

**C 03/03/11****QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN***IMIBUZO APHO KUYE KWANIKWA ISAZISO SOKO***VRAE WAARVAN DAAR KENNIS GEGEE IS**

**N MEISSENHEIMER  
EXECUTIVE COMMITTEE SERVICES  
400 3140  
18 MARCH 2011**

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In accordance with Council's Rules of Order (Rule 22) as approved by Council: 15 March 2006 (C 05/03/06), amended on 27 October 2006 (C 72/10/06) and 30 May 2007 (C 57/05/07), questions were received from the following political party for submission to Council:

**Freedom Front Plus**

**Cllr A Fourie** - Questions - Annexure A

The response from the Executive Mayor will be circulated under separate cover.

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**ANNEXURE A****QUESTION TO THE MAYOR OR HIS DELEGATED MAYCO MEMBER IN TERMS OF RULE 22.1 OF THE RULES OF ORDER****Council meeting: 30 March 2011****Question by Cllr Andre Fourie:**

1. Could the Mayor inform Council whether the City of Cape Town remains bound to apply the national government's affirmative action programme in terms of its employment equity measures (as contained in the Employment Equity Act, No 55 of 1998, as amended);
2. Could the Mayor further inform Council if any person or category of persons has been discriminated against in applying the above as far as the requirement that persons applying for employment should classify themselves as black, white, brown or Asian is concerned;
3. Could the Mayor further inform Council if the City of Cape Town would still be applying national government measures (the Labour Relations Act, No 66 of 1995, and the Employment Equity Act, No 55 of 1998, as amended), should the proposed countrywide demographics (as contained in the proposed amendments) be made applicable to the Western Cape too;
4. Could the Mayor explain whether, in terms of discrimination, there is any difference in principle between existing policy and the proposed changes to the policy; en
5. Could the Mayor consider making a statement?

**Andre Fourie Rdl  
Freedom Front Plus**

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**VRAAG AAN DIE BURGEMEESTER OF SY GEDELEGEERDE  
BURGEMEESTERSKOMITEELID VIR SKRIFTELIKE BEANTWOORDING  
INGEVOLGE ART 22.1 VAN DIE REGLEMENT VAN ORDE**

**Raadsvergadering 30 Maart 2011****Raadslid Andre Fourie vra:**

1. Kan die Burgemeester die Raad voorlig of die Stad Kaapstad gebonde bly om die nasionale regering se regstellende aksie programme ingevolge sy billike

indiensnemings maatreels toe te pas (soos vervat in die Wet op Billike Indiensneming 55 van 1998, soos gewysig);

2. Kan die Burgemeester verder voorlig of daar by die toepassing hiervan enige diskriminasie teen enige persoon of kategorie van persone voorgekom het ingevolge die vereiste dat persone wie vir werk aansoek doen hulself moet klassifiseer as swart, wit, bruin of Asier;
3. Kan die Burgemeester verder voorlig of die Stad Kaapstad steeds nasionale regeringsmaatreels (die Wet op Arbeidsverhoudinge 66 van 1995 en die Wet op Billike Indiensneming 55 van 1998, soos gewysig) sal toepas indien die voorgestelde landswye demografiese syfers (soos in die voorgestelde wysigings vervat) ook op die Wes Kaap van toepassing gemaak sou word;
4. Kan die Burgemeester verduidelik of daar in terme van diskriminasie enige verskil in beginsel is ten opsigte van bestaande beleid en die voorgestelde veranderings aan die beleid; en
5. Kan die Burgemeester oorweeg om 'n verklaring te doen.

**Andre Fourie Rdl  
Vryheidsfront Plus**

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**UMBULO OJOLISWE KUSODOLOPHU OKANYE KWILUNGU LE-MAYCO  
ELIGUNYAZISWE NGUYE NGOKOMGAQO-22.1 WEMIGAQO YOCWANGCO**

**Intlanganiso yeBhunga: 30 Matshi 2011**

**Umbuzo kaCeba Andre Fourie:**

1. Ingaba uSodolophu angazisa iBhunga okokuba isiXeko saseKapa kusanyanzeleke ukuba sibopheleleke kwinkqubo yoburhulumente bukazwelonke engokunika abo babevinjwe amathuba, ngokwamanyathelo aso okulingana ngokwengqesho (njengoko kuqulathwe kuMthetho ongokuLingana/ongokobuLungisa ngokweNgqesho onguNomb.55 wangowe-1998, njengoko ulungisiwe);
2. Ingaba uSodolophu kwakhona angazisa iBhunga ukuba kukho naye nawuphina ubani okanye abo baye bacalulwa ngenxa yokumiselwa koku kukhankanywe ngentla apha ngokommiselo waloo msebenzi benza isicelo kuwo othi ubahlele njengomntu omnyama, omhlophe, obala elimdaka okanye um-Indiya/um-E-Asia;
3. Ingaba uSodolophu angazisa iBhunga kwakhona ukuba isiXeko saseKapa kusafaneleke ukuba sisebenzise amanyathelo oburhulumente besizwe/bukazwelonke (uMthetho ongezoBudlelwane naBasebenzi onguNomb.66 wangowe-1995, uMthetho ongokuLingana ngokweNgqesho

onguNomb.55 wangowe-1998, njengoko ilungisiwe), ukuba kuthe isiphakamiso sobume bamanani ngokweentlanga ngokoburhulumente besizwe (njengoko kuqulathwe kwisiphakamiso sezilungiso) siye sajoliswa ukuba sibandakanye iphondo leNtshana Kapa;

4. Ingaba uSodolophu kwakhona angacacisa ukuba ngokocalu-calulo ngokwengqesho kukho umahluko phakathi komgaqo-nkqubo lo osele usebenza kunye nesiphakamiso somgaqo-nkqubo onezilungiso; kwakhona
5. Ingaba uSodolophu angakuthathela ingqalelo ukwenza intetho ngokuphathele nalo mbandela?

**UCeba Andre Fourie**  
**Freedom Front Plus**

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## **ITEM C 03/02/11**

**QUESTIONS OF WHICH NOTICE HAS BEEN  
GIVEN**

*IMIBUZO APHO KUYE KWANIKWA ISAZISO  
SOKO*

**VRAE WAARVAN DAAR KENNIS GEGEE IS**

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**RESPONSE TO CLLR A FOURIE'S QUESTIONS**

**ATTACHED – ANNEXURE B**

## **ANNEXURE B**

### **RESPONSE TO QUESTION BY COUNCILLOR A FOURIE ABOUT AFFIRMATIVE ACTION PROGRAMMES**

#### **Council meeting 30 March 2011**

1. Council is obliged to apply legislation and has no discretion in this regard. Over the years Council has formulated its employment policy to comply with the requirements of the Employment Equity Act.
2. The Councillor can rest assured that as far as I know, Council has not discriminated against anyone as far as application for posts or consideration of such applications is concerned.

It is necessary that persons applying for posts identify themselves, not only in terms of race but also in terms of gender and any disabilities with a view to Council's profile. Council is obliged to provide a regular report on its employment policy. The Councillor can be assured that the City's policy does not exclude any candidate upon application, or will in the future exclude candidates upon application.

3. The Councillor must note that the City is obliged to apply the legislation in its current form. Therefore, should the relevant act be amended to reflect countrywide demographics, the City would be obliged to apply it in such form. The Councillor should, however, note that the City has made representations that this proposed amendment not be applied. My party, the Democratic Alliance has called for the withdrawal of the Employment Equity Amendment Bill.
4. I am not aware of any proposed changes to the City of Cape Town's Employment Equity Policy.
5. Council has already provided inputs on the proposed amendments to the legislation and at this stage it would not be proper to make any statements. As soon as there is more clarity about the amendments, a statement would be considered.

The City of Cape Town is bound to a fair and legal recruitment and selection process which is critical to the provision of the most suitable employees with the applicable skills and expertise in the right position at the right time.

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### **ANTWOORD OP VRAAG VAN RAADSLID A FOURIE OOR REGSTELLEDE AKSIE PROGRAMME**

#### **Raadsvergadering 30 Maart 2011**

1. Die Raad is verplig om wetgewing toe te pas en het geen diskresie in hierdie verband nie. Die Raad het deur die jare sy indiensnemingsbeleid

so geformuleer dat dit aan die vereistes van die Wet op Billike Indiensneming voldoen.

2. Die Raadslid word verseker dat sover dit my kennis strek, die Raad nie teen enige persoon gediskrimineer het by aansoeke vir poste of in die oorweging van sodanige aansoeke nie.

Dit is noodsaaklik dat persone wat om poste aansoek doen hulself identifiseer, nie net wat betref hul ras nie, maar ook ten opsigte van hul geslag en ook enige gestremdhede met die oog op die Raad se profiel. Die Raad is verplig om gereeld oor sy indiensnemingsbeleid verslag te doen. Die Raadslid word verseker dat die Stad se beleid nie enige kandidaat by aansoek uitsluit, of in die toekoms kandidate by aansoek sal uitsluit nie.

3. Die Raadslid word daarop gewys dat die Stad verplig is om wetgewing in sy bestaande vorm toe te pas. Derhalwe, as die betrokke Wet so gewysig word dat dit landswye demografiese syfers voorstel, sal die Stad verplig wees om dit in sodanige vorm toe te pas. Die Raadslid se aandag word egter daarop gevestig dat die Stad vertoë gerig het dat hierdie voorgestelde wysiging nie toegepas moet word nie. My party, die Demokratiese Alliansie het vir die onttrekking van die Billike Indiensnemings Wysigingswetsontwerp versoek.
4. Ek is onbewus van enige voorgestelde veranderinge betreffende die Stad Kaapstad se Gelyke Indiensnemingsbeleid.
5. Die Raad het alreeds insette gelewer ten opsigte van die voorgestelde wetswysiging en op hierdie stadium sal dit nie van pas wees om enige verklarings uit te reik nie. Sodra daar meer duidelikheid oor die wysigings bestaan sal 'n verklaring oorweeg word.

Die Stad Kaapstad is verbind tot 'n billike en regsgeldige werwing en keuringsproses wat van kritieke belang is vir die voorsiening van die geskikste werknemers met die gepaste vaardighede en bevoegdhede in die regte posisie op die regte tyd.

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## **IMPENDULO KUMBUZO KACEBA A FOURIE OMALUNGA NEENKQUBO ZOKUNIKA ABO BABEVINJWE AMATHUBA**

### **Intlanganiso yeBhunga: 30 Matshi 2011**

1. IBhunga kunyanzelekile ukuba lisebenzise umthetho kwaye alinayo enye indlela ngokuphathelene nalo mbandela. Kwiminyaka edlulileyo iBhunga laye laqulunqa uMthetho ongqamene nalo, ongokuLingana/ongokobuLungisa ngokweNgqesho.
2. Ngokolwam ulwazi ndingamqinisekisa uCeba ukuba iBhunga alizange licalule nabani na ngokujoliswe ekuqwalaselweni kwezicelo zengqesho.

Kufanelekile abo benza izicelo zengqesho/zezikhundla zomsebenzi ukuba bazihlele, hayi kuphela ngokobuhlanga, ngokuthi bajolise kwisini nakulo naluphina uhlobo lokukhubazeka ukuze oko lubekuluhlu lweBhunga okanye kuvimba weenkukacha zeBhunga. IBhunga kunyanzelekile ukuba linikezele ingxelo ngokusisigxina emalunga nomgaqo-nkqubo walo ongokobulungisa ngokwengqesho. UCeba angaqinisekiswa ukuba umgaqo-nkqubo wesiXeko awukhabeli/awucaluli nabani na othe wenza isicelo sengqesho, okanye akulindelekanga kwixesha elizayo ukuba lenze oko.

3. UCeba kufuneka aqaphele ukuba isiXeko sinyanzelekile ukuba sisebenzise umthetho njengoko unjalo. Kengoko, ukuba kuthe umthetho lowo ufanelekileyo uye walungiswa ukuba uhambelane nobume abamanani ngokweentlanga ngokoburhulumente besizwe, isiXeko kuya kuthi sinyanzeleke siwusebenzise njengoko unjalo. Nangona kunjalo, uCeba kufuneka aqaphele ukuba isiXeko siye senza unikezelo-zinkcaza zokuba masingenziwa isiphakamiso sesilungiso salo mthetho. Iqela lam lezopolitiko, i-Democratic Alliance lihlabe ikhwelo lokuba kurhoxiswe ukuLungiswa koMthetho oluYilo ongokobuLungisa ngokweNgqesho.
4. Andinalwazi nangazo naziphina iziphakamiso zotshintsho kuMgaqo-nkqubo wesiXeko saseKapa ongokobuLungisa ngokweNgqesho.
5. IBhunga selenze unikezelo-nkcaza ngokumalunga nesiphakamiso sezilungiso kumthetho lo kwakhona okwangoku akuyomfuneko ukuba kwenziwe nayiphina intetho ngokuphathelene nalo mbandela. Nje ukuba kufumaneke ingcaciso epheleleyo ngokumalunga nezi zilungiso, ukwenziwa kwentetho ke kungathathelwa ingqalelo.

IsiXeko saseKapa sizimisele kwinkqubo yobulungisa engokuqesha nokuchonga ngokulandela umthetho apho ejolise ekufumaneni abona baqeshwa bafanelekileyo, abanezakhono nobuchule obufanelekileyo kweso sikhundla ngexesha elo lifanelekileyo.

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