



PARLIAMENTARY TRACKER MONITORING REPORT ON LEGISLATION CONCLUDED AT NEDLAC: PERIOD COVERED: 2019/20 TO END OF QUARTER 4 OF 2023/24 FINANCIAL YEAR

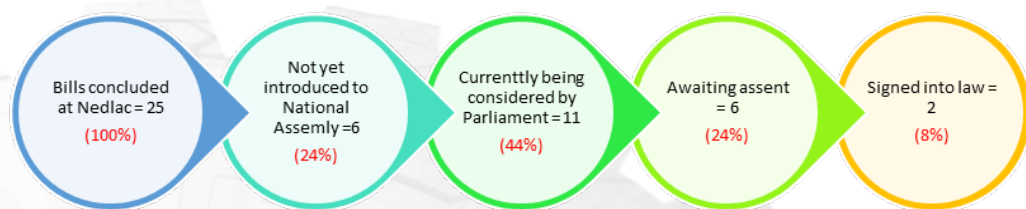
1. Executive Summary

This Parliamentary Tracker tracks the progress of consideration by Parliament, of the 25 bills considered by Nedlac over the last five years (from 2019/20 to 2023/24), through desktop research. This document further seeks to:

- Provide information on each of the Bills concluded in each financial year, and their status of consideration by Parliament, (**Section 1**);
- Provide an analysis to ascertain whether the inputs from Nedlac were incorporated by the relevant Departments, on the versions tabled to the National Assembly (**Section 2**); and
- Identify key issues that were raised at Nedlac by social partners and similarities of those issues with those raised through public comments, National Assembly and National Council of Provinces (NCOP) and how they compared to the areas of agreement or disagreement raised in the Nedlac report. The comparison is made on the eight Bills/ Acts which have been passed by both the National Assembly and the NCOP. (**Section 2**).

Annexure A sets out the purpose of each Bill considered by Nedlac.

The figure below illustrates the status of consideration.



The two bills signed into law are:

- Compensation for Occupational Injuries and Diseases Amendment Bill; and
- Upgrading of Land Tenure Amendment (ULTRA) Bill.

The six bills awaiting assent by the President are:

- The Economic Transport Regulation Bill;
- Companies Amendment Bill;

- National Youth Development Agency
- National Health Insurance
- Expropriation Bill; and
- National Council on Gender-Based Violence and Femicide Bill.

The 11 bills that were being considered by Parliament as at 31st March 2024 are:

- Preservation and Development of Agricultural Land Bill;
- Basic Education Laws Amendment (BELA);
- Climate Change Bill;
- Deeds Registries Amendment Bill;
- National Nuclear Regulator Amendment Bill;
- Public Procurement Bill;
- Electricity Regulation Amendment Bill,
- South African Post Office (SAPO) Ltd Amendment Bill,
- Public Service Amendment Bill,
- Public Administration Management Amendment Bill;
- National Water Resource Infrastructure Agency Bill.

All these Bills had been referred to the NCOP by the NA for concurrence.

The six bills not yet introduced to the National Assembly are:

- Central Applications System (CAS) Bill;
- Conduct of Financial Institutions Bill,
- Mine, Health and Safety Amendment (MHSA) Bill;
- Victims Support Services Bill;
- Employment Services Amendment (ESA) Bill; and
- Radioactive Waste Management Bill.





The analysis in Section 2 reveals that:

- Most issues raised by Nedlac social partners were considered and incorporated by the respective government departments, particularly on the Companies Amendment Bill, Expropriation Bill, National Youth Development and Agency Bill and the National Health Insurance Bill.
- With respect of the Economic Transport Regulation and the Upgrade of Land Tenure Amendment Bill, only some of the issues agreed upon at Nedlac were not incorporated into the versions that were tabled to the National Assembly.
- In instances whereby, there were areas of disagreement at Nedlac, the Departments tabled the Bill with the provisions which were proposed by the Government during the engagements at Nedlac.
- Even though there were some new issues that emanated from public comments, most issues raised in the public comments and NCOP were also considered by Nedlac social partners.

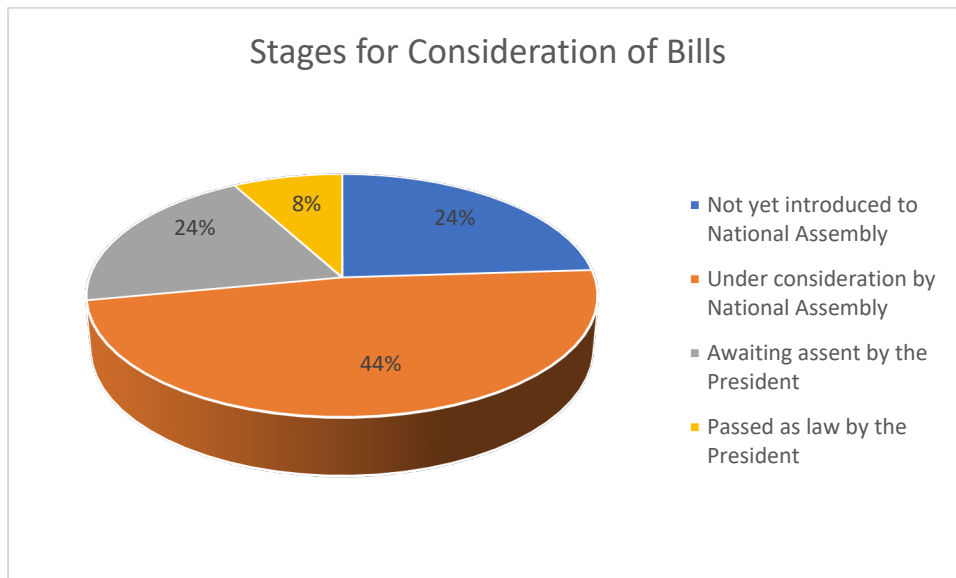
SECTION ONE

2. Summary of Bills considered at Nedlac and their status of consideration through the Parliament



The table below provides a summary of Bills considered at Nedlac and their status of consideration through the Parliament, for each financial year between 2019/20 and 2023/24.

	2019/20	2020/21	2021/22	2022/23	2023/24	Total
Number of Bills Concluded	3	6	2	9	5	25
Bills signed into law 	1 (4%)	1 (4%)	0%	0%	0%	2 (8%)
Bills awaiting assent 	1 (4%)	3 (12%)	1 (4%)	1 (4%)	0%	6 (24%)
Still being considered by Parliament 	1 (4%)	2 (8%)	0%	7 (28%)	1 (4%)	11 (44%)
Not yet introduced to National Assembly 	0%	0%	1 (4%)	1 (4%)	4 (16%)	6 (24%)
Total %	12%	24%	8%	36%	20%	100%


A graphical representation below provides the breakdown of the information outlined above, that is for the five-year period, from 2019/20 – 2023/23 financial year. The breakdown in percentage shows that 24 percent of the bills are yet to be introduced to the National Assembly by the relevant government departments, 44 percent of the bills are under consideration by NCOP, 24 percent of the bills are awaiting assent by the President and eight percent of the bills have been signed into law by the President.



3. Is Concluded at Nedlac in 2019/20 Financial Year



Bills Concluded at Nedlac in 2019/20 Financial Year					
No	Bill	Nedlac process	Parliamentary process	Post Parliament	Length of process post approval by Nedlac
3.1	Economic Transport Regulation Bill (Department of Transport)	Tabled without public comment: 18 January 2019. Re-tabled with public comment: 11 March 2019. Concluded: 25 April 2019	<ul style="list-style-type: none"> • Introduced to National Assembly: January 2020 • Bill passed and submitted to the President for assent: 29 February 2024 	The Bill is waiting to be signed into law by the President. 	Not applicable
3.2	Compensation for Occupational Injuries and Diseases Amendment Bill (Department of Employment and Labour)	Tabled: 5 July 2017 Concluded: 25 May 2018	<ul style="list-style-type: none"> • Introduced to National Assembly: September 2020. • Passed and submitted to the President for assent: 20 September 2022 	The Bill was signed by the President into law on 06 April 2023. 	Four years and 11 months

Bills Concluded at Nedlac in 2019/20 Financial Year

No	Bill	Nedlac process	Parliamentary process	Post Parliament	Length of process post approval by Nedlac
3.3	<p>Preservation and Development of Agricultural Land Bill</p> <p>(Department of Agriculture, Land Reform and Rural Development)</p>	<p>Tabled: on 02 April 2019</p> <p>Concluded: 16 March 2020.</p>	<ul style="list-style-type: none"> • Introduced to National Assembly: April 2021. • Bill passed by the National Assembly and transmitted to the NCOP for concurrence: December 2023 • Last briefing held by the NCOP with the Department on 27 February 2024 	<p>Not applicable</p> 	<p>Not applicable</p>

4. Bills Concluded at Nedlac in 2020/21 Financial Year

Bills Concluded at Nedlac in 2020/21 Financial Year					
No	Bill	Nedlac process	Parliamentary process	Post Parliament	Length of process post approval by Nedlac
4.1	<p>The Expropriation Bill</p> <p>(Department of Public Works and Infrastructure)</p>	<p>Tabled: 24 January 2020</p> <p>Concluded: 10 June 2020.</p>	<ul style="list-style-type: none"> • Introduced to National Assembly: October 2020. • Referred to the National House of Traditional Leaders for consideration in November 2020. • Public hearings: March 2021 public hearings were held. • Consideration of inputs received during public hearings between in November 2021 to February 2022 and the response to public submission from Parliamentary legal advisor, the Department and the Office of the Chief State Law Adviser (OCSLA). • Deliberation on the Bill: March 2022. • Passed by the National Assembly and transmitted to the NCOP for concurrence: September 2022 • Bill passed by the National Assembly and transmitted to the NCOP for concurrence: September 2022. 	<p>The Bill is waiting to be signed into law by the President.</p>	<p>Not applicable</p>



Bills Concluded at Nedlac in 2020/21 Financial Year					
No	Bill	Nedlac process	Parliamentary process	Post Parliament	Length of process post approval by Nedlac
			<ul style="list-style-type: none"> • Bill passed by the NCOP and returned to the National Assembly for concurrence 19 March 2024. • Bill passed and submitted to the President for assent: 29 February 2024 		
4.2	Upgrading of Land Tenure Rights Amendment (ULTRA) Bill (Department of Agriculture, Land Reform and Rural Development)	Tabled: 21 May 2020 Concluded: 22 June 2020.	<ul style="list-style-type: none"> • Tabled to National Assembly: May 2020 • Briefing session at the Portfolio Committee on Agriculture, Land and Rural Development: • Passed and submitted to the President for assent in April 2021. 	The Bill was signed by the President into law on 26 May 2021. 	Within 11 Months
4.3	Basic Education Laws Amendment (BELA) Bill	Tabled: 23 April 2020 Concluded: 21 October 2020.	<ul style="list-style-type: none"> • Introduced to National Assembly: January 2022. • Briefing with the Portfolio Committee on Basic Education: 08 February 2022 • Public comments: 19 April 2022 • Public comments extended: 28 June 2022 	Not applicable 	Not applicable

Bills Concluded at Nedlac in 2020/21 Financial Year

No	Bill	Nedlac process	Parliamentary process	Post Parliament	Length of process post approval by Nedlac
	(Department of Basic Education)		<ul style="list-style-type: none"> • Passed by the National Assembly and transmitted to the NCOP for concurrence: September 2022 • Briefing by the Ministry to the NCOP on Progress regarding public hearings and key issues raised by the Public: 17 February 2023 • Public hearings ongoing: March 2024 		



5. Bills Concluded at Nedlac in 2021/22 Financial Year



Bills Concluded at Nedlac in 2021/22 Financial Year					
No	Bill	Nedlac process	Parliamentary process	Post Parliament	Length of process post approval by Nedlac
5.1	<p>Central Applications Systems (CAS) Bill</p> <p>(Department of Higher Education and Training)</p>	<p>Tabled: 01 June 2021</p> <p>Concluded: 08 October 2021</p>	<ul style="list-style-type: none"> • Not yet tabled to the Portfolio Committee. • The Department is still engaging with the Office of the Chief State Law Advisor. 	<p>Not applicable</p> 	Not applicable
5.2	<p>National Health Insurance (NHI) Bill (Department of Health)</p>	<p>Tabled: September 2019</p> <p>Paused due to Covid-19's impact on the Bill: February 2020</p> <p>Resumed: 07 May 2021</p> <p>Concluded: 29 July 2021</p>	<ul style="list-style-type: none"> • Introduced to National Assembly: August 2019. • Briefing Portfolio Committee on Health: March 2020. • Public hearings: September to November 2019, • Further public hearings In May 2021 to February 2022 • National Assembly and National Council of Provinces deliberations: June 2022. • Bill passed and submitted to the President for assent: June 2023 	<p>The Bill is waiting to be signed into law by the President.</p> 	Not applicable




Bills Concluded at Nedlac in 2021/22 Financial Year					
No	Bill	Nedlac process	Parliamentary process	Post Parliament	Length of process post approval by Nedlac
5.3	<p>National Youth Development Agency (NYDA)</p> <p>(Department of Women, Youth and Persons with Disabilities)</p>	<p>Tabled: April 2021</p> <p>Concluded: 18 May 2021</p>	<ul style="list-style-type: none"> • Introduced to National Assembly: June 2022. • Bill passed by the National Assembly and transmitted to the NCOP for concurrence: December 2023 • Last NCOP briefing with the Department: 06 February 2024. • Bill passed by the NCOP and sent to the President for assent: 26 March 2022 	<p>The Bill is waiting to be signed into law by the President.</p> <p style="text-align: center;">●</p>	Not applicable
5.4	<p>Companies Amendment Bill</p> <p>(Department of Trade, Industry and Competition (the dtic))</p>	<p>Tabled: 07 April 2021</p> <p>Concluded: 15 October 2021</p>	<ul style="list-style-type: none"> • Introduced to National Assembly: August 2023. • Bill passed by the National Assembly and transmitted to the NCOP for concurrence: November 2023. • The NCOP deliberated and approved the Bill on 12 March 2024. • Bill passed and submitted to the President for assent: 26 March 2024. 	<p>The Bill is waiting to be signed into law by the President.</p> <p style="text-align: center;">●</p>	Not applicable

Bills Concluded at Nedlac in 2021/22 Financial Year



No	Bill	Nedlac process	Parliamentary process	Post Parliament	Length of process post approval by Nedlac
5.5	Climate Change Bill (Department of Environmental Affairs, Forestry & Fisheries).	Tabled: 21 September 2020 Concluded: 25 February 2021	<ul style="list-style-type: none"> • Introduced to National Assembly in February 2022. • The National Assembly convened briefing sessions with the Department in March 2022 • Public hearings were held in September and October 2022. • Bill passed by the National Assembly and transmitted to the NCOP for concurrence: October 2023. • The NCOP briefing session with the Department last held: 4 February 2024 	Not applicable	Not applicable

6. Bills Concluded at Nedlac in 2022/23 Financial Year




Bills Concluded at Nedlac in 2022/23 Financial Year					
No	Bill	Nedlac process	Parliamentary process	Post Parliament	Length of process post approval by Nedlac
6.1	Deeds Registries Amendment Bill (Department of Agriculture, Land Reform and Rural Development)	Tabled: 03 February 2022 Concluded: 25 May 2022.	<ul style="list-style-type: none"> • Bill introduced to the National Assembly in November 2022. • Bill passed by the National Assembly and transmitted to the NCOP for concurrence: February 2024. 	Not applicable 	Not applicable
6.2	The National Council on Gender-Based Violence and Femicide Bill (Department of Women, Youth and Persons with Disabilities)	Tabled: 18 February 2022 Concluded: 02 August 2022.	<ul style="list-style-type: none"> • Bill introduced to the Portfolio Committee in September 2023. • Bill introduced to the National Assembly in October 2023 • Bill passed by the National Assembly and transmitted to the NCOP for concurrence: October 2023. • Bill passed and submitted to the President for assent: 19 March 2024 	The Bill is waiting to be signed into law by the President. 	Not applicable

Bills Concluded at Nedlac in 2022/23 Financial Year					
No	Bill	Nedlac process	Parliamentary process	Post Parliament	Length of process post approval by Nedlac
6.3	National Nuclear Regulator Amendment Bill (Department of Mineral Resources and Energy)	Tabled: 28 April 2022 Concluded: 25 August 2022	<ul style="list-style-type: none"> • Bill introduced to the National Assembly in August 2023. • Call for comments opened 21 March 2024, closing date 24 April 2024. • Bill passed by the National Assembly and transmitted to the NCOP for concurrence: March 2024 	Not applicable 	Not applicable
6.4	Conduct of Financial Institutions Bill (National Treasury)	Tabled: 11 March 2022 Concluded: 22 July 2022	Not yet introduced to the National Assembly	Not applicable 	Not applicable
6.5	Public Procurement Bill (National Treasury)	Tabled: 06 May 2022 Concluded: 26 October 2022.	<ul style="list-style-type: none"> • Bill introduced to the National Assembly in June 2023. • Bill passed by the National Assembly and transmitted to the NCOP for concurrence: December 2023. 	Not applicable 	Not applicable



Bills Concluded at Nedlac in 2022/23 Financial Year					
No	Bill	Nedlac process	Parliamentary process	Post Parliament	Length of process post approval by Nedlac
			<ul style="list-style-type: none"> • NCOP session considered the National Treasury's response to public submissions: 19 March 2024. 		
6.6	Electricity Regulation Amendment Bill (Department of Mineral Resources and Energy)	<p>Tabled: 06 May 2022</p> <p>Concluded: 22 October 2022.</p>	<ul style="list-style-type: none"> • Bill introduced to the National Assembly in August 2023. • Bill passed by the National Assembly and transmitted to the NCOP for concurrence: 14 March 2024. • NCOP briefing session with the DMRE: 26 March 2024. 	Not applicable	Not applicable
6.7	South African Post Office (SAPO) SOC Ltd Amendment Bill (Department of Communications and Digital Technologies)	<p>Tabled: 01 September 2022</p> <p>Concluded: 25 November 2022.</p>	<ul style="list-style-type: none"> • Bill introduced to the National Assembly in May 2023. • Bill passed by the National Assembly and transmitted to the NCOP for concurrence: November 2023. • NCOP session to consider the Department's responses to public comments: 27 March 2024. 	Not applicable	Not applicable

Bills Concluded at Nedlac in 2022/23 Financial Year					
No	Bill	Nedlac process	Parliamentary process	Post Parliament	Length of process post approval by Nedlac
6.8	The Public Service Amendment Bill (Department of Public Service and Administration)	Tabled: 15 September 2022 Concluded: 17 February 2023	<ul style="list-style-type: none"> • Bill introduced to the National Assembly on 19 May 2023 • Bill passed by the National Assembly and transmitted to the NCOP for concurrence: 27 February 2024. 	Not applicable 	Not applicable
6.9	Public Administration Management Amendment Bill (PAMA) (Department of Public Service and Administration)	Tabled: 15 September 2022 Concluded: 17 February 2023	<ul style="list-style-type: none"> • Bill introduced to the National Assembly on 5 May 2023. • Bill passed by the National Assembly and transmitted to the NCOP for concurrence: 27 February 2024. 	Not applicable 	Not applicable

7. Bills Concluded at Nedlac in 2022/23 Financial Year

Bills Concluded at Nedlac in 2023/24 Financial Year					
No	Bill	Nedlac process	Parliamentary process	Post Parliament	Length of process post approval by Nedlac
7.1	Mine, Health and Safety Amendment Bill (MHSA) (Department of Mineral Resources and Energy)	Tabled: 01 November 2022 Concluded: 26 June 2023	Not yet tabled to the Portfolio Committee.	Not applicable 	Not applicable
7.2	Victims Support Services Bill (Department of Social Development)	Tabled: 14 November 2022 Concluded: 12 May 2023	Not yet tabled to the Portfolio Committee.	Not applicable 	Not applicable
7.4	National Water Resource Infrastructure Agency Bill (Department of Water and Sanitation)	Tabled: 03 May 2023 Concluded: 25 August 2023.	<ul style="list-style-type: none"> • Bill introduced to the National Assembly in August 2023. • Bill passed by the National Assembly and transmitted to the NCOP for concurrence: March 2024 	Not applicable 	Not applicable

Bills Concluded at Nedlac in 2023/24 Financial Year

No	Bill	Nedlac process	Parliamentary process	Post Parliament	Length of process post approval by Nedlac
7.5	Employment Services Amendment Bill (ESA) (Department of Employment and Labour)	Tabled: 18 July 2023 Concluded: October 2023	Not yet tabled to the Portfolio Committee.	Not applicable 	Not applicable
7.6	Radioactive Waste Management Bill (Department of Mineral Resources and Energy)	Tabled: 27 July 2023 Concluded: 11 December 2023	Not yet tabled to the Portfolio Committee. • The Department is still engaging with the Office of the Chief State Law Advisor.	Not applicable 	Not applicable

8. Section 2: Comparative Analysis on the consideration of inputs from social partners on the Bills, post engagements at Nedlac

This section provides information on the following:

- (a) Whether the inputs from Nedlac were considered by the relevant departments, and if the version tabled at the National Assembly was the substantially the same version as the one that left Nedlac.
- (b) Whether the key public comments covered similar or different areas as raised by the social partners at Nedlac. Any key difference to note including whether social partners said different things in the public comments than what they said at Nedlac.
- (c) A highlight on the key amendments made during the NA and NCOP process and how they compared to the areas of agreement or disagreement raised in the Nedlac report.

The comparison is made on the following Bills/ Acts which have passed both the National Assembly and the NCOP:

- Companies Amendment Bill;
- Expropriation Bill;
- Economic Transport Regulation (ETR) Bill;
- National Health Insurance (NHI);
- National Council on Gender-Based Violence and Femicide (NCGBV) Bill;
- National Youth Development Agency (NYDA) Bill;
- Compensation for Occupational Injuries and Diseases Amendment (COID) Bill;
- and
- Upgrading of Land Tenure Amendment (ULTRA) Bill.

8.1. Expropriation Bill

- 8.1.1. **Similarities between the Bill that was tabled in the NA as compared to what was agreed at Nedlac:** The version which was tabled at the NA was substantially the same as the one agreed at Nedlac. Nedlac social partners' main views were that the Bill was aligned with the provisions of section 25 of the Constitution. Nedlac engagements focused solely on the new provisions outlined in Section 12(3) and (4), dealing with compensation for expropriation along with any associated amendments. Nedlac social partners agreed with all the technical changes proposed by Government. These were incorporated in the Bill that was introduced in Parliament. They included issues such those relating to the notice of

intention to expropriate and communication of an urgent notice of expropriation to the holder of the right of property.

8.1.2. **Key Issues raised through public comments:** During public comments, there was support and opposition to the Bill. Those who supported it largely indicated that the Bill would advance the principles of Batho Pele (“people first”), noting concerns that the majority of farmland and agricultural holdings were privately owned by white people. Black people only owned a fraction of the available farmland. They advocated that the expropriation was needed to achieve transformation in the country. There was an emphasis that land under the custodianship of traditional trusts should not be expropriated, as that land was rightfully and legitimately the land of the people in those communities. Meanwhile, those who opposed the Bill indicated that it would have a devastating impact on society and the economy. Concerns were raised that the Bill was not only applicable to tangible property, and therefore it did not protect intellectual property. It was detrimental to private property rights and could result in a banking crisis due to the effects it would have on mortgages and other assets that farmers used as collateral to purchase the land. There were also concerns raised about the lack of clarity on which spheres and branches of government would be involved in expropriation procedures.

The issues raised during the public comments opposing the Bill were not raised by Nedlac’s social partners. However, those raised in support of the Bill through public comments were consistent with inputs from social partners.

8.1.3. **Amendments at the NA and NCOP and their comparison with inputs from social partners as contained in the Nedlac Report:** The NCOP agreed that the Bill needed to be consistent with Section 25 (2) (B) of the Constitution which deals with “property compensation” that the amount of compensation should be determined first, and payment would be done only on exceptional circumstances. Furthermore, the Bill provides for expropriated persons who want to approach the court not to be liable for the process costs, but to have an opportunity to approach the expropriating authority to refer it back to court, instead of having to

approach the court themselves. Issues of urgent and temporary expropriation were addressed under Section 20 and there was no distinction between a temporary expropriation and an urgent expropriation. As indicated in terms of Clause 27 of the Bill, a provision was made that there can be no urgent expropriations unless these are temporary, are within prescribed timeframes and there is an involvement of the court in instances where there is a need to extend the 12-month prescribed period.

8.2. Economic Transport Regulation Bill

8.2.1. Similarities between the Bill that was tabled in the NA as compared to what was agreed at Nedlac: The Nedlac agreed insertions were incorporated in the Bill.

8.2.2. Key Issues raised through public comments: The National Council of Provinces (NCOP) addressed issues, primarily focusing on procedural matters. Concerns were raised by the South African Bus Operating Association regarding potential unintended consequences, requesting exemptions. A new issue emerged regarding the proposed 0% blood-alcohol concentration for drivers, prompting inquiries about the current permissible blood-alcohol level. Additionally, discussions highlighted concerns over the definition of disaster in the Disaster Management Act and the potential competition between license test centres and driving schools if the former were allowed to provide motor vehicles for license tests. While these issues related to other Acts, they were also relevant to the Economic Transport Regulation Bill for alignment of the Bills.

8.3. The National Health Insurance (NHI) Bill

8.3.1. Similarity of the Bill that was tabled at the NA as compared to what was agreed at Nedlac: The few changes proposed at Nedlac which were agreed upon were incorporated into the Bill. However, there were significant disagreements (mostly from business), such as the role of medical schemes. It was raised that the Bill appeared to reduce or abolish the existing right of citizens to insure themselves against the risk of non-coverage by the fund.

8.3.2. Key Issues raised through public comments: Some of the main issues raised during public comments were similar to those raised by social partners at Nedlac, such as issues of funding and governance.

8.3.3. Amendments at the NA and NCOP and their comparison with inputs from social partners as contained in the Nedlac Report: The NA and NCOP raised issues of funding and governance which were significantly aligned to the inputs raised at Nedlac.

8.4. National Council on Gender-Based Violence and Femicide Bill

8.4.1. Similarity of the Bill that was tabled at the NA as compared to what was agreed at Nedlac: The version of the Bill presented in Parliament contained most of the agreements reached by the Nedlac process.

8.4.2. Key Issues raised through public comments: The public comments raised the issue of revising the definitions of femicide, civil society and gender-based violence. Concerns were raised about the stringent percentage of representation on the Board. The public comments outlined that 80% of women representation in the Board is discriminatory because there are men suffering from GBV and urged the committee to look at all vulnerable groups holistically and ensure that all genders were protected. It was also raised that the Departments of Basic Education and Higher Education and Training should be included in the Board. It was further proposed that there should be a specialised police force unit to deal with GBV cases and victims.

8.4.3. Many stakeholders expressed their view that the Bill should be revised especially Section 76 to enable adequate engagement at provincial level in order to broaden public engagement and participation.

8.4.4. Amendments at the NA and NCOP and their comparison with inputs from social partners as contained in the Nedlac Report: The amendment from the public comment that was taken into consideration is to extend the number of the Board and to include the Department of Basic Education in the Board. The inclusion of DBE is aligned to the proposal by the Nedlac social partners to include DBE as a strategic department that would enable early intervention to avert teenage pregnancy.

8.5. National Youth Development Agency Bill

8.5.1. Similarity of the Bill that was tabled at the NA as compared to what was agreed at Nedlac: The version that was tabled at the National Assembly was the same as agreed at Nedlac. Nedlac's suggested changes were integrated into the draft Bill legislation enhancing the effectiveness and inclusivity of the Bill.

8.5.2. Key Issues raised through public comments: Consensus was reached that issues of career guidance should rather be the responsibility of the Department of Higher Education and not the DWYPD. The separation of powers should be clear on who was responsible for administration and who for governance in the NYDA. The Board chairperson and Deputy should be non-executive board members.

8.5.3. Amendments at the NA and NCOP and their comparison with inputs from social partners as contained in the Nedlac Report: There were no new issues raised at NA level except for specific reference to the inclusion of persons with disabilities and members of the LGBTQI community in the board. The issue of increasing visibility of the agency especially in the rural areas was raised as a concern for some members. Additional input considered at NCOP related to issues of career guidance, it was agreed that such should rather be the responsibility of the Department of Higher Education and not the DWYPD. There was consensus that the separation of powers should be clear on who was responsible for administration versus governance in the NYDA.

8.6. Upgrading of Land Tenure Amendment (ULTRA) Bill

8.6.1. Similarity of the Bill that was tabled at the NA as compared to what was agreed at Nedlac: The version that was tabled at the National Assembly was similar as the one finalised at Nedlac. However, it did not fully incorporate agreements reached during the Nedlac engagements, on Section 1E(1)(2) which relates to the application/objection of land tenure rights outlined in schedule 1. For example, the social partners agreed to the insertion of section 1E(1)(2) that the Minister should appoint the qualified person who is not an official to conduct an enquiry on the application or objection in relation to the land tenure rights mentioned in Schedule 1 pending conversion. Such designated person shall have rights

and duties to perform these responsibilities. Government has indicated that the proposed changes were not fully incorporated into the final Bill based on the advice from the State Law Advisor that the appointment of a person to conduct the enquiry would be compromised, expensive and ineffective. Therefore, Government amended the section and opted to make a provision for the Minister to designate a person to assist in determining the facts on the application/objection as opposed to conducting an inquiry.

8.6.2. Key Issues raised through public comments: Stakeholders at public hearings raised similar issues that were discussed at Nedlac in terms of not supporting sections 19 and 20 of the ULTRA Bill which proposed that the insecure tenure rights in communal areas should be applicable across the country.

8.6.3. Amendments at the NA and NCOP and their comparison with inputs from social partners as contained in the Nedlac Report: It was noted that the Bill was a technically drafted in response to an order of the Constitutional Court that “persons who were aggrieved by a conversion of a land tenure right which took effect from 27 April 1994 may approach the court for an order” of appropriate relief.

The Bill from the NA to NCOP had effected the following changes:

- Government amended the section to provide for the Minister to designate a person to assist in determining the facts on the application/objection.
-
- Clause 4 was amended in line with the proposals from Nedlac. In this regards, the amendment stipulated that Section 19 and 20 of the ULTRA Bill, which dealt with the insecure tenure rights in communal areas, should not be applicable across the country.

8.7. Companies Amendment Bill

8.7.1. Similarity of the Bill that was tabled at the NA as compared to what was agreed at Nedlac: All issues which were agreed were incorporated into the version that was tabled at NA. Issues of disagreement remained as proposed by the Government. Concerning disclosure of senior executive remuneration, business disagreed with the provisions while labour supported them.

8.7.2. Key Issues raised through public comments:

Public comments highlighted the importance of transparent executive remuneration and proposed editorial changes to enhance legal certainty without hindering progress. This was also raised by Nedlac social partners. Discussions revolved around the effective date of the legislation and its impact on listed companies, with suggestions for staggered implementation starting from 1 January 2025. Concerns about smaller companies and the security risks of disclosing executive pay were raised, emphasising the need for fairness and transparency in corporate governance. This was also discussed at Nedlac however there was no agreement on the date by which the requirement on companies to request disclosure of true ownership should apply. The submissions also highlighted the importance of a well-governed remuneration system and fair pay practices.

8.7.3. Amendments at the NA and NCOP and their comparison with inputs from social partners as contained in the Nedlac Report:

The concerns raised in Nedlac and by the public hearings at NCOP agreed that an amendment would be made to ensure that the Bill was consistent with Section 56 of the principal Act in relation issues which include the following:

- The identity of each person with a beneficial interest and the extent of each such beneficial interest.
- Application to the rules of a central securities depository.
- Voting by any person who holds a beneficial interest in any securities.
- Demands for proxy appointment to the person's beneficial interest.

8.8. Compensation for Occupational Injuries and Diseases Amendment Bill

8.8.1. Similarity of the Bill that was tabled at the NA as compared to what was

agreed at Nedlac: All issues which were agreed were incorporated in the Bill tabled at the National Assembly. Issues of disagreement remained were about fines and penalties. It was proposed that penalties should be a defined amount and should be imposed by a Court of Law.

8.8.2. Key Issues raised through public comments:

Key concern from the public comments was that Clause 43 of the Amendment Bill, which seeks to ban the cession of medical invoices to financial institutions and third-

party administrators, would have a disastrous impact on medical practitioners and injured workers. They raised concerns that, while the Compensation Fund was inefficient, it was not recommended that the cession of invoices be undertaken as this was a properly function part of the Fund's value chain. Such an amendment would be unconstitutional and irrational. The amendment proposed by Clause 43 must be reconsidered and abandoned.

8.8.3. Amendments at the NA and NCOP and their comparison with inputs from social partners as contained in the Nedlac Report: Issues raised during the public comment process was in line with the amendment proposed by Clause 43 and the structure and governance failures of the Compensation Fund were not considered. However, the Department of Employment and Labour indicated that an enabling provision must be made to allow the registration of all organisations that wanted to interact with the Fund as third parties. The Minister must be able to publish the condition for registration and what would be needed from them to register with the Fund. On the issue of the Fund being dysfunctional, the Minister acknowledged all the issues and indicated that mechanisms to enhance the efficiency of the were in place