

FRIDAY, 29 OCTOBER 2010

***PROCEEDINGS OF THE  
LEGISLATURE OF THE PROVINCE OF THE  
EASTERN CAPE***

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The House met at 10:00.

Mr Speaker took the Chair and requested members to observe a moment of silence for prayers or meditation.

**CONSIDERATION OF FINAL MANDATE ON BLACK  
AUTHORITIES ACT REPEAL BILL**

Mr M M PETER: Hon Speaker, members of the House, Premier in absentia and members of the Executive Council present. In the absence of the Chairperson I present the report on behalf of the Committee.

Terms of reference

The Black Authorities Act Repeal Bill (B9-2010), hereinafter referred to as the Bill, was referred to the Portfolio Committee on Local Government and Traditional Affairs. The terms of reference of the Committee were to consider the Bill, formulate negotiating and final mandates and report to the House.

Method of work

The Chairperson of the Portfolio Committee, hon Qoboshiyane attended the briefing session on the Bill in the NCOP on the 14 September 2010. The Portfolio Committee was also briefed on the content and effects of the Bill by the Permanent Delegate hon A N Qikani, who was assisted by the Chairperson of the Portfolio Committee and Adv. L Netshitumbu from the Eastern Cape Legislature.

The Portfolio Committee having regard to the fact that the Black Authorities Act of 1951, which is envisage to be repealed by the Bill is already repealed in the Province by the Traditional Leadership and Governance Framework Act of 2005, resolved that there was no need to conduct Public Hearings.

The Provincial Department responsible for Local Government and the Provincial House of Traditional Leaders attended the briefing sessions and they supported the Bill.

The Portfolio Committee adopted and negotiating mandate in support of the Bill and a copy of the negotiated mandate of the Portfolio Committee is attached hereto and marked as Annexure A.

Report on the meeting to consider the negotiating mandates;

The Permanent Delegate of the NCOP, hon A N Qikani, represented the Province at a meeting to consider the negotiating mandates on 26 October 2010.

#### Finding

The Portfolio Committee is of the view that it is necessary that the Black Authorities Act be repealed across the whole country as it is one of the remnants of the old-order legislation.

#### Recommendation

The Committee therefore recommends that the House adopts a final mandate supporting the adoption of the Bill and mandates the Eastern Cape delegate to vote in favour of the Bill. A copy of the recommended mandate is attached hereto and marked as Annexure B to the report. I thank you. [Applause.]

Mr SPEAKER: Thank you. If there are no questions of clarity we will proceed to inputs from political parties.

Mr J P KORKIE: Mr Speaker, hon members, distinguished guests, people in the public gallery, I noticed that while hon Peter was making his address, the members of the Committee did not take up their rightful seats. I understand that this is a repeal of the Bill but I am not sure whether the members have leave of absence not to take their rightful seats. It is just an observation Mr Speaker. [Interjections.] Because we are dealing with the repeal of the Black Authorities Act today hackling is not allowed!

Let me say on behalf of the Congress of the People that this BLA (Black Authorities Bill) is reminiscent of Black Local Authorities of yesteryear. It was enacted in 1951. We are almost 50 years on, 16 years into the new democracy it is only now that we are repealing this Bill Mr Speaker. So for that I have to object that it has taken so long for the new Government to get rid of what they would call dehumanizing laws of yester year.

The Congress of the People, hon Pikinini, is happy to support this Bill, which is long overdue. [Interjections.] Can I be protected, Mr Speaker.

Mr SPEAKER: Hon members! He is protected.

Mr J P KORKIE: With those words Mr Speaker we support this Bill. [Applause.]

Ms V MVENYA: Enkosi hon Speaker. Ndibulise i-hon members nabantu abakwi-gallery. Hon Speaker kaloku xa kungoLwesihlanu ubokukhawulezisa uqale kaloku thina sisengxakini asitshatanga sifuna ukukhawuleza siye kuqoqosha imicimbi. [Interjections.] [Laughter.]

Le Bhili kamama uQikane lo usanda kuya kubolekwa phaya kwa-UDM, ndiyavuya ukuba sibe namhlanje siza kupasisa iBhili ye-UDM. Ayintshanga,

zonke ii-Provinces qha kunsensithayizwa zona ukuba mazenze lento kudala yenziwa. Apha e-Eastern Cape sele siyenzile, sayipasisa ngo-2005 thina, sele i-implimentwa noku-implimentwa. Ke akukho nto siza kuyixoxa thina apha e-Eastern Cape ngayo. Ngaphandle kokuba ke sithi ezinye ii-Provinces mazikhe zijonge apha e-Eastern Cape ukuba izinto zenziwa kanjani na. Siyayipasisa nathi iBhili. Enkosi. [Applause.]

Mr J BICI: Hon Speaker, hon MECs, hon members, hon guests, ladies and gentlemen. The UDM is happy and proud to have provided the ANC with Mrs Qikane a lady of calibre who can lead a Committee to repeal Bills. And that shows that UDM has good material. The ANC must say thank you for that. [Interjections.] The Bill seeks to repeal the Black Authorities Act of 1951 and it is an old Act which - as previous speakers have said - should have been repealed long ago.

The UDM consequently has no problem with the repeal of the Bill, and we accept the Bill. Thank you. [Applause.]

Mr M P GALO: Hon Speaker, the Native Land Act, Act 27 of 1913, paved the way for other segregative laws like the Black Authorities Act of 1951 to be passed by the then apartheid regime to undermine the dignity of the indigenous people in their own mother land. The AIC is of the view that the repealing of this notorious law is a step in the right direction to ensure that a concrete bridge is built between the more developed urban areas and underdeveloped rural areas in our country. And we will further open an honest discussion around the establishment of rural based municipalities if we are serious about rural development. And will also ensure active participation of traditional institutions. The AIC therefore has no objection and not identified any consequential legal vacuum.

Therefore we support the repeal of the Bill. Thank you. [Applause.]

Ms T WANA: Hon Speaker, Executive Members and my colleagues, good day to everybody. This is a special day for the African National Congress. We have been fighting left, right and centre in repealing all these notorious Bills. Today as African National Congress we are very proud because this is the first repealed Bill after the NGC and this Bill is going to assist our local municipalities to make a change to our poor communities.

With that I can say ANC is supporting the Bill and ANC is going to win the local election through this Bill. Thank you. [Applause.]

The MEC RESPONSIBLE FOR LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS: Hon Speaker, hon members, I think the report of the Portfolio Committee icacile especially kule aspect yayo ithi ngumcimbi esisele siwelile kuwo apha ePhondweni lo. Nevertheless siyayixhasa intshukumo yokokuba ilizwe xa lilonke lohlukane nalomthetho. Kodwa amalungu ale-House xa sisonke kufanele sihlale sikhumbula ukuba lomthetho uguzulwayo namhlanje nakwintso ezizayo wenze umonakalo omkhulu kubomi babantu basemaphandleni. Ukuba ujonge kakuhle ke izinto ezijongene

nabo uyakuqaphela ukuba ngelinye ixesha xa ungazijonganga kakuhle zikhangeleka ukuba zizo kanti zisaya kuba zizo. Ngoko ke i-Department noRhulumente weli Phondo uyayixhasa into yokokuba mawushenxe kungene omtsha ozakwenza kube lula ukuphuhlisa nokusa iinkonzo ebantwini. Enkosi. [Applause.]

Mr SPEAKER: Enkosi. Ngenxa yokuthatha lo mzekelo kula malungu ndibona ukuba angxamile ndiphantse ndamkhupha ecaleni nyani.... [Laughter].. Ayinanto iyithethayo lonto, yimpazamo nje yobuntu. Malungu ngethamsanqa indlela le sikhawulezise ngayo itsho yandinika ithuba lokuba ndikhe ndinikhumbuze njengamalungu ukuba enye ye-missions zethu siyileNdlu kukuqinisa idemokhrasi, nokuncedisa ukuqinisa uphuhliso kule ndawo sikuyo.

Okwesithathu, nokuqiniseka into yokokuba ubomi babantu buyaphucuka. Sakuyenza ke lento xa sisoloko siphaya ebantwini. Kufuneka singonwabi ukuba lapha. Ndenzela ukuba njengokuba bendimamele uhon Mvenya esithi balungiselela impela-veki kungathi kanti ke anyi bantwini. [Interjections.] [Laughter.] Ndiyayibona ke njengokuba ndisitsho okukungxama akwaba ngabe singxamele ukuya ebantwini kakuhle. Uphuhliso ke silwenza ngokukwenza imithetho. So ndiyaqiniseka ke into yokokuba lomthetho siwuphakamisayo apha unento ozakuyenza. Nokwenza lento kuthiwa yi-oversight vigorous. Bendisilwa neli gama lesiNgesi lithi “vigorous” ndithelekisa nento ekuthiwa ngu-“robust”.

Andikade ndiyifumane ukuba yeyiphi eza kuba right kakuhle. Kodwa ke umyalezo uyegqitha wona. So ke ngalo mazwi ndiyafuna ukuthi I hope okukungxama kwethu singxamele ukuya ebantwini. Siye kakuhle ke kule mpela-veki.

Report adopted.

The House adjourned at 10:30.