

PARLIAMENT OF THE PROVINCE OF THE WESTERN CAPE

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ANNOUNCEMENTS, TABLING AND COMMITTEE REPORTS

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THURSDAY, 19 SEPTEMBER 2013

TABLING

The Speaker:

Bills received from National Council of Provinces and tabled in terms of Rule 219

1. *Special Economic Zones Bill* [B 3B–2013] (NCOP).
2. *National Environmental Management Laws Amendment Bill* [B 26–2013] (NCOP).
3. *National Environmental Management: Air Quality Amendment Bill* [B 27–2013] (NCOP).
4. *National Environmental Management: Protected Areas Amendment Bill* [B 28–2013] (NCOP).
5. *Water Research Amendment Bill* [B 29–2013] (NCOP).

COMMITTEE REPORT

(Negotiating mandate stage) Report of the Standing Committee on Finance and Economic Development on the *Broad-Based Black Economic Empowerment Amendment Bill* [B 42B–2012] (NCOP), dated 11 September 2013, as follows:

The Standing Committee on Finance and Economic Development, having considered the *Broad-Based Black Economic Empowerment Amendment Bill* [B 42B–2012] (NCOP), referred to the Committee in terms of Standing Rule 220, confers on the Western Cape's delegation in the National Council of Provinces, the authority to support the Bill subject to the following amendments:

1. It is submitted that action taken by the Commission may be construed as arbitrary, and not taking into account the interests or vested rights of an affected party. It is therefore recommended that a process of engagement with an affected party first be followed. It is further recommended that section 13A of the Principal Act, as referred to in section 8 of the Bill, be amended as follows:

“Cancellation of contract or authorisation

Section 13A

- (1) Where an enterprise that has been awarded a contract or authorisation by an organ of state or public entity has furnished information or has submitted any other information in respect of its broad-based economic empowerment status which is not true or correct, the organ of state or public entity may by written notice delivered to such an enterprise or sent by registered post to the said enterprise’s last known address, request the enterprise to show cause in writing, within a period of 21 days from the date of the notice, why the contract or authorisation should not be revoked, suspended, cancelled, altered or reduced, as the case may be.
 - (2) After expiry of the period referred to in subsection (1) the organ of state or public entity may–
 - (a) cancel, revoke or alter the contract or authorisation;
 - (b) suspend the authorisation for a determined period;
 - (c) alter the terms or conditions of the contract or authorisation; or
 - (d) decide not to revoke, suspend, cancel or alter the contract or authorisation.
2. It is further recommended that section 13B of the Principal Act, as referred to in section 8 of the Bill, be amended by replacing the words “trading entity” with the word “entity”.

PARLEMENT VAN DIE PROVINSIE WES-KAAP

AANKONDIGINGS, TERTAFELLEGGINGS EN KOMITEEVERSLAE

DONDERDAG, 19 SEPTEMBER 2013

TERTAFELLEGGING

Die Speaker:

Wetsontwerpe ontvang van Nasionale Raad van Provinsies en ter tafel gelê ingevolge Reël 219

1. *Special Economic Zones Bill* [B 3B–2013] (NRVP).*
2. *National Environmental Management Laws Amendment Bill* [B 26–2013] (NRVP).*
3. *National Environmental Management: Air Quality Amendment Bill* [B 27–2013] (NRVP).*
4. *National Environmental Management: Protected Areas Amendment Bill* [B 28–2013] (NRVP).*
5. *Water Research Amendment Bill* [B 29–2013] (NRVP).*

* *Wetsontwerpe nie in Afrikaans beskikbaar nie.*

KOMITEEVERSLAG

(Onderhandelingsmandaatstadium) Verslag van die Staande Komitee oor Finansies en Ekonomiese Ontwikkeling oor die *Broad-Based Black Economic Empowerment Amendment Bill* [W 42B–2012] (NRVP), gedateer 11 September 2013, soos volg:

Nadat die Staande Komitee oor Finansies en Ekonomiese Ontwikkeling oorweging geskenk het aan die onderwerp van die *Broad-Based Black Economic Empowerment Amendment Bill* [W 42B–2012] (NRVP), wat ingevolge Staande Reël 220 na die Komitee verwys is, die Wes-Kaapse afvaardiging in die Nasionale Raad van Provinsie met die gesag bekleed word om die Wetsontwerp te steun, onderhewig aan die volgende amendemente:

1. It is submitted that action taken by the Commission may be construed as arbitrary, and not taking into account the interests or vested rights of an affected party. It is therefore recommended that a process of engagement with an affected party first be followed. It is further recommended that section 13A of the Principal Act, as referred to in section 8 of the Bill, be amended as follows:

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 - (b) suspend the authorisation for a determined period;
 - (c) alter the terms or conditions of the contract or authorisation; or
 - (d) decide not to revoke, suspend, cancel or alter the contract or authorisation.
2. It is further recommended that section 13B of the Principal Act, as referred to in section 8 of the Bill, be amended by replacing the words “trading entity” with the word “entity”. *

**Amendement nie in Afrikaans beskikbaar nie.*

IPALAMENTE YEPHONDO LENTSHONA KOLONI

IZAZISO, IMICIMBI EZA KWANDLALWA NEENGXELO ZEKOMITI

LWESINE, 19 SEPTEMBER 2013

UMCIMBI OZA KWANDLALWA

USomlomo:

IMithetho eSayilwayo efunyenwe kwiBhunga leSizwe laMaphondo yaza yandlalwa ngokwemigaqo yoMthetho 219

1. *Special Economic Zones Bill* [B 3B–2013] (NCOP).*
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*Ayifumaneki ngesiXhosa.

INGXELO YEKOMITI

(Isigaba segunya sothethathethwano) iNgxelo yeKomiti eSisigxina kwezeMali noPhuhliso lwezoQoqosho kwi*Broad-Based Black Economic Empowerment Amendment Bill* [B 42B–2012] (NCOP), yowe 11 Septemba 2013, ngolu hlobo lulandelayo:

IKomiti eSisigxina kwezeMali noPhuhliso lwezoQoqosho, emva kokuqwalasela i*Broad-Based Black Economic Empowerment Amendment Bill* [B 42B–2012] (NCOP), othunyelwe kwiKomiti

ngokwemigaqo yoMthetho oSisigxina 220, inikezela kwigqiza leNtshona Koloni kwiBhunga leSizwe laMaphondo, igunya lokuxhasa uMthetho oSayilwayo oko kuxhomekeke kwezi zilungiso zilandelayo:

1. It is submitted that action taken by the Commission may be construed as arbitrary, and not taking into account the interests or vested rights of an affected party. It is therefore recommended that a process of engagement with an affected party first be followed. It is further recommended that section 13A of the Principal Act, as referred to in section 8 of the Bill, be amended as follows:

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 - (b) suspend the authorisation for a determined period;
 - (c) alter the terms or conditions of the contract or authorisation; or
 - (d) decide not to revoke, suspend, cancel or alter the contract or authorisation.

2. It is further recommended that section 13B of the Principal Act, as referred to in section 8 of the Bill, be amended by replacing the words “trading entity” with the word “entity”.*

**Izilungiso azifumaneki ngesiXhosa.*