

GAUTENG DEPARTMENT OF ECONOMIC DEVELOPMENT



**GAUTENG TOWNSHIP ECONOMIC DEVELOPMENT BILL
STAKEHOLDER COMMENTING TEMPLATE/GUIDELINE**

August - November 2020

GAUTENG TOWNSHIP ECONOMIC DEVELOPMENT BILL

(As introduced in the Provincial Legislature of the Province of Gauteng as a Government Bill in terms of Rule 192(1) of the Standing Rules of the Provincial Legislature (Version 5, Revision 8))

(The English Text is the official text of the Bill)

(Member of the Executive Council responsible for economic affairs in the Province)

PURPOSE OF THE BILL

To provide for the promotion and development of the township economy and to create a conducive environment for the attainment of that purpose; and to provide for matters connected therewith or incidental thereto.

Stakeholder Public Comment –:

Introductions and Guidelines

Mjaji Research and Development (MRD) has been appointed by the Gauteng Department of Economic Development (GDED) to facilitate the process of gathering and documenting stakeholder comments on the **Gauteng Township Economic Development Bill (B-2020)** from identified and mapped stakeholders. All stakeholder comments will be incorporated in the drafting of the **Gauteng Township Economic Development Bill**.

The Department of Economic Development in partnership with the Office of the Premier Policy Unit started a process of formulating the Policy Statement. Subsequently a draft Policy was compiled and approved thereby paving the way for the development process of the Bill. Currently the **Gauteng Township Economic Development Bill** is at the public consultation phase of the process.

We require your comment/feedback on the **Gauteng Township Economic Development Bill** in the prescribed template provided. Kindly submit your comments using the guidelines below:

Guidelines:

1. When providing your comments, please indicate the **section number (e.g. Chapter 1, Section 2)** as well as the **page number** from the Bill before providing your comments and/or feedback.
2. Please feel free to add as much content as you require on the comment/feedback section as the rows adjust to accommodate the amount of text added per line.
3. Please provide any input that you found might have been omitted or advise on any clauses you wish to remove.
4. Please provide your **biographical information** in the next section. This information is important for validating both the number and suitability of stakeholders consulted for this process.

Please submit your comments to by close of business on Wednesday **30 September 2020 to the following e-mail address: info@mjaji.co.za**

For queries, please contact **Sandra Malele (082 804 9997) and/or Sanelisiwe Ncube (078 214 9771)**

STAKEHOLDER INFORMATION

Mandatory Section: Please provide your information below:

Name and Surname of Stakeholder

Mr. Thifulufheli Sinthumule.

Stakeholder Designation and Organisation

Executive Director – Consortium for Refugees and Migrants in South Africa (CoRMSA).

The Consortium for Refugees and Migrants in South Africa (CoRMSA) is a national network of organisations working with asylum seekers, refugees and other international migrants. CoRMSA currently has 26 member organisations across the country. It was established in 1996 as a loose network of organisations working with refugees as the National Consortium for Refugee Affairs (NCRA) and was later registered as an NPO. In 2007 NCRA’s mandate was extended to include the protection of international migrants. Our members are made up of direct legal and social service providers; research institutions and refugee and migrant community groups. The CoRMSA model is such that through our members and partners, collectively we cover work at local, provincial, national, sub-regional, regional and global levels to ensure that the daily challenges faced by non-nationals are addressed through policy and practices. CoRMSA has over fifteen years of experience working on migration engaging in advocacy and lobbying; coordination and network building; capacity building; rights awareness and information sharing. CoRMSA’s overall objective is the protection and promotion of asylum seekers, refugees and migrant’s rights in South Africa, regionally and internationally.

CoRMSA welcomes this opportunity and below makes recommendations (submissions) on specific sections of the **Gauteng Township Economic Development Bill**. CoRMSA is available to make an oral presentation regarding this submission should such an opportunity arise.

The following organisations endorsed these submissions:

- Lawyers for Human Rights

	<ul style="list-style-type: none"> • Amnesty International South Africa. • Jesuit Refugee Service • ProBono.org
Stakeholder Contact Number (Mobile)	+27 71 358 0059
Stakeholder Contact Number (Landline)	+27 11 403 7560 Website: www.cormsa.org.za and email: thifulufheli@cormsa.org.za

**** QUERIES – Should you have any questions/suggestions, please feel free to contact the following individuals:**

1. Gauteng Department of Economic Development (GDED) – (SMME, Cooperatives Support and Local Economic Development)
 - Mathopane Masha: mathopane.masha@gauteng.gov.za
2. Mjaji Research and Development (MRD)
 - Dr Sizwe Phakathi: info@mjaji.co.za
 - Mrs Sandra Malele: info@mjaji.co.za

CHAPTER 1: PREAMBLE

The Preamble of the Gauteng Township Economic Development Bill can be found on **page 2**. Please indicate the Item, Section Reference, Page Reference and your comment/feedback for this section.

Item	Section reference	Page reference	Your comment and/or feedback
Constitutionality	Preamble	2	<p>CoRMSA recommends that this section of the Constitution be inserted on top of the Bill preamble:</p> <p>The Constitution is the supreme law of the Republic; law or conduct inconsistent with it is invalid, and the obligations imposed by it must be fulfilled.</p> <p>Section 8 (1) of constitution states that the Bill of Rights applies to all law, and binds the legislature, the executive, the judiciary and all organs of state.</p> <p>This means that this Bill must adhere, consider and respect all economic rights as enshrined by the constitution for it to be considered constitutional.</p>
Bill of Rights	Preamble	2	<p>CoRMSA submits that any income generating activity/ties constitutes and forms part of labour practices. Therefore, this Constitutional right must be included on the preamble to read:</p> <p>AND WHEREAS section 23 (1) of the constitution guarantees everyone the right to fair labour practices.</p>

<p>AND WHEREAS the Gauteng Provincial Government acknowledges that townships must be self-sufficient and vibrant economic centres,</p>	<p>Preamble</p>	<p>2</p>	<p>CoRMSA submits that “for everyone” be added on this preamble to read:</p> <p>AND WHEREAS the Gauteng Provincial Government acknowledges that townships must be self-sufficient and vibrant economic centres <u>for all</u>,</p> <p>By including “for all” it creates and promotes the sense of belonging to everyone residing within the township and it builds and strengthens social cohesion amongst township dwellers.</p>
<p>WHEREAS section 9 of the Constitution guarantees the right of everyone to equal protection and benefit of the law, and empowers the State to undertake legislative and other measures designed to promote the achievement of equality by protecting and advancing persons or categories of persons disadvantaged by unfair discrimination;</p>	<p>Preamble</p>	<p>2</p>	<p>CoRMSA submits that this preamble must be read with section 9 (4) that state that “No person may be unfairly discriminated directly or indirectly against anyone on one or more grounds in terms of subsection (3). National legislation must be enacted to prevent or prohibit unfair discrimination. Subsection 3 should be included as well. To strengthen subsection 4 above. The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.</p> <p>CoRMSA recommend that this preamble must read:</p>

			<p>WHEREAS section 9 of the Constitution guarantees the right of everyone to equal protection and benefit of the law, and empowers the State to undertake legislative and other measures designed to promote the achievement of equality by protecting and advancing persons or categories of persons disadvantaged by unfair discrimination; on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.</p> <p>By rephrasing the above preamble, it will capacitate and empower implementers of the Bill to do so free from exclusions and discrimination of other categories of vulnerable people.</p>
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CHAPTER 1: DEFINITIONS

The Definitions section of the Gauteng Township Economic Development Bill can be found on **Pages 6 - 8**. Please indicate the Item, Section Reference, Page Reference and your comment/feedback for this section.

Item	Section reference e.g. 1(a)(i)	Page reference	Your comment and/or feedback
1. In this Act, unless the context indicates otherwise— "black people" means a person of African, Coloured and Indian origin—	1 (a) (b) (i)(ii)	6	CoRMSA submits that the definition of a " <i>black people</i> " be omitted or rephrased as it creates and imposes racialism and discrimination amongst township dwellers. It also violates the "human dignity" of African people. The word "black people" is the word

<p>(a) who is a citizen of the Republic by birth or descent; or (b) who became a citizen of the Republic by naturalisation— (i) before 27 April 1994; or (ii) on or after 27 April 1994 and who would have been entitled to acquire citizenship by naturalisation prior to that date,</p>		<p>that was used during the apartheid regime to oppress “Africans”. As a democratic state we can’t afford to have “<i>Laws or Policies</i>” that promotes oppression and creates social divisions amongst Africans.</p> <p>CoRMSA agrees that policy needs to be transformative in its nature in responding to repercussions of a segregated South Africa under Apartheid. These policies must ensure that vulnerable and excluded groups in South Africa are given viable opportunities for development. Migrant persons have been embedded and contributing to South Africa’s communities and economies and must be considered in economic policies that will shape local economies in which they reside.</p> <p>CoRMSA believes that this Bill intends to promote and develop the township economy and create conducive environment for all regardless of their nationalities. Therefore, this definition and classification of people goes against the Bill’s objective.</p> <p>CoRMSA submits the use of the word “Everyone” to define township dwellers to benefit from this Bill. This will be in line with constitution. The use of “Everyone” must be consistent throughout this Bill.</p>
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			The definition must read: "Everyone" means a person- (a) who is a citizen of the republic by birth or descent; or (b) who became a citizen of the republic by naturalisation; these includes special permits holders; refugees. Asylum seekers and economic migrants -
Gauteng Township Economic Development	Bill Title	1	CoRMSA Submits that the Bill Title " Township Economic Development " be inserted under the definition section and be defined (explained) to provide a clear elaboration of what the Bill is intending to develop in order to avoid confusion and abuse of power by authorities when the Bill is to be implemented.
" Department " means the Department responsible for economic affairs in the Province;	1	6	CoRMSA submits that the definition of the " Department " must not be limited only to the provincial department, it must recognise and include the National Department of Small Business Development (DSBD) . The DSBD's mandate involves to lead and coordinate an integrated approach to the promotion and development of entrepreneurship, small businesses and co-operatives, and ensure an enabling legislative and policy environment to support their growth and sustainability. As per the above, the DSBD must be included and form part of this Bill as they have a critical national compliance,

			<p>accountability and monitoring role to play on this Bill.</p>
<p>"township-based enterprise" means a small enterprise which is based or situated in a township designated in terms of section 6, and which is owned and operated by a black person, and includes a small enterprise organisation.</p>	<p>1</p>	<p>8</p>	<p>CoRMSA strongly submits that this definition is unacceptable, biased and discriminatory in the fact that it only recognises "township-based enterprise" owned and operated by a black person. This definition is unconstitutional and recognises one ethnic group as sole economic beneficiary of township economy.</p> <p>This definition further violates section 9 (1) of the constitution on Equality. This section states that everyone is equal before the law and has the right to equal protection and benefit of the law. This definition implies and impose that that other ethnic groups must Not benefit from the township-based enterprise.</p> <p>CoRMSA recommend that this definition be rephrased to read: "township-based enterprise" means a small enterprise which is based or situated in a township designated in terms of section 6, and which is owned and operated by a <i>township dwellers or any other person recognised by the state</i>, and includes a small enterprise organisation.</p> <p>CoRMSA further argues that categories or list of "township-based enterprise" be</p>

annexed to this Act to provide guidance and application of this Act.

CHAPTER 1: GUIDING PRINCIPLES

The Guiding Principles of the Township Bill can be found on pages 8- 9 of the draft Bill. Please indicate the Principle, Page Number and your comment/feedback for this section.

Item	Section reference e.g. (2)(1)(a)	Page reference	Your comment and/or feedback
<p>This Act seeks to facilitates and promote inclusive economic growth along a transformative paradigm in order to build a cohesive and more equal society which is underpinned by—</p> <p>(a) a growing and inclusive economy that harnesses the potential of all citizens and persons with permanent residency status in the Republic;</p>	2 (1)(a)	8	<p>This section should include asylum seekers, refugees, economic and special permit holder migrants if it wants to promote inclusive economic growth as it claims. These vulnerable group of people are part of South African communities. They are recognized by the South African government and its laws. The inclusivity of economic growth as stated should equally recognize the fact that migrants and refugees bring skills to the South African economy, expanding economic services as well as contributing to the state through tax payments and economic demands. A 2018 OECD report found that <i>‘Immigrant workers make a significant contribution to the South African economy. Immigrants are well-integrated</i></p>

		<p><i>into the labour market in terms of employment and unemployment rates, and in general do not seem to displace native-born workers. The contribution of immigrant workers to GDP is estimated to be close to 9% in 2011, and just below their share in employment. Nevertheless, immigration is raising income per capita in South Africa, while immigrants also make a positive net fiscal contribution.</i>¹</p> <p>Furthermore, the White Paper on International Migration recognizes that “the global movement of people, information, technology and capital across the globe gives us huge opportunities”.</p> <p>Therefore, they cannot be excluded and discriminated against by this Act. Migrant persons, including refugees, asylum seekers and special permit holders depend on the informal economy for livelihood and survival. They are mainly</p>
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¹ OECD/ILO (2018), *How Immigrants Contribute to South Africa's Economy*, ILO, Geneva/OECD Publishing, Paris, <https://doi.org/10.1787/9789264085398-en>.

		<p>excluded from government social benefit.</p> <p>According to the ACMS 2020 Fact Sheet on foreign workers based on Statistics SA data : 'Migrants are more likely to be informally employed and therefore face precarious employment conditions. Of 5.3% of people of working age who are migrants in South Africa, 27.1% of migrants work in the informal sector compared to 15.7% of South Africans.²</p> <p>Excluding this group from economic activities will have a negative impact on local economies and GDP. This Act should be implemented with the understanding that the expansion of a workforce invariably increases the stability and viability of local economies and businesses</p> <p>Excluding this group of people based on their nationality, documentation status or origin violates section 9 (20 and (3) on</p>
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² <http://www.migration.org.za/wp-content/uploads/2020/05/Fact-Sheet-On-Foreign-Workers-In-South-Africa-Overview-Based-On-Statistics-South-Africa-Data-2012-2017.pdf>

		<p>unfair discrimination of persons. This will render this Act as unconstitutional.</p> <p>This principle also goes against the DSBD national mandate ‘to lead and coordinate an integrated approach to the promotion and development of entrepreneurship, small businesses and co-operatives, and ensure an enabling legislative and policy environment to support their growth and sustainability’.</p> <p>CoRMSA submits that this principle be revised to read: This Act seeks to facilitate and promote inclusive economic growth along a transformative paradigm in order to build a cohesive and more equal society which is underpinned by—</p> <p>(a) a growing and inclusive economy that harnesses the potential of all citizens, asylum seekers, refugees, special permit holders and persons with permanent residency status in the Republic;</p>
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			<p>Furthermore, exclusions of these categories of vulnerable group could trigger or increase xenophobic rhetoric , violence and hatred amongst township dwellers/residence over who should engage in various township economic activities</p> <p>The department must refrain from developing policies that create divisions and goes against the National Action Plan (NAP) to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerances in communities.</p> <p>As stated in the NAP: 'NAP provides the basis for the development of a comprehensive public policy against racial discrimination and assists States in giving effect to their international human rights obligations related to the elimination of racism, racial discrimination, xenophobia and related intolerance. It provides for specific outcomes and is also a process of bringing stakeholders together to discuss the challenge of combating racism, racial</p>
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			discrimination, xenophobia and related intolerance.’ This Bill should use the NAP as guiding document to ensure its compliance and impact in combating racial discrimination, xenophobia and related intolerances
Chapter 1: OBJECT OF THE ACT			
The Object of Act can be found on pages 9 -10 of the draft Bill. Please indicate the Object, Page Number and your comment/feedback for this section.			
Item	Section reference e.g. (3)(a)	Page reference	Your comment and/or feedback
The object of this Act is—to designate business activities within the township areas that are reserved for the exclusive and sole of citizens and persons who has permanent residency status in the Republic;	3 (b)		CoRMSA recommends that this section be reviewed and rephrased to read: To designate business activities within the township areas that are reserved for the exclusive and sole of citizens, asylum seekers, refugees, economic migrants, special permits holders and persons who has permanent residency status in the Republic This cannot be the objective of the Act either a provincial nor national or local policy in a democratic state like South Africa. This objective

			<p>completely excludes and discriminates against the above mentioned groups from participating in various business activities within townships.</p> <p>Prohibiting these groups to take up or participating in any economic activities the Department will be acting in conflict with the Bill of Rights- of the Constitution.</p> <p>This objective goes against and it violates the following National Acts:</p> <p>The Competition Act No 89, 1998. This Act Preamble states that The people of South Africa recognise: That apartheid and other discriminatory laws and practices of the past resulted in excessive concentrations of ownership and control within the national economy, weak enforcement of anti-competitive trade practices. and unjust restrictions on</p>
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			<p>full and free participation in the economy by all South Africans. Provide all South Africans equal opportunity to participate fairly in the national economy; achieve a more effective and efficient economy in South Africa.</p> <p>Section 3 (1) of Competition Act applies to all economic activity within, or having an effect within The Republic. This means that what this Bill is trying to establish should be in line with the Competition Act.</p> <p>In Minister of Home Affairs and Others v. Watchenuka and Another case (010/2003) [2003] ZASCA 142 (28 November 2003). The matter was on asylum applicants – right to undertake employment and to study.</p> <p>Judge HOWIE P, NAVSA, MTHIYANE, NUGENT & HEHER JJA argued that:</p>
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			<p><i>“Human dignity has no nationality. It is inherent in all people – citizens and non-citizens alike – simply because they are human. And while that person happens to be in this country – for whatever reason – it must be respected, and is protected, by s 10 of the Bill of Rights”. They further indicated that “the freedom to engage in productive work – even where that is not required in order to survive – is indeed an important component of human dignity, as submitted by the respondents’ counsel, for mankind is preeminently a social species with an instinct for meaningful association. Self-esteem and the sense of self-worth – the fulfilment of what it is to be human – is most often bound up with being accepted as socially useful”.</i></p> <p>Based on the above arguments, CoRMSA</p>
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			recommends and submits that this Objective be reviewed and rephrased to include all vulnerable groups in South Africa.
To promote the development and diversification of the economy of the Province through regulation of participation of township – based enterprises in certain sectors	3 (c)		The use of the word certain is not specific. CoRMSA proposes a specification of these sectors to avoid confusion. The Depart should know that the use of diversification means inclusivity of everyone within the township.
to compel enterprises that get government contracts to spend a certain percentage of their procurement spent on town-based enterprises or entrepreneurs and cooperatives;	3 (e) (ii)	10	CoRMSA submits that the word “compel” be revised to the word “negotiate or engage” for the section to read: To negotiate or engage enterprises that get government contracts to spend a certain percentage of their procurement spent on town-based enterprises or entrepreneurs and cooperatives;

CHAPTER 1: APPLICATION OF THE ACT

The Application of the Act section of the Gauteng Township Economic Development Bill can be found on Pages 10. Please indicate the Item, Section Reference, Page Reference and your comment/feedback for this section.

Item	Section reference e.g. 4 (a)	Page reference	Your comment and/or feedback
In the event of a conflict between this Act and any other law in force which regulates township economic development or township-based enterprises in the Province and which is of general application, this Act prevails.	5 (2)	10	Clarity is sought on this section as this is a provincial law and there are National Policies and the Constitutions (Supreme law of the Country) thereof that can supersede the provincial law. How will this provincial law prevail?

CHAPTER 1: NON-DEROGATION FROM, AND CONFLICT WITH, OTHER LAW

The Non-derogation from, and conflict with, other law section of the Gauteng Township Economic Development Bill can be found on **Pages 10**. Please indicate the Item, Section Reference, Page Reference and your comment/feedback for this section.

Item	Section reference e.g. 5 (1)(a)	Page reference	Your comment and/or feedback
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CHAPTER 2: DESIGNATION OF TOWNSHIP AREAS

The Designation of Township section of the Township Bill can be found on **pages 11** of the draft Bill. Please indicate the Principle, Page Number and your comment/feedback for this section.

Item	Section reference e.g. (6)(1)(a)	Page reference	Your comment and/or feedback
The designation in terms of subsection (1) must be fixed under in Table A of Schedule 2.	6 (1)	11	The designated schedule is not provided which makes null and void by the time of making this submission. This schedule should be provided to all stakeholders for comments before it is adopted. The exclusion of designation in terms of subsection (1) in Table B of Schedule 1

			means that leaving this blank shows that there is no intention for this Act to designate specific activities to South African Citizens and person with permanent residence or on the basis of nationality
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CHAPTER 3: ECONOMIC ACTIVITIES RESERVED FOR CITIZENS OF OR PERSONS WITH PERMANENT RESIDENCY STATUS

The Economic Activities reserved for citizens of or persons with permanent residency status of the Township Bill section can be found on pages 11 - 13 of the draft Bill. Please indicate the item, Page Number and your comment/feedback for this section.

Item	Section reference e.g. 7(1)	Page reference	Your comment and/or feedback
Subject to the provisions of subsection, every citizen of and every person with permanent residency status in the Republic has a right to practice his or her trade, occupation or profession of choice freely in the Province.	7 (1)	11	CoRMSA submits the inclusion of asylum seekers, refugees, economic migrants and special permits holders in this section for the reasons already included in this submission. The section must read: (1) Subject to the provisions of subsection (2), every citizen, asylum seekers, refugees, economic migrants, special permits holders and every person with permanent residency status in the Republic has a right to practice his or her trade, occupation or profession of choice freely in the Province.
The business activities that are designated in column 3 of Table A of Schedule 2 are, in a designated township, exclusively and solely reserved for ownership and operation by a citizen of, or	7 (2)	11	This section must be inclusive of other vulnerable groups and to read as: 2) The business activities that are designated in column 3 of Table A of Schedule 2 are, in a designated township, exclusively and solely reserved for ownership and operation by a citizen of south africa, asylum seeker, refugee, economic migrants, special

<p>a person who has permanent residency status in, the Republic.</p>			<p>permits holder or a person who has permanent residency status in, the Republic.</p> <p>This is to avoid the discrimination and the unconstitutionality of the section. The section discriminates against a wide range of non-citizens as indicated above. The section is also in conflict with section 9 of the constitution. Section 9 (3) of the constitution prohibits unfair discrimination on any grounds. The wording of the Bill is purely and directly unconstitutional.</p>
<p>Enhancement of strategic goals of the Province in particular and that of the Republic in general, including— (i) affirming black people in general and Africans in particular, women, youth and people with disabilities;</p>	<p>7 (3) (a)</p>	<p>12</p>	<p>CoRMSA has already submitted and commented that the use of the name “black people” is unacceptable and discriminatory. This is an oppressive and offensive name or word to Africans themselves looking at where they come from in history.</p> <p>CoRMSA recommend that “black people” be replaced by the word “everyone” or Africans.</p> <p>The section must read: enhancement of strategic goals of the Province in particular and that of the Republic in general, including— (i) affirming everyone in general and Africans in particular, women, youth and people with disabilities;</p>

CHAPTER 4: REGULATION OF TOWNSHIP-BASED ENTERPRISES

The Regulation of Township-based Enterprises section of the Township Bill can be found on **pages 13 - 14** of the draft Bill. Please indicate the Section Reference and Page Number and your comment/feedback for this section.

Item	Section reference e.g. 8 (1)	Page reference	Your comment and/or feedback
Licensing of township-based enterprises	8 (1) (a) (b)	13	CoRMSA submits that the word “and” be replaced by the word “or” as the word “and” between subsection (a) and (b) as it makes it mandatory for an enterprise to have a license to operate a business. Due to documentation status and accessibility of government service in obtaining the required licenses may lead to inability of some business to obtain licenses.
Is undertaking or carrying on business in the field of agriculture, construction, manufacturing, transport and communications, tourism and services or know-how	8 (a)		These are very broad categories of enterprises bound to cause misrepresentations especially that there is no table indicating designated business activities as indicated under Table A of Schedule 2. CoRMSA therefore proposes that these categories be broken down or be omitted from the Bill.
Display of licenses	9 (1) (2)	13	<p>Duplicate Copy of license issued may be displayed at all times to avoid damage or loss of original license CoRMSA submits.</p> <p>The word “must” must be replaced by the word “may” on this section.</p> <p>CoRMSA also submit that subsection 2 be revised to read: A licence holder who contravenes the provisions of subsection (1) commits an offence and, on conviction through the formal court proceedings, may be liable to a fine or to imprisonment for a period not exceeding six months, or both such fine and imprisonment.</p>

			<p>The above will afford the license holder access to justice as per section 9 of the constitution on Equality which states that everyone is equal before the law and has the right to equal protection and benefit of the law.</p> <p>This also includes section 33 (1) and 34 of the constitution which state that: Everyone has the right to administrative action that is lawful, reasonable and procedurally fair. Also that everyone has the right to have any dispute that can be resolved by the application of law decided in a fair public hearing before a court or, where appropriate, another independent and impartial tribunal or forum.</p>
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Information required for tax purposes			
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CHAPTER 5: PROMOTION AND DEVELOPMENT OF TOWNSHIP-BASED ENTERPRISES

The Promotion and Development of Township-based Enterprises section of the Township Bill can be found on **pages 14 - 20** of the draft Bill. Please indicate the Section Reference and Page Number and your comment/feedback for this section.

Item	Section reference e.g. 11 (1)	Page reference	Your comment and/or feedback
Part I Policies and programmes by responsible member	11 (1)	14	CoRMSA propose the insertion of “ in consultation with relevant authorities and stakeholders ” and rephrasing of this section to read:

			<p>Within the limits prescribed by law, the responsible Member in consultation with relevant authorities and stakeholder may—</p> <p>By rephrasing this section to read as indicated above will address issues such as abuse of power, corruption etc. that come with sole power holder.</p>
Plans and strategies by provincial organs of state	12 (1)	15	<p>This section must be rephrased to read: Subject to the provisions of this Act and other applicable law, every provincial organ of state may —</p> <p>This rephrasing will afford an opportunity for the other organs of the state who are not in agreement with this Act to rephrasing from participating. This Act proposes to address economic issues that falls within the Economic Development Department mostly.</p>
Part II Financial assistance	13 (a)		<p>CoRMSA proposes that this section be worded as follows because not all organs of the will be in agreement with this Act and to avoid corruption and kick-backs.</p> <p>Every provincial organ of state in collaboration with this Act must, in order to facilitate the flow of financial resources to sector township-based enterprises cooperation with other small enterprise development agencies and stakeholders, identify sector township-based enterprises and projects which require financial assistance;</p>
Development of infrastructure	14	17	<p>This section must read as follows because not all organs of the state will be in agreement or be involved on this Act implementation.</p>

			Every provincial organ of state in cooperation with this Act may take reasonable measures to facilitate the provision of suitable infrastructure, including worksites, social amenities, business information centres, model centres of excellence, common usage facilities and other facilities, necessary for development of sector township-based enterprises
Industrial and commercial estates	15	17	<p>This section must be rephrased to read as follows as per reason provided above.</p> <p>Every provincial organ of state in cooperation with this Act may, on such terms and conditions as may be agreed, assist sector township-based enterprises with the provision of buildings or premises on which township enterprises may undertake designated business activity.</p>
Letting of buildings or premises	16	17	<p>Rephrase this section to read as follows as per reason provided above:</p> <p>Every provincial organ of state in cooperation with Act may, on such terms and conditions, enter into agreement with any person, institution, organisation or company, let out any building or premises for use by sector township-based enterprises as an industrial or commercial estate for—</p>
Capacity building programmes	17	18	<p>This section must be rephrased to read as follows as per reason provided above and below:</p> <p>Every provincial organ of state in cooperation with this Act may, in partnership with the public and private training institutions, as the provincial organ of state may deem necessary—</p>

Development of markets and provision of marketing services	18 (1)	18	This section needs to be rephrased to read based on the reasons provided below: Every provincial organ of state in cooperation with this Act may—
Technology transfer or acquisition	19	19	CoRMSA submits that this section must be reviewed to read as follows because not all organs of the state will be in agreement to implement this Act based on many reasons from constitutionality and human rights based approach etc. Every provincial organ of state in cooperation with this Act may , in order to promote technology transfer, acquisition and adaptation of new and modern technology—

CHAPTER 6: GAUTENG TOWNSHIP ECONOMIC DEVELOPMENT FUND

The Gauteng Township Economic Development Fund section of the Township Bill can be found on **pages 20 - 24** of the draft Bill. Please indicate the Section Reference and Page Number and your comment/feedback for this section.

Item	Section reference e.g. 21 (1)	Page reference	Your comment and/or feedback
Gauteng Township Economic Development Fund			
Purpose of Fund	21 (2) (a)	20	CoRMSA recommend the insertion of these words “to everyone who qualifies with no prejudice” to complete this section and to avoid corruption and discrimination of application. The section should read:

			Without derogating from the generality of subsection (1), the Fund must— (a) provide affordance and accessible credit or loans to township-based enterprises to everyone who qualifies with no prejudice;
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CHAPTER 7 MUNICIPALITIES

The Municipalities Provision section of the Township Bill can be found on **pages 24 - 25** of the draft Bill. Please indicate the Section Reference and Page Number and your comment/feedback for this section.

Item	Section reference e.g. 27	Page reference	Your comment and/or feedback
Application of Act to Municipalities within Province	-	-	-
Model Standard By-laws	28. (1) Within six months from the date of commencement of this Act, a municipality must— (a) pass by-laws that substantially conform to the matters provided for in Schedule 3; and	29	CoRMSA submits that this section must be revised to read “Within 12 months from the date of commencement of this Act, a municipality must in consultation with communities and small businesses owners — (a) engage in drafting and passing by-laws that substantially conform to the matters provided for in Schedule 3; and Six (6) months period to draft, engage and pass the by-laws is to limited looking at the work that needs to be done before by-laws

can be passed. The fact that Gauteng Province is an Economic Hub of South Africa, thorough process and consultations must be made before any law can be passed.

CHAPTER 8: GENERAL PROVISION

The General Provision section of the Township Bill can be found on **pages 25 - 26** of the draft Bill. Please indicate the Section Reference and Page Number and your comment/feedback for this section.

Item	Section reference e.g. 30	Page reference	Your comment and/or feedback
Regulations	29. The responsible Member— (a) within six months from the date of commencement of this Act, must make regulations prescribing any matter which in terms of this Act is required or permitted to the prescribed;	29	<p>This section must be revised to read: The responsible Member— (a) within six months from the date of commencement of this Act, must in consultation with communities and other stakeholders involved therein make regulations prescribing any matter which in terms of this Act is required or permitted to the prescribed;</p> <p>There is no law nor policy regulations that concerns the Government and its population that can be passed and adopted without being engaged first and commented on. Hence, CoRMSA is submitting the rephrasing of this section to read as above.</p>
Guidelines	30. (1) The responsible Member may, in consultation with the Member of the	30	CoRMSA recommend that this section must include the “National Department of Economic Development” in determining categories of township enterprises. The determination powers that involves the greater population

	Executive Council responsible for finance in the Province, determine guidelines regarding— (a) categories of township enterprises to be assisted under this Act; and		and their livelihoods cannot be rested on one provincial bodies. Therefore, this section should and must read: The responsible Member may, in consultation with the Member of the Executive Council responsible for finance in the Province and the National Department of Economic Development determine guidelines regarding— (a) categories of township enterprises to be assisted under this Act; and
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Schedule 1: Part A (Page 31-36) ECONOMIC ACTIVITIES RESERVED FOR EVERYONE LIVING WITHIN THE GAUTENG TOWNSHIP

Sector	Sub-Sector	Activity	Your comment and/or Feedback
Agriculture, Hunting, Forestry and Fishing	All sub-sectors	All activities	<p>CoRMSA submits that all Agricultural and farming activities require diverse skills and knowledge across the population. By reservation this sector for only South African Citizens and Permanent Residence, the Provincial Government will be making a huge economical and food security suicide in the province. The provincial government must and should bear in mind that agriculture and farming involves both subsistence and commercial components.</p> <p>The provincial government must not try and divert from the Founding Provision of our Constitution that says: The Republic of South Africa is one, sovereign, democratic state founded on the following values; Human dignity, the achievement of equality and the advancement of human rights and freedoms and Non-racialism and non-sexism. The exclusion Asylum Seekers, Refugees, Migrants and</p>

			<p>Whites as per your definition of a “black people” (CoRMSA opposes this definition)) who are the sole beneficiaries of this Bill.</p> <p>Section 9 (3) of the Constitution states that “the state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth”. What CoRMSA reads and see in this Bill is pure discrimination and hatred of other nationalities. This selective categories of economic activities are totally unconstitutional and it can spark and trigger divisions in communities leading to xenophobia attacks and violence.</p>
Mining, Quarrying and Manufacturing	All sub-sectors	All Activities.	<p>Immigration has been part and parcel of South Africa’s history, and for much of the 20th century. Even our Constitution does allude to the fact that We, the people of South Africa respect those who have worked to build and develop our country; and believe that South Africa belongs to all who live in it, united in our diversity. This Bill on its selective categories of people to benefit from it goes against this constitutional promise, CoRMSA submits.</p> <p>The history of mining, manufacturing and migrants labour in South Africa goes back to centuries to date. Migration to South Africa has for decades been shaped by the need for labour to serve the main labor-intensive industries such as agriculture and mining, mostly as (temporary) “migrant labour”. Furthermore, the Gauteng Provincial Government will agree with CoRMSA that Foreign-born workers have traditionally constituted an important part of the workforce</p>

			<p>in the mining sector for decades. This mining sectoral distribution of workers is a major determinant of immigrants' contribution to GDP and it raises income per capital.</p> <p>The White Paper on International Migration stated concerns the integration of international migrants, and in this context the Paper emphasises that an integration policy requires the adoption of a coherent whole-of-government approach. Such an approach to migration, which brings together all relevant parts of government, workers' and employers' organisations and other non-governmental actor, can bring legitimacy to (labour) migration policies and counteract negative perceptions of migration. The White Paper lists important issues that should be addressed by the integration policy, including mechanisms to facilitate provision of social security and portability of social benefits.</p> <p>The provincial department must be weary of the fact that for many of the Township small informal economy businesses that caters everyone and for them to exist it is because of the balance in the demand and supply coming from the whole range of industries including agriculture and manufacturing. So, to exclude some categories of people to perform these activities will impact on the demand and supply of much needed goods in township both for consumption and selling.</p> <p>Based on the above arguments, CoRMSA recommend that all Mining and Quarrying be opened for everyone living in township for continued economical contributions and development.</p>
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			<p>Recommended readings:</p> <ol style="list-style-type: none"> 1. How Immigrants Contribute to South Africa's Economy: OECD/ILO (2018), How Immigrants Contribute to South Africa's Economy, OECD Publishing, Paris. http://dx.doi.org/10.1787/9789264085398-en 2. A century of migrant labour in the gold mines of South Africa: by J.S. Harington, N.D. McGlashan, and E.Z. Chelkowska: https://www.saimm.co.za/Journal/v104n02p065.pdf
Electricity, Gas , Water Supply and Construction.	All Sub-sectors	All activities.	<p>This is an area that requires in many occasions the scares skills to perform these duties. Yes, within the local population there are skilled people to perform these duties but are they enough and ready to take up any work related offered by the government or on a piecemeal type. That's the argument the provincial government must engage and evaluate the importance of including everyone who resides within the township to perform such duties. The way immigrants contribute to economies depends on their job and conditions of work. Education and skills of workers are important factors influencing labour market outcomes, both for immigrant workers and for native-born workers. Skills mismatch arises if levels of education are not in accordance with job requirements. Therefore, CoRMSA submits that all and everyone who resides within the township must and should be afforded an opportunity to performs these economic activities.</p>
Wholesale and Retail Trade: Repair of Motor Vehicles, Motor Cycles	All sub-sectors	All activities.	<p>In one of Groundup article titled "How immigrants contribute to the SA economy" where The African Centre for Cities (ACC) initiated a large scale research project to examine the role of migrant entrepreneurs in the informal economy. They conducted over 2,000 interviews with</p>

<p>and Personal and Household Goods; Hotels and Restaurants</p>			<p>migrant business owners in Cape Town and Johannesburg. In that articles, it was reported that the findings of the project showed that migrants are making a significant contribution by servicing the needs of poorer consumers who can access cheap goods often in appropriate quantities, at places and times of day that are convenient or have their niche demands met. Immigrants also introduce new products, business activities and opportunities, and bring scarce skills like manufacturing particularly into the township economy. Furthermore, the data collected refutes the xenophobic 'wisdom' that migrants take jobs from South Africans. Entrepreneurs generate employment. In Johannesburg, where interviews were conducted with both South African and foreigner informal operators, foreigners were found to be twice as likely to employ people. Link: https://www.groundup.org.za/article/how-immigrants-contribute-sa-economy_3043/ .</p> <p>According to the Stats SA report on Non-agricultural formal employment decreases in the first quarter of 2015 reported that The March 2015 Quarterly Employment Statistics (QES) survey showed that total formal non-agricultural employment decreased by 44 000 jobs from 8 986 000 in the fourth quarter of 2014 to 8 942 000 in the first quarter of 2015. This is a quarterly decrease of 0.5 %. The quarterly decrease was mainly due to decreases reported by the wholesale and retail trade, repair of motor vehicles, motor cycles and personal and household goods, hotels and restaurants industry (23 000 jobs); community, social and personal services industry (19 000 jobs); mining and quarrying industry (3 000 jobs); construction industry (2 000 jobs) and business services (1 000 jobs)</p>
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			<p>The manufacturing sector reported an increase of 4 000 jobs. Electricity, gas and water supply industry as well as the transport, storage and communication industry reported no changes. Report link: http://www.statssa.gov.za/?p=5052 . CoRMSA believes that it is discriminatory policies and Bills like this one that the government of South Africa introduces that creates all job losses. With the Bill like this one, many businesses listed on this sections will close down and contribute to the unemployment rate.</p> <p>CoRMSA submits and recommend that all economic activities in townships should and must not be for particular population but for everyone who lives and resides in the township.</p>
<p>7. Transport, Storage and Communication</p> <p>8. Financial Intermediation Insurance, Real Estate and Business Services</p> <p>9. Community, Social and Personal Services</p>	All Sub-sectors	All Activities.	<p>CoRMSA submits that it has submitted and provided enough evidence and recommendations on the inclusion of all categories of people who live in the townships for their inclusion to perform all said activities without any fear and exclusions based on their nationality or race as per the above comments and evidence. These group are:</p> <ul style="list-style-type: none"> • Asylum Seekers, • Refugees, • Migrants, • Permanent Residence, • Special Permit Holders, • SADC Visa Free Holders/Migrants • Locals etc <p>CoRMSA believes that South Africa could maximise the economic contribution of non-national individuals by</p>

10. Private Households, Exterritorial Organisations, Representatives of Foreign Governments and Other Activities Not Adequately Defined			<p>creating more opportunities in formal employment and by strengthening tax and contribution payments received from the informal sector rather than creating divisions that cripples the economic development and foster social exclusions.</p> <p>The provincial government and its population must not view migrants as undesirable simply because of their national origins. Instead government should invest in immigrant integration in order to address all dimensions of immigrants' integration. This could enhance the contribution of immigrants to South Africa's economy.</p>
Schedule 1 : Table B (Page 28)			
DESIGNATED TOWNSHIP AREAS	CoRMSA calls for an urgent publication of the Designated Township Areas for public comments and submission before the adoption of this Bill.		
The Amendment of Laws section of the Township Bill can be found on pages 29 of the draft Bill. Please indicate the Section Reference and Page Number and your comment/feedback for this section.			
Item	Section reference e.g. 30 (1)	Page reference	Your comment and/or feedback
"Treasury instructions"			
Amendment of Gauteng Enterprise Propeller Act, 2005			

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SCHEDULE 3: Municipal Standard By-Laws

The Model Standard by Laws section of the Township Bill can be found on **pages 31** of the draft Bill. Please indicate the Section Reference and Page Number and your comment/feedback for this section.

Item	Section Reference e.g. (1)	Page Reference	Your comment and/or Feedback
1. Definitions			
2. Application			
3. Building Standards			
4. New commercial development			
5. Undeveloped commercially viable land			
6. Zoning			

7. Commercialisation of taxi ranks			
8. Commercial districts and high streets			
9. Short title			
10. Commencement			