



Wes-Kaapse Provinsiale Parlement Western Cape Provincial Parliament IPalamente yePhondo leNtshona Koloni

DRAFT MINUTES OF PROCEEDINGS

STANDING COMMITTEE ON FINANCE, ECONOMIC OPPORTUNITIES AND TOURISM

Friday, 8 March 2024 (08:00), Virtual via MS Teams

ATTENDANCE

Members:

Democratic Alliance

Murray, C (Chairperson)
Sileku, I
Van der Westhuizen, A

Al Jama-ah

Brinkhuis, K

Absent

Nkondlo, N (ANC)

The following persons were in attendance:

Members of the Public

None

Western Cape Provincial Parliament

Ms Z Adams, Procedural Officer
Ms L Cloete, Senior Procedural Officer
Adv R Maasdorp, Legal Adviser

1. Welcome and attendance

The Chairperson opened the meeting and welcomed the Members of Provincial Parliament present and members of the public. The Chairperson explained the rules of engagement in virtual meetings and noted that there were no apologies.

2. Deliberations on the negotiating mandate for the Upstream Petroleum Resources Development Bill [B 13B – 2021]

The Chairperson indicated that the Members were encouraged to express their concerns or thoughts on the Bill. Once the Committee concluded their deliberations on the Bill and the submissions received on the Bill, the Chairperson indicated that Members may express their views on the Bill.

The Chairperson, Members Van der Westhuizen and Sileku indicated that they conferred on the NCOP delegation to not support the Bill and recommended that the Bill should be redrafted in its entirety.

The reasons for the above views were included in the negotiating mandate on the Bill.

Advocate Maasdorp noted that the reference to legislative alignment in the negotiating mandate was critical. When a particular law or bill is drafted then one would assume that law of bill presupposes a policy and strategic imperative, and it operates from this premise. One cannot have something said in one law, which is already promulgated, and something else in another bill that will result in uncertainty, and the public and stakeholders will not know which law to follow, or what the intention of the legislature is. After having seen the submissions on the Bill, there was one matter that most of the NGOs raised, which was that there was a National Environmental Management Act (NEMA) framework that was part of the legislative landscape, which should be considered when laws are made. There was a need for alignment between the two pieces of legislation. The Upstream Bill seemed to want to legislate on matters outside of its authority. Clearly, there was no alignment with the NEMA.

Adv Maasdorp added that there were responsibilities in respect of international agreements. Section 231(4) of the Constitution of the Republic of South Africa, 1996, indicated that any international agreement (climate-related agreements) becomes law in the republic when it is enacted into law by national legislation. Who ensured that these commitments were taken up in legislation? Whether the Upstream Bill was aligned to Section 231 of the Constitution, was questionable.

The Committee's negotiating mandate recommended that the Upstream Bill be aligned with the Constitution. Although these were simple words, they had a profound imperative on South Africa, as a country.

3. Consideration and Adoption of the Negotiating Mandate on the Upstream Petroleum Resources Development Bill [B 13B - 2021]

The Chairperson tabled the Negotiating Mandate on the Upstream Petroleum Resources Development Bill [B 13B – 2021] and requested that Members indicate if they were in support of the adoption of the report or not. The negotiating mandate was then adopted.

4. Closure of meeting

The Committee expressed its gratitude towards the members of the public for their submissions on the Bills, their participation in the public participation process, and the time and effort put into such a difficult subject matter.

The meeting adjourned at 11h39.

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MS CAT MURRAY, MPP

CHAIRPERSON: STANDING COMMITTEE ON FINANCE, ECONOMIC OPPORTUNITIES AND TOURISM

Date:



WESTERN CAPE PROVINCIAL PARLIAMENT

Standing Committee on Finance, Economic Opportunities and Tourism

PUBLIC ATTENDANCE REGISTER

Thursday, 11 May 2023
Venue: Virtual (MS TEAMS)
Time: 08h00 – 11h00

TITLE	INITIALS	SURNAME	DESIGNATION POSITION	DEPARTMENT INSTITUTION	CONTACT NUMBER
Ms	P	Saxby		Policy Watch	
Mr	A	Bodasing		Polarity Consulting	
Mr	C	Lavizzari			
Mr	L	Van de Schyff			
Mr	R	Maassorp	Legal Advisor	WCPP	