

REPORT OF THE PORTFOLIO COMMITTEE ON LEGISLATURE OVERSIGHT; PREMIER'S OFFICE AND FINANCE ON THE MPUMALANGA GAZANKULU LAWS REPEAL BILL, 2012 [B4-2012]

1. INTRODUCTION

The Portfolio Committee on Legislature Oversight; Premier's Office and Finance (the Committee) has a mandate in terms of section 114 of the Constitution of the Republic of South Africa, 1996 (Act. No. 108 of 1996) read with Rule 154 of the Rules and Orders of the Mpumalanga Provincial Legislature (the Rules), to conduct oversight over the Office of the Premier.

The **Mpumalanga Gazankulu Laws Repeal Bill, 2012 [B4-2012]** was tabled in the Office of the Speaker on 28 September 2012; where-after it was referred to the Portfolio Committee on Legislature Oversight; Premier's Office and Finance for consideration and report back to the House.

2. OBJECTIVES OF THE BILL

The objective of the Bill is to provide for the repeal of certain laws in so far as they are applicable in the Province and to provide for matters connected therewith.

3. METHOD OF WORK

The **Mpumalanga Gazankulu Laws Repeal Bill, 2012 [B4-2012]** [the Bill] was referred to the Portfolio Committee after being tabled in the Office of the Speaker. Subsequently, the Portfolio Committee interacted on the Bill as follows:

- a) The Office of the Premier briefed the Committee on the Bill on 31 January 2013;
- b) The Committee considered the draft report on the Bill on 7 February 2013 and resolved that, as per Section 118(1) of the Constitution, reflecting that the Legislature has a mandate to facilitate public involvement in the Legislative and other processes of the Legislature and its Committees; the Bill must be published in relevant newspapers to solicit input from the public on the Bill; and
- c) The Committee adopted the final report on the Bill on 9 April 2013.

4. PRESENTATION BY THE OFFICE OF THE PREMIER

The Office of the Premier interacted with all provincial departments in the Province in order to determine whether any of the former Gazankulu laws were still in operation in the Province. All provincial departments responded in writing, indicating that none of the old order laws are in use. After the afore-mentioned fact was established, the Office of the Premier embarked on the process of drafting a Bill in order to repeal all Gazankulu laws that are no longer applicable in the Province.

The Bill was then introduced by being tabled in the Office of the Speaker in terms of Rule 149(2)(b), read with Rule 154 of the Rules. Attached to the Bill were an explanatory memorandum and a certificate by the State Law Advisors as articulated in Rule 149(3) and (4), respectively.

The Bill was, in terms of Rule 150(1)(a); duly advertised in the Provincial Gazette (13 October 2012) for public comments. On 17 August 2012, the Bill was also, in terms of Rule 150(1)(b) and also advertised in two newspapers circulating in the Province; namely the Sowetan and the Daily Sun. It was noted that no comments were received from the public.

The Office of the Premier reported that all legal and constitutional procedures were followed prior to the tabling of the Bill in the Office of the Speaker.

5. SOLICITING OF INPUT BY THE PUBLIC

The Bill was, in terms of Section 118(1) of the Constitution, duly advertised in two newspapers circulating in the Province and that was also relevant to the areas to be affected by the Bill; namely the Mpumalanga Mirror and the Bushbuckridge News. The advertisements were placed in the respective newspapers in the week of 5 March 2013. It was noted that no comments were received from the public.

6. OBSERVATIONS BY THE COMMITTEE

The Committee was satisfied that the Bill sought to repeal old order laws applicable to the former Gazankulu Government which are not in use in the Province anymore.

The Committee; however, needed clarity on the following two matters pertaining to the bill as presented to them:

- The inclusion of the correct number of the Bill; and
- Whether the year '2012' is the correct year to be reflected in the name of the Bill.

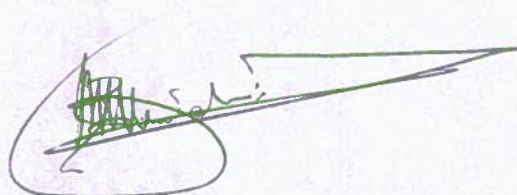
After a consultation between the State Law Advisors and the Legal Advisors from the Mpumalanga Provincial Legislature (Legislature) the Committee was advised that the number of the year reflected on the Bill should remain as 2012, which is the year in which the Bill was introduced in the Legislature, resulting in the Bill being numbered as 'Mpumalanga Gazankulu Laws Repeal Bill, B4-2012'.

7. RECOMMENDATION BY THE COMMITTEE

The Portfolio Committee recommends, that the **Mpumalanga Gazankulu Laws Repeal Bill, 2012 [B4-2012]**, be adopted by the Legislature.

8. CONCLUSION

The Chairperson would like to thank Members of the Committee and the State Law Advisors from the Office of the Premier for their active participation and contributions during the deliberations on the **Mpumalanga Gazankulu Laws Repeal Bill, 2012 [B4-2012]** as well as the support staff for contributing to the production of this report.



HON VVZ WINDVOël MPL
CHAIRPERSON

09-04-13
DATE

PORTFOLIO COMMITTEE ON LEGISLATURE OVERSIGHT;
PREMIER'S OFFICE AND FINANCE