

# PARLIAMENT OF THE PROVINCE OF THE WESTERN CAPE

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## ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

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TUESDAY, 18 MARCH 2014

### ANNOUNCEMENTS

The Speaker:

#### 1. Assent by the Premier in respect of Bill

*Western Cape Additional Adjustments Appropriation Bill* (2013/14 Financial Year) [B 2–2014] – Act 1 of 2014 (assented to and signed by the Premier on 12 March 2014).

#### 2. Publication of Act 1 of 2014

Publication of the Western Cape Additional Adjustments Appropriation Act (2013/14 Financial Year), 2014, in *Provincial Gazette Extraordinary* 7237, dated 14 March 2014.

### COMMITTEE REPORTS

1. (*Negotiating mandate stage*) Report of the Standing Committee on Premier, Gender, Disabled and Youth on the *State Attorney Amendment Bill* [B 52B–2013], dated 13 March 2014, as follows:

The Standing Committee on Premier, Gender, Disabled and Youth, having considered the subject of the *State Attorney Amendment Bill* [B52B-2013], (NCOP), referred to the Committee in terms of Standing Rule 220, confers on the Western Cape’s delegation in the NCOP the authority to support the Bill. The committee proposes the following amendments:

#### 1. Definition of “Minister”

The term “Minister of Justice and Constitutional Development” appears numerous times in the Bill. As this term is lengthy, it is recommended that a definition of “Minister” be inserted into the Bill, which will refer to the Minister of Justice and Constitutional

Development. The term “Minister” can then be used in the Bill, instead of the lengthier term.

## **2. Section 3A in Act 56 of 1957 (Clause 4 of the Bill)**

It is recommended that the Bill clarifies the decision-making powers to the Solicitor-General and the State Attorneys.

## **3. Section 6 of Act 56 of 1957 (Clause 5(3) of the Bill)**

It is recommended that a comma be inserted in the first line of this clause between the words “law” and “but”

### **MINORITY VIEW:**

A minority view was expressed by African National Congress to support the *State Attorney Amendment Bill* [B 52B–2013], (NCOP) without any proposed amendments.

2. *(Negotiating mandate stage)* Report of the Standing Committee on Premier, Gender, Disabled and Youth on the *Women Empowerment and Gender Equality Bill* [B 50B–2013] (NCOP), dated 13 March 2014, as follows:

The Standing Committee on Premier, Gender, Disabled and Youth, having considered the subject of the *Women Empowerment and Gender Equality Bill* [B50B-2013] (NCOP), referred to the Committee in terms of Standing Rule 220, proposes the following amendments:

### **CLAUSE 2**

1. Insert new 2(5)(a) and (b)
  - (a) A designated body may appeal directly to the Minister against the decision to designate in terms of Clause 2(3) within one month of their designation, stating reasons why the designated body should be excluded.
  - (b) The Minister may, taking into account the reasons given by the body, agree to retract the designation.

### **CLAUSE 3**

2. On page 4, in line 56, to omit “People’s” and to substitute “Peoples’ ”.
3. On page 5, in line 8, to omit “a”.
4. On page 5, in line 16, after “programmes” to insert:

by designated public bodies and designated private bodies.

### **CLAUSE 4**

5. On page 5, in line 27, to omit “woman’s” and to substitute “women’s”.

6. On page 5, in line 34, to omit “percent” and to substitute “per cent”.
7. On page 5, in line 46, after “submit” to insert “after at least a period of six months”.

[a similar insertion will have to occur in Clauses 5(3), 6(4), 7(4), 8(5), 9(8), 10(5), 11(3) and 12(3)].

#### **CLAUSE 6**

8. On page 6, in line 8, after “gender” to insert “and sexual orientation”.
9. On page 6, in line 10, to omit “may” and to substitute “must”.

#### **CLAUSE 7**

10. On page 6, in line 32, define more clearly what is meant by “support mechanisms”.
11. On page 6, in line 33, to omit “may” and to substitute “must”.

#### **CLAUSE 8**

12. On page 6, in line 57, to omit “and the international agreements”.

#### **CLAUSE 9**

13. On page 7, in line 18, to omit “50%” and to substitute “50 per cent”.

#### **CLAUSE 10**

14. On page 8, in line 9, to omit “50%” and to substitute “50 per cent”.

#### **CLAUSE 11**

15. On page 8, in line 39, after “must” to insert:

, within the ambit of their responsibilities,

#### **CLAUSE 12**

16. On page 9, in line 2, after “must” to insert:

, within the ambit of their responsibilities,

#### **CLAUSE 16**

17. Insert new Clause 16(2)(a) & (b), existing Clause 16(2) will become 16(3)

(2)(a) Designated public bodies and designated private bodies may appeal in writing to the Minister against a certain recommendation in terms of Clause 16(1)(b) by indicating why the recommendation is not appropriate or applicable.

(2)(b) The Minister may then exempt the designated public body or designated private body from the recommendation in question or alter the recommendation.

#### **MINORITY VIEW:**

A minority view was expressed by ANC to support the *Women Empowerment and Gender Equality Bill* [B 50B–2013] (NCOP) without any proposed amendments.

3. (*Negotiating mandate stage*) Report of the Rules Committee on the *Financial Management of Parliament Amendment Bill* [B 1–2014] (NCOP), dated 14 March 2014, as follows:

The Rules Committee, having considered the *Financial Management of Parliament Amendment Bill* [B 1–2014] (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 not to support the Bill.

The Committee proposed certain amendments to the Bill, for consideration by the Select Committee.

A minority view was expressed by the African National Congress not to support the amendments, but to support the Bill as presented.

The Rules Committee has three substantive objections to the Bill:

1. The Executive Authority as defined in the Act should include the option of having a representative body composed of representatives of political parties represented in Parliament, as was provided for previously in the principal Act. This amendment Bill does not make provision for a representative body to act as Executive Authority.
2. The Speaker of the National Assembly and the Chairperson of the NCOP may issue regulations affecting the WCPP which could infringe on its autonomy and the constitutional right of legislatures to determine their own internal arrangements.
3. The Executive Authority should not be part of the committee of Members that is tasked to oversee it. It would essentially mean that the Executive Authority will have oversight over itself. The principal Act excludes the Executive Authority to be part of the oversight mechanism and the Committee is in favour of retaining the *status quo*.

Should the substantive issues 1 and 2 be addressed, the following further amendments are proposed:

1. Section 4 of Principal Act (Clause 6 Amending Bill) – Representation on Oversight Mechanism.

On page 4, after line 51, to insert 'except that the Members of the Executive Authority, the Deputy Speaker of the National Assembly and the permanent Deputy Chairperson of the National Council of Provinces –

- (a) may not be members of the oversight mechanism; and
- (b) may only participate in the deliberations of the oversight mechanism at the request of the mechanism.

2. Section 4 of Principal Act – Oversight Mechanism

The following paragraph be added to section 4 of the principal Act:

- (5) Parliament may not pass its own budget without the oversight mechanism being established and having fulfilled its obligations found in section 4(1),(a),(b),(c) and (d).

3. Section 6 of Principal Act – Accounting Officer

That paragraph (2) of section 6 of the principal Act be amended as follows:

- (2) The Accounting Officer is accountable to the Executive Authority and the Oversight Mechanism for the financial management of Parliament.

4. Amendment of section 43 of Principal Act – Tenders not recommended

That section 43(1) of the principal Act be amended as follows:

- 43(1) The Accounting Officer must notify the Auditor-General, Executive Authority and the Oversight Mechanism in writing if a contract is concluded in respect of a tender, quotation, or other bid other than the one recommended.

5. Amendment of section 63 of the Principal Act – Reporting of irregularities

That section 63 of the principal Act be amended by the insertion of ‘and Oversight Mechanism’ after ‘Executive Authority’.

6. Amendment of section 64 of the Principal Act – Other information

That section 64 of the principal Act be amended by the insertion of ‘a Member of Parliament’.

7. Amendment of section 67 – Financial misconduct

That section 67(2) of the principal Act be amended by adding paragraph (c) as follows:

- (c) immediately inform the Oversight Mechanism of any investigation of financial misconduct by an official.