



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

Ref Number: 11/4/1/2/11

(Final mandate stage) Report of the Standing Committee on Agriculture, Environmental Affairs and Development Planning on the Upgrading of Land Tenure Rights Amendment Bill [B 6B–2020] (NCOP), dated 12 April 2021, as follows:

The Standing Committee on Agriculture, Environmental Affairs and Development Planning, having considered the subject of the Upgrading of Land Tenure Rights Amendment Bill [B 6B–2020] (NCOP) referred to it in accordance with Standing Rule 217, recommends that the House confers on the Western Cape’s delegation in the NCOP the authority not to support the Amendment Bill.

The Committee asks the House to note:

1. The haste by Parliament to comply with a date set by the Court, which, in turn, has placed the NCOP and Provinces under severe pressure to deal with this Amendment Bill. In this regard it should be noted that the first 18 months, and thereafter an additional 12 months as determined by the Court to amend and finalise the Amendment Bill, were not managed effectively and efficiently by Parliament;
2. The inexplicable delays by the NCOP in considering provinces’ negotiating mandates which in turn has placed pressure on the Western Cape to adopt its final mandate timeously in order to comply with the NCOP deadline; and
3. That the Amendment Bill may fall foul of Section 154(2) of the Constitution as it was not sufficiently advertised for public comment before being introduced to the Parliament of the Republic of South Africa (Parliament). The Memorandum on the objects of the Bill states clearly: “The Department has not consulted widely on the Bill”. There is therefore a serious risk, should the Amendment Bill be taken on review, that the process followed thus far, at least in respect of public involvement, may be found to be constitutionally unsound.

In accordance with Standing Rule 90, the African National Congress expressed its minority view that it supports the Amendment Bill.

Report to be considered.

MR AP VAN DER WESTHUIZEN, MPP

CHAIRPERSON: STANDING COMMITTEE ON AGRICULTURE, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Date: 12 April 2021

