



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

COMMITTEES

PO Box 15 Cape Town 8000 Republic of South Africa
Tel: 27 (21) 403 2597 Fax: 27 (21) 403 3205
www.parliament.gov.za

**OFFICE OF THE CHAIRPERSON OF THE SELECT
COMMITTEE ON EDUCATION & TECHNOLOGY, SPORT,
ARTS & CULTURE HON. E M NCHABELENG**

Room V301
Old Assembly
SA Parliament

Tel: (021) 403-3912/3040
Fax (021) 403-2570
akula@parliament.gov.za

Date: 03 April 2024

Hon D Baartman
Chairperson: Standing Committee on Education
Western Cape Provincial Parliament

Dear Honourable Baartman

The letter titled SUBMISSION OF THE WESTERN CAPE NEGOTIATING MANDATE ON THE BASIC EDUCATION LAWS AMENDMENT BILL [B2B-2022], S76 (NCOP), dated 27 March 2024, refers:

I acknowledge and appreciate the letter sent to Hon. Nchabeleng, the Chairperson of the Select Committee on Education and Technology, Sports, Arts, and Culture.

Herein, kindly find the response.

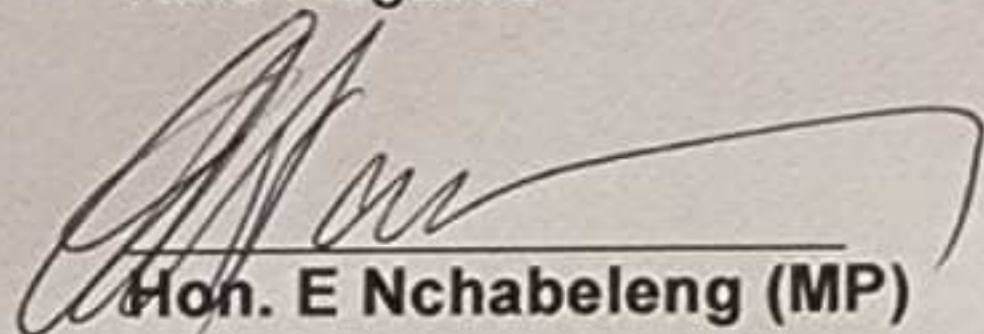
1. The Mandating Procedures of Provinces Act, 2008 (Act No.52 of 2008) (Mandating Procedures Act) sets out three types of mandates that are required in the legislative processing of any section 76 Bill. These are the negotiating mandate, the voting mandate, and the final mandate, and it is explained at what stage each of these mandates must be conferred by a provincial legislature to its permanent delegation.
2. In response to point 1, the letter dated 25 March 2024 in response to the Western Cape Provincial Legislature, provides feedback on the position taken by the Select Committee.
3. In response to points 2, 3, 4 and 5, the Select Committee and Chairperson is not a court of law empowered to assess and give a finding on the status or validity of a mandate conferred by a provincial legislature. Therefore, questions posed are unfair

and not within the responsibilities of a Chairperson of any of the Committees of Parliament. Neither the Constitution or the Rule of Parliament grants the Chairperson or Select Committee such a power. It is a matter for courts and that specific provincial legislature who has chosen to offer an incomplete or insufficient mandate despite the guidelines and dictates of the Mandating Procedures Act.

4. At this stage, the Select Committee considered the negotiating mandates of all provinces on the 27th of March 2024 and will be deliberating on the clause-by-clause input from provinces on the 17th of April 2024.
5. Therefore, all the input of provinces, including updated input from the Western Cape, will be factored into the clause-by-clause deliberations of the Select Committee on the 17th of April 2024, prior to the consideration of the final mandates on the 24th of April 2024. This should answer points 6 and 7 of the correspondence received.

We hope that this feedback is well received and look forward to engaging you on these important matters of public interest.

Kind Regards



Hon. E Nchabeleng (MP)