



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

WCP 11/4/10

Committee Report

(Negotiating mandate stage) Report of the Standing Committee on Education on the Basic Education Laws Amendment Bill [B2B-2022], dated 27 March 2024, as follows:

The Standing Committee on Education having considered the subject of the Basic Education Laws Amendment Bill [B2B-2022] referred to it in terms of Standing Rule 217, confers on the Western Cape's delegation in the NCOP the authority to not support the Bill.

In accordance with Standing Rule 90, the African National Congress expressed its Minority View to support the Bill.

The Western Cape Provincial Parliament Standing Committee on Education formally requests that the National Council of Provinces note the following:

1. Substantive concerns

1.1 Insufficient Time Provided for the Legislative Process:

- The Western Cape Provincial Parliament's Standing Committee on Education ('the Committee') has repeatedly communicated its programme to the NCOP Chairperson in previous communications.
- In this regard, we refer in particular to correspondence dated 26 January 2024, 08 February 2024, 18 March 2024, 20 March and 26 March 2024 (see attached).
- That notwithstanding, the Committee has not received any feedback on the contents of these letters dated above.
- It bears repetition to advise that, to date, the Committee has held six public hearings (garnering attendance numbers of over 2700 persons to date), and continues to receive submissions on the BELA Bill – totalling over 5200 submissions to date. In fact, the Committee anticipate more submissions during our planned public hearings to be held shortly in Cape Town.
- Further, the Committee confirms receipt of correspondence from your Office, dated 25 March 2024. This correspondence refers to, and purports to be in response to, our letter dated 20 March 2024.
- That being the case, it is respectfully observed that this "response" doesn't at all address the pertinent and substantive concerns raised in our correspondence. On the contrary, this

purported “response” from your Office merely restates, in so many words, the NCOP’s program pertaining to all the current Bills before all the legislatures.

- This “response” is similarly silent on our Committee’s well-articulated concerns in respect of the stringent timelines, and the impact thereof, on the integrity of our law-making process.
- Further, we observe, regrettably, that your abovementioned correspondence does not even address our request for an extension of time, nor does it favour our Committee with any reason, or legal justification, for its refusal or dismissal of our request.
- In the above circumstances, and in view of all the concerns raised in the previous correspondence, as listed and dated above, and, in particular, in view of your latest purported “response” dated 25 March 2024,
- What is the NCOP’s response in respect of our Standing Committee’s request to extend the timelines for submission of our Negotiating Mandate?
- Mindful that we, as part of our Public Involvement program, have planned another two public hearings on the BELA Bill, the two being on 4 April 2024 in the Cape Town CBD, and
 - mindful of the extensive public interest in the Bill, and
 - mindful further that, ordinarily, our public hearings in the Cape Metro are very well-attended, and
 - mindful further, that our Negotiating Mandate will have to be submitted on 27 March 2024, as per your timelines,it follows that our Negotiating Mandate will therefore not include the views and submissions of our biggest constituency.

The Committee therefore enquires as to what the NCOP’s response is in respect of the nature, quality and integrity of our (incomplete) Negotiating Mandate in those circumstances.

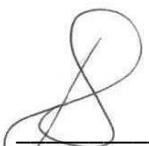
- Further, and in view of the Committee Negotiating Mandate being incomplete in the absence of the views and submissions from our public hearings of 4 April 2024, would the NCOP still consider our public involvement process as having been substantially “meaningful”?
- In addition, and in view of the NCOP’s deadline for submission of the Negotiating Mandate being 27 March 2024, would our Committee, once it has held its public hearings on 4 April 2024, be allowed to augment or supplement its Negotiating Mandate with submissions received during that public hearings?
- Alternatively, the Committee enquires, once it has submitted its (incomplete) Negotiating Mandate on 27 March 2024, whether, once it has held its remaining two public hearings, it will be able to withdraw its (incomplete) Negotiating Mandate and substitute same with a new and complete Negotiating Mandate?
- Further, the Committee observes that there are around 13 business days / 3 calendar weeks from 27 March 2024 (Negotiating Mandate) and 17 April 2024 (Final mandate).

Whereas the Committee appreciates the need for timelines in order to ensure an efficient and expeditious law-making process, the Committee enquires what would be the legal status of our Province's Negotiating Mandate should we submit same after the scheduled date of 27 March 2024, but before 17 April 2024?

- In other words, would our Province's Negotiating Mandate still be considered or factored into the general Matrix of Mandates from all the other Provinces?
- Especially in view of the extensive interest that the BELA Bill generated amongst our citizens, and in civil society in general, we trust that the NCOP appreciates and shares our commitment to a meaningful law-making process, where we as lawmakers afford ample opportunity to our citizens to express their sentiments.
- The attached share link ([Submissions not in the Matrix](#)) of email submissions is not captured into the attached Matrix, due to insufficient time afforded to the Western Cape to conclude its public participation process and deliberations on the Bill.
- We kindly request that it be considered, deliberated on and responded to individually and forms part of the Western Cape's official Negotiating Mandate.

Lastly, especially in view of the extensive interest that the BELA Bill generated amongst our citizens, and in civil society in general, we trust that the NCOP appreciates and shares our commitment to a meaningful law-making process, where we as lawmakers afford ample opportunity to our citizens to express their sentiments.

The Western Cape Provincial Parliament's Standing Committee on Education does not believe enough public participation has been garnered to meaningfully consider clauses 1 to 54, however due to insufficient time and under duress we provisionally do not support this bill.



ADV D BAARTMAN, MPP
CHAIRPERSON: STANDING COMMITTEE ON EDUCATION