



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

MINUTES OF PROCEEDINGS

STANDING COMMITTEE ON FINANCE, ECONOMIC OPPORTUNITIES AND TOURISM

Wednesday, 2 November 2022 (09h00)
Committee Room 2, 4th floor, 7 Wale Street, Cape Town

ATTENDANCE

Members:

Democratic Alliance

Murray, C (Chairperson)
Mackenzie, R
Van der Westhuizen, A

African National Congress

Nkondlo, N

Economic Freedom Fighters

Makamba-Botya, N

Absent

Brinkhuis, K (Al Jama-ah)

The following persons were in attendance:

National Council of Provinces

Mr J Londt, Permanent Delegate

National Department of Trade, Industry and Competition

Ms M Padayachy, Deputy Director: Consumer and Corporate Regulations
Dr E Masotja, Deputy Director-General: Consumer and Corporate Regulations
Ms C Makaepa – Director: Consumer and Corporate Regulations
Ms M Van Niekerk – Director: Legal Services
Mr K Petje – Senior Manager: Companies and Intellectual Property Commission
Ms S Naidoo, Parliamentary Liaison Officer

Western Cape Provincial Parliament:

Ms Z Adams, Procedural Officer
Ms L Cloete, Senior Procedural Officer
Ms M Mrubata, Committee Assistant
Ms T Keswa, Manager: Public Education and Outreach

Member of the Public

Ms A Bodasing, Polarity Consulting
Mr N Sibisi, Recording Industry of South Africa

1. Welcome and attendance

The Chairperson welcomed the Permanent Delegate, Mr J Londt, the Members the officials from the Department of Trade, Industry and Competition (the Department) and the members of the public. The Chairperson indicated the rules of engagement for virtual meetings and noted the apology from Advocate R Maasdorp, WCPP Legal Adviser, before proceeding with the briefing on the Performers' Protection Amendment Bill [B 24D – 2016](S76) and the Copyright Amendment Bill [B 13D – 2017](S76).

Member Londt provided opening remarks on the Bill before allowing the Department to brief the Committee.

2. Briefing on the Performers' Protection Amendment Bill [B 24D – 2016] and the Copyright Amendment Bill [B 13D - 2017]

Ms Padayachy briefed the Committee on the Performers' Protection and Copyright Amendment Bills.

The Committee deliberated on the briefing and held a question-and-answer session with the Department.

The Committee deliberated on the way forward for the public participation process on the Bill. The Committee discussed advertising option. The Chairperson indicated that the Committee could advertise in mainstream newspapers, community newspapers, radio advertising, and social media, which would include paid social media advertising since there was a policy in place to guide that process. There would be an online submission form that could be linked to the WCPP website, with an infographic, that could be disseminated via social media, email and WhatsApp. The Committee was informed that the WCPP's Public Education and Outreach unit would assist with this public participation process.

The Committee was informed, according to the NCOP's legislative programme for the Bills, that the advertising would take place in January 2023 and that the public participation process/public hearings would take place between February and March 2023.

The Chairperson indicated that the proposed way forward for public participation was to advertise the Bills and ask for public comment, via WhatsApp messaging and voice notes, and

email. The advertisement would ask for written and oral submissions, and the locations for the public hearings could be based on the number of submissions received in those regions. This did not mean that there would be fewer public hearings; it meant that the approach to public hearings would be more targeted.

Member Mackenzie expressed his concern regarding this public participation approach, stating that the original way of doing public participation was to decide where the Committee wanted to hold public hearings first. He indicated that he was unfamiliar with this approach and that he required more information about it. He stated that there was a court decision regarding public participation, which the Committee had to adhere to. He indicated that he would email the Chairperson on this matter.

Member Nkondlo stated that public participation, in terms of legal terms, was very broad. One of the challenges has been effective public participation. However, while determining new innovative processes for public participation, one needed to ensure that the legal boundaries were not crossed.

The Chairperson indicated that Member Mackenzie was welcome to email her, and that the procedural or legal team would provide a response within two weeks of the correspondence.

3. Discussion on the way forward for the Western Cape Gambling and Racing Board interviews

The Chairperson asked whether the Members could apply their minds to the legal opinions provided by Provincial Treasury, via the State Law Advisers, and to indicate whether the committee should continue with the interviews based on the advice provided.

The Chairperson requested that the Members indicate their preference on the way forward by 12:00 on Thursday, 3 November 2022.

4. Resolutions/Actions

3.1 The Committee RESOLVED that:

3.1.1 A list of mainstream and community newspapers would be collated, where the Bills would be advertised;

3.1.2 The call for comments would be advertised in English, Afrikaans and isiXhosa; and

3.1.3 A response would be provided to Mr Mackenzie two weeks from his correspondence to the Chairperson.

3.2 The Committee REQUESTED that the Department of Trade, Industry and Competition further explain the President's concern that the Bills may be in conflict with obligations from international treaties that South Africa was currently held to. This information should be provided in the form of a report.

The meeting adjourned at 11h35.

A handwritten signature in black ink, appearing to read 'C. Murray', written over a horizontal dotted line.

MS C MURRAY, MPP

**CHAIRPERSON: STANDING COMMITTEE ON FINANCE, ECONOMIC OPPORTUNITIES
AND TOURISM**

DATE: 22 November 2022