




FRONTLINE AFRICA
— ADVISORY —

Legislative and Regulatory highlights



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INTRODUCTION

- This September, we look at some bills that are currently before Parliament, having been revived, following their lapse in the last Parliament.
- The report also looks at the signed BELA Act, which remains contentious, with some GNU parties threatening litigation.
- Lastly, we cover bills and policies approved by Cabinet in September to be sent to Parliament and to be released for public comments.

REVIVED BILLS

Various Portfolio Committees began with processing of bills that lapsed in the 6th Parliament. This is after Parliament's decision to revive bills from the stage which they lapsed at the end of the last term in May.

Some of the significant bills revived in Parliament in September, include:

- **The Tobacco and Electronic Delivery Systems Control Bill** seeks to "strengthen public health protection measures" by aligning prevailing tobacco control legislation with World Health Organisation (WHO) Framework Convention on Tobacco Control imperatives. The bill also seeks to introduce strict regulations for electronic cigarettes to curb their use and access by children.



- **One Stop Border Post Bill** seeks to regulate the establishment of these facilities through international agreements with adjoining countries (among other things on 'common control zones' in each territory concerned, where South African criminal law would apply) and facilitate the 'free transfer of money or goods within the common control zones.

- **The South African Reserve Bank Amendment Bill** seeks to, among other things, amend the act to make the state the sole shareholder of the shares in the bank and gives powers to the Minister of Finance to exercise the rights attached to the shares on behalf of the state. It further seeks to give the Minister the power to appoint directors of the board, instead of board members being elected at an ordinary general meeting.



- **Marriage Bill** seeks to establish a unified legal framework for marriages in South Africa, ensuring equality and dignity for all, regardless of race, sexual orientation, religion, or culture. The bill further aims to eradicate child and forced arranged marriages in line with international standards by criminalising marriages to persons under eighteen.

BILLS SIGNED INTO LAW

- President Ramaphosa signed **The Basic Education Laws Amendment (BELA)** Bill into law causing controversy and threatening the stability of the Government of National Unity (NGU). **The BELA Act** amends sections of the South African Schools Act of 1996 (SASA) and the Employment of Educators Act, 1998 (EEA) to account for developments in the education landscape since the enactment of the original legislation.
- The bill was signed into law, despite opposition from a number of parties including the Democratic Alliance (DA), Freedom Front Plus (FF+), Action SA and Patriotic Alliance (PA). the DA had threatened to walk out of the GNU should the bill be signed, but the President went ahead anyway, albeit with some compromise.
- The implementation of Clauses 4 and 5 concerning school admissions and language, are suspended for 3 months to allow affected parties to negotiate. Should they fail to reach an agreement, the clauses will come into effect as they are.



BILLS AND POLICIES APPROVED BY CABINET

- The **Traditional Khoi-San Leadership Bill of 2024 to be sent to Parliament**. The Bill is a response to the Constitutional Court ruling that declared the Traditional and Khoi-San Leadership Act, 2019 (Act 3 of 2019) to be invalid based on insufficient public participation by Parliament.



- The **White Paper on the Development of Tourism in South Africa** for public comments. The policy seeks to increase the contribution of tourism to the broader South African economy through increased volumes of visitors.

- The **National Astro-Tourism Strategy and Implementation Plan** for public comments. The strategy aims to position South Africa as a world-class astro-tourism destination, and this will boost economic development and employment in the tourism sector. It focuses on various pillars, namely infrastructure development, optimising astronomy-tourism streams, public private partnerships, inclusive tourism and transformation



- The **Micro, Small and Medium Enterprises (MSMEs) and Cooperatives Funding Policy**. The policy seeks to eliminate obstacles that prevent MSMEs and cooperatives from obtaining finance support. These interventions will also enable seamless transition from informal to formal enterprises and from small to medium enterprises.



COMMENTARY

- With the revival of lapsed bills in parliament, and the Cabinet approval of the Traditional Khoi-San Leadership Bill to be sent to Parliament, how various portfolio committees ensure meaningful public participation will be closely watched. The lack of meaningful public participation by government departments and portfolio committees has been raised by various stakeholders across a number of sectors.
- Already, there is an outcry on a number of bills that were seen to be rushed by the 6th Administration and recently signed into law by President Ramaphosa. The Public Procurement Act is one such law that has seen organisations such as Afriforum threatening legal action, as they claim that their inputs were ignored.
- On the Traditional Khoi-San Leadership Bill itself, Parliament has until March 2025 to address the matters that were raised by the Constitutional Court. Chances are that Parliament will not meet the deadline and will seek an extension should it follow the guidelines on public hearings to the tee.
- Considering that the 7th Parliament still has over 4 years, there is sufficient time to process bills by the book and not cut corners. It has to be noted that budget cuts will also affect the work of Parliament, particularly public hearings and for the sake of doing things right, government and Parliament may have to agree on reduced number of bills introduced in the House.
- With less than 3 months left for parties to find a common ground on clauses 4 and 5 of the BELA Act, it remains to be seen whether a compromise will be reached. The President or government is yet to outline how such consultations will take place, although it was reported by Cabinet on 18 September that President Ramaphosa had decided to set-up a clearing house mechanism at a government level on matters that parties within the GNU may be deemed to hold fundamental differences.

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