



NORTH WEST PROVINCIAL LEGISLATURE

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Portfolio Committee on Developmental Local Government and Housing

Final Mandate Constitution Thirteenth Amendment Bill [B24-2007]

1. TERMS OF REFERENCE

The above mentioned Bill was referred to the Local Government and Housing Portfolio Committee for consideration.

2. BRIEFING

On the 18th October 2007, Honourable Moseki, NCOP permanent delegate briefed the Committee.

3. RESOLUTION

In considering the Bill the Portfolio Committee resolved that:

- The Bill did not necessitate public hearing because it affected the Provinces of Eastern Cape and Kwa Zulu Natal.
- The North West Province supports the Constitutional thirteenth Amendment Bill.

The Committee supports the Bill.

Regards,



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Rllhalelang

Hon Mahlakeng

Chairperson Local Government and Housing Portfolio Committee

15/11/2007

DATE

T. Modise

Hon T. Modise

Speaker: North West Provincial Legislature

15.11.2007

DATE



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

Final mandate of the Western Cape Provincial Parliament on the *Constitution Thirteenth Amendment Bill [B24-2007]* (NCOP), as resolved by the House on 13 November 2007.

The Western Cape Provincial Parliament having considered the subject of the *Constitution Thirteenth Amendment Bill [B24-2007]* (NCOP) referred to the Provincial Parliament in terms of the rules of the National Council of Provinces (NCOP), begs to report that it confers on the Western Cape's delegation in the NCOP the authority to support the Bill without amendments.

S BYNEVELDT
SPEAKER
13 NOVEMBER 2007



NORTHERN CAPE PROVINCIAL LEGISLATURE

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Cyril Haas
 Cell No: 083 6323 332

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 KIMBERLEY
 8300

OFFICE OF THE SPEAKER

DATE: 13 NOV 2007

Ref: 16.72.2

Enquiries: C Haas

TO: The Chairperson of the NCOP
 Hon. MJ Mahlangu

FINAL MANDATE: *CONSTITUTION 13th AMENDMENT BILL*

1 INTRODUCTION

The Chairperson of the Standing Committee on Constitutional Affairs, Hon EM Sulliman tables the Committee's final mandate as adopted by the Standing Committee on **08 November 2007**, on the *Constitution 13th Amendment Bill [B24-2007]*.

2 PROCESS FOLLOWED

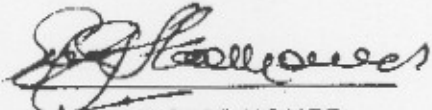
The Speaker of the Northern Cape Provincial Legislature has on receipt of the Bill referred the *Constitution 13th Amendment Bill [B24-2007]* to the Standing Committee on Constitutional Affairs on **08 October 2007**.

On **31 October 2007** the Standing Committee on Constitutional Affairs deliberated and considered the *Constitution 13th Amendment Bill [B24 -2007]* and agreed to the adoption of the Bill.

3 COMMITTEE ADOPTION OF THE BILL

The Committee adopted this Final Mandate duly signed by the Chairperson of the Committee.

In terms of Section 65 of the Constitution, the House confers authority on the Head of its Delegation to the NCOP to vote in support of the *Constitution 13th Amendment Bill [B24B-2007]*.



Hon. IWJ STADHOUER

ACTING SPEAKER



OFFICE OF THE SPEAKER



MPUMALANGA
PROVINCIAL LEGISLATURE

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FINAL MANDATE

CONSTITUTIONAL THIRTEENTH AMENDMENT BILL [W 24 - 2007]

The Portfolio Committee on Local Government and Housing (the Committee) deliberated on Constitutional Thirteenth Amendment Bill [W 24 - 2007] (the Bill).

After deliberation, the Committee supported the Bill as it stands.

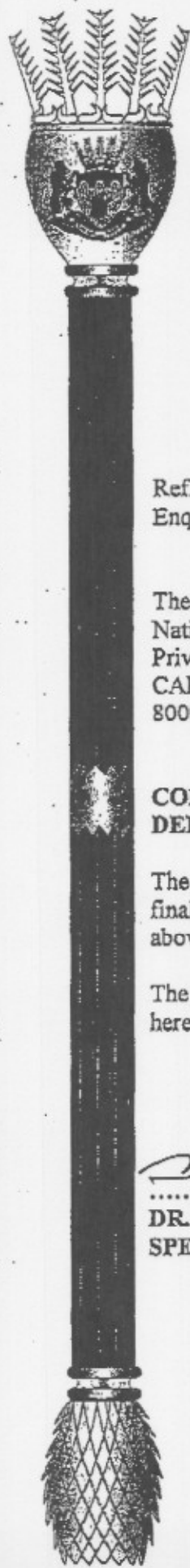
The permanent delegates representing the Province of Mpumalanga in the National Council of Provinces (the NCOP) are hereby conferred with authority and mandated to vote in favour of the Bill.

HON: YN PHOSA
SPEAKER: MPUMALANGA
PROVINCIAL LEGISLATURE

13-11-07
DATE

Limpopo Legislature

OFFICE OF THE SECRETARY



Physical Address:

Lebowakgomo
Government Complex

Postal Address:

Private Bag X9309
Polokwane
0700

13 November 2007

Ref. 13/7


Enquiries: NCOP Officer

The Chairperson
National Council of Provinces
Private Bag X85
CAPE TOWN
8000

**CONFERRAL OF VOTING MANDATE TO THE NCOP PERMANENT
DELEGATES ON CONSTITUTION 13TH AMENDMENT BILL, 2007 [B24-2007**

The Speaker of the Limpopo Legislature hereby, on behalf of the Legislature confers a final mandate to the Provincial NCOP Permanent Delegates to vote in favour of the above-mentioned section 76 Bill.

The Report of the Portfolio Committee on Local Government and Housing is attached hereto for your easy reference.


.....
DR. T.S FARISANI
SPEAKER: LIMPOPO LEGISLATURE

IPHALAMENDE LAKWAZULU-NATALI



KWAZULU-NATAL PROVINSIALE PARLEMENT

KWAZULU-NATAL PROVINCIAL PARLIAMENT

TO: THE CHAIRPERSON,
SELECT COMMITTEE ON SECURITY AND
CONSTITUTIONAL MATTERS

FINAL MANDATE AGREED TO BY THE HOUSE ON
THE CONSTITUTION THIRTEENTH AMENDMENT BILL
[B24 – 2007]

DATE: Thursday, 15 NOVEMBER 2007

FINAL MANDATE OF THE KWAZULU-NATAL PROVINCIAL LEGISLATURE:

The KwaZulu-Natal Legislature met today, Thursday, 15th November 2007, & resolved to mandate the KwaZulu-Natal delegation to the National Council of Provinces to *support* the Constitution Thirteenth Amendment Bill [B24-2007] as a whole.

PROVINCIAL ENDORSMENT

MR TW MCHUNU
SPEAKER:
KWAZULU-NATAL LEGISLATURE

Thursday, the 15th November 2007

DATE



GAUTENG
LEGISLATURE
Your View ~ Our Vision
OFFICE OF THE SPEAKER

15 November 2007

The Chairperson of the NCOP
Honourable M J Mahlangu
National Parliament
P. O. Box 15
Cape Town
8000

Dear Hon. Mahlangu

RE: MANDATES TO THE GAUTENG DELEGATION

In terms of Section 65 of the Constitution of the Republic of South Africa Act, (Act 108 of 1996), the Gauteng Provincial Legislature adopted the attached reports which contain the final voting mandates to our delegation in respect of the following bills:

1. Constitution Thirteenth Amendment Bill [B24-2007]– Section 74
2. Education Laws Amendment Bill [B33B-2007] – Section 76

Yours faithfully

MR M R MDAKANE
THE SPEAKER



GAUTENG LEGISLATURE

LOCAL GOVERNMENT PORTFOLIO COMMITTEE

FINAL VOTING MANDATE:

CONSTITUTION THIRTEENTH AMENDMENT BILL [B24-2007] S. 74

1. INTRODUCTION

The Chairperson of the Local Government Portfolio Committee, Ms RS Letwaba, tables the Committee's Final Voting Mandate as adopted by the Portfolio Committee on Monday, 12th November 2007, on the *Constitution Thirteenth Amendment Bill* [B24-2007], Section 74.

2. PROCESS FOLLOWED

On the 26th September 2007, the Speaker formally referred the Constitution Thirteenth Amendment Bill [B24-2007] - Section 74, to the Local Government Portfolio Committee, in terms of Rule 232(1)(a) read with 235(4) (6) and (7).

The Memorandum of the Amendment Bill states that the Department of Provincial and Local Government was consulted. The Memorandum further refers to the Implications for the Provinces in that the Bill has to be approved by the provincial legislatures of the Eastern Cape and KwaZulu-Natal as required by section 74(8) of the Constitution and further states under Parliamentary Procedure that the Bill is intended to re-determine provincial boundaries. Furthermore, it states that the legislatures of the provinces of the Eastern Cape and KwaZulu-Natal must, in considering whether or not to approve that part of the Bill that concerns them, facilitate public involvement as required by section 118(1)(a) of the Constitution.

In considering the detail and principle of the Bill, the Committee in its meeting of the 11th October 2007 received a provincial briefing from the Permanent Delegate to the National Council of Provinces (NCOP), Honourable Member Mr S Shiceka. Honourable Shiceka pointed to the objective of the Bill in as far as it related to the non-compliance of the KwaZulu-Natal and the Eastern Cape Provinces failure to hold public hearings on the *Constitution Twelfth Amendment Bill* [B33B-2005].

- The Department of Local Government registered a 'no view' stance with the Portfolio Committee, in terms of Rule 232(1) (b), 235 (4) (a) and 151(3) (a)

- SALGA Gauteng did not attend the meeting nor register a view

On the 1st November 2007, the Committee discussed and voted on the Negotiating Mandate in a committee meeting. At the committee meeting of Monday, 16th November 2007, the committee adopted the Final Voting Mandate.

3. PRINCIPLE AND DETAIL OF THE BILL

The Portfolio Committee considered both the principle and detail of the *Constitution Thirteenth Amendment Bill* [B24-2007] – Section 74 and proposed no amendments

4. OBJECTIVES AND ANALYSIS OF THE CONSTITUTION THIRTEENTH AMENDMENT BILL

The amendment Bill seeks to amend the Constitution Thirteenth Amendment Bill as follows:

On 18 August 2006 the Constitutional Court, in *Matatiele Municipality and Others v President of the Republic of South Africa and Others* 2007 declared that part of the Constitution Twelfth Amendment which transferred the Matatiele municipality from the province of KwaZulu-Natal to the province of the Eastern Cape to be inconsistent with the Constitution and therefore invalid.

The order of invalidity was based on a procedural defect, namely the failure of the KwaZulu-Natal provincial legislature to facilitate public involvement, as required by section 118(1) (a) of the Constitution. It also follows, that the "knock-on effect" on municipalities that are now located in the Eastern Cape Province, should also be provided for in any legislative measure that seeks to rectify the constitutional defect that led to the Constitutional Court's order of invalidity. Therefore, it would appear that any proposed legislative amendments that are intended to rectify the identified constitutional defect must also include references to the Eastern Cape Province.

Thus, from the judgment in the Matatiele case it is clear that new legislation, namely a Constitution Amendment Bill, must be processed afresh in a manner that complies with all constitutional and procedural requirements.

5. COMMITTEE POSITION AND FINAL VOTING MANDATE

The Portfolio Committee, upon consideration of the briefing received from the NCOP permanent delegate, supports the principle and detail of the Bill and concludes as follows –

1. The committee recommends support of the Bill, noting that facilitation of public involvement in respect of the Gauteng Province was not deemed necessary and relevant as the Bill seeks to comply with the Constitutional Court Order granted against the provinces of Kwa-Zulu Natal and Eastern Cape, as far as they were found to have failed to fully satisfy their Constitutional obligations in the passage of the Constitution Twelfth Amendment Act of 2005.



FREE STATE LEGISLATURE

LOCAL GOVERNMENT AND HOUSING COMMITTEE

Report on the voting mandate regarding the Constitution Thirteenth Amendment
Bill [B24-2007]

1. **Report from the inter-provincial meeting**

- b) On 13 November 2007 Adv. J. Machaka, Legal Advisor of the Free State Legislature briefed the Portfolio Committee on **Local Government and Housing** on the report from the inter-provincial meeting held on 7 November 2007.


2. **Consideration**

The Portfolio Committee considered the report and supported the Bill without amendments.

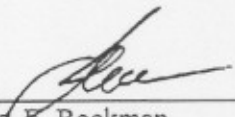
4. **Resolution**

The Committee resolved that:

- (b) Authority be conferred to the Free State Delegation, to vote for the adoption of the Bill.


Mr. M. Dukoana
Speaker
FREE STATE LEGISLATURE

13 November 2007


Mrs. E. Rockman
Secretary to the Legislature

Eastern Cape Provincial Legislature
PROCEDURAL SUPPORT SERVICES



Tel: (040) 608 0080

Ref.: NCOP Bills

Fax: (040) 635 0010

Enquiries: Mr. S. Twalo

Date: 12 November 2007

PORTFOLIO COMMITTEE ON LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS

*Report on Final Mandate of the Constitution 13th Amendment Bill
[B24-2007]*

1. *Terms of reference*

The Constitution 13th Amendment Bill [B24-2007], herein referred to as the Bill, was referred to the Portfolio Committee on Local Government and Traditional Affairs by the NCOP for consideration and report to the House.

2. *Consideration of the Bill*

The Portfolio Committee was briefed on the content, effect and proposed amendments. The Committee has also conducted public hearings and reported to the House. The Bill was deliberated upon and the House resolved on 8 November 2007 to approve the Bill in terms of section 74(8) of the Constitution and to confer a final mandate. The minutes of the House proceedings are attached.

3. *Resolution*

The House resolved that the following final mandate be conferred:

- 3.1 That the House approves of the Constitution 13th Amendment Bill of 2007[B24-2007] as required by Section 74 (8) of the Constitution of the Republic of South Africa, 1996(Act 108 of 1996).
- 3.2 That the House hereby confers the Mandate on the Eastern Cape Provincial Delegation to the National Council of Provinces to vote in favour of the Constitution 13th Amendment Bill, 2007[B24 of 2007] where it is considered by the relevant Select Committee and the National Council of Provinces as a whole.


HON. GC BARRY

DEPUTY SPEAKER: EASTERN CAPE PROVINCIAL LEGISLATURE