma, N M; Dyani, M M Z; Ebrahim, E I; Fankomo, F C; Fihla, N B; Gandhi, E; Geldenhuys, B L; George, M E; Gerber, P A; Gogotya, N J; Goniwe, M T; Goosen, A D; Gous, S J; Green, L M; Greyling, C H F; Gumede, D M; Gxowa, N B; Hajaig, F; Hanekom, D A; Hendrickse, P A C; Herandien, C B; Hlaneki, C J M; Hlangwana, N L; Jassat, E E; Jeffery, J H; Joemat, R R; Kalako, M U; Kannemeyer, B W; Kasienyane, O R; Kati, J Z; Kekana, N N; Kgarimetsa, J J; Kgauwe, Q J; Kgwele, L M; Komphela, B M; Kota, Z A; Kotwal, Z; Lamani, N E; Landers, L T; Le Roux, J W; Lishiva, T E; Lockey, D; Louw, J T; Louw, S K; Luthuli, A N; Lyle, A G; Mabe, L; Mabena, D C; Madlala-Routledge, N C; Magazi, M N; Magwanishe, G; Mahomed, F; Maimane, D S; Makanda, W G; Malebana, H F; Maloney, L; Malumise, M M; Maphalala, M A; Mapisa-Nqakula, N N; Martins, B A D; Masithela, N H; Masutha, M T; Mathibela, N F; Maunye, M M; Mbombo, N D; Mbuyazi, L R; Mfundisi, I S; Mguni, B A; Middleton, N S; Mnandi, P N; Mngomezulu, G P; Mnumzana, S K; Modise, T R; Modisenyane, L J; Moeketse, K M; Mofokeng, T R; Mohamed, I J; Mohlala, R J B; Mokoena, D A; Molebatsi, M A; Molewa, B G; Moloi, J; Moloto, K A; Mongwaketse, S J; Montsitsi, S D; Moonsamy, K; Morkel, C M; Morobi, D M; Moropa, R M; Morutoa, M R; Mothoagae, P K; Motubatse, S D; Mpahlwa, M; Mpaka, H M; Mpontshane, A M; Mshudulu, S A; Mthembu, B; Mtsweni, N S; Mutsila, I; Mzizi, M A; Mzondeki, M J G; Nash, J H; Ncube, B; Ndlovu, V B; Ndou, R S; Ndzanga, R A; Nel, A C; Nel, A H; Nene, N M; Newhoudt-Druchen, W S; Ngaleka, N E; Ngcengwane, N D; Ngculu, L V J; Ngubeni, J M; Nhlengethwa, D G; Nobunga, B J; Nqakula, C; Nqodi, S B; Ntombela, S H; Ntshulana-Bhengu, N R; Ntuli, B M; Ntuli, S B; Nzimande, L P M; Odendaal, W A; Olckers, M E; Olifant, D A A; Phadagi, M G; Pheko, S E M; Phohlela, S; Pieterse, R D; Rabie, P J; Radebe, B A; Rajbally, S; Ramgobin, M; Ramotsamai, C M P; Rasmeni, S M; Redcliffe, C R; Roopnarain, U; Saloojee, E; Schippers, J; Schneeman, G D; Schoeman, E A; Scott, M I; Sekgobela, P S; September, R K; Shabangu, S; Shilubana, T P; Sibiya, M S M; Sigcawu, A N; Sigwela, E M; Sikakane, M R; Simmons, S; Sithole, D J; Skhosana, W M; Skweyiya, Z S T; Smith, P F; Smith, V G; Solo, B M; Solomon, G; Sonjica, B P; Sosibo, J E; Sotyu, M M; Southgate, R M; Swart, S N; Thabethe, E; Tinto, B; Tolo, L J; Turok, B; Twala, N M; Uys, P; Vadi, I; Van den Heever, R P Z; Van der Merwe, A S; Van der Merwe, S C; Van Deventer, F J; Van Jaarsveld, A Z A; Van Wyk, A (Annelize); Van Wyk, J F; Van Wyk, N; Vos, S C; Woods, G; Xingwana, L M T; Zondo, R P; Zuma, J G.

NOES:—31: Andrew, K M; Bell, B G; Borman, G M; Bruce, N S; Clelland, N J; Cupido, P W; Da Camara, M L; Delport, J T; Ellis, M J; Farrow, S B; Gibson, D H M; Gore, V C; Grobler, G A J; Jankielsohn, R; Kalyan, S V; Lee, T D; Lowe, C M; McIntosh, G B D; Moorcroft, E K; Mulder, C P; Schalkwyk, P J; Schmidt, H C; Selfe, J; Semple, J A; Seremane, W J; Smuts, M; Sono, B N; Swart, P S; Taljaard, R; Van Niekerk, A I; Waters, M.

Motion accordingly agreed to.

10. [16:34] The Chief Whip of the Majority Party moved: That, with reference to the resolution adopted by the House on 2 November 2001, the Ad Hoc Committee on Powers and Privileges of Parliament is to complete its task by no later than 31 May 2002.

Agreed to.

11. [16:35] The House, at the request of the Chief Whip of the Majority Party, discussed the following subject: ***The achievements of South Africa in engendering a culture of human rights.***

    Debate concluded.

12. [18:13] The Speaker announced that the vacancy caused by the death of Mr S Grové had been filled, in accordance with item 6(3) of Schedule 6 to the Constitution, 1996, by the nomination of Ms J T Ntuli with effect from 13 March 2002.

    Ms J T Ntuli, accompanied by Miss P S Sekgobela and Mr G P Mngomezulu, made and subscribed the oath and took her seat.

13. FIRST ORDER [18:15]

    Consideration of ***Division of Revenue Bill*** [B 5D—2002] (National Assembly—sec 76), as amended by National Council of Provinces, and of Report of Portfolio Committee on Finance thereon.

    There was no debate.

    Report adopted and Bill agreed to.

14. SECOND ORDER [18:16]

    Consideration of ***Report of the Working Group on the African Union*** (Announcements, Tablings and Committee Reports, p 137).

    Report adopted without debate.

15. THIRD ORDER [18:16]

    Consideration of ***Second Report of the Working Group on the African Union*** (Announcements, Tablings and Committee Reports, p 200).

    Report adopted without debate.

16. FOUTH ORDER [18:16]

    Consideration of ***Third Report of the Working Group on the African Union*** (Announcements, Tablings and Committee Reports, p 253).

    Report adopted without debate.

17. FIFTH ORDER [18:16]

    Consideration of ***Copyright Amendment Bill*** [B 73B—2001] (National Assembly—sec 75), and of Report of Portfolio Committee on Trade and Industry thereon (Announcements, Tablings and Committee Reports, p 277).

    There was no debate.

    Report, containing the following amendments, adopted:

    CLAUSE 3

    1. On page 3, in line 18, after "user" to insert "performer".
    2. On page 3, after line 37, to add:

        (3) In the event of any right to a royalty being assigned to any successor in title, either by contractual arrangement, operation of law, testamentary disposition or otherwise, any successor in title shall be entitled to enforce such right to a royalty against the person who in terms of this section is obliged to pay or against his or her successor in title.

Bill, incorporating the amendments contained in the report, agreed to.

18. SIXTH ORDER [18:16]

Consideration of ***Performers' Protection Amendment Bill*** [B 74B—2001] (National Assembly—sec 75), and of Report of Portfolio Committee on Trade and Industry thereon (Announcements, Tablings and Committee Reports, p 278).

There was no debate.

Report, containing the following amendments, adopted:

CLAUSE 3

1. On page 4, in line 1, to omit "or his or her successor in title".

2. On page 4, after line 14, to add:

> (6) In the event of any right to a royalty being assigned to any successor in title, either by contractual arrangement, operation of law, testamentary disposition or otherwise, any successor in title shall be entitled to enforce such right to a royalty against the person who in terms of this section is obliged to pay or against his or her successor in title.

Bill, incorporating the amendments contained in the Report, agreed to.

19. The House adjourned at 18:17.

S MFENYANA,

Secretary to Parliament.

No 6—2002] FOURTH SESSION, SECOND PARLIAMENT

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL COUNCIL OF PROVINCES

WEDNESDAY, 20 MARCH 2002

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. [14:10] The Chief Whip of the Council moved without notice: That the Council—

   (1) notes that tomorrow, 21 March 2002, is South Africa's Human Rights Day which is in recognition of the sacrifices that were made by the people of Sharpeville in the fight against apartheid abuses of human rights;

   (2) further notes that this historic day coincides with the International Day for the Eradication of Racial Discrimination;

   (3) acknowledges that this day affirms the commitment by both the South African Government and the international community to protect human rights;

   (4) expresses its concerns over the continuation of human rights abuses in countries such as Nigeria, Sudan, India, Pakistan, Zimbabwe and Palestine;

   (5) calls on the communities in these countries to exercise tolerance and accept the right of people to hold different political, religious, social and economic views;

   (6) further calls on all South Africans to work together with the international community in the promotion and protection of human rights; and

   (7) congratulates all South Africans on their contribution in advancing and promoting a culture of human rights.

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

5. [14:11] Mr M A Sulliman moved without notice: That the Council—

   (1) acknowledges that humans tend to consume natural resources such as water faster than they can be replaced;

(2) further acknowledges that failure to manage our water resources effectively can cause water scarcity which, coupled with underdevelopment, will doom the poor to a state of eternal poverty;

(3) believes that water is a precious resource which all South Africans must learn to manage responsibly in the interest of sustainable development and poverty relief;

(4) welcomes therefore the announcement by the Minister of Water Affairs and Forestry that 18-24 March has been declared National Water Week; and

(5) calls on all South Africans to follow the lead of the Minister and to find creative ways to conserve our precious water resources.

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

6. [14:12] Ms J N Vilakazi moved without notice: That the Council—

(1) applauds the announcement made by the MEC for Agriculture and Environmental Affairs in the KwaZulu-Natal Legislature, Mr Narend Singh, that an application had been made to have the valley of the Zulu Kings, the "Emakhosini Area" near Ulundi, declared one of the World Heritage Sites;

(2) acknowledges the importance of the area where most of the Zulu Kings from the 16th and 17th centuries were laid to rest;

(3) expresses the hope that many impoverished communities living in the Valley of the Zulu Kings will benefit substantially if it is declared a World Heritage Site; and

(4) notes with pleasure that such developments in that area will contribute to ecotourism as well as the economy of the country as a whole.

The Chief Whip of the Council moved as an amendment: That, in paragraphs (1) and (3), the word "World" be substituted by the word "National".

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) applauds the announcement made by the MEC for Agriculture and Environmental Affairs in the KwaZulu-Natal Legislature, Mr Narend Singh, that an application had been made to have the valley of the Zulu Kings, the "Emakhosini Area" near uLundi, declared one of the National Heritage Sites;

(2) acknowledges the importance of the area where most of the Zulu Kings from the 16th and 17th centuries were laid to rest;

(3) expresses the hope that many impoverished communities living in the Valley of the Zulu Kings will benefit substantially if it is declared a National Heritage Site; and

(4) notes with pleasure that such developments in that area will contribute to ecotourism as well as the economy of the country as a whole.

7. [14:14] Mr P A Matthee moved without notice: That the House—

(1) in the light of our celebration of Human Rights Day tomorrow, condemns in the strongest terms the sentencing to death by stoning of a 35-year old woman, Safiya Husaini, who was found guilty of adultery by a Nigerian court after giving birth to a baby without being married; and

(2) calls on our Government to urgently request the government of Nigeria through diplomatic channels not to execute this cruel sentence.

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

8. [14:15] Kgoshi M L Mokoena moved without notice: That the Council—

(1) notes—

(a) with appreciation the involvement of the Department of Correctional Services in a Northern Province Poverty Alleviation project at Mutshalingana Primary School;

(b) that during August 2001, the community leaders of Mutshalingana, a village in the former Venda, reached out to the Government to assist them with the building of classrooms at their primary school, as some students had to sit under trees in order to get their lessons;

(c) that this started the process whereby the Departments of Correctional Services, of Public Works and of Education came together and decided what roles to play to assist the people in need; and

(d) that the Department of Correctional Services in Thohoyandou provided labour in the form of 11 prisoners, who originate from the very same area to perform the task which proved to be very successful and fruitful; and

(2) commends the Department of Correctional Services, the MEC in the province and the prisoners for the dedication and commitment to the needs of the community.

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

9. [14:16] The Chief Whip of the Council moved without notice: That the Council—

(1) congratulates the Presiding Officers of both Houses, the National Assembly and the National Council of Provinces, for the launching of the Parliamentary Millennium Project, which took place today in the Queen's Gallery, adjoining the National Council of Provinces;

(2) notes that the Parliamentary Millennium Project gives expression to the commitment of Parliament to the African Renaissance, and also seeks to promote dialogue and celebrate the diversity of views held by South Africans; and

(3) further notes that it is a method or a means of giving authentic expression to the history of this country and its diverse cultures and languages.

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

10. [14:18] The Chairperson of the National Council of Provinces moved: That the Council, on the recommendation of the Chairperson of the National Council of Provinces and the Speaker of the National Assembly, appoints Mr M Coetzee as Deputy Secretary to Parliament with effect from 15 April 2002.

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

11. FIRST ORDER [14:23]

    Consideration of ***Social Grants Appropriation Bill*** [B 9—2002] (National Assembly—sec 77) and of Report of Select Committee on Finance thereon (Announcements, Tablings and Committee Reports, p 257).

    Debate concluded.

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

12. SECOND ORDER [14:52]

    Consideration of ***Burundi Protection Support Appropriation Bill*** [B 10—2002] (National Assembly—sec 77) and of Report of Select Committee on Finance thereon (Announcements, Tablings and Committee Reports, p 258).

    Debate concluded.

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

13. THIRD ORDER [15:17]

    Consideration of Report of Select Committee on Security and Constitutional Affairs (Announcements, Tablings and Committee Reports, p 275—***Legal Aid Guide, 2001***).

    Debate concluded.

    Report adopted in accordance with section 65 of the Constitution.

14. The Council adjourned at 15:25.

S MFENYANA,

Secretary to Parliament.

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

WEDNESDAY, 20 MARCH 2002

ANNOUNCEMENTS:

National Assembly:

1. The Speaker:

   (1) Bill passed by National Assembly on 20 March 2002: To be submitted to President of the Republic for assent:

      (i) ***Division of Revenue Bill*** [B 5D—2002] (National Assembly—sec 76).

   (2) Bills passed by National Assembly on 20 March 2002, subject to amendments contained in the report of the Portfolio Committee on Trade and Industry thereon (see Announcements, Tablings and Committee Reports, p 277).

      (i) ***Copyright Amendment Bill*** [B 73B—2001] (National Assembly—sec 75).

      (ii) ***Performers' Protection Amendment Bill*** [B 74B—2001] (National Assembly—sec 75).

      To be submitted to President of the Republic for assent once the Bills, as amended by the House, have been printed. The Bills to be submitted to the President will be the ***Copyright Amendment Bill*** [B 73D—2001] and the ***Performers' Protection Amendment Bill*** [B 74D—2001].

National Council of Provinces:

1. The Chairperson:

   (1) Bills passed by National Council of Provinces on 20 March 2002: To be submitted to President of the Republic for assent:

      (i) ***Social Grants Appropriation Bill*** [B 9—2002] (National Assembly—sec 77).

(ii) ***Burundi Protection Support Appropriation Bill*** [B 10—2002] (National Assembly—sec 77).

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Minister of Foreign Affairs:

   Strategic Plan for the Department of Foreign Affairs for 2002-2005.

2. The Minister of Defence:

   (a) Agreement between the Government of the Republic of South Africa and the Government of the State of Qatar concerning Co-operation in the Military Field, tabled in terms of section 231(3) of the Constitution, 1996.

   (b) Memorandum of Understanding between the Government of the Republic of South Africa and the Government of the People's Republic of China concerning Defence Co-operation, tabled in terms of section 231(3) of the Constitution, 1996.

   (c) Arrangement between the Department of Defence of the Republic of South Africa and the Minister of Foreign Affairs of the Netherlands, tabled in terms of section 231(3) of the Constitution, 1996.

   (d) Memorandum of Understanding between the Government of the Republic of South Africa and the Government of the Republic of Burundi concerning the South African Mission in Support of the Implementation of the Arusha Peace and Reconciliation Agreement for Burundi, tabled in terms of section 231(3) of the Constitution, 1996.

   (e) Specific Arrangement between the Government of the Republic of South Africa and the Kingdom of Belgium on The Funding of the South African Protection Support Detachment in Support of the Implementation of the Arusha Peace and Reconciliation Agreement for Burundi, tabled in terms of section 231(3) of the Constitution, 1996.

   (f) Memorandum of Understanding between the Government of the Republic of South Africa and the United Nations contributing Resources to the "Mission de l'Organisation des Nations Unies au Congo" (MONUC), tabled in terms of section 231(3) of the Constitution, 1996.

COMMITTEE REPORTS:

National Assembly:

1. Report of the Portfolio Committee on Trade and Industry on the ***Copyright Amendment Bill*** [B 73B—2001] (National Assembly—sec 75), dated 20 March 2002:

   The Portfolio Committee on Trade and Industry, having considered the ***Copyright Amendment Bill*** [B 73B—2001] (National Assembly—sec 75) and proposed amendments of the National Council of Provinces (Announcements, Tablings and Committee Reports, p 238),

referred to the Committee, reports the Bill with amendments [B 73C—2001], as follows:

CLAUSE 3

1. On page 3, in line 18, after "user" to insert "performer".

2. On page 3, after line 37, to add:

(3) In the event of any right to a royalty being assigned to any successor in title, either by contractual arrangement, operation of law, testamentary disposition or otherwise, any successor in title shall be entitled to enforce such right to a royalty against the person who in terms of this section is obliged to pay or against his or her successor in title.

Report to be considered.

2. Report of the Portfolio Committee on Trade and Industry on the ***Performers' Protection Amendment Bill*** [B 74B—2001] (National Assembly—sec 75), dated 20 March 2002:

The Portfolio Committee on Trade and Industry, having considered the ***Performers' Protection Amendment Bill*** [B 74B—2001] (National Assembly—sec 75) and proposed amendments of the National Council of Provinces (Announcements, Tablings and Committee Reports, p 238), referred to the Committee, reports the Bill with amendments [B 74C—2001], as follows:

CLAUSE 3

1. On page 4, in line 1, to omit "or his or her successor in title".

2. On page 4, after line 14, to add:

(6) In the event of any right to a royalty being assigned to any successor in title, either by contractual arrangement, operation of law, testamentary disposition or otherwise, any successor in title shall be entitled to enforce such right to a royalty against the person who in terms of this section is obliged to pay or against his or her successor in title.

Report to be considered.

3. Report of the Portfolio Committee on Finance on the ***Division of Revenue Bill*** [B 5D—2002] (National Assembly—sec 76), dated 20 March 2002:

The Portfolio Committee on Finance, having considered the ***Division of Revenue Bill*** [B 5D—2002] (National Assembly—sec 76), amended by the National Council of Provinces and referred to the Committee, reports that it has agreed to the Bill.

Report to be considered.

4. Report of the Portfolio Committee on Housing on the ***Disestablishment of South African Housing Trust Limited Bill*** [B 3—2002] (National Assembly—sec 75), dated 20 March 2002:

The Portfolio Committee on Housing, having considered the subject of the ***Disestablishment of South African Housing Trust Limited Bill*** [B 3—2002] (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 3A—2002].

No 39—2002] FOURTH SESSION, SECOND PARLIAMENT

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

THURSDAY, 28 MARCH 2002

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

   Dr S C Cwele has been appointed as chairperson of the Joint Standing Committee on Intelligence with effect from 22 March 2002.

National Council of Provinces:

1. The Chairperson:

   The vacancy which occurred in the representation of the Province of the Western Cape has been filled with effect from 15 March 2002 by the appointment of Mr F Adams. Mr Adams was sworn in as a permanent delegate to the National Council of Provinces on 27 March 2002.

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Speaker and the Chairperson:

   (1) Report of the Auditor-General on the Financial Statements of the Truth and Reconciliation Commission for 2000-2001 [RP 16-2002].

   (2) Report of the Auditor-General on the Financial Statements of the South African Diamond Board for 2000-2001 [RP 29-2002].

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

   (1) The Agreement on Science and Technological Co-operation between the Government of the Republic of South Africa and the Government of the Federal Republic of Nigeria, tabled in terms of section 231(3) of the Constitution, 1996.

(2) The Agreement between the Government of the Republic of South Africa and the Federal Republic of Nigeria on Co-operation in the Field of Arts and Culture, tabled in terms of section 231(3) of the Constitution, 1996.

3. The Minister for Justice and Constitutional Development:

(1) Report of the Judicial Service Commission for 2000-2001.

(2) Report and Financial Statements of the Legal Aid Board for 2000-2001, including the Report of the Auditor-General on the Financial Statements for 2000-2001.

4. The Minister of Communications:

Annual Report and Financial Statements of the Department of Communications for 1999-2000.

5. The Minister of Labour:

Strategic Plan of the Department of Labour for 2002-2005.

No 40—2002] FOURTH SESSION, SECOND PARLIAMENT

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

FRIDAY, 5 APRIL 2002

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) ***Social Grants Appropriation Bill*** [B 9—2002]—Act No 2 of 2002 (assented to and signed by President on 27 March 2002);

   (ii) ***Burundi Protection Support Appropriation Bill*** [B 10—2002]—Act No 3 of 2002 (assented to and signed by President on 27 March 2002);

   (iii) ***Unemployment Insurance Contributions Bill*** [B 85—2001]—Act No 4 of 2002 (assented to and signed by President on 27 March 2002); and

   (iv) ***Division of Revenue Bill*** [B 5D—2002]—Act No 5 of 2002 (assented to and signed by President on 27 March 2002).

2. The Speaker and the Chairperson:

   (1) The Minister for Provincial and Local Government on 21 February 2002 submitted a draft of the ***Disaster Management Bill***, 2002, 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 Minister of Finance on 15 March 2002 submitted a draft of the ***Collective Investment Schemes Control Bill***, 2002, as well as the memorandum explaining the objects of the proposed legislation, to

the Speaker and the Chairperson in terms of Joint Rule 159. The draft has been referred to the Portfolio Committee on Finance and the Select Committee on Finance by the Speaker and the Chairperson, respectively, in accordance with Joint Rule 159(2).

(3) The Minister of Health on 15 March 2002 submitted drafts of the ***Health Donations Fund Repeal Bill***, 2002, and the ***Occupational Diseases in Mines and Works Amendment Bill***, 2002, as well as the memoranda 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 Health and the Select Committee on Social Development by the Speaker and the Chairperson, respectively, in accordance with Joint Rule 159(2).

National Assembly:

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 Standing Committee on Public Accounts:**

Report of the Auditor-General on the Delays in the tabling of Annual Reports as required by the Public Finance Management Act, 1999 (Act No 1 of 1999) [RP 45-2002].

(2) **The following paper is referred to the Portfolio Committee on Social Development:**

Strategic Plan for Social Development for 2002-2005.

(3) **The following paper is referred to the Portfolio Committee on Water Affairs and Forestry:**

Strategic Plan for Water Affairs and Forestry for 2002-2005.

(4) **The following paper is referred to the Portfolio Committee on Minerals and Energy:**

Strategic Plan for the Department of Minerals and Energy for 2002-2005.

(5) **The following papers are referred to the Standing Committee on Public Accounts for consideration and report:**

(a) Report of the Auditor-General on the Financial Statements of the Pan South African Language Board for 2000-2001 [RP 38-2002].

(b) Report and Financial Statements of the South African Revenue Services for 2000-2001, including the Report of the Auditor-General on the Financial Statements for 2000-2001.

(6) **The following paper is referred to the Portfolio Committee on Labour, the Portfolio Committee on Health and the Portfolio Committee on Social Development. The Report of the Auditor-General contained in the following paper is referred to the Standing Committee on Public Accounts for consideration and report:**

Report and Financial Statements of the Health and Welfare Sector Training Authority for 2000-2001, including the Report of the Auditor-General on the Financial Statements for 2000-2001.

(7) **The following paper is referred to the Portfolio Committee on Justice and Constitutional Development:**

Documents in terms of section 9(1) of the Promotion of National Unity and Reconciliation Act, 1995, regarding the Remuneration, Allowances and other Employment Benefits of the Staff of the Truth and Reconciliation Commission.

(8) **The following paper is referred to the Portfolio Committee on Foreign Affairs:**

Strategic Plan for the Department of Foreign Affairs for 2002-2005.

(9) **The following papers are referred to the Portfolio Committee on Defence:**

(a) Agreement between the Government of the Republic of South Africa and the Government of the State of Qatar concerning Co-operation in the Military Field, tabled in terms of section 231(3) of the Constitution, 1996.

(b) Memorandum of Understanding between the Government of the Republic of South Africa and the Government of the People's Republic of China concerning Defence Co-operation, tabled in terms of section 231(3) of the Constitution, 1996.

(c) Arrangement between the Department of Defence of the Republic of South Africa and the Minister of Foreign Affairs of the Netherlands, tabled in terms of section 231(3) of the Constitution, 1996.

(d) Memorandum of Understanding between the Government of the Republic of South Africa and the Government of the Republic of Burundi concerning the South African Mission in Support of the Implementation of the Arusha Peace and Reconciliation Agreement for Burundi, tabled in terms of section 231(3) of the Constitution, 1996.

(e) Specific Arrangement between the Government of the Republic of South Africa and the Kingdom of Belgium on The Funding of the South African Protection Support Detachment in Support of the Implementation of the Arusha Peace and Reconciliation Agreement for Burundi, tabled in terms of section 231(3) of the Constitution, 1996.

(f) Memorandum of Understanding between the Government of the Republic of South Africa and the United Nations contributing Resources to the "Mission de l'Organisation des Nations Unies au Congo" (MONUC), tabled in terms of section 231(3) of the Constitution, 1996.

National Council of Provinces:

1. 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 Select Committee on Economic and Foreign Affairs:**

Strategic Plan for the Department of Foreign Affairs for 2002-2005.

(2) **The following papers are 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 State of Qatar concerning Co-operation in the Military Field, tabled in terms of section 231(3) of the Constitution, 1996.

(b) Memorandum of Understanding between the Government of the Republic of South Africa and the Government of the People's Republic of China concerning Defence Co-operation, tabled in terms of section 231(3) of the Constitution, 1996.

(c) Arrangement between the Department of Defence of the Republic of South Africa and the Minister of Foreign Affairs of the Netherlands, tabled in terms of section 231(3) of the Constitution, 1996.

(d) Memorandum of Understanding between the Government of the Republic of South Africa and the Government of the Republic of Burundi concerning the South African Mission in Support of the Implementation of the Arusha Peace and Reconciliation Agreement for Burundi, tabled in terms of section 231(3) of the Constitution, 1996.

(e) Specific Arrangement between the Government of the Republic of South Africa and the Kingdom of Belgium on The Funding of the South African Protection Support Detachment in Support of the Implementation of the Arusha Peace and Reconciliation Agreement for Burundi, tabled in terms of section 231(3) of the Constitution, 1996.

(f) Memorandum of Understanding between the Government of the Republic of South Africa and the United Nations contributing Resources to the "Mission de l'Organisation des Nations Unies au Congo" (MONUC), tabled in terms of section 231(3) of the Constitution, 1996.

(g) Documents in terms of section 9(1) of the Promotion of National Unity and Reconciliation Act, 1995, regarding the Remuneration, Allowances and other employment Benefits of the Staff of the Truth and Reconciliation Commission.

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Minister of Water Affairs and Forestry:

(1) Government Notice No R.652 published in Government Gazette No 22472 dated 20 July 2001, Norms and Standards in respect of Tariffs for Water Services, made in terms of section 10(1) of the Water Services Act, 1997 (Act No 108 of 1997).

(2) General Notice No 1775 published in Government Gazette No 22527 dated 1 August 2001, Draft Regulations under the National Veld and Forest Fire Act, 1998 (Act No 101 of 1998).

(3) Government Notice No 757 published in Government Gazette No 22577 dated 24 August 2001, Determining of an Interest Rate, made

in terms of section 59(3)*(a)* of the National Water Act, 1998 (Act No 36 of 1998).

(4) Government Notice No 850 published in Government Gazette No 22652 dated 7 September 2001, Invitation to submit written comments on Proposed Directions with regard to the Control and Management of General Communal and General Small Waste Disposal sites, made in terms of section 20(5) of the Environment Conservation Act, 1989 (Act No 73 of 1989).

(5) Government Notice No 1096 published in Government Gazette No 22801 dated 9 November 2001, Determining of an Interest Rate, made in terms of section 59(3)*(a)* of the National Water Act, 1998 (Act No 36 of 1998).

(6) Government Notice No 1173 published in Government Gazette No 22830 dated 13 November 2001, Regarding the Prohibition on the making of Fires in the Open Air: Western Cape, made in terms of the Forest Act, 1984 (Act No 122 of 1984).

(7) Government Notice No 1174 published in Government Gazette No 22830 dated 13 November 2001, Regarding the Prohibition on the making of Fires in the Open Air: Districts of Clanwilliam, Piketberg, Ceres, Tulbagh, Worcester, Caledon, Paarl, Stellenbosch, Strand and Somerset West, made in terms of the Forest Act, 1984 (Act No 122 of 1984).

(8) Government Notice No 1175 published in Government Gazette No 22830 dated 13 November 2001, Regarding the Prohibition on the making of Fires in the Open Air: Districts of Swellendam and Montagu, made in terms of the Forest Act, 1984 (Act No 122 of 1984).

(9) Government Notice No 1201 published in Government Gazette No 22839 dated 23 November 2001, Regarding the Establishment of the Thabina Irrigation Scheme Water User Association, District of Mopani in the Northern Province, Water Management Area Number 2, made in terms of the National Water Act, 1998 (Act No 36 of 1998).

(10) Government Notice No 1306 published in Government Gazette No 22904 dated 14 December 2001, Regarding the Transformation of the Kalahari West Water Board, Division of Gordonia, Province of the Northern Cape, into the Kalahari West Water User Association, Water Management Area Number 14, Province of the Northern Cape, made in terms of the National Water Act, 1998 (Act No 36 of 1998).

(11) Government Notice No 1307 published in Government Gazette No 22904 dated 14 December 2001, Regarding the Transformation of the Kalahari East Water Board, Division of Postmasburg and Kuruman, Province of the Northern Cape, into the Kalahari East Water User Association, Water Management Area Number 10, Province of the Northern Cape, made in terms of the National Water Act, 1998 (Act No 36 of 1998).

(12) Government Notice No 1308 published in Government Gazette No 22904 dated 14 December 2001, Regarding the Transformation of the Kat River Irrigation Board, Division of Stockenstroom, Victoria East and Fort Beaufort, Province of the Eastern Cape, into the Kat River Valley Water User Association, Water Management Area Number 15, Province of the Eastern Cape, made in terms of the National Water Act, 1998 (Act No 36 of 1998).

(13) Government Notice No 1309 published in Government Gazette No 22904 dated 14 December 2001, Regarding the Transformation of the

Great Letaba Major Irrigation Board, Districts of Letaba and Pietersburg, Northern Province, into the Letaba Water User Association, Water Management Area Number 2, Northern Province, made in terms of the National Water Act, 1998 (Act No 36 of 1998).

(14) Government Notice No 1357 published in Government Gazette No 22929 dated 14 December 2001, Assessing DWAF's compliance with the NEMA Principles, made in terms of the National Environmental Management Act, 1998 (Act No 107 of 1998).

(15) Government Notice No 42 published in Government Gazette No 23037 dated 25 January 2002, Regarding the Transformation of the Blyde River Irrigation Board, Magisterial District of Phalaborwa, Northern Province, into the Lower Blyde River Water User Association, Water Management Area Number 4, Northern Province, made in terms of the National Water Act, 1998 (Act No 36 of 1998).

(16) Government Notice No 89 published in Government Gazette No 23053 dated 1 February 2002, Regarding the Establishment of the Lebalelo Water User Association, Districts of Letaba and Lydenburg, in the Northern and Mpumalanga Provinces, Water Management Area Number 4, made in terms of the National Water Act, 1998 (Act No 36 of 1998).

(17) Government Notice No 91 published in Government Gazette No 23053 dated 1 February 2002, Directions with regard to the Control and Management of General Communal and General Small Waste Disposal Sites, made in terms of section 20(5)*(b)* of the Environment Conservation Act, 1989 (Act No 73 of 1989).

2. The Minister of Transport:

(1) Report and Financial Statements of the Road Accident Fund for 2000-2001, including the Report of the Auditor General on the Financial Statements for 2000-2001 [RP 31-2002].

(2) Strategic Plan of the Department of Transport for 2002-2003.

3. The Minister of Sport and Recreation:

Strategic Plan of the Department of Sport and Recreation for 2002-2004.

4. The Minister of Correctional Services:

Strategic Plan of the Department of Correctional Services for 2002-2005.

No 41—2002] FOURTH SESSION, SECOND PARLIAMENT

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

MONDAY, 15 APRIL 2002

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

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

Improvement of Quality of Life and Status of Women:

Appointed: Mathibela, N F; Mbuyazi, L R (Alt); Ngubane, H (Alt); Roopnarain, U.

Improvement of Quality of Life and Status of Children, Youth and Disabled Persons:

Appointed: Dhlamini, B W (Alt); Mbuyazi, L R.

National Assembly:

1. The Speaker:

The following changes have been made to the membership of ***Portfolio and Standing Committees***, viz:

Communications:

Appointed: Phadagi, M G (Alt).

Environmental Affairs and Tourism:

Appointed: Phadagi, M G.

Finance:

Appointed: Andrew, K M (Alt).

Health:

Appointed: Cachalia, I M; Mathibela, N F; Twala, N M (Alt).

Public Accounts:

Appointed: Lowe, C M.
Discharged: Taljaard, R.

Trade and Industry:

Appointed: Phadagi, M G (Alt).

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 Republic of the Seychelles 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.

   (2) Explanatory Memorandum on the Double Taxation Agreement between the Republic of South Africa and the Republic of the Seychelles.

2. The Minister of Transport:

   (1) Air Transport Agreement between the Government of the Republic of South Africa and the Government of the Republic of Germany, tabled in terms of section 231(3) of the Constitution, 1996.

   (2) Bilateral Air Services Agreement between the Government of the Republic of South Africa and the Government of the Federal Republic of Brazil, tabled in terms of section 231(3) of the Constitution, 1996.

3. The Minister of Safety and Security:

   Strategic Plan of the Independent Complaints Directorate for 2002-2005 [RP 51-2002].

4. The Minister of Communications:

   Annual Report and Financial Statements of the Department of Communications for 2000-2001, including the Report of the Auditor-General on the Financial Statements for 2000-2001.

5. The Minister of Labour:

   Annual Report and Financial Statements of the Construction Education and Training Authority for 2000-2001, including the Report of the Auditor-General on the Financial Statements for 2000-2001 [RP 19-2002].

COMMITTEE REPORTS:

National Assembly:

1. Report of the Portfolio Committee on Communications on the ***Media Development and Diversity Agency Bill*** [B 2—2002] (National Assembly—sec 75), dated 18 March 2002:

   The Portfolio Committee on Communications, having considered the subject of the ***Media Development and Diversity Agency Bill***

[B 2—2002] (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 2A—2002].

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

FRIDAY, 19 APRIL 2002

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

(1) The Minister for Justice and Constitutional Development on 7 March 2002 submitted drafts of the ***Constitution of the Republic of South Africa Amendment Bill***, 2002, and the ***Constitution of the Republic of South Africa Second Amendment Bill***, 2002, 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 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).

(2) The Minister of Minerals and Energy on 11 April 2002 submitted a draft of the ***Mineral and Petroleum Resources Development Bill***, 2002, 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 and Foreign Affairs by the Speaker and the Chairperson, respectively, in accordance with Joint Rule 159(2).

(3) The following Bill was introduced by the Minister for Justice and Constitutional Development in the National Assembly on 18 April 2002 and referred to the Joint Tagging Mechanism (JTM) for classification in terms of Joint Rule 160:

(i) ***Insolvency Amendment Bill*** [B 14—2002] (National Assembly—sec 75) [Explanatory summary of Bill and prior notice of its introduction published in ***Government Gazette*** No 23231 of 15 March 2002.]

The Bill has been referred to the Portfolio Committee on Justice and Constitutional Development of the National Assembly.

In terms of Joint Rule 154 written views on the classification of the Bill may be submitted to the JTM within three parliamentary working days.

(4) The following Bill was introduced by the Minister of Minerals and Energy in the National Assembly on 19 April 2002 and referred to the Joint Tagging Mechanism (JTM) for classification in terms of Joint Rule 160:

(i) ***Mineral and Petroleum Resources Development Bill*** [B 15—2002] (National Assembly—sec 75) [Explanatory summary of Bill and prior notice of its introduction published in ***Government Gazette*** No 23316 of 12 April 2002.]

The Bill has been referred to the Portfolio Committee on Minerals and Energy of the National Assembly.

In terms of Joint Rule 154 written views on the classification of the Bill may be submitted to the JTM within three parliamentary working days.

(5) The following Bills were introduced by the Minister for Justice and Constitutional Development in the National Assembly on 19 April 2002 and referred to the Joint Tagging Mechanism (JTM) for classification in terms of Joint Rule 160:

(i) ***Constitution of the Republic of South Africa Amendment Bill*** [B 16—2002] (National Assembly—sec 74) [Bill and prior notice of its introduction published in ***Government Gazette*** No 23218 of 11 March 2002.]

(ii) ***Constitution of the Republic of South Africa Second Amendment Bill*** [B 17—2002] (National Assembly—sec 74) [Bill and prior notice of its introduction published in ***Government Gazette*** No 23218 of 11 March 2002.]

The Bills have been referred to the Portfolio Committee on Justice and Constitutional Development of the National Assembly.

In terms of Joint Rule 154 written views on the classification of the Bills may be submitted to the JTM within three parliamentary working days.

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Minister for Justice and Constitutional Development:

(1) Government Notice No R.37 published in Government Gazette No 23029 dated 18 January 2002, Magistrates Courts: Amendment of the Rules of Court, made in terms of section 6 of the Rules Board for Courts of Law Act, 1985 (Act No 107 of 1985).

(2) Government Notice No R.38 published in Government Gazette No 23029 dated 18 January 2002, Magistrates Courts: Amendment of the Rules of Court, made in terms of section 6 of the Rules Board for Courts of Law Act, 1985 (Act No 107 of 1985).

(3) Proclamation No R.9 published in Government Gazette No 23119 dated 15 February 2002, Commencement of sections 10, 14, 16, and

51, made in terms of the Promotion of Access to Information Act, 2000 (Act No 2 of 2000).

(4) Government Notice No R.187 published in Government Gazette No 23119 dated 15 February 2002, Regulations regarding the Promotion of Access to Information, made in terms of the Promotion of Access to Information Act, 2000 (Act No 2 of 2000).

(5) Government Notice No 292 published in Government Gazette No 23176 dated 28 February 2002, Directives made in terms of section 7 of the Criminal Matters Amendment Act, 1998 (Act No 68 of 1998).

(6) Proclamation No R.15 published in Government Gazette No 23149 dated 15 February 2002, Commencement of the Criminal Matters Amendment Act, 1998 (Act No 68 of 1998).

(7) Government Notice No R.213 published in Government Gazette No 23149 dated 28 February 2002, Determination of remuneration payable to ***curator ad litem***, made in terms of section 29 of the Mental Health Act, 1973 (Act No 18 of 1973).

(8) Government Notice No R.214 published in the Government Gazette No 23149 dated 28 February 2002, Regulations prescribing the tariff of allowances payable to psychiatrists who appear as witnesses in court, made in terms of the Criminal Procedure Act, 1977 (Act No 51 of 1977).

(9) Strategic Plan for the Department of Justice and Constitutional Development for 2002-2005.

National Assembly:

1. The Speaker:

Written comments received from the public and provincial legislatures on the ***Constitution of the Republic of South Africa Amendment Bill*** [B 16—2002] and the ***Constitution of the Republic of South Africa Second Amendment Bill*** [B 17—2002], submitted by the Minister for Justice and Constitutional Development in terms of section 74(6)*(a)* of the Constitution, 1996. Referred to the Portfolio Committee on Justice and Constitutional Development.

National Council of Provinces:

1. The Chairperson:

Written comments received from the public and provincial legislatures on the ***Constitution of the Republic of South Africa Second Amendment Bill*** [B 17—2002], submitted by the Minister for Justice and Constitutional Development in terms of section 74(6)*(b)* of the Constitution, 1996. Referred to the Select Committee on Security and Constitutional Affairs.

No 43—2002] FOURTH SESSION, SECOND PARLIAMENT

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

MONDAY, 22 APRIL 2002

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Minister of Finance:

   (1) Proclamation No 17 published in Government Gazette No 23169 dated 28 February 2002, Commencement of the Financial Intelligence Centre Act, 2001 (Act No 38 of 2001).

   (2) Proclamation R.19 published in Government Gazette No 23196 dated 1 March 2002, Fixing of date on which sections 37(1), 38(1) and 48(1) shall come into operation, made in terms of the Revenue Laws Amendment Act, 2001 (Act No 19 of 2001).

   (3) Government Notice No R.256 published in Government Gazette No 23196 dated 1 March 2002, Determination interest rate for purposes of paragraph *(a)* of the definition of "official rate of interest" in paragraph 1 of the Seventh Schedule, made in terms of the Income Tax Act, 1962 (Act No 58 of 1962).

   (4) Proclamation Notice No 20 published in Government Gazette No 23207 dated 15 March 2002, Appointment of members of the Special Courts for the hearing of income tax appeals, made in terms of the Income Tax Act, 1962 (Act No 58 of 1962).

   (5) Government Notice No R.335 published in Government Gazette No 23246 dated 18 March 2002, Draft Treasury Regulations, made in terms of section 78 of the Public Finance Management Act, 1999 (Act No 1 of 1999).

2. The Minister of Home Affairs:

   A list of approved early naturalisation applications in terms of section 5(9) of the South African Citizenship Act, 1995 (Act No 88 of 1995).

   Copies of the list of applications are available at the Office of the Clerk of Papers on request.

No 44—2002] FOURTH SESSION, SECOND PARLIAMENT

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

WEDNESDAY, 24 APRIL 2002

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

   The Minister in the Presidency submitted the ***umTheto wokuThuthukisa zokuRhatjha mazombe kunye neHlangano ejamele iindlela zokurhatjha ezahlukeneko*** [B 2—2002] (National Assembly—sec 75) to the Speaker and the Chairperson on 23 April 2002. This is the official translation of the ***Media Development and Diversity Agency Bill*** [B 2—2002] (National Assembly—sec 75), which was introduced in the National Assembly by the Minister on 4 February 2002.

National Assembly:

1. The Speaker:

   Letter from the President of the Republic, dated 28 March 2002, addressed to the Speaker of the National Assembly informing Parliament of the resignation of the Inspector-General of Intelligence, Dr F Randera.

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Speaker and the Chairperson:

   General Report of the Auditor-General on audit outcomes for 2000-2001 [RP 58-2002].

No 45—2002] FOURTH SESSION, SECOND PARLIAMENT

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

THURSDAY, 25 APRIL 2002

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

   (1) The following Bill was introduced by the Minister of Social Development in the National Assembly on 24 April 2002 and referred to the Joint Tagging Mechanism (JTM) for classification in terms of Joint Rule 160:

   (i) ***Probation Services Amendment Bill*** [B 18—2002] (National Assembly—sec 75) [Explanatory summary of Bill and prior notice of its introduction published in ***Government Gazette*** No 23072 of 8 February 2002.]

   The Bill has been referred to the Portfolio Committee on Social Development of the National Assembly.

   In terms of Joint Rule 154 written views on the classification of the Bill may be submitted to the JTM within three parliamentary working days.

   (2) The following Bill was introduced by the Minister for Justice and Constitutional Development in the National Assembly on 25 April 2002 and referred to the Joint Tagging Mechanism (JTM) for classification in terms of Joint Rule 160:

   (i) ***Prevention of Corruption Bill*** [B 19—2002] (National Assembly—sec 75) [Explanatory summary of Bill and prior notice of its introduction published in ***Government Gazette*** No 23336 of 18 April 2002.]

   The Bill has been referred to the Portfolio Committee on Justice and Constitutional Development of the National Assembly.

   In terms of Joint Rule 154 written views on the classification of the Bill may be submitted to the JTM within three parliamentary working days.

National Assembly:

1. The Speaker:

   Mr F Beukman has been appointed as Chairperson of the Standing Committee on Public Accounts with effect from 24 April 2002.

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Minister for Agriculture and Land Affairs:

   The Strategic Plan for the Department of Agriculture for 2002-2005.

2. The Minister of Health:

   (1) The Strategic Plan for the Department of Health for 2001-2004.

   (2) The Operational Plans of the Department of Health for 2002-2003.

No 46—2002] FOURTH SESSION, SECOND PARLIAMENT

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

MONDAY, 29 APRIL 2002

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

   (1) The Minister for the Public Service and Administration on 11 April 2002 submitted a draft of the ***State Information Technology Agency Amendment Bill***, 2002, 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 Service and Administration 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 following Bill was introduced by the Minister of Health in the National Assembly on 29 April 2002 and referred to the Joint Tagging Mechanism (JTM) for classification in terms of Joint Rule 160:

      (i) ***Health Donations Fund Act Repeal Bill*** [B 20—2002] (National Assembly—sec 75) [Explanatory summary of Bill and prior notice of its introduction published in ***Government Gazette*** No 23251 of 20 March 2002.]

   The Bill has been referred to the Portfolio Committee on Health of the National Assembly.

   In terms of Joint Rule 154 written views on the classification of the Bill may be submitted to the JTM within three parliamentary working days.

National Assembly:

1. The Speaker:

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

Home Affairs:

Appointed: Swart, S N (Alt).

Labour:

Appointed: Madasa, Z L (Alt).

Minerals and Energy:

Appointed: Dudley, C (Alt).

Private Members' Legislative Proposals and Special Petitions:

Appointed: Swart, S N (Alt).

Public Accounts:

Appointed: Beukman, F; Dudley, C.
Discharged: Blaas, A; Green, L.

Public Service and Administration:

Appointed: Madasa, Z L (Alt).

Trade and Industry:

Appointed: Madasa, Z L.
Discharged: Dudley, C.

2. The Speaker:

   The following member vacated her seat with effect from 22 April 2002:

   Ncube, B N Z.

3. Letter from the Minister for Justice and Constitutional Development, dated 22 April 2002, addressed to the Speaker of the National Assembly informing Parliament that the period of office of the Public Protector, Adv S A M Baqwa, is due to come to an end during September 2002.

4. The Speaker:

   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 Standing Committee on Public Accounts:**

      (a) Report of the Auditor-General on the Financial Statements of the Truth and Reconciliation Commission for 2000-2001 [RP 16-2002].

      (b) Report of the Auditor-General on the Financial Statements of the South African Diamond Board for 2000-2001 [RP 29-2002].

   (2) **The following papers are referred to the Portfolio Committee on Health:**

      (a) Strategic Plan for the Department of Health for 2001-2004.

      (b) The Operations Plans of the Department of Health for 2002-2003.

   (3) **The following paper is referred to the Portfolio Committee on Agriculture and Land Affairs:**

      Strategic Plan for the Department of Agriculture for 2002-2005.

(4) **The following papers are referred to the Portfolio Committee on Arts, Culture, Science and Technology:**

(a) The Agreement on Science and Technological Co-operation between the Government of the Republic of South Africa and the Government of the Federal Republic of Nigeria, tabled in terms of section 231(3) of the Constitution, 1996.

(b) The Agreement between the Government of the Republic of South Africa and the Federal Republic of Nigeria on Co-operation in the Field of Arts and Culture, tabled in terms of section 231(3) of the constitution, 1996.

(5) **The following papers are referred to the Portfolio Committee on Justice and Constitutional Development. The Report of the Auditor-General contained in the following papers are referred to the Standing Committee on Public Accounts for consideration and report:**

(a) General Report of the Auditor-General on audit outcomes for 2000-2001 [RP 58-2002].

(b) Report of the Judicial Service Commission for 2000-2001.

(c) Report and Financial Statements of the Legal Aid Board for 2000-2001, including the Report of the Auditor-General on the Financial Statements for 2000-2001.

(6) **The following paper is referred to the Portfolio Committee on Communications:**

Annual Report and Financial Statements of the Department of Communications for 1999-2000.

(7) **The following paper is referred to the Portfolio Committee on Labour:**

Strategic Plan of the Department of Labour for 2002-2005.

(8) **The following papers are referred to the Portfolio Committee on Transport. The Report of the Auditor-General contained in the following papers are referred to the Standing Committee on Public Accounts for consideration and report:**

(a) Report and Financial Statements of the Road Accident Fund for 2000-2001, including the Report of the Auditor-General on the Financial Statements for 2002-2004.

(b) Strategic Plan of the Department of Transport for 2002-2003.

(9) **The following paper is referred to the Portfolio Committee on Sport and Recreation:**

Strategic Plan of the Department of Sport and Recreation for 2002-2004.

(10) **The following papers are referred to the Portfolio Committee on Water Affairs and Forestry:**

(1) Government Notice No R. 652 published in Government Gazette No 22472 dated 20 July 2001, Norms and Standards in respect of Tariffs for Water Services, made in terms of section 10(1) of the Water Services Act, 1997 (Act No 108 of 1997).

(2) General Notice No 1775 published in Government Gazette No 22527 dated 1 August 2001, Draft Regulations under the National Veld and Forest Fire Act, 1998 (Act No 101 of 1998).

(3) Government Notice No 757 published in Government Gazette No 22577 dated 24 August 2001, Determining of an Interest Rate, made in terms of section 59(3)*(a)* of the National Water Act, 1998 (Act No 36 of 1998).

(4) Government Notice No 850 published in Government Gazette No 22652 dated 7 September 2001, Invitation to submit written comments on Proposed Directions with regard to the Control and Management of General Communal and General Small Waste Disposal sites, made in terms of section 20(5) of the Environment Conservation Act 1989 (Act No 73 of 1989).

(5) Government Notice No 1096 published in Government Gazette No 22801 dated 9 November 2001, Determining of an Interest Rate, made in terms of section 59(3)*(a)* of the National Water Act, 1998 (Act No 36 of 1998).

(6) Government Notice No 1173 published in Government Gazette No 22830 dated 13 November 2001, Regarding the Prohibition on the making of Fires in the Open Air: Western Cape, made in terms of the Forest Act, 1984 (Act No 122 of 1984).

(7) Government Notice No 1174 published in Government Gazette No 22830 dated 13 November 2001, Regarding the Prohibition on the making of Fires in the Open Air: Districts of Clanwilliam, Piketberg, Ceres, Tulbagh, Worcester, Caledon, Paarl, Stellenbosch, Strand and Somerset West, made in terms of the Forest Act, 1984 (Act No 122 of 1984).

(8) Government Notice No 1175 published in Government Gazette No 22830 dated 13 November 2001, Regarding the Prohibition on the making of Fires in the Open Air: Districts of Swellendam and Montagu, made in terms of the Forest Act, 1984 (Act No 122 of 1984).

(9) Government Notice No 1201 published in Government Gazette No 22839 dated 23 November 2001, Regarding the Establishment of the Thabina Irrigation Scheme Water User Association, District of Mopani in the Northern Province, Water Management Area Number 2, made in terms of the National Water Act, 1998 (Act No 36 of 1998).

(10) Government Notice No 1306 published in Government Gazette No 22904 dated 14 December 2001, Regarding the Transformation of the Kalahari West Water Board, Division of Gordonia, Province of the Northern Cape, into the Kalahari West Water User Association, Water Management Area Number 14, Province of the Northern Cape, made in terms of the National Water Act, 1998 (Act No 36 of 1998).

(11) Government Notice No 1307 published in Government Gazette No 22904 dated 14 December 2001, Regarding the Transformation of the Kalahari East Water Board, Division of Postmasburg and Kuruman, Province of the Northern Cape, into the Kalahari East Water User Association, Water Management Area Number 10, Province of the Northern Cape, in terms of the National Water Act, 1998 (Act No 36 of 1998).

(12) Government Notice No 1308 published in Government Gazette No 22904 dated 14 December 2001, Regarding the Transformation of the Kat River Irrigation Board, Division of

Stockenstroom, Victoria East and Fort Beaufort, Province of the Eastern Cape, into the Kat River Valley Water User Association, Water Management Area Number 15, Province of the Eastern Cape, made in terms of the National Water Act, 1998 (Act No 36 of 1998).

(13) Government Notice No 1309 published in Government Gazette No 22904 dated 14 December 2001, Regarding the Transformation of the Great Letaba Major Irrigation Board, Districts of Letaba and Pietersburg, Northern Province, into the Letaba Water User Association, Water Management Area Number 2, Northern Province, made in terms of the National Water Act, 1998 (Act No 36 of 1998).

(14) Government Notice No 1357 published in Government Gazette No 22929 dated 14 December 2001, Assessing DWAF's compliance with the NEMA Principles, made in terms of the National Environmental Management Act, 1998 (Act No 107 of 1998).

(15) Government Notice No 42 published in Government Gazette No 23037 dated 25 January 2002, Regarding the Transformation of the Blyde River Irrigation Board, Magisterial District of Phalaborwa, Northern Province, into the Lower Blyde River Water User Association, Water Management Area Number 4, Northern Province, made in terms of the National Water Act, 1998 (Act No 36 of 1998).

(16) Government Notice No 89 published in Government Gazette No 23053 dated 1 February 2002, Regarding the Establishment of the Lebalelo Water User Association, Districts of Letaba and Lydenburg, in the Northern and Mpumalanga Provinces, Water Management Area Number 4, made in terms of the National Water Act, 1998 (Act No 36 of 1998).

(17) Government Notice No 91 published in Government Gazette No 23053 dated 1 February 2002, Directions with regard to the Control and Management of General Communal and General Small Waste Disposal Sites, made in terms of section 20(5)*(b)* of the Environment Conservation Act, 1989 (Act No 73 of 1989).

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Speaker and the Chairperson:

(1) Report of the Auditor-General on the Financial Statements of the Meat Board for 1999-2000 [RP 37-2002].

(2) Report of the Auditor-General on the Financial Statements of the Citrus Board for 1999-2000 [RP 47-2002].

(3) Report of the Auditor-General on the Financial Statements of the Maize Board for 2000-2001 [RP 46-2002].

2. The Speaker:

(1) Submission of the Financial and Fiscal Commission on the Division of Revenue for 2003-2004, tabled in terms of section 9 of the

Intergovernmental Fiscal Relations Act, 1997 (Act No 97 of 1997).

(2) Report of the Public Protector on an investigation pertaining to the purchase of pieces of jewellery by the Minister of Minerals and Energy.

Report is tabled for information and copies of the report are available from the office of the Clerk of the Papers.

3. The Minister of Finance:

(1) Proclamation No R.28 published in Government Gazette No 23284, dated 28 March 2002, Determination of date of commencement of Unemployment Insurance Contributions Act, 2002 (Act No 4 of 2002).

(2) Proclamation No R.30 published in Government Gazette No 23292, dated 28 March 2002, Commencement of Division of Revenue Act, 2002 (Act No 5 of 2002).

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

TUESDAY, 30 APRIL 2002

ANNOUNCEMENTS:

National Council of Provinces:

1. The Chairperson:

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

(1) **The following papers are referred to the Select Committee on Finance:**

(a) Report of the Auditor-General on the Financial Statements of the Truth and Reconciliation Commission for 2000-2001 [RP 16-2002].

(b) Report of the Auditor-General on the Financial Statements of the South African Diamond Board for 2000-2001 [RP 29-2002].

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

(a) The Agreement on Science and Technological Co-operation between the Government of the Republic of South Africa and the Government of the Federal Republic of Nigeria, tabled in terms of section 231(3) of the Constitution, 1996.

(b) The Agreement between the Government of the Republic of South Africa and the Federal Republic of Nigeria on Co-operation in the Field of Arts and Culture, tabled in terms of section 231(3) of the Constitution, 1996.

(c) Strategic Plan of the Department of Sport and Recreation for 2002-2004.

(3) **The following papers are referred to the Select Committee on Security and Constitutional Affairs:**

(a) Report of the Judicial Service Commission for 2000-2001.

(b) Report of the Financial Statements of the Legal Aid Board for 2000-2001, including the Report of the Auditor-General on the Financial Statements for 2000-2001.

(4) **The following papers are referred to the Select Committee on Labour and Public Enterprises:**

(a) Annual Report and Financial Statements of the Department of Communications for 1999-2000.

(b) Strategic Plan of the Department of Labour for 2002-2005.

(5) **The following papers are referred to the Select Committee on Public Services:**

(a) Report and Financial Statements of the Road Accident Fund for 2000-2001, including the Report of the Auditor-General on the Financial Statements for 2000-2001 [RP 31-2002].

(b) Strategic Plan of the Department of Transport for 2002-2003.

(6) **The following papers are referred to the Select Committee on Land and Environmental Affairs:**

(a) Government Notice No R.652 published in Government Gazette No 22472 dated 20 July 2001, Norms and Standards in respect of Tariffs for Water Services, made in terms of section 10(1) of the Water Services Act, 1997 (Act No 108 of 1997).

(b) General Notice No 1775 published in Government Gazette No 22527 dated 1 August 2001, Draft Regulations under the National Veld and Forest Fire Act, 1998 (Act No 101 of 1998).

(c) Government Notice No 757 published in Government Gazette No 22577 dated 24 August 2001, Determining of an Interest Rate, made in terms of section 59(3)*(a)* of the National Water Act, 1998 (Act No 36 of 1998).

(d) Government Notice No 850 published in Government Gazette No 22652 dated 7 September 2001, Invitation to submit written comments on Proposed Directions with regard to the Control and Management of General Communal and General Small Waste Disposal sites, made in terms of section 20(5) of the Environment Conservation Act, 1989 (Act No 73 of 1989).

(e) Government Notice No 1096 published in Government Gazette No 22801 dated 9 November 2001, Determining of an Interest Rate, made in terms of section 59(3)*(a)* of the National Water Act, 1998 (Act No 36 of 1998).

(f) Government Notice No 1173 published in Government Gazette No 22830 dated 13 November 2001, Regarding the Prohibition on the making of Fires in the Open Air: Western Cape, made in terms of the Forest Act, 1984 (Act No 122 of 1984).

(g) Government Notice No 1174 published in Government Gazette No 22830 dated 13 November 2001, Regarding the Prohibition on the making of Fires in the Open Air: Districts of Clanwilliam, Piketberg, Ceres, Tulbagh, Worcester, Caledon, Paarl, Stellenbosch, Strand and Somerset West, made in terms of the Forest Act, 1984 (Act No 122 of 1984).

(h) Government Notice No 1175 published in Government Gazette No 22830 dated 13 November 2001, Regarding the Prohibition

on the making of Fires in the Open Air: Districts of Swellendam and Montagu, made in terms of the Forest Act, 1984 (Act No 122 of 1984).

(i) Government Notice No 1201 published in Government Gazette No 22839 dated 23 November 2001, Regarding the Establishment of the Thabina Irrigation Scheme Water User Association, District of Mopani in the Northern Province, Water Management Area Number 2, made in terms of the National Water Act, 1998 (Act No 36 of 1998).

(j) Government Notice No 1306 published in Government Gazette No 22904 dated 14 December 2001, Regarding the Transformation of the Kalahari West Water Board, Division of Gordonia, Province of the Northern Cape, into the Kalahari West Water User Association, Water Management Area Number 14, Province of the Northern Cape, made in terms of the National Water Act, 1998 (Act No 36 of 1998).

(k) Government Notice No 1307 published in Government Gazette No 22904 dated 14 December 2001, Regarding the Transformation of the Kalahari East Water Board, Division of Postmasburg and Kuruman, Province of the Northern Cape, into the Kalahari East Water User Association, Water Management Area Number 10, Province of the Northern Cape, in terms of the National Water Act, 1998 (Act No 36 of 1998).

(l) Government Notice No 1308 published in Government Gazette No 22904 dated 14 December 2001, Regarding the Transformation of the Kat River Irrigation Board, Division of Stockenstroom, Victoria East and Fort Beaufort, Province of the Eastern Cape, into the Kat River Valley Water User Association, Water Management Area Number 15, Province of the Eastern Cape, made in terms of the National Water Act, 1998 (Act No 36 of 1998).

(m) Government Notice No 1309 published in Government Gazette No 22904 dated 14 December 2001, Regarding the Transformation of the Great Letaba Major Irrigation Board, Districts of Letaba and Pietersburg, Northern Province, into the Letaba Water User Association, Water Management Area Number 2, Northern Province, made in terms of the National Water Act, 1998 (Act No 36 of 1998).

(n) Government Notice No 1357 published in Government Gazette No 22929 dated 14 December 2001, Assessing DWAF's compliance with the NEMA Principles, made in terms of the National Environmental Management Act, 1998 (Act No 107 of 1998).

(o) Government Notice No 42 published in Government Gazette No 23037 dated 25 January 2002, Regarding the Transformation of the Blyde River Irrigation Board, Magisterial District of Phalaborwa, Northern Province, into the Lower Blyde River Water User Association, Water Management Area Number 4, Northern Province, made in terms of the National Water Act, 1998 (Act No 36 of 1998).

(p) Government Notice No 89 published in Government Gazette No 23053 dated 1 February 2002, Regarding the Establishment of the Lebalelo Water User Association, Districts of Letaba and

Lydenburg, in the Northern and Mpumalanga Provinces, Water Management Area Number 4, made in terms of the National Water Act, 1998 (Act No 36 of 1998).

(q) Government Notice No 91 published in Government Gazette No 23053 dated 1 February 2002, Directions with regard to the Control and Management of General Communal and General Small Waste Disposal Sites, made in terms of section 20(5)*(b)* of the Environment Conservation Act, 1989 (Act No 73 of 1989).

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Minister of Transport:

   (a) Bilateral Air Services Agreement between the Government of the Republic of South Africa and the Government of the Islamic Republic of Pakistan, tabled in terms of section 231(3) of the Constitution, 1996.

   (b) Explanatory Memorandum to the Agreement.

2. The Minister for Agriculture and Land Affairs:

   The Medium Term Strategic and Operational Plan of the Department of Land Affairs for 2002-2006.

COMMITTEE REPORTS:

National Assembly and National Council of Provinces:

1. Report of the Joint Committee on Constitutional Review, dated 30 April 2002, as follows:

   The Joint Rules of Parliament provide that the Committee must review the Constitution annually and report on the review to the Assembly and the Council. The Rules also provide that the Committee must, by notice in the public media by 1 May, invite the public to submit to the Committee, within 30 days after placing of the advertisement, written representations on any constitutional matter (Joint Rule 102(1) and (2). As a result of a very full parliamentary programme, the Committee requests the Assembly and the Council to give it permission to place its advertisement referred to in paragraph (2) above before 10 May 2002.

   Report to be considered.

No 48—2002] FOURTH SESSION, SECOND PARLIAMENT

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

THURSDAY, 2 MAY 2002

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

   The following Bill was introduced by the Minister for Provincial and Local Government in the National Assembly on 2 May 2002 and referred to the Joint Tagging Mechanism (JTM) for classification in terms of Joint Rule 160:

   (i) ***Disaster Management Bill*** [B 21—2002] (National Assembly—sec 76) [Explanatory summary of Bill and prior notice of its introduction published in ***Government Gazette*** No 23254 of 28 March 2002.]

   The Bill has been referred to the Portfolio Committee on Provincial and Local Government of the National Assembly.

   In terms of Joint Rule 154 written views on the classification of the Bill may be submitted to the JTM within three parliamentary working days.

National Assembly:

1. The Speaker:

   Dr Z P Jordan has been appointed as chairperson of the Portfolio Committee on Foreign Affairs with effect from 2 May 2002.

COMMITTEE REPORTS:

National Assembly:

1. Report of the Portfolio Committee on Communications on the ***Filling of Vacancies on ICASA Board***, dated 25 April 2002:

   The Portfolio Committee on Communications, having considered the shortlist of candidates, recommends the following persons as councillors to the ICASA Board:

(1) Ms Nadia Bulbulia;

(2) Ms Mamoduphi Mohlala;

(3) Mr Lumko Mtimde.

Report to be considered.

No 49—2002] FOURTH SESSION, SECOND PARLIAMENT

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

FRIDAY, 3 MAY 2002

ANNOUNCEMENTS:

National Assembly:

1. The Speaker:

   Mr N H Masithela has been appointed as chairperson of the Portfolio Committee on Agriculture and Land Affairs with effect from 2 May 2002.

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Minister of Correctional Services:

   Annual Report of the Judicial Inspectorate on Prisons and Prisoners for 2001-2002 [RP 61-2002].

COMMITTEE REPORTS:

National Assembly:

1. Report of the Portfolio Committee on Agriculture and Land Affairs on ***Winter Cereal Industry***, dated 23 April 2002:

   The Portfolio Committee on Agriculture and Land Affairs, having considered the application by the National Agricultural Marketing Council for the implementation of the statutory measures in the Winter Cereal Industry, reports, in terms of section 15 of the Marketing of Agricultural Products Act, 1996, that it has approved the recommendations of the council.

No 50—2002] FOURTH SESSION, SECOND PARLIAMENT

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

MONDAY, 6 MAY 2002

ANNOUNCEMENTS:

National Assembly:

1. The Speaker:

   (1) Mr M J Mahlangu has resigned as Chairperson of Committees with effect from 7 May 2002.

   (2) Mrs M A A Njobe has been appointed as chairperson of the Portfolio Committee on Arts, Culture, Science and Technology with effect from 2 May 2002.

2. The Speaker:

   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 Standing Committee on Public Accounts:**

      (a) Report of the Auditor-General on the Financial Statements of the Meat Board for 1999-2000 [RP 37-2002].

      (b) Report of the Auditor-General on the Financial Statements of the Citrus Board for 1999-2000 [RP 47-2002].

      (c) Report of the Auditor-General on the Financial Statements of the Maize Board for 2000-2001 [RP 46-2002].

   (2) **The following paper is referred to the Portfolio Committee on Social Development for consideration and report. It is also referred to the Portfolio Committee on Finance and the Portfolio Committee on Provincial and Local Government:**

      Submission of the Financial and Fiscal Commission on the Division of Revenue for 2003-2004, tabled in terms of section 9 of the Intergovernmental and Fiscal Relations Act, 1997 (Act No 97 of 1997).

(3) **The following papers are referred to the Portfolio Committee on Finance:**

Proclamation No R.28 published in Government Gazette No 23284, dated 28 March 2002, Determination of date of commencement of Unemployment Insurance Contributions Act, 2002 (Act No 4 of 2002). Proclamation No R.30 published in Government Gazette No 23292, dated 28 March 2002, Commencement of Division of Revenue Act, 2002 (Act No 5 of 2002).

(4) **The following paper is referred to the Portfolio Committee on Transport:**

Bilateral Air Services Agreement between the Government of the Republic of South Africa and the Government of the Islamic Republic of Pakistan, tabled in terms of section 231(3) of the Constitution, 1996.

(5) **The following paper is referred to the Portfolio Committee on Agriculture and Land Affairs:**

The Medium Term Strategic and Operational Plan of the Department of Land Affairs for 2002-2006.

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Minister of Transport:

   (1) Bilateral Air Services Agreement Between the Government of the Republic of South Africa and the Government of the Federal Democratic Republic of Ethiopia, tabled in terms of section 231(3) of the Constitution, 1996.

   (2) Explanatory Memorandum to the Agreement.

2. The Minister of Trade and Industry:

   (1) Trade Agreement between the Government of the Republic of South Africa and the Government of the Republic of Bulgaria, tabled in terms of section 231(3) of the Constitution, 1996.

   (2) Explanatory Memorandum to the Agreement.

   (3) Trade and Economic Co-operation Agreement between the Government of the Republic of South Africa and the Government of the Republic of Belarus, tabled in terms of section 231(3) of the Constitution, 1996.

   (4) Explanatory Memorandum to the Agreement.

COMMITTEE REPORTS:

National Assembly:

1. **First Report of the Standing Committee on Public Accounts, dated 13 March 2002:**

   The Standing Commmittee on Public Accounts reports as follows: The

Committee heard evidence from the Director-General and acting Chief Financial Officer of the Department of Justice and Constitutional Development on 14 November 2001 on the Reports of the Auditor-General on the Financial Statements of Vote 18—Justice and Constitutional Development for the year ended 31 March 2001 and on the Statement of Monies in Trust (formerly Deposit Account) administered by the Department of Constitutional Development for the year ended 31 March 2001.

A. ***Report on Financial Statements of Vote 18—Justice and Constitutional Development for year ended 31 March 2001 (Part A, Annexure to RP 158/2001)***

In the Report under review, the Auditor-General withheld his opinion on the financial statements of the Department, and qualified his opinion on compliance by it with laws and regulations applicable to financial matters. This indicates a worsening in the financial management position from the previous year. It is with concern that the Committee wishes to report on the following specific areas:

1. ***Expenditure [par 2.2.1(a)]***

The Committee was informed that the Department was unable to present supporting documentation as assurance for the validity of expenditure amounting to R7 million. In addition, a very serious capturing backlog existed regarding the financial management system resulting in uncertainty regarding the accuracy and completeness of the amounts included in the income statement and balance sheet. There was also overstatement of expenditure, as well as unrecorded expenditure.

The Committee welcomed the Director-General's indication that the bulk of the backlogs would be cleared by the end of March 2002. It was also learned that there was a serious backlog regarding the writing-up of books within the Department, and that a concerted effort was being made to correct the situation but that there was no indication when the task would be completed.

The Committee expects progress would have been made by the end of the 2001-2002 financial year regarding the work of both task teams. The Committee recommends that the Director-General report thereon within a month of receipt of these recommendations. He should also provide a clear indication of how long it should take to fully correct the situation, as well as indicate the risks for delays and how such risks were being addressed.

2. ***Internal control environment [par 2.2.1(g)]***

Internal controls are essential to any sound system of financial management, and fundamental to curbing fraud and corruption. The Committee was therefore very perturbed at the acknowledgement by the Chief Financial Officer that the Department was not in a position to provide assurance to Parliament of a proper internal control environment.

The Committee wishes to point out that, owing to its stewardship of public monies, the Department cannot be allowed to compromise on internal controls. In addition, given the nature of its work, the Department of Justice should set an example with regard to a disciplined management environment.

The Committee therefore recommends that the Director-General afford this matter the highest priority. The Committee has also written to the Chairpersons of the Portfolio Committees on Justice and Constitutional Development and on Finance highlighting areas of concern. The Director-General must continue to explore ways in which the Department can—

* reprioritise its budget in order to provide the human and technical resources required to support a proper control environment; and

* implement compensating controls in areas where separation of duties is not feasible.

3. ***Personnel expenditure [par 2.2.1(a)(I)]***

In the light of the personnel expenditure of the Department, totalling R1,6 billion, the Committee is very concerned about the various unexplained differences between the personnel and salary administration system and the financial management system. The extent of the various unexplained differences totalled R36,4 million.

The Committee recommends that the result of the reconciliation exercise, as verified by the Department's internal auditors in November 2001 as well as by any other reconciliation results received subsequently, be reported to the Committee. The Committee also recommends that the Director-General report on the impact on financial management of the resources obtained through the "body shop" tender, and whether progress has been in line with performance targets set.

4. ***Suspense accounts***

The Committee is concerned about the extensive use of the high-risk phenomena of suspense accounts in the Department—in March funds in suspense totalled approximately R657,4 million. A suspense account is used when no certainty has been reached with regard to the proper posting of certain transactions, and in the Committees experience is one of the worst ways for a department to manage its accounts.

The Committee recommends that the Director-General resolve the systemic problems that may contribute to unnecessary use of suspense accounts and implement better discipline among senior management staff as regards the use of suspense accounts, and provide a regime under which it may be permissible.

5. ***Leave credits***

The Committee was informed that a departmental task team would complete an audit of the leave records of the Department by December 2001.

The Committee recommends that the Director-General report within a month of receipt of this resolution on the result of the audit and what corrective steps, if any, are to be implemented.

Internal audit [par 3.7]

The Committee was informed that the Director-General was in the process of assessing the capacity of the internal function required by section 38 of the Public Finance Management Act (PFMA).

The Committee recommends that the Director-General report on the result of his assessment and indicate whether the contract of the firm of auditors currently insourced by the Department will be extended, and whether transfer of skills during the contract period so far had been adequate.

6. ***Thefts and losses***

The Committee noted that during the year under review, losses written off amounted to R650 000, down from R2 900 000 the previous year. However, a proper thefts and losses register did not exist and an annual stocktaking of inventory and equipment did not take place.

The Committee recommends that the Director-General ensure that a proper thefts and losses register exist by the end of June 2002. He should also ensure that a proper annual stocktaking, to which the external auditors will be invited, will be scheduled for the 2002-2003 financial year.

7. ***Asset management***

The Committee noted that, with respect to asset management within the Department, a programme will be completed by the end of January 2002 that will address the proper management of classes of assets.

The Committee recommends that the Auditor-General evaluate the aforementioned programme during the 2001-2002 audit and specifically report thereon.

8. ***Training in financial management***

The Committee commends the Director-General for the extensive training interventions that staff members have been exposed to, especially training relating to the PFMA.

The Committee recommends that the Director-General briefly report on the return on this investment by, inter alia, indicating the total cost of training for the year in question, as well as the impact the training has had on the performance of the staff members in question, for example by evaluating the performance of the staff concerned six months after the training intervention, to determine whether the training has the desired impact.

9. ***Housing guarantees—general financial management capacity within Department [par 2.2.1(e)]***

A contingent liability of approximately R22,5 million exists with respect to housing guarantees. The Committee commends the Director-General on having completed the reconciliation between the housing guarantee register and the personnel and administration system. However, the Committee is concerned that the reconciled state will not be able to be sustained, given

the staff shortages. The Committee noted that interviews in respect of all posts would be completed by the end of November 2001.

The Committee recommends that the Director-General report—

(a) as a matter of urgency on progress made with regard to the filling of all vacancies for financial administrative staff; and

(b) on the adequacy of the performance of the Human Resources Department in terms of industry benchmarks for the filling of vacant posts.

10. Witness protection programme [par 3.3]

The Committee welcomes the assurance by the Director-General that the necessary approval from the State Tender Board regarding alternative procurement measures would be obtained before the end of the 2001-2002 financial year.

The Committee recommends that the detail of the arrangements with the State Tender Board be provided to the Auditor-General for evaluation during the 2001-2002 audit and for specific reporting thereon.

11. Donor funding [par 2.2.1(c)]

The Committee took note of a number of shortcomings in the financial records in respect of foreign aid assistance. Weaknesses in project management were also identified.

The Committee recommends that by the end of the financial year all the deficiencies should have been resolved to the satisfaction of the respective donors and the Auditor-General.

The Committee shall await the report of the Auditor-General on the audits of the donor accounts for the last four years before making any further recommendations, including the R3,9 million donor funds for which the Directorate of Special Operations is responsible.

12. National Directorate of Public Prosecutions: Unresolved matters pertaining to 1999-2000 financial year [par 3.8]

Separate accountability was established for the Directorate of Special Operations in December 2000. The Committee took note of the following matters reported on by the Auditor-General:

* Some unauthorised expenditure amounting to R523 000 occurred, owing to non-compliance with tender board procedures.

* During the external audit certain documentation was unavailable to validate expenditure totalling R117 000.

* Donor funds to the amount of R3,9 million were not administered in terms of prescribed procedure.

The Committee notes with concern the non-compliance with the prescripts of the PFMA at the time of the establishment of the DSO and the resultant irregular expenditure, which the Committee will be reviewing in terms of the applicable legal framework.

The Committee recommends that a submission be made by the Chief Executive Officer of the DSO, highlighting the financial accountability arrangements between the CEO of the DSO and the Accounting Officer of the Department of Justice within a month of receipt of these recommendations.

B. Report on Statement of Monies in Trust (formerly Deposit Account) administered by Department of Constitutional Development for year ended 31 March 2001 (Part B, Annexure to RP 158/2001)

The Committee wishes to express its most serious concern about the position regarding the Monies in Trust accounts.

The Committee recommends that the Director-General immediately report to it on the following matters:

1. Whether the post of Chief Director requested to manage the account had been approved, and if so, when it would be filled.
2. When the Justice Deposit Account System would be fully operational.
3. What progress has been made with regard to automation of receipts and payments of monies in trust (including the possible involvement of the Post Office).

Report to be considered.

2. Report of the Standing Committee on Public Accounts on Study Tour to Singapore and to Sixth Biennial Australasian Council of Public Accounts Committees (ACPAC) Conference in Canberra, Australia, dated 13 November 2001:

The Standing Committee on Public Accounts (the Committee) reports as follows:

A. Introduction

The Committee, by invitation by the Office of the Auditor-General, attended the Sixth Biennial ACPAC Conference held in Canberra, Australia, from 4 to 6 February 2001. The tour to Australia included an overnight stop in Singapore, where the delegation held a brief meeting with their Deputy Auditor-General, Mr Teo Chee Khiang.

The multiparty delegation consisted of Mr D Gumede (ANC), Mr P Gerber (ANC), Mr B G Bell (DP) and Ms B Marshoff (ANC), as well as Mr E Molefe, Committee Secretary.

B. Meeting in Singapore

1. Purpose of meeting—briefing by Office of Auditor-General on:

* Mode of operation of the Public Accounts Committee in Singapore
* Relationship between the Office of the Auditor-General and the Public Accounts Committee
* Audit Committees in national departments
* Fight against corruption in public sector

(a) Mode of operation of Public Accounts Committee

Singapore's public accounts committee consists of

seven members of Parliament. The Speaker of Parliament appoints the chairperson of the committee. Although the ruling party has a majority of more than 70%, the Standing Orders of Parliament require a balanced representation between government benches and the opposition benches.

The main task of the committee is to examine accounts showing the appropriation of the sums granted by Parliament to meet the public expenditure, and such accounts laid before Parliament as the committee may think fit, together with the Auditor-Generals' reports.

All committee meetings are closed and report becomes only a public document when debated in Parliament.

The committee operates informally and there are no standing rules governing it. Parliament provides administrative service and researchers. The committee shares researchers with other committees.

The committee's work is focused mainly on Auditor-General's reports on state-owned companies. These reports are detailed and are submitted individually, whilst a summarised general report is prepared for departments.

The committee, however, is not precluded from requesting a detailed report from such a department. This method of reporting on the finances of the departments is the result of the Audit Act, which prohibits the Auditor-General from divulging any information uncovered when auditing government departments, except to the President, who is not a member of a political party but is elected by popular vote.

The summarised report of the Auditor-General on government departments normally concentrate on the following:

* ***Financial Audit***

  The Auditor-General evaluates proprietary, accuracy and transactions.

* ***Compliance Audit***

  The Auditor-General evaluates whether laws, regulations and policies have been complied with.

* ***Value-for-money Audit***

  The Auditor-General evaluates whether there is waste or extravagance in the management and use of funds, manpower and or other resources.

* ***Programme Audit***

  The Auditor-General evaluates the desired results or benefits set to measure performance and report on the effectiveness of the programme.

The Auditor-General must inform the President of any proposed transaction by the government that is likely to draw on the reserves of the government not accumulated by it during its term of office. This is the result of an Act of Parliament, which precludes a new government from using the reserves accumulated by a previous government.

The committee has the power to summon the Prime Minister to appear before it. In practice, the Permanent Secretary, a political appointee, is the one summoned by the committee.

(b) Relationship with Office of Auditor-General

There is no statute or regulations that require a close working relationship between the Auditor-General's office and the public accounts committee.

The officials in the Office of the Auditor-General are neither part of the preparatory work performed before the hearing nor part of the drafting of committee reports and resolutions. Their relationship is on an ad hoc basis—to provide additional information when required to do so.

Article 148-f(1) of the Constitution of Singapore requires that the Office of the Auditor-General be independent of the government, despite the fact that it is being funded by the government.

The Auditor-General is appointed for a term of six years, which is renewable.

(c) Audit committees in national departments

There is no law that requires national government departments and state-owned departments to appoint audit committees. If a state department establishes an audit committee, the chairperson of that committee can be an employee of that department.

Cash accounting is practised, but because of legislation, assets registers are kept. The value of an asset is at purchase price and is not devalued until the asset is disposed of.

(d) Fight against corruption in public sector

All the investigations on any corrupt practices uncovered by the Office of the Auditor-General in the cause of auditing state-owned companies and state departments are referred to the Corrupt Practices' Investigation Bureau. The Prime Minister appoints the head of the unit who reports directly to him. The Auditor-General does not perform forensic audits, unless there appears to be irregularities.

The prescription period in Singapore is six years. The Office of the Public Service Commission pursues claims for the recovery of money owed to the

government. This Office, supplemented by tough punitive measures taken against those found guilty, led to a high success rate in fighting corruption.

2. ***Recommendations***

The Committee recommends that:

(a) It investigate the prescription legislation in Singapore.

(b) It conduct further dialogue with the public accounts committee of Singapore to clarify certain points.

C. Conference in Canberra, Australia—introduction

The Conference was attended by all members of the Australasian Council of Public Accounts Committees (ACPAC), namely public accounts committees and Auditors-General of the Federal States of Australia, Fiji and New Zealand, and observers from the Canadian council of public accounts, the Committee, Executive members of the SA Association of Public Accounts Committees (APAC) and Auditors-General from Hong Kong and South Africa.

Presentations were made on the following themes:

* Accrual Accounting
* Transparency, including commercial confidentiality
* Outsourcing risk: Risk management in new contestable environment
* Retention of corporate memory and skills in public service
* Public interest in new contestable environment
* The impact of devolution
* Measuring performance in the public sector

Major findings from above-mentioned themes

1. There is general movement among ACPAC members from cash accounting to accrual accounting, and New Zealand seems to be at the forefront.

2. Most countries are outsourcing their service activities.

3. Loss of corporate memory (skills, experience and knowledge) by the public sector is a major problem experienced in the process of outsourcing government activities.

4. Outsourcing by the public sector has created confusion and responsibility, accountability was clouded, and some delegates were concerned at the long-term liability.

5. There was general consensus that efficiency and productivity in the public sector are no longer the only criteria measuring performance, but that outcomes are more important—efficiency and productivity are useless unless outcomes are good.

6. Continuous problems are being experienced by governments trying to balance contractual terms with transparency in cases of commercial confidence—non-disclosure in the name of commercial in-confidence viz-a-viz disclosure for transparency.

7. Measuring performance in the public sector is a very difficult task. None of the presenters proposed any satisfactory criteria to be used.

8. There is no clear-cut understanding on what constitutes public interest.

D. Accrual accounting and its impact on accountability

The implementation of accrual accounting to replace the cash accounting system in many public sectors has seen major improvements in accountability in the public sector.

Presenters argued that accrual accounting is the key to more informed decision-making and, therefore, better financial management, because it distinguishes between capital and current expenditure and facilitates more accurate costing of outputs.

1. New Zealand experience

The implementation of accrual accounting in the New Zealand central government sector was part of a much wider reform of financial management in the public sector. A major reform was devolving financial management from central control to the control of the departmental chief executive.

Financial management reforms undertaken by New Zealand included the following:

(a) Changes in the accounting basis, the result of which moved responsibilities and accountability from central control to the operational level.

(b) Accrual accounting in New Zealand now shows the full costs of programmes and activities, including capital costs and budgets.

(c) A shift in emphasis from controls over inputs to controls over outputs.

During the transitional period by departments from cash to accrual, the Treasury performed the following key tasks:

* Developed a set of accounting policy parameters within which departmental accounting policies were constrained, and within which general Accepted Accounting Principles (GAAP) was used.

* Approving the readiness of departments to move on to the new system.

The presenters emphasised that successful implementation of the system could be achieved if:

* There is wide support so that the changes are effectively adopted.

* Off-the-shelf commercial software is used.

* Changes in human resource management must be implemented where directors are given powers to set remunerations and hire and fire as they see fit.

E. Transparency (including commercial in-confidence)

Governments throughout the world have many challenges in the future, if they are going to achieve a proper balance between the legitimate need for secrecy and the transparency necessary to ensure an adequate level of government accountability.

One of the consequences of the managerial approach to modern government is that much of the information that reveals the activities of government is now of a commercial nature. As a result, access to documents by citizens and their elected representatives is being prevented by the increased use of commercial confidentiality claims.

The concern at the conference was that this presents a major threat to existing mechanisms for ensuring accountability and requires a new focus on the issue of commercial confidentiality and its effect on the transparency of government activities.

The Australian Federal State of Victoria, which presented the paper on this theme, raised concerns on the impact of confidentiality on an open government. It submitted that there was widespread concern about the over-use of confidentiality clauses in government contracts and an increasing reliance on claims of commercial in-confidence to resist disclosure of information. This was applied not only to requests for information by members of the public, but also to MPs, parliamentary committees and the Auditor-General.

As an attempt to remedy the situation, the federal public accounts committee of Victoria has proposed guidelines, which were submitted to the Commonwealth Parliaments for adoption. The report contained analyses, different in context, in respect of which claims for confidentiality may arise. It particularly singles out governmental contracts and the tendering process as those requiring attention.

Some of the proposed guidelines are:

1. Departments must ensure that third parties are made familiar with disclosure requirements before providing sensitive information to government agencies.

2. Parliaments must ensure that there is a general assumption of disclosure and restrict the use of confidentiality clause in government contracts.

3. The use of confidentiality clauses should be kept to an absolute minimum and contracts should instead contain specific terms, stating that they are prima facie public documents.

4. Parliamentary committees and the Auditor-General must have unrestricted powers to access commercially sensitive material held by government agencies and third parties, in order to perform their duties.

It was, however, pointed out that a variety of options exist for dealing with commercially sensitive material and that, where genuine reasons exist, it is possible to take middle ground between unrestricted access or total confidentiality.

It was found that the main opponents to disclosure were state departments' heads; private institutions were generally quite prepared to allow full release of documents.

F. Outsourcing risk: risk management in new contestable environment

Since the 1980s, governments all over the world have been engaged in the process of outsourcing of service delivery functions, which have traditionally been the sole purview of the government. For many governments, outsourcing is considered an attractive alternative to standard in-house government service delivery.

It was observed that competition has forced outsourcing issues to become more prominent. It is used to enhance government service delivery by introducing competition to the public sector.

However, as presenters from Queensland, Australia, stated, poorly managed outsourcing arrangements can be fraught with risks and may result in adverse outcomes for stakeholders.

Key points which can help mitigate risk in outsourcing arrangements

Departments/agencies should ensure that:

1. Their core competencies, strategic goals and deficiencies are clearly defined.

2. Arrangements are planned, not hastily entered into. A formal contract should exist which specifies the roles and responsibilities of the government department and other parties entering into the outsourcing arrangement, and should include clear provisions to ensure transparency and accountability.

3. Officers managing outsourcing projects have appropriate skills.

4. There is regular and effective monitoring and evaluation of arrangements.

5. Probity and accountability requirements are observed at all times during the outsourcing cycle—outsourcing activity should not in any way reduce the risk management obligations on an accounting officer.

6. Outsourcing is only used in those business areas which are conducive to outsourcing and will deliver improved returns.

7. They address sensitive issues associated with potential job losses.

8. They manage the contract. This phase involves managing outsourcing arrangements.

To try and manage such issues, the Queensland government policy on contracting out of government services specifies that there will be no contracting out of services currently provided in-house, other than in circumstances where:

(a) Actual shortages exist in skilled in-house staff.

(b) There is a lack of available infrastructure capital or funds to meet the cost of providing new technology.

(c) It can be clearly demonstrated that it is in the public interest that services should be contracted out.

The general view was that service provision, whether through in-house provision or outsourcing, ultimately funded through appropriations from Parliament and the government, must remain primarily responsible and accountable in evaluating the process of outsourcing.

G. Retention of corporate memory and skills in public services

Corporate memory is the collective experience, knowledge and creative energy stored in employees. It also includes explicit knowledge, which is more tangible as it is gained through formal processes, databases and manuals. It is formed through the collective business experiences, visions, successes and failures of all employees.

There were concerns that:

1. The loss of experience and expertise in the public sector has the potential to adversely affect the ability of the public service to conduct its core business efficiently and effectively.

2. Outsourcing public services can place a limitation on information sharing—to preserve their jobs, employees sometimes guard the specific business information that they possess. It is for this reason that public sectors must engage in or encourage information sharing within the institution and promote succession planning.

3. Outsourcing is the major contributing factor in loss of corporate memory.

Positive steps towards retention of corporate memory against threats from downsizing and contracting out were proposed. It was also recognised that the provision of services is not just about realising the lowest price, but also about maximising overall value for money for the taxpayer—outcomes and ensuring proper accountability for the use of public resources.

Strategies proposed to counter loss of corporate memory in the public sector were:

(a) Preservation of records—accurate record-keeping and maintenance of files.

(b) Move towards information technology (IT).

(c) Proper use of human resources.

(d) Establishing specific policies and procedures to be followed, such as having mechanisms in place to deal with staff change and hand-over procedures and using standard documents.

(e) Knowledge management.

H. Public interest in new contestable environment

The purpose of this theme was to define public interest and see how best it could be protected.

Australian Parliaments (Federal and Commonwealth) have effectively adopted a practice of defining the term public interest on a case-by-case assessment, rather than trying to be prescriptive. Therefore, while the term is widely understood and applied, it is not precisely defined.

Parliament, through its membership, is responsible for protecting the best interest of the electorate. Presenters argued that the executive government is not beyond parliamentary scrutiny and that Parliament has a right to have sufficient information available in order to fully determine the public interest and benefit of policy implementation.

However, it is acknowledged that there is no clear-cut understanding of what constitutes public interest in all circumstances. If members of Parliament are to define the public interest, it is probably best undertaken on a case-by-case basis rather than within a framework of broad controlling principles.

I. Impact of devolution

The debates on this theme were centred on the impact arising from the devolution of responsibilities for the delivery of government services under the Commonwealth's Financial Management Act in respect of ***Asset Management.***

Effective strategic asset management remains a challenge for many government organisations.

In Australia, the Financial Management and Accountability Act has created a framework for better Commonwealth asset management by devolving the responsibility and accountability for managing the assets of departments and agencies to their Chief Executive Officers.

It is the Commonwealth government's expectation that, through accrual budgeting, managers will actively manage their resourse base. Managers will also be required to define outputs and link them to outcomes.

Presenters were convinced that better asset management could not only realise substantial financial savings for agencies and the Commonwealth, but also improve service quality by using assets, which are tailored to their purpose and are well managed.

Assets management could be improved by:

1. Formulating general guidelines, with the assistance of the Auditor-General.

2. The creation of bodies like asset management forums, which will prevent departments from working in isolation. These forums should meet regularly to exchange information on assets management issues.

3. Senior management performance measurement should include a reference of how assets under their control are managed efficiently and effectively.

J. Measuring performance in public sector

The measurement of outcomes, to the extent that it could be practically and effectively achieved, could enhance the accountability of the executive government.

The introduction of the Public Corporations Act (PCA) by the South Australian Government in measuring performance as it relates to government businesses, was the most significant development in assisting performance monitoring.

The requirement for government businesses (subject to PCA) to develop a charter and an annual Performance Statement, that includes financial and non-financial performance targets, has led to performance measurement constituting an essential component in running their businesses. This is a highly debated matter. A paper was presented and judging from discussions, no solution was reached, because measuring performance in the public sector is a very difficult task.

K. Next ACPAC Conference

The South African Association of Public Accounts Committees (APAC), of which the Committee is a member, was invited to be member of ACPAC.

The representatives of APAC present indicated that the matter would be discussed with their members.

If APAC joins, they will participate in the next ACPAC Conference, to be held in Melbourne in 2003.

L. Recommendations

The Committee recommends as follows:

1. That it be proposed to the Executive Council of APAC that the Committee join ACPAC, if finances are available.

2. That it consider approaching Parliament for resources to carry out research work.

3. That, if it has researchers, it will be in an improved position to do investigative work.

M. Conclusion

The delegation, through formal and informal interaction with other MPs at the Conference and with the Deputy Auditor-General in Singapore, were exposed to some alternative method of dealing with issues relating to financial management in the public sector.

For that reason, the visit was of great benefit to Committee members who have to deal with some of these problems in future.

It was also interesting to note that members of ACPAC are spending considerable time on investigative work. The reason for this was that they were well-resourced, with an average of three researchers and one professional adviser (in most cases an academic).

We thank the Department of Foreign Affairs and the South African High Commission in both Singapore and Australia for ensuring that our visit was enjoyable.

No 18—2002] FOURTH SESSION, SECOND PARLIAMENT

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL ASSEMBLY

TUESDAY, 7 MAY 2002

1. The House met at 14:08.

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 resignation of Mr M A Mabeta had been filled, in accordance with item 6(3) of Schedule 6 to the Constitution, 1996, by the nomination of Ms N C Nkabinde with effect from 24 April 2002.

   Ms N C Nkabinde had made and subscribed the oath in the Speaker's office.

4. [14:09] Notices of motion.

5. [14:28] Mr J H van der Merwe moved without notice: That the House—

   (1) welcomes the fact that on 3 May 2002 the South African Musical Award was posthumously bestowed upon Princess Magogo kaDinuzulu in recognition of her enormous contribution to the preservation of Zulu traditional music and song and of her great artistry in skills and composition;

   (2) expresses its deep appreciation for this historic event of 4 May, when the first fully-fledged African opera titled "Princess Magogo" had its world première at the Durban Playhouse, which was simultaneously broadcast live in the United States, the United Kingdom and New Zealand, and which portrayed with great artistry the event which led to the imprisonment of King Dinuzulu after the 1906 Zulu rebellion and the extraordinary life and deeds of Princess Magogo; and

   (3) pays tribute to the memory of Princess Magogo, a daughter of Kings who was chosen to fulfil a destiny, which comprised the unification of the Zulu nation and the preservation of its ancestral traditions.

   Agreed to.

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

   (1) notes the outstanding achievement of Mark Shuttleworth, whose journey in space was the culmination of a life-long dream;

   (2) believes that the achievements of South Africa's first astronaut are an inspiration to all South Africans to realise their ambitions and talents;

   (3) recognises that his achievements will inspire many of our youth to pursue their studies in the areas of mathematics, science and technology; and

   (4) welcomes our Afronaut, Mark Shuttleworth, back to earth and acknowledges his contribution to our nation's pursuit of excellence.

   Agreed to.

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

   (1) notes that in 1810 Saartjie Baartman, a young woman of Quena descent, was lured to Europe with promises of wealth and fame, where she was horribly degraded by having to appear naked as part of a freak show;

   (2) recognises that death treated her no less kindly as she was carved up by a surgeon, who made a cast of her body, pickled her genitals and brain and put her skeleton on display in a museum;

   (3) believes that her return, with dignity and honour, symbolises the healing of the South African nation; and

   (4) welcomes wholeheartedly the return home of Saartjie Baartman.

   Agreed to.

8. [14:31] The Deputy Chief Whip of the Majority Party (for the Chief Whip of the Majority Party) moved: That the House—

   (1) notes with shock and sadness the death of the honourable Minister Steve Vukile Tshwete, who passed away on 26 April 2002;

   (2) recognises that Steve Tshwete was a South African who, throughout his life, demonstrated a profound commitment to the liberation of the people of this country and the continent of Africa;

   (3) acknowledges the dynamic contribution that Minister Tshwete made in this Parliament as a debater, as a Minister and as Leader of Government Business;

   (4) believes, in the words of President Thabo Mbeki: "It is not our part to mourn. It is our right and privilege to celebrate the fact that we were blessed with so rare a gift of a fellow South African who was simultaneously a genuine friend, a trustworthy colleague, an activist, a leader, a patriot, an internationalist, a human titan who surrendered his life to the cause of all humanity, a principled revolutionary and a true comrade."; and

   (5) salutes Steve Tshwete for the immeasurable contribution he made to the building of a democratic society and says farewell to one of our country's greatest heroes as we seek to emulate the values of service, discipline and commitment which Steve Tshwete embodied throughout his life.

Le ndlu ivakalisa uvelwano olunzulu kuNkosk Pam Tshwete, Mayihlome, Yonda, Lindela no Mandlakazi, nakubo bonke oo Thangana, amaZangwa nezalamane.

Phumla ngoxolo Krila, Qhawe lamaqhawe.

Debate concluded.

Motion agreed to, all members standing.

9. [15:08] Mr A C Nel (for the Chief Whip of the Majority Party) moved: That the House appoints Mr G Q M Doidge as Chairperson of Committees to replace Mr M J Mahlangu, who resigned from the post with effect from 7 May 2002.

Agreed to.

10. [15:23] The Speaker announced that Mr A C Nel had been appointed Deputy Chief Whip of the Majority Party by the African National Congress with immediate effect to replace Mr G Q M Doidge.

11. The Deputy Chief Whip of the Majority Party (Mr A C Nel) (on behalf of the Chief Whip of the Majority Party) moved: That the House, in accordance with section 193(5) of the Constitution, appoints an ad hoc committee to nominate a person for appointment as Public Protector, the committee —

(1) to consist of 27 members, composed as follows: African National Congress 14; Democratic Party 2; all other parties 1 each;

(2) to exercise those powers in Rule 138 that may assist it in carrying out its task; and

(3) to report to the House by 21 June 2002.

Agreed to.

12. FIRST ORDER [15:24]

Consideration of Report of Portfolio Committee on Communications (Announcements, Tablings and Committee Reports, p 317 - ***Icasa nominations***).

There was no debate.

Question put: That the Report be adopted.

Division demanded.

The House divided:

AYES—250: Abram, S; Ainslie, A R; Bakker, D M; Balfour, B M N; Baloyi, M R; Bekker, H J; Benjamin, J; Beukman, F; Bhengu, F; Bhengu, G B; Biyela, B P; Blaas, A; Bloem, D V; Booi, M S; Botha, N G W; Buthelezi, M N; Camerer, S M; Cassim, M F; Chalmers, J; Chauke, H P; Chiba, L; Chikane, M M; Cindi, N V; Coetzee-Kasper, M P; Cronin, J P; Cwele, S C; Davies, R H; Diale, L N; Didiza, A T; Dithebe, S L; Ditshetelo, P H K; Dlali, D M; Dlamini, B O; Doidge, G Q M; Douglas, B M; Dowry, J J; Du Toit, D C; Duma, N M; Durand, J; Dyani, M M Z; Ebrahim, E I; Fankomo, F C; Fazzie, M H; Fihla, N B; Fraser-Moleketi, G J; Frolick, C T; Gandhi, E; Geldenhuys, B L; George, M E; Gerber, P A; Gomomo, P J; Goniwe, M T; Goosen, A D; Govender, P; Green, L M; Greyling, C H F; Gumede, D M; Gxowa, N B; Hajaig, F; Hanekom, D A; Hendrickse, P A C; Herandien, C B; Hlaneki, C J M; Hlengwa, M W; Hogan, B A; Holomisa, S P; Jeffery, J H; Joemat, R R; Jordan, Z P; Kalako, M U; Kannemeyer, B W; Kasienyane, O R; Kati, J Z; Kekana, N N; Kgarimetsa, J J; Kgauwe, Q J; Kgwele, L M; Komphela, B M; Koornhof, G W; Kota, Z A; Lamani,

N E; Lekgoro, M K; Le Roux, J W; Lishiva, T E; Lobe, M C; Lockey, D; Louw, J T; Louw, S K; Ludwabe, C I; Lyle, A G; Mabe, L; Mabena, D C; Mabudafhasi, T R; Madasa, Z L; Madlala-Routledge, N C; Magazi, M N; Magubane, N E; Magwanishe, G; Mahlangu, G L; Mahlangu, M J; Mahomed, F; Maimane, D S; Maine, M S; Makanda, W G; Makasi, X C; Malebana, H F; Maloney, L; Malumise, M M; Mandela, N W; Manuel, T A; Maphalala, M A; Mapisa-Nqakula, N N; Martins, B A D; Masala, M M; Masithela, N H; Matsepe-Casaburri, I F; Maunye, M M; Mayatula, S M; Maziya, A M; Mbadi, L M; Mbombo, N D; Mbuyazi, L R; Meshoe, K R J; Mfundisi, I S; Mguni, B A; Middleton, N S; Mkono, D G; Mlambo-Ngcuka, P G; Mlangeni, A; Mnandi, P N; Mngomezulu, G P; Mnumzana, S K; Modise, T R; Moeketse, K M; Mofokeng, T R; Mogoba, M S; Mohamed, I J; Mohlala, R J B; Mokoena, D A; Molebatsi, M A; Molewa, B G; Moloi, J; Moloto, K A; Mongwaketse, S J; Moonsamy, K; Morkel, C M; Morobi, D M; Moropa, R M; Morutoa, M R; Morwamoche, K W; Mothoagae, P K; Motubatse, S D; Mpahlwa, M; Mpaka, H M; Mpontshane, A M; Mshudulu, S A; Mthembi-Mahanyele, S D; Mthembu, B; Mtsweni, N S; Mutsila, I; Mzondeki, M J G; Nair, B; Nash, J H; Ncinane, I Z; Ndlovu, V B; Ndou, R S; Ndzanga, R A; Nefolovhodwe, P J; Nel, A C; Nene, N M; Newhoudt-Druchen, W S; Ngaleka, N E; Ngcengwane, N D; Ngubane, H; Ngubeni, J M; Nhleko, N P; Nhlengethwa, D G; Niemann, J J; Njobe, M A A; Nkabinde, N C; Nobunga, B J; Nqodi, S B; Ntombela, S H; Ntshulana-Bhengu, N R; Ntuli, B M; Nzimande, L P M; Odendaal, W A; Olckers, M E; Olifant, D A A; Oliphant, G G; Omar, A M; Oosthuizen, G C; Phadagi, M G; Pheko, S E M; Pieterse, R D; Rabie, P J; Radebe, B A; Rajbally, S; Ramakaba-Lesiea, M M; Ramgobin, M; Ramodike, M N; Ramotsamai, C M P; Rasmeni, S M; Redcliffe, C R; Reid, L R R; Ripinga, S S; Roopnarain, U; Schippers, J; Schneeman, G D; Schoeman, E A; Scott, M I; Seeco, M A; September, C C; September, R K; Sibiya, M S M; Sigcau, S N; Sigcawu, A N; Sigwela, E M; Sikakane, M R; Simmons, S; Sithole, D J; Skhosana, W M; Skosana, M B; Smith, V G; Solomon, G; Sonjica, B P; Sosibo, J E; Sotyu, M M; Southgate, R M; Swart, S N; Thabethe, E; Tinto, B; Tolo, L J; Tsheole, N M; Tshivhase, T J; Turok, B; Twala, N M; Uys, P; Vadi, I; Van den Heever, R P Z; Van der Merwe, J H; Van der Merwe, S C; Van Deventer, F J; Van Jaarsveld, A Z A; Van Wyk, J F; Van Wyk, N; Vos, S C; Woods, G; Zondo, R P; Zuma, J G.

NOES—35: Andrew, K M; Bell, B G; Blanche, J P I; Bruce, N S; Borman, G M; Clelland, N J; Cupido, P W; Da Camara, M L; Davidson, I O; Eglin, C W; Ellis, M J; Farrow, S B; Gibson, D H M; Gore, V C; Grobler, G A J; Jankielsohn, R; Kalyan, S V; Lee, T D; Leon, A J; Lowe, C M; Maluleke, D K; McIntosh, G B D; Moorcroft, E K; Opperman, S E; Pillay, S; Schalkwyk, P J; Schmidt, H C; Selfe, J; Semple, J A; Seremane, W J; Smuts, M; Sono, B N; Swart, P S; Taljaard, R; Waters, M.

ABSTENTIONS—3: Aucamp, C; Groenewald, P J; Mulder, C P.

Question agreed to.

Report accordingly adopted.

13. SECOND ORDER [15:35]

Consideration of Report of Constitutional Review Committee (Announcements, Tablings and Committee Reports, p 316).

Report adopted without debate.

14. THIRD ORDER [15:35]

Debate on Vote No 26—Communications, ***Appropriation Bill*** [B 4—2002] (National Assembly—sec 77).

Debate concluded.

15. FOURTH ORDER [17:53]

Debate on Vote No 30—Minerals and Energy, ***Appropriation Bill*** [B 4—2002] (National Assembly—sec 77).

Debate concluded.

16. The House adjourned at 20:30.

S MFENYANA,

Secretary to Parliament.