**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

# TUESDAY, 24 NOVEMBER 2020

***PROCEEDINGS OF THE NATIONAL COUNCIL OF PROVINCES***

The Council met at 14:00.

The Chairperson took the Chair and requested members to observe a moment of silence for prayers or meditation. The Chairperson announced that the virtual sitting constituted a Sitting of the National Council of Provinces.

# FOOD SECURITY

(Draft Resolution)

Mr A B CLOETE: Chairperson, I hereby give notice that on the next sitting day of the House I shall move on behalf of the FFPlus:

That the House-

1. notes that –
   1. considering an extremely challenging year with difficulties owing to Covid-19, prevailing droughts in several in certain areas of the country as well as political policy uncertainty, the agricultural sector continue to ensure food security;
   2. further noting that their preliminary forecast is that crop estimates committee is expected to see the current maize harvest at more than 15 million tons, which is 38% growth from the previous season; and
2. I would move that this Council officially thank all agricultural organisations; and I said all, their unions for their members’ efforts to provide South Africans with food and work in a year we desperately needed it. I so move.

Agreed to.

# RACISM INCIDENCES IN THE WESTERN CAPE

(Draft Resolution)

Ms M N GILLION: Chairperson, I hereby give notice that on the next sitting day of the House I shall move on behalf of the ANC:

That the House-

1. debate the unpreparedness or unwillingness of the DA-controlled Western Cape provincial government to deal with the widespread reported incidences of racism in the former model C schools;
   1. notes that the general pattern is that our black learners being discriminated by either their hair being called by the derogatory K- word or not being included in the activities of the school;
   2. further notes that the DA-controlled Western Cape provincial government is not willing to

address these incidences of racism which seems to be continuously raising its ugly head in different schools in the province;

* 1. notes that this is not something new, Chairperson, as the federal chairperson of the DA, Helen Zille, is calling black people refugees in the Western Cape; and

1. therefore, we call under the Western Cape government to act responsibly and not only condemn but act against all forms of racism and its manifestation. I so move, Chairperson.

Ms C LABUSCHAGNE: Objection! Objection!

The DEPUTY CHAIRPERSON OF THE NCOP: Chairperson, it is a notice of motion.

The CHAIRPERSON OF THE NCOP: Yes, I think that is very useful. The real problem that we have is that, hon members use notices of motion and motion without notice interchangeably. That is a difficult problem that I have

pointed out in the past. The whips of political parties are supposed to ensure that this matter is attended to and there are no mishaps. The notice of motion is supposed to be very brief and in keeping with such idea that this critical matter be considered and discussed at the next sitting of the Council. So, if we have a lengthy motion and it is not in anyway related to what I was saying, please, know that you are supposed to raise the motion under motions without notice. We are now under notices of motion.

Mr T J BRAUTESETH: Chairperson, mine is a motion without notice. So, I will wait for my turn. I just wanted to get my hand up. Mine is a motion without notice, if you could, please, note that for me, Chair. I would greatly appreciate that.

# WATER POLLUTION

(Draft Resolution)

Mr S F DU TOIT: Chairperson, I hereby give notice that on the next sitting of the House I shall move on behalf of the FFPlus:

That the House –

1. notes that-
   1. Considering the significant increase in the amount of dysfunctional waste water treatment plants across South Africa, they are one of the main contributors to pollution of our fresh water systems;
   2. notes that considering that urgent reprioritising of infrastructure projects must take place to enable the focus to be placed on the revitalisation of these sewer works; and
   3. the House debates the local government responsibility and mandate to ensure decent

and functioning sanitation services across the country. I so move.

Agreed to.

# EMERGENCY MEDICAL SERVICES IN LIMPOPO

(Draft Resolution)

Ms B T MATHEVULA: Chairperson, I hereby give notice that in the next sitting of the House I shall move on behalf of the EFF:

That the Council –

1. debates the state of the emergency medical services, EMS, in Limpopo as there is a shortage of vehicles resulting in ambulances transporting more than one patient at a time; and
2. note also that those vehicles that are available, sometimes end up having accidents with patients inside. I so move.

Agreed to.

Ms C VISSER: Chairperson, I just want to bring to your attention that mine also is a motion without notice.

The CHAIRPERSON OF THE NCOP: Thank you very much. Let us move to hon Mokause.

# POLICE BRUTALITY

(Draft Resolution)

Ms M O MOKAUSE: Chairperson, I move on behalf of the EFF that in its next sitting:

The Council debates and find solution on police brutality on innocent civilians particularly women; that every time when they exercises their constitutional right when they protest in the Republic of South Africa, be it in the Western Cape, where we have seen it happening recently. I so move.

Agreed to

# SA BOARDER MANAGEMENT CHALLENGE

(Draft Resolution)

Mr S E MFAYELA: Chairperson, I move on behalf of the IFP that in its next sitting:

The Council debate the poor state of South Africa’s boarder management and its role in aiding human trafficking. I so move.

The CHAIRPERSON OF THE NCOP: May the Table assist because I don’t see all the hands.

AN HON MEMBER: Chair, I am not sure whether it is for notices of motion or motion without notice.

The CHAIRPERSON OF THE NCOP: It is supposed to be ...

The DEPUTY CHAIRPERSON OF THE NCOP: ... notice for

motions.

The CHAIRPERSON OF THE NCOP: The problem we have I think I have explained in the past. We are there today. Without any waste of time, hon members, we will now move on to motions without notice.

# THE FINANCIAL SITUATION OF UMNDENI LOCAL MUNICIPALITY

(Draft Resolution)

Mr T J BRAUTESETH: Chair. I move without notice on behalf of the DA:

That the Council-

1. notes with great concern the steady regress of the financial situation of the uMngeni Local Municipality in KwaZulu-Natal;
2. acknowledges that this financial crisis happened under the watch of the municipal manager, Ms Thembeka Cibane;
3. further notes recent reports that Ms Cibane has flouted the provisions of the Municipal Financial Management Act (MFMA) in regard to the fleet management of the municipality and has awarded contracts without following procurement regulations which have led to fruitless and wasteful expenditure of over R1 million per month;
4. also notes that in one instance over R300 000 was spent on repairs to a truck that has not been on the road since 2014 and is still not functional;
5. also notes that Ms Cibane presided over a fuel fraud scam in which officials and politicians used municipal fuel cards to fill their private vehicles;
6. also notes that the Interim Finance Committee comprising Ms Cibane and Mayor Sizwe Sokhela meet in secret and will not divulge any information to Council;
7. further notes the frustration of uMngeni residents who have threatened a rates boycott which will bring service delivery in the municipality to a grinding halt;
8. calls on the Minister of Cooperative Governance and Traditional Affairs (Cogta) for a direct section 139 (1)(b) intervention into the uMngeni Local Municipality to prevent the financial administration and service delivery from falling apart completely; and
9. failing such decisive action by the Minister, calls on the ANC to step aside in uMngeni and allow the party of proper governance, the DA, to take the helm and restore the municipality to good financial health and functionality. I so move. Thank you.

Motion agreed to in accordance with section 65 of the Constitution.

# MOTION OF CONDOLENCE

(*The late Dr Misael Segundo Montero Rodriguez*)

Ms S E LUCAS: Chair. I move without notice:

That the Council-

1. offer its deepest condolences to the sad moment of the passing of Dr Misael Segundo Montero Rodriguez and to offer our condolences to his family and the Cuban government.
2. salutes the life of Dr Rodriguez and value the Cuban presence in South Africa;
3. acknowledges that Dr Rodriguez has been on the frontlines of our battle treating hundreds of patients who had the COVID-19 virus until he himself contracted the virus and ultimately succumbed to it;
4. further acknowledges that Dr Rodriguez, a medical specialist in internal medicine, arrived in South Africa in 1998 as part of the Cuba- South Africa

health bilateral signed by Presidents Mandela and Fidel Castro Ruiz;

1. further notes that he was working at the Dr Harry Surtie Hospital in Upington as well as in Springbok. Dr Rodriguez was one of those that gave his life for the communities of South Africa. I so move.

Motion agreed to in accordance with section 65 of the Constitution.

# CHANGE AFTER INTERVENTIONS ON THE NORTH WEST DEPARTMENTS

(Draft Resolution)

Ms C VISSER: Chair. I move without notice on behalf of the DA:

That the Council-

1. notes that ten North West provincial departments have been under a Section 100 administration from 2018 to date;
2. acknowledges that no significant change could be noted for this period and that the failure of administrators to regularly report on progress contributed to the poor state of governance;
3. also notes that it is imperative that progress reports be tabled and the fact that this has not been standard procedure, is alarming and casts doubt on the efficacy of the interventions;
4. further notes the processes that were followed towards the invocation of this intervention should also be reviewed. This includes questions on the legality of the Sixth Administration inheriting the intervention of the Fifth Administration; and
5. lastly notes that the way the national intervention has been conducted thus far, is not conducive to the improvement of service delivery

or any other constitutional obligation towards citizens. I so move.

Motion agreed to in accordance with section 65 of the Constitution.

# SIXTH NATIONAL BATHO PELE EXCELLENCE AWARDS

(Draft Resolution)

Ms C LABUSCHAGNE: Chair. I move without notice on behalf of the DA:

That the Council-

* 1. notes the several awards received by the Western Cape at Sixth National Batho Pele Excellence Awards on 30 October 2020;
  2. acknowledges that these include a joint gold award for the Best Functioning Department of the Year to the Western Cape Department of Health, the Department of Transport and Public Works; the

silver award to the Western Cape Department of Local Government and the bronze award to the Western Cape Department of Environmental Affairs and Development Planning;

* 1. further notes the gold award for the Best Head of Department of the Year was awarded to Dr Beth Engelbrecht of the Western Cape Department of Health; the silver award to Ms. Jacqui Gooch of the Western Cape Department of Transport and Public Works, and the bronze award to Mr Graham Paulse of the Western Cape Department of Local Government;
  2. also notes that the the Western Cape won silver for the Best Functioning Provincial Department that went to the Office of the Premier; and lastly
  3. recognizes this as tangible proof of the DA’s ability to govern well and the outstanding response the Western Cape government had to the COVID-19 pandemic and lockdown. I so move.

Motion agreed to in accordance with section 65 of the Constitution.

# THE THIRD SA INVESTMENT CONFERENCE

(Draft Resolution)

Mr K M MMOEIMANG: Chair. I move without notice:

That the Council-

1. notes with pride the recent successful third SA Investment Conference held under the leadership of the President, his Excellency, Cyril Ramaphosa;
2. also notes that, the conference was unprecedented both in terms of the level of organisation, attendance and the intended outcomes since the first investment conference in 2018;
3. further notes that the conference achieved the investment commitments of R109,6 billion which

pushed the investment since the last investment conference in 2018 to R773 billion;

1. acknowledges that as reported by the media, of this R773 billion, R172 billion has already been invested despite the economic hardships occasioned by the COVID-19 pandemic. It is our belief that this massive investment is a demonstration of resilient leadership under the stewardship of the ANC which continues to inspire invested confidence in our country. To this end, we in the ANC,
2. take this opportunity to call on this august House to congratulate the President for sterling leadership which is key to economic reconstruction and recovery. I so move Chair.

Motion agreed to in accordance with section 65 of the Constitution.

# ELECTRICITY SUPPLY IN THE KETHLEGRIVIER MUNICIPAL AREA

(Draft Resolution)

Mr S F DU TOIT: Chair. I move without notice on behalf of the FF Plus:

That the Council-

1. notes that large portions of Koster and Swartruggens in the Kethlegrivier municipal area have been experiencing electricity supply problems due to fluctuation in voltage in electricity supply. This that threatens the safety of residents due to the risk of electrical fires;
2. also notes that due to these voltage fluctuations, some residents have been without water for days; and
3. urgent intervention is needed. I so move.

Motion agreed to in accordance with section 65 of the Constitution.

# LEAKS OF THE 2020 GRADE 12 EXAMINATION PAPERS

(Draft Resolution)

Ms N NDONGENI: Chair. I move without notice on behalf of the ANC:

That the Council-

* 1. notes the reported numerous leaks of the 2020 Grade 12 Mathematics Examination Paper. Despite the earlier leak being detected, another leak was detected yesterday, hours before learners sat for the examination. Therefore,
  2. commends the Ministry and the department for the swift response in dealing with this matter and the transparency in exposing this thuggery criminal behaviour;
  3. further implore on the Ministry to direct the matter to law enforcement to prosecute the culprit who has no regards to the future of this

country. The Ministry must ensure that no stone is left unturned in dealing with this matter. I so move.

Motion agreed to in accordance with section 65 of the Constitution.

# KWAZULU-NATAL TEEN GIRL’S HEART RIPPED OUT

(Draft Resolution)

Mr S E MFAYELA: Chair. I move without notice:

That the Council-

1. notes that the body of a teenage girl, who was found with her heart and parts of her digestive system were gruesomely ripped out, was found in KwaZulu -Natal on 15 November 2020.
2. acknowledges that Gender-Based Violence is out of control in South Africa and that women and girls

continue to be victims of grievous bodily harm, abuse and murder;

1. calls on the Minister of Police to timeously lodge an investigation into the matter and ensure the perpetrators are punished accordingly.
2. further calls on the Commission for Gender Equality to work together with the Department of Women, Youths and Persons with Disabilities and Department of Social Development to effectively monitor existing litigation and legislative initiatives to ensure that laws meant to protect the rights of women and girls are implemented; and
3. calls on the Minister to meet with the young girl’s mother to convey condolences and host a public seminar in the community to educate people about Gender-Based Violence. I so move.

Motion agreed to in accordance with section 65 of the Constitution.

# MOTION OF CONDOLENCE

*(The late Anele Ngcongca)*

Ms B T MATHEVULA: Chair. I move without notice on behalf of the EFF:

That the Council-

* 1. notes with greatest sadness the passing of former Bafana Bafana and Mamelodi Sundowns football star, Anele Ngcongca; who tragically passed away in a horrific car accident on Monday morning;
  2. also notes that the loss of the 33-year-old Ngcongca who earned 50 caps for Bafana Bafana and also played in France and Belgium weighs heavily on the hearts of all South Africans and the football fraternity at large.
  3. extend a message of condolence to the Ngcongca family for the loss of their son. I so move Chair. Thank you.

Motion agreed to in accordance with section 65 of the Constitution.

# KWAMASHU GANG RAPE TRIO SENTENCED

(Draft Resolution)

Ms L C BEBEE: Chair. I move without notice on behalf of the ANC:

That the Council-

1. notes that three men who gang-raped a woman in KwaMashu in 2019 have been jailed for life by the Ntuzuma Regional Court;
2. further notes that Melusi Ndaba, Sifiso Majola and Mbuso Majola held a knife to her throat while taking turns to rape her and as a result she sustained a serious cut to her throat;
3. also notes that she was rescued when her sister came looking for her and caught the men whilst they were busy raping her. Therefore,
4. commends the police, prosecution team and other law enforcement agencies for ensuring that these heartless people got a deserving sentence. I so move Chair.

Motion agreed to in accordance with section 65 of the Constitution.

# BRACKENFELL PROTESTS

(Draft Resolution)

Ms M O MOKAUSE: I move without notice on behalf of the EFF:

That the Council-

* 1. notes the brutality in which the police and the City of Cape Town law enforcement dealt with the

peaceful protests by the EFF and community members at Brackenfell High School last week;

* 1. further notes that this protest was as a result of the deeply entrenched racism at Brackenfell High School, which culminated at the exclusion of blacks and coloureds students from a matric farewell party which was attended by exclusively white students, parents and teachers;
  2. acknowledges that the Western Cape is a very comfortable space for racists and racist behaviour is deeply embedded across all sectors of society;
  3. further acknowledges that the conduct of the police in dealing with primarily black protestors has been characterised by violence, lack of respect, and sheer hatred for black people across this country, and that the violation of the rights of EFF members at Brackenfell was a continuation of this tradition of violence and hatred against black people;
  4. concedes that the police did nothing when white protestors blocked the N1 in Gauteng, and did nothing when whites stormed the police station and burnt down a police vehicle in Senekal; and that they also did nothing when racist whites beat up women and manhandled police in Brackenfell;
  5. recognizes that whenever police see black people, they see bodies ripe for assault and abuse, they see unwelcome people who deserve to be assaulted and abused; and
  6. condemns this racist conduct by the police, and ask Minister Cele to account for this undemocratic practice by the police.

I so move

# EFF TO RETALIATE AGAINST POLICE AT THEIR HOMES

(Draft Resolution)

Mr A B CLOETE: I move without notice on behalf of the FFPlus:

That the Council-

1. considering that the EFF this week stated they would retaliate against police by visiting police officials individually in their homes;
2. notes with concern that the party added that should the SAPS want a fight they must declare it and that they will go to their homes and fight them in their own houses with their own families;
3. further notes with concern that such statements incite acts of violence and terror against those who are supposed to protect South Africans;
4. also notes the Minister of Police’s reply that the EFF has crossed the line, and that they are not going to threaten the police;
5. further considers that the Minister called upon the police officers to protect themselves and said he was confident that they would be able to defend themselves should they come under attack;
6. notes that the Minister maybe now understands the plight of farmers across South Africa who have been targeted, attacked and murdered owing to populist statements and that anyone whose life is threatened should also be able to go to any length legally possible to protect their families and their own lives; and
7. concludes and ensures that every South African is protected from violence incited by any person.

I so move

# MANAGING AND MAINTAINING BOIDIVERSITY IN ALL NINE PROVINCES

(Draft Resolution)

Ms C LABUSCHAGNE: I move without notice on behalf of the DA:

That the Council-

1. notes that to manage and maintain biodiversity in our various ecosystems across all nine provinces; and
2. calls upon the Department of Environmental Affairs, Forestry and Fisheries to formulate norms and standards for a variety of damage caused to animals, as well as formulate norms and standards for human-wildlife interaction management.

I so move.

# CALLING FOR CALM AND PEACE IN BRACKENFELL

(Draft Resolution)

Mr E J NJANDU: I move without notice on behalf of the ANC:

That the Council-

1. notes the tension that arose in Brackenfell High School, Cape Town, following racism;
2. further notes that racism remains thorny issue in the DNA of our country and has a potential to reverse the progress made;
3. also notes that the motion speaks to cheap politics that’s being used within this matter;
4. calls upon people to be vigilant; and
5. further calls upon for calm and peace in the interest of the unity this nation deserves.

I so move.

Mr M E NCHABELENG: [Inaudible.]

The CHAIRPERSON OF THE NCOP: The hon member has a problem there. He is unable to get through. Hon Nchabeleng, we can’t hear you. Please try again.

Mr M E NCHABELENG: [Inaudible.]

The CHAIRPERSON OF THE NCOP: We can’t hear you. Hon Nchabeleng, please try again.

An HON MEMBER: We propose that the motion be printed in the proceedings.

The CHAIRPERSON OF THE NCOP: Okay, the motion will be printed and made available to members through the right process.

# CONSIDERATION OF AIR TRAFFIC AND NAVIGATION SERVICES COMPANY AMENDMENT BILL, REPORT OF SELECT COMMITTEE ON TRANSPORT, PUBLIC SERVICE AND ADMINISTRATION, PUBLIC WORKS AND INFRASTRUCTURE

*Setswana:*

Rre K M MMOIEMANG: Ke go tlotlile modulasetilo wa Ntlo ya Bosetšhaba le ya Diporofense.

*English*:

As the Select Committee on Transport, Public Services and Administration, we want to impress upon the hon members of this august House to vote and pass the Air Traffic and Navigation Services Company Amendment Bill. Because this Bill seeks to amend the Air Traffic and Navigation Services Company Act No, 1993. Amongst others, it inserts new definitions and also provides for a subsidiary to perform functions inside and outside of the Republic of South Africa.

Furthermore, it provides for appeals against the decisions of the regulating committees and also provides for offences and penalties to substitute also certain expression, citations and ... [Inaudible] ... to further provides for matters connected to the legislation.

The committee did receive presentations from the department and we were informed about the project team that consisted of the following: the Regulating

Committee, the Airports Company South Africa and the Air Traffic and Navigation Services, ATNS. Furthermore, the intention is to review the Principal Act to ensure that there is clarity in terms of the appeal mechanism without recourse to the legal systems and also give legal status to the approved document and to address the lack of clarity regarding the reasons for regulatory decisions especially from the regulating committee.

More so, the Bill seeks to empower the Air Traffic and Navigation Services to provide services outside the republic. A thorough consultation with all the relevant stakeholders was done and indeed the Bill was referred to the committee on the 3rd of March 2020, and as I indicated, the briefing by the department was on the 26th of August 2020.

We did invite the public to submit written submissions by means of advertisement in two national newspapers from the 11th of October to the 2nd of November 2020. Social media platforms and the parliamentary website were also used to invite written comments in all official languages. I must point to the House that the committee

did not receive any written submissions on the Bill because there is no dispute with regard to the letter ... [Inaudible] ... of the Bill.

On the 4th of November 2020, the committee deliberated on the Bill and agreed thereto without any divergent views. On the 10th of November 2020, the committee agreed on the Bill as ... [Inaudible]. As indicated, this piece of legislation seeks to empower the Minister to make regulations by noticing the gazette after consultation with the committee and the aviation industry will enable the company to extend its business outside the republic.

Therefore, the Select Committee on Transport, Public Service and Administration, Public Works and Infrastructure, makes a humble appeal to the august House and hon members, to vote in favour. Lastly, to express our gratitude to all the committee members for the matured manner in which they engaged with these Bill. I put the Bill before the House for endorsement. Thank you.

*Declaration of vote:*

Ms M O MOKAUSE: Chairperson, the EFF would like to bring this to your attention, the Air Traffic and Navigation Services Company is a good example of an efficient state- owned company that performs its duties such as controlling navigation and air traffic with impeccable skills. The company is not confined to any regional limitation as it controls navigation in about 10% of international airspace. This proof that it is not the idea of state-owned companies. That is wrong. But rather, it is used of state-owned companies for reasons that we should all be fighting for. State-owned companies that are geared towards efficiency and the developmental impact are necessary requisites for a developing society such as ours.

While the Air Traffic Navigation Services Company Amendment Bill may be appearing as a Bill seeking to strengthen administrative functioning, we do feel that the Bill has the potential to change ways in which air traffic navigation has been conducted and in the process unlocking vast economic opportunities.

The other stated purpose of the Bill is to give legislative powers to the Air Traffic and Navigation Services Company to have established subsidiaries and operate beyond borders of South Africa.

We are therefore in support of the development over subsidiary that would be responsible for the acquisition, establishment, and development for provision, maintenance management control or operation of air navigation infrastructure and air traffic services or air navigation services outside of the Republic of South Africa.

This is rather crucial for the development of Africa’s capacity to provide navigation and air traffic control to enable our own continental the ability to manage and develop our space. This Bill has a potential to also play a much broader research and development and economic transformation role.

If given enough strategic direction in a political will, we are however uneasy with the granting to the minister of yet to be defined powers to make regulations regarding

any related to economic regulations and procedures. I thank you, Chair.

Debate concluded.

Question put: That the Bill be agreed to.

Bill agreed to in accordance with section 75 of the Constitution.

# AIRPORTS COMPANY AMENDMENT BILL

(Consideration of Bill and Report thereon)

Mr K M MMOIEMANG: Chairperson of the NCOP, on behalf of the Select Committee on Transport, Public Service and Administration, Public Works and Infrastructure, we again implore on hon members to vote and pass the Airports Company Amendment Bill. This Bill in this instance seeks to amend the Airports Company Act, Act 44 of 1993, hereby referred to as the principal Act to strengthen the current economic regulatory framework. As part and parcel of strengthening the process towards the approach on this

Bill, the department, guided by the civil aviation branch constituted a project team consisting of the following stakeholders, Airports Company South Africa, Acsa, Air Traffic and Navigation Services, the Board of Airline Representatives of South Africa, Barsa, and the Airline Association of Southern Africa was established.

The purpose of the review of this principal Act, amongst other, is as follows: firstly, to address the lack of effective appeal mechanisms; secondly, to endure that it gives legal status to the approach document; thirdly, to address the lack of clarity regarding the reasons for regulative decisions and to ensure that it prescribes the procedures the Minister must follow when appointing members of the committee and appeals committee; and to also empower the Minister to make regulations regarding matters related to economic regulations and the procedure to be followed by the committee regarding noncompliance by the company.

As part of the consultative processes the Bill was referred to the committee on 3 March 2020 and the committee was briefed by the Department of Transport on

26 August 2020, following which the committee invited the public to submit written submissions by means of advertisements in two national newspapers from 11 October to 2 November 2020. Again, social media platforms and parliamentary website were also invoked to source written comments in all official languages. Indeed, again in this instance, the committee did not receive any written submissions on the Bill therefore illustrating convergence of use on the importance and significance of these amendments.

On 4 November 2020, the committee deliberated on the Bill. On 10 November 2020, the committee agreed to the Bill as referred to it outlining the view that indeed there is convergence of use from our public with regards to the amendment and the importance of this Bill.

The Select Committee on Transport, Public Service and Administration, Public Works and Infrastructure hereby make a humble appeal to all delegates who participated in this process for their diligent manner in which they engaged with this process and also to make a humble

appeal to the House and hon members to vote in favour of the Bill. Thank you, Chair.

Question put: That the Bill be agreed to.

*Declaration(s) of vote:*

Ms M O MOKAUSE: Chairperson, the Airports Company South Africa has developed a reputation as one of the most

well-run state-owned companies through its management ... [Inaudible.] of about nine of South Africans airports as a well-run company. It is sometimes clouded by the sad reality that it is under Acsa that we now have a family of rich white individuals where they own terminals at O R International Airport.

Chairperson, there is yet an intelligent reason why the Oppenheimers have been granted a license to operate their own private terminal at the airport. No reasonable explanation from Acsa regarding the possible risk this possesses to our national and economic securities. We need to know how decisions regarding the allocation of licenses are taken and we need to hold those who take these decisions accountable. We need open and transparent

procedures to be followed when taking these decisions. We need assurance that appointment for committee and appealS committee members will be made in a transparent manner, chairperson of the committee.

For this reason, the amendment proposed in the Airports Company Amendments Bill are crucial intervention. We are in full support of the amendments relating to the appointment of people to the Acsa committees. What the Bill fails short of however is tightening up of Acsa ownership to ensure that it remains a truly South African company. As it is the company is over 70% state-owned with an Italian company as a minority shareholder.

Chairperson, we have seen over the past couple of years the sharpening of the appetite of white monopoly companies to takeover critical state-owned companies and then turn these companies owned into profit-making machines for the selected few in this country. The Airports Company of South Africa Limited is not immune from these mechanisms and we would have preferred to legislatively cement the public ownership imperative for Acsa in order to eliminate any current and future

possibilities for the annexation of this company by industrial mercenaries.

Lastly, we do want state-owned companies to account to those elected by the people. But this accounting must not be in such a way that the operational independence of these companies are compromised. The amendments relating to the role of the main regulation in as far as economic regulations are concerned, may open up an opportunity for the Minister to reorientate Acsa into being a cash cow for the predatory elite now in power.

While we support the clarification of and the transparency in relating to how decisions are made, we are not in support of the other aspects of this Bill. Thank you, Chair.

Bill agreed to in accordance with section 75 of the Constitution

# CONSIDERATION OF 2020 REPORT ON YOUTH PARLIAMENT HELD AT PARLIAMENT OF SOUTH AFRICA ON A VIRTUAL HYBRID PLATFORM

The DEPUTY CHAIRPERSON OF THE NCOP: Chairperson of the NCOP, hon House Chair, the Chief Whip of the NCOP, hon delegates, ladies and gentlemen. It with great honour and pleasure that I present the 2020 Report On Youth Parliament Held at Parliament of South Africa On a Virtual Hybrid Platform on 26 June 2020.

The Youth Parliament was convened under the theme: Youth Power, Growing South Africa Together in a time of COVID-

19. Hon members, Parliament’s constitutional mandate requires and it provides meaningful opportunities for the involvement of the public in the legislative and other processes. This means that Parliament is placed in the core of the public discourse through the creations of the platforms of engagement with the public and sectors of society particularly the vulnerable and the marginalised.

Parliament therefore affords designated groups the opportunity to directly engage with public representatives as well as government agencies in order to unlock opportunities for social economic advancement. Over the years, Parliament has convened sectoral

parliaments focusing on youth, women and persons with disabilities.

During the Fifth Parliament, a review of sectoral parliaments was undertaken which concluded that an events driven approach undermine the value of such sectoral engagements. A shift towards a more interconnected and programmatic approach was proposed and adopted. The adopted approach sought to enable sustained engagement with communities as guided by a seamless oversight approach.

We have therefore, since the beginning of the Sixth Parliament, undertaken a developmental oversight approach, as we deliberately engaged the three spheres of government through sectoral engagement. We have also undertaken this approach so as to ensure the appropriate responses to address the challenges faced by vulnerable groups in our society. Parliament has been able to engage communities in a dynamic and a sustained manner.

Hon members, the objectives of the Youth Parliament were:

To deliberate on the oversight role of the legislative sector including local government in accelerating the youth economic agenda post COVID- 19.

To identify structural arrangements of the South African economy that entrench barriers to youth participation and employment.

Deliberate on the legal framework in place and its adequacy to advance the youth developmental agenda.

Create structures led by office bearers across the three spheres to try and oversee the implementation of capitalising policy priorities including the implementation of executive undertakings.

During the deliberations, some of the salient matters that young people resolved is that:

Decisions on youth should not be taken without their own participation. They urged all spheres of government to prioritise youth entrepreneurship. They implored Parliament to ensure that the cost of data should be

reduced in order to make it more accessible for young people. The education system must be restructured to create job creators as opposed to job seekers. Education should focus on developing critical thinking skills among learners, and government needs to speed up the implementation of its policy on Gender- Based Violence.

In conclusion, the youth in south Africa continue to experience multidimensional and intergenerational poverty, which is exacerbated by low levels of education and skills. Structural unemployment continues to rise from the existing mismatch between skill levels and poverty. Vulnerability within the youth traitor is evidently multi-layered in terms of its impact on the youth in general, but there is gender, educational levels and geographic which also contribute towards existing conditions.

It is also important to underscore the reality that, although young people in general suffer severe deprivations, the impact on young women is more pronounced. Youth underdevelopment definitely also has agenda dimension. The youth of our country remain an

integral part of our democratic structures. They have a wide range of ideas, thoughts and perspective that can enrich our decision making processes.

The way to elicit these ideas and perspectives is through engagement with our young people. As Parliament, we therefore want to express our appreciation to the young people who participated in the 2020 Youth Parliament. We therefore table the report for adoption. Thank you very hon Chair.

Debate concluded.

Question put: That the Report be adopted.

In favour: Eastern Cape, Free State, Gauteng, KwaZulu- Natal, Limpopo, Mpumalanga, Northern Cape, North West, Western Cape.

Report accordingly adopted in accordance with section 65 of the Constitution.

# CONSIDERATION OF 2020 REPORT ON WOMEN’S PARLIAMENT HELD AT PARLIAMENT OF SOUTH AFRICA ON A HYBRID PLATFORM

The DEPUTY CHAIRPERSON OF THE NCOP: The Chairperson of the NCOP, House Chairperson, Chief Whip of the National Council of Provinces, hon delegates ladies and gentlemen, it gives me great pleasure to table this report of the 6th Women’s Parliament that has been held on 28 August when parliament of the republic of South Africa hosted a hybrid Women’s Parliament.

The session was convened under the theme, and I quote: “Generation Equality - Advancing our collective efforts to end Gender-Based Violence and Femicide”. 2020 Women’s Parliament took place after we marked almost a year since Parliament convened its inaugural Women’s Parliament, which was subsequently followed by September 2019 joined gender-based violence debate where the President tabled a comprehensive programme of action to addressed matter of gender-based violence, GBV, and the economic status of women. As Parliament through sectoral work we are continuing to forge and consolidate a social and central partnership between government and organisations of civil

society. We are in the process of setting up mechanisms and programmes which are design to intensify an ongoing campaign to educate the whole of society about the extent of the problem of gender-based violence and femicide.

Through the district and provincial Women’s Charter reviews, we have started to evoke on in depth review of the systemic week versus in the national gender machinery in order to improve the functionality of the gender machinery. We are looking at meaningful ways to anchor our work across three spheres of government to set up coherence cohesive and measurable policy priorities.

These processes indicate in the sectoral Parliament oversight model which was agreed by the speaker of all provincial legislatures. Since the beginning of the 6th Parliament, the sectoral Parliament programme has enabled us to set Parliament oversight in the counter quality role to agitate for more effective responses to issues of gender-based violence and the poverty and inequality faced by women.

Hon members, hon delegates, the objectives of the Women’s Parliament sought to achieve the following: A three sphere report back session to appraise the nation on progress made in implementing gender-based violence and femicide and economic empowerment executive undertakings, receive reports from the three unsustainable by the state machinery to responds to challenges faced by women; received detail reports on challenges that prevail accelerated progress receive action plans to be undertaking over the next 12 months; a targeted systematic and sustained oversight focus on executive undertakings, particularly as they related the implantation of policy and legislative imperatives of gender-based violence and femicide and the economic and

... of women was also critical, particularly as we seek to ensure that the three spheres work cohesively together in the planning, budgeting and the implementation of such undertakings.

The process, we believe will also begin to institutionalise the prioritisation of report sessions foresee the Parliament in order to continuously take

stock of progress made while engaging effective communities about such programme.

Hon delegates, just as a campaign to reminded delegates at the Women’s Parliament and the ... to guarantee the protection of human dignity and the right to life.

Yes, gender-based violence and femicide nullifies the right of women and children and their fundamental freedom. She said that the battle that we all face requires a relentless approach and a structured response from all sectors of society, including Parliament, the executives, civil society organisations, SA Police, National Prosecuting Authority in the courts must each play their part effectively. In many ways, the right in the Constitution in South Africa statutory and common laws provide a sound legal framework for upholding equality, justice and respect for the women of the nation.

Justice campaign may further reiterate that there are certain statutory provisions that should be considered unconstitutional and that this should be brought back to

Parliament for reconsideration. For example, the procedural processes that needs to be followed for rape cases. His Excellency the President during the Women’s Parliament stated that the country has now introduced a National Strategic Plan on Gender-Based Violence and Femicide which amongst other things is aimed at promoting the economic participation of women in society and to enable them to be financially independent. He stated that with the launched of generation equality and the implementation of the National Strategic Plan, there is an opportunity to refashion society and the lives of South African women.

He then emphasised that the urgency to achieve gender equality, becomes even more important. The Women’s Parliament resolved that all government departments and entities should ensure strict adherence to stipulated preferential procurement ... for compliance.

National department should report at least annually on

... Provinces should be functional and effectively position gender mainstreaming offices to ensure effective co-ordination. Gender responsive budgeting processes

should be institutionalised across the three spheres of government and across all departments. Provinces should ensure that all institutional mechanisms in relation to the NSPGV are in place and capacitated in line with the identified time frames stipulated in the policy.

Provinces should report quarterly on progress made in implementing undertakings. The planning processes of government should take into consideration women’s needs at provincial, district and local municipality level. For instance, the internally displaced persons, IDPs, and the prolonged grief disorder, PGD, essence of provinces should speak to these needs and assessment of the infrastructure development programme is required in order to ensure the participation of women ... annually. Detail report should be provided to quantify the number of women who ... The Women’s Parliament has since... sectoral Parliament has also provided a reported mechanism for Parliament to measure policy implementation progress which has been realised through robust engagement where the three spheres of government, the three arms are sustain in various sectors of society.

We are left with two programmes before we rise for the December holidays and hopefully believe that everyone will join us on Wednesday and Friday as we said the gender struggling in the same stage of development and as we start to begin to commemorate 16 days of activism against violence against women and children.

With that I want to table the report of the Women’s Parliament for the attention of the National Council of Provinces for adoption of this report. I thank you, hon Chairperson. Thank you very much.

Debate concluded.

Question put: That the Report be adopted.

In favour: Eastern Cape, Free State, Gauteng, KwaZulu- Natal, Limpopo, Mpumalanga, Northern Cape, North West, Western Cape.

Report accordingly adopted in accordance with section 65 of the Constitution.

# EXECUTIVE UNDERTAKINGS (ATC, 1 SEPTEMBER 2020, P 6) EXECUTIVE UNDERTAKINGS MADE BY THE MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT DURING THE HOUSE SITTING OF 13 JUNE 2017, AS ADOPTED ON 27 AUGUST 2020

**AND**

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON PETITIONS AND EXECUTIVE UNDERTAKINGS (ATC, 14 OCTOBER 2020, P 56) EXECUTIVE UNDERTAKINGS MADE BY THE MINISTER OF EMPLOYMENT AND LABOUR DURING THE HOUSE SITTING OF 11 JULY 2019, AS ADOPTED ON**

**14 OCTOBER 2020 AND**

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON PETITIONS AND EXECUTIVE UNDERTAKINGS (ATC, 14 OCTOBER 2020, P 64) EXECUTIVE UNDERTAKINGS MADE BY THE MINISTER OF EMPLOYMENT AND LABOUR DURING THE HOUSE SITTING OF 28 JULY 2020, AS ADOPTED ON 14 OCTOBER 2020**

**AND**

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON PETITIONS AND EXECUTIVE UNDERTAKINGS (ATC, 1 SEPTEMBER 2020, P 15) EXECUTIVE UNDERTAKINGS MADE BY THE MINISTER OF BASIC EDUCATION DURING THE HOUSE SITTING OF 14 JUNE 2018, AS ADOPTED ON 27 AUGUST 2020**

**AND**

**EXECUTIVE UNDERTAKINGS (ATC, 22 OCTOBER 2020, P 12) EXECUTIVE UNDERTAKINGS BY THE MINISTER OF HIGHER EDUCATION AND TRAINING DURING THE HOUSE SITTING OF 29 MAY 2018, as adopted on**

**14 October 2020**

Ms Z V NCITHA: Hon Chairperson, the leadership of the NCOP, colleagues, as you have indicated, we will be dealing with the undertakings taken by the Minister of Agriculture and Land Reforms on 13 June 2017. Upon receiving those undertakings, on 28 February 2018, we received a request from the Chairperson of the NCOP who referred the above-mentioned executive undertakings made by the Minister to the select committee to scrutinize and ensure that they are properly implemented. Upon receiving such, the select committee invited the Minister in relation to the implementation of the executive undertaking under review, and the committee made recommendations.

I am going straight into the recommendations because I believe that all hon members have received the comprehensive report of all the undertakings on their ...

[Inaudible.] Therefore, the recommendations are as follows.

Firstly, the revitalisation of the Agriculture and Agro- Processing Value Chain 25 initiative that fall under the revitalisation of the agriculture and agro-processing value chain are mostly behind schedule and the poultry projects are not implemented at all.

Secondly, the committee recommends that the department provides the committee with an updated report from the province. Only six provinces were represented in our meeting, which excludes the Eastern Cape, Western Cape and the Northern Cape.

With regard to the emerging farmers and job creation, the committee recommends that the department provides the committee with statistics on whether capital investment, both financial and human resource capacity, is producing the expected output.

Based on these recommendations, the committee felt that we should further engage with the department, so that

they satisfy the committee in terms of those outstanding questions, which we have raised. Therefore, this particular undertaking is not closed.

The next one is from the Minister of Employment and Labour, which was taken during the House sitting on 11 July 2019. We, the committee, therefore received a referral letter from the NCOP Chairperson of those undertakings, which are five of them. After that, the select committee invited the Minister again in relation to the implementation and scrutiny of the undertakings under review and the following recommendations were made:

Firstly, that the department assures the committee that it has affected all the above-mentioned executive undertakings in their current budget. However, the department indicated that additional budget cuts are expected, but further gave assurance that the implementation of those executive undertakings will be affected in the revised budget.

The department was intending to add 200 employment labour inspectors on a contractual basis. These were going to

help mostly with the enforcement of the national minimum wage employment. The department informed that the submission for these had already been approved, but could not continue with the scrutiny and selection process, due to the budgetary constraints.

Secondly, the department acknowledges that there will be less job opportunities for young people and more retrenchments, but that the situation is being remedied by partnering with the relevant stakeholders and putting together a recovery plan, which will stimulate economic activities, especially in core sectors such as agriculture and manufacturing.

Upon receiving those, we, as the committee, were satisfied that the department has adequately dealt with all the undertakings and, therefore, we recommend that they be closed.

The third undertaking was again from the Minister of Employment and Labour during the House sitting on 28 July. After that, we then received a letter from the Chairperson of the NCOP, which referred to all the five

undertakings to the committee. Upon receipt of such, we again convened a meeting with the Minister in relation to the implementation of the executive undertaking under review to the committee, and we made the following recommendations.

The department has a programme, which falls under the Public ... [Inaudible.] ... which provides ... [Inaudible.] ... people with disability across the country, except from Mpumalanga.

The CHAIRPERSON OF THE NCOP: Please, proceed and ignore the background noise. The ... [Inaudible.] ... seem to be out of order. I am sure the Table staff can take care of that problem. The chaos in the background is not appreciated at all.

Ms Z V NCITHA: The department indicated that some of the challenges that the SMMEs are experiencing is the unavailability of working capital. It reported that the department has an instrument called the Social Impact Fund administered the Public Investment Corporation. The

scheme ensures a support mechanism and sustainability of the Small, Medium and Micro Enterprises, SMMEs.

As the committee, we therefore are satisfied with the implementation of our undertaking by the Minister and we recommend that it be closed as well.

The fourth undertaking was from the Minister of Basic Education during the House sitting of 14 June 2018. We then received a referral from the Chairperson of the NCOP on 4 October 2018 to ensure that the undertakings were implemented and also properly scrutinised. There were seven undertakings.

We also invited the Minister in relation to the implementation of the executive undertakings under review. We made the following recommendations.

Firstly, the national curriculum and assessment task team was mandated to align the national curriculum statement policies to allow automatic progression, especially in the lower grades.

Secondly, the committee recommended a partnership with the private sector for the awareness campaign in dealing with repetition and drop-out rates that is very high through safety, a core curriculum and enrichment policy, a sport and enrichment programme, managing the impact of pregnancy on schooling, improving a progression policy as a low cost way to improve efficiency.

Dealing with specific barriers to learning and improving fundamental quality of learning, the department has developed curricula and learning technique support material for the 26th technical occupational subject for ordinary “schools of skills” and that was also finalised.

It was reported that 67 schools for the learners with specific education needs were provided with connectivity. We were then satisfied and the committee therefore recommends that these undertakings also be closed.

The fifth undertaking was made by the Minister of Higher Education and Training during the House sitting of 29 May 2020. The Chairperson of the NCOP referred the above- mentioned executive undertaking made by the Minister for

scrutiny and to ensure the proper implementation. Thereafter, the committee convened a meeting with the Minister in relation to the implementations of the executive undertaking under review and we made the following observations.

Firstly, Covid-19 negatively impacted on the work placement programme and apprentices, but this matter was being addressed by the relevant stakeholders. The committee also noted that the skills development levy payment holiday lost close to R10 billion, but this was being addressed through Nedlac to mitigate the loss.

The department indicated that the university capacity development programme, UCDP, was specifically focused on the development of the South African academic professional staff. The UCDP was in the final year of the three-year cycle. A new cycle would start in 2021. The department would be launching a new programme to strengthen historically disadvantages institutions, which will be called the Prof S Bengu Development grant, to address institutional inequalities.

The department will be working on the matter to support the missing middle. The missing middle are those learners who come from households with no annual income exceeding the National Student Financial Aid Scheme ... [Inaudible.] ... of R350 000, but who do not qualify for the alternative funding either.

The committee noted that there is no formal memorandum of understanding in place with the department and the private companies. The private sector has since concluded the memorandum of understanding on a voluntary basis through the President’s programme.

We then recommended that the progress report be made by the Minister of Higher Education and Training. The committee observed that the executive undertakings have been adequately implemented and therefore we recommend that they be closed. Thank you.

# CONSIDERATION OF REPORT OF SELECT COMMITTEE ON PETITIONS AND EXECUTIVE. UNDERTAKINGS EXECUTIVE UNDERTAKINGS MADE BY THE MINISTER OF AGRICULTURE, LAND REFORM AND RURAL

**DEVELOPMENT DURING THE HOUSE SITTING OF 13 JUNE 2017, AS ADOPTED ON 27 AUGUST 2020**

Debate concluded.

Question put: That the Report be adopted.

IN FAVOUR: Eastern Cape, Free State, Gauteng, KwaZulu- Natal, Limpopo, Mpumalanga, Northern Cape, North West, Western Cape.

Report accordingly adopted in accordance with section 65 of the Constitution

# CONSIDERATION OF REPORT OF SELECT COMMITTEE ON PETITIONS AND EXECUTIVE UNDERTAKINGS. EXECUTIVE UNDERTAKINGS MADE BY THE MINISTER OF EMPLOYMENT AND LABOUR DURING THE HOUSE SITTING OF 11 JULY 2019, AS ADOPTED ON 14 OCTOBER 2020

Debate concluded.

Question put: That the Report be adopted.

IN FAVOUR: Eastern Cape, Free State, Gauteng, KwaZulu- Natal, Limpopo, Mpumalanga, Northern Cape, North West, Western Cape.

Report accordingly adopted in accordance with section 65 of the Constitution.

# CONSIDERATION OF REPORT OF SELECT COMMITTEE ON PETITIONS AND EXECUTIVE UNDERTAKINGS. EXECUTIVE UNDERTAKINGS MADE BY THE MINISTER OF EMPLOYMENT AND LABOUR DURING THE HOUSE SITTING OF 28 JULY 2020, AS ADOPTED ON 14 OCTOBER 2020

Debate concluded.

Question put: That the Report be adopted.

IN FAVOUR: Eastern Cape, Free State, Gauteng, KwaZulu- Natal, Limpopo,Mpumalanga, Northern Cape, North West, Western Cape.

Report accordingly adopted in accordance with section 65 of the Constitution.

# CONSIDERATION OF REPORT OF SELECT COMMITTEE ON PETITIONS AND EXECUTIVE UNDERTAKINGS. EXECUTIVE UNDERTAKINGS MADE BY THE MINISTER OF BASIC EDUCATION DURING THE HOUSE SITTING OF 14 JUNE 2018, AS ADOPTED ON 27 AUGUST 2020

Debate concluded.

Question put: That the Report be adopted.

IN FAVOUR: Eastern Cape, Free State, Gauteng, KwaZulu- Natal, Limpopo, Mpumalanga, Northern Cape, North West, Western Cape.

Report accordingly adopted in accordance with section 65 of the Constitution.

# CONSIDERATION OF REPORT OF SELECT COMMITTEE ON PETITIONS AND EXECUTIVE UNDERTAKINGS. EXECUTIVE UNDERTAKINGS BY THE MINISTER OF HIGHER EDUCATION AND TRAINING DURING THE HOUSE SITTING OF 29 MAY 2018, AS ADOPTED ON 14 OCTOBER 2020

Debate concluded.

Question put: That the Report be adopted.

IN FAVOUR: Eastern Cape, Free State, Gauteng, KwaZulu- Natal, Limpopo, Mpumalanga, Northern Cape, North West, Western Cape.

Report accordingly adopted in accordance with section 65 of the Constitution.

# CONSIDERATION OF REPORT OF SELECT COMMITTEE ON PETITIONS AND EXECUTIVE UNDERTAKINGS- ABATHEMBU PETITION HEARINGS HELD AT MTHATHA, EASTERN CAPE PROVINCE ON 23 OCTOBER 2019 AND PARLIAMENT 21 NOVEMBER 2019 AS ADOPTED ON 23

**SEPTEMBER 2020**

Mr T S C DODOVU: Chairperson, my beloved Chairperson Masondo for the opportunity...let me take this opportunity to...on behalf of the Committee on Petitions and Executive Undertakings, present a report on the Abathembu petition hearing held on 23 October 2019 and 21 November 2019. The Abathembu petition, dated 02 November 2018 was referred to the Select Committee on Petitions and Executive Undertakings by the Chairperson of the NCOP

on 04 December 2018. The petitioner, Mr Votani Majola filed a petition through Ms Thembi Tembe, a Chief Protocol Officer on behalf of the Bathembu Royal Land Empire. The petitioner sought the intervention of the NCOP, in relation to the alleged prejudice against the Tembuland Royal Empire. The petitioner alleged that based on the incidents, events and activities that have occurred in the past few years, the Tembuland Royal Empire reasonable believes that the justice system in South Africa has been and is still being manipulated and abused. In the same manner as it has happened during apartheid era. Its view is that; this is done with the intention to destroy the Nation Abathembu.

This Committee on Petitions and Executive Undertakings held two meetings to hear on the petition and that is on

23 October 2019 and on 21 November 2019. Based on the petition, the committee made the following observations and key findings in relation to the various submissions made by different stakeholders on the subject matter of the petition: the committee noted that in all the four petitions submitted, the petitioner sought the intervention of the committee to ensure that the rule of

law is enforced to certain cases, where it is possible for Parliament to do so. The petitioner further sought the intervention on a long term basis for Parliament to investigate the extent, impact and the severity of the prejudice that has been suffered by the Abathembu people and possible put in place corrective measures within the context of the justice system.

In its submission the Land Claims Commissioner, indicated that it had only been operating within the parameters of the current Legislation. Therefore, the petitioner can only wait for Parliament to either comply with the court order as introduced in Land Access Movement of South Africa, LAMOSA One and LAMOSA Two judgement or for the process to be undertaken by our Cabinet.

The Land Claims Commissioner further informed that the first claim launched by Abathembu in 1998 had been dismissed as the pitch possession happened in 1800s and that the land claim only caters for those people and communities dispossessed after 19 of June in 2013.

Another claim, according to the Land Claims Commissioner was filed by the King of Tembuland Buyelekhaya Dalindyebo, in 2014 and this has not been considered.

Chief Mtirara informed the committee that the Acting Abathembu King by then, Azethani Dalindyebo has no signature on that petition that was submitted to Parliament, as the representative of Abathembu people. Chief Mtirara further indicated that Mr Majola, the petitioner was not even recognised as the Chief of Abathembu.

The National House of Traditional Leaders also made a submission to the committee and informed the committee that government has established the inter-ministerial committee headed by the Deputy President, that is looking at the land issue. The National House of Traditional Leaders only recognised the King of Abathembu, Acting King Azethani Dalindyebo. It further recognised that Abathembu have two major communities, which are Abathembu of Gothe under Chief Matanzima and Abathembu of Dalindyebo under King Azenathi. According to the decision of the commission on traditional leadership and disputes

claims, all Abathembu people in the Republic of South Africa, were under Acting King Azenathi Dalindyebo.

In view of the above this Committee on Petitions and Executive Undertakings, makes the following recommendations to the House that: 1. the National House of Traditional Leaders only recognise Acting King Azenathi Dalindyebo, as leader of the Abathembu and therefore, the National House of Traditional Leaders cannot entertain the request of the petitioner. [No sound.] advice to the committee, the petitioner therefore lacks the necessary [Inaudible.] to act on behalf of the people of Abathembu. That, the Land Claims Commissioner has the await the outcome of the Parliamentary process as introduced in the LAMOSA One and LAMOSA two judgements, this has to be taken through Cabinet process. Once calls for public submissions are invited, emanating from the Amendment of the Restitution of Land Rights Act, the petitioner is advised to use this avenue to claim the relief.

Lastly, the Committee on Petitions and Executive Undertakings is not best placed to deal with the issue of

land, since there is a concurrent parliamentary process underway that deals with the issue of the land. It is therefore recommended that the petition await the outcome of the concurrent parliamentary process on the issue of the land, more specifically the amendment of section 25 of the Constitution. Thank you very much, Deputy Chairperson.

Question put: That the report be adopted.

IN FAVOUR: Eastern Cape, Free State, Gauteng, KwaZulu- Natal, Limpopo, Mpumalanga, Northern Cape, North West, Western Cape.

Report accordingly adopted in accordance with section 65 of the Constitution.

# CONSIDERATION OF REPORT OF SELECT COMMITTEE ON PETITIONS AND EXECUTIVE UNDERTAKINGS – HEARING OF THE MATLALA PETITION HELD ON 19 FEBRUARY 2020 AS ADOPTED

**ON 2 SEPTEMBER 2020.**

Mr E M MTHETHWA: Deputy Chairperson, members and colleagues, good afternoon. I am going to present this petition report. The Matlala Petition dated 29 August 2019 was referred to the Select Committee on Petitions and Executive Undertakings by the Chairperson of the NCOP on 9 September 2019.

The petition is signed and submitted by the petitioner Mr Elliot Escort Matlala on behalf of the Chonge Clinic committee. The petitioner seeks the intervention of the NCOP in relation to the alleged failure by the Limpopo Department of Health to honour its undertaking of building a community health centre for the community of the Chonge in June in the Sekhukhune District Municipality in Limpopo province.

The committee held a hearing on the petition on 19 February 2020. The committee made the following observation and key finding in relation to various submissions made on the subject matter of the petition. Firstly, according to both the national Department of Health and Limpopo Department of Health substantiated by the records of minutes of meetings and the credentials of

the people who attended the meeting upon request, this was a unanimous decision based on community participation of all the relevant stakeholders.

The naming of the clinic was based on the understanding that the new clinic was a replacement of the Chonge Clinic which was old and dilapidated. The construction of the new clinic meant that the resources that should be received by the old Chonge Clinic were diverted to the new facility for a more efficient use of resources.

With regard to the general principle of building a health care clinic, its size is in line with the national standard of five kilometres which is within the national norms, and it will be able to provide equality of access and service coverage to the catchment of the population. The new clinic, Madibeng is meant to serve all people who were previously served by the old Chonge Clinic. The new clinic site was also chosen on the basis that it will have to be a central and conducive area which will cater for all the communities in the surrounding areas since service delivery for primary health care requires that it functions as a referral site for local clinics.

The Minister of Health advised that the matter should be processed through the Limpopo Department of Health. The renovation and refurbishment will continue taking place at the old Chonge Clinic for it to be operational. The CXC in Madibeng is in line with the national standard of five kilometres. Therefore, the department will not have another replacement. According to the department books the facility was replaced.

The committee made the following recommendation. That the committee conducts inspection in loco at the two sites mentioned with the purpose of establishing whether the new clinic of Madibeng is centrally located; the new clinic of Madibeng is also adequately staffed; and there is equity of access for the population in the catchment area.

However, in light of the current pandemic, the committee also recommended the following: Firstly, that the national Department of Health conducts a thorough investigation into the complaint raised by the petitioner whether this was a unanimous decision based on the community participation of all the relevant stakeholders.

The investigation by the department is to take the following into account: Whether the Chonge Clinic resources were diverted to the new facility for more efficient use of resources.

With regard to the general principle of building a health care clinic, whether its size is in line with the national standard of the five kilometres I have mentioned above, which is within the national norms and it will able to provide equity of access and service coverage to the catchment population. The committee is to conduct inspection in loco at both the new clinic, Madibeng and the old Chonge Clinic before the end of the current financial year in an effort to determine the progress made in the investigation made by the national Department of Health.

Upon the adoption of the report, the House refers the investigation made by the national department to the Limpopo Department of Health for further oversight and implementation of the recommendations made during the investigation referred above and where the committee is in a position to conduct an inspection in loco.

Therefore, request a progress report on the implementation of the recommendations made within 90 days of the tabling of this report in the House. It must be submitted within 90 days of the tabling of this report in the House. I therefore present the report. Thank you very much.

Debate concluded.

Question put: That the Report be adopted.

IN FAVOUR: Eastern Cape, Free State, Gauteng, KwaZulu- Natal, Limpopo, Mpumalanga, Northern Cape, North West, Western Cape.

Report accordingly adopted in accordance with section 65 of the Constitution.

# CONSIDERATION OF REPORT OF SELECT COMMITTEE ON PETITIONS AND EXECUTIVE UNDERTAKINGS HEARING OF THE EOH PETITION HELD ON 16 SEPTEMBER 2020, AS ADOPTED ON 14 OCTOBER 2020

Ms M B BARTLETT: Hon Deputy Chair, greetings to my colleagues and everybody. On behalf of the committee I will present the EOH Bantu petition hearing held on 16 September 2020. The EOH Bantu petition dated 27 August 2018 was referred to the Select Committee on Petitions and Executive Undertakings by the Chairpersons of the NCOP on 6 November 2019.

Secondly, a petitioner, Mr John Maruping Tsholo submitted a petition on behalf of the learners that went through the EOH learnership training.

Thirdly, the petitioner sought the intervention of the NCOP alleging that himself and the learners were inadequately trained during the learnership under EOH Bantu and therefore sought the intervention of the committee to address the grievances articulated in the petition to be trained on the 70% practical work for project management and roadwork construction which they were trained on.

Fourthly, the committee held a hearing on the petition on

16 September 2020 via virtual platform.

The committee made the following observations and the findings in relation of the various submissions on the subject matter of the petition.

Firstly, according to the presentation from service Seta, petitioners were issued with certificates of competence under the National Qualifications Framework, NQF, which is the registered qualification.

Secondly, the presenter further outlined that the learnership therefore falls within the scope of the construction of the Sector Education and Training Authority, Seta, and so too does the quality assurance, function with regard to accreditation or skills development and certification of learners.

Thirdly, according to the Seta policy, stakeholders implementing projects where the quality assurance function is performed by the Seta are required to initiate the project or as an additional classroom training. Training implementation for programmes such as learnerships are implemented on a 30% classroom and 70%

workplace basis. For this process it is noted that this method was not adopted on implementation of the project.

The committee made the following recommendations: Firstly, the committee recommends the matter be referred to the national Department of Education, Science and Technology for further investigation.

Secondly, the Department of Education, Science and Technology report back to this House with the outcome of the investigation within six months of the tabling of this report.

Lastly, hon Deputy Chairperson, in addition that the petitioner be informed about the resolution of the committee once the report is approved by this House. I thank you, hon Deputy Chair.

Debate concluded.

Question put. That the Report be adopted.

In favour: Eastern Cape, Free State, Gauteng, KwaZulu- Natal, Limpopo, Mpumalanga, Northern Cape, North West, Western Cape.

Report accordingly adopted in accordance with section 65 of the Constitution.

# CONSIDERATION OF REPORT OF JOINT STANDING COMMITTEE ON THE FINANCIAL MANAGEMENT OF PARLIAMENT - PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA’S PERFORMANCE IN QUARTER 1 OF 2020/21 DATED 4 NOVEMBER 2020

**CONSIDERATION OF REPORT OF JOINT STANDING COMMITTEE ON THE FINANCIAL MANAGEMENT OF PARLIAMENT - PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA’S PERFORMANCE IN THE THIRD AND FOURTH QUARTERS OF 2019/20, DATED 2 SEPTEMBER 2020**

**CONSIDERATION OF REPORT OF JOINT STANDING COMMITTEE ON THE FINANCIAL MANAGEMENT OF PARLIAMENT - PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA’S DRAFT ANNUAL PERFORMANCE PLAN FOR 2021/22, DATED 4 NOVEMBER 2020**

**CONSIDERATION OF REPORT OF JOINT STANDING COMMITTEE ON THE FINANCIAL MANAGEMENT OF PARLIAMENT - SIXTH PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA’S STRATEGIC PLAN (2019- 2024), AND THE 2020/21 ANNUAL PERFORMANCE PLAN AND BUDGET, DATED 2 SEPTEMBER 2020**

Ms D G MAHLANGU: Hon Deputy Chairperson, hon members and hon Chairperson of the NCOP, good afternoon.

Hon Deputy Chairperson, I would like to take this opportunity to present the reports of the Joint Standing Committee on Financial Management of Parliament. Due to Covid-19 pandemic disease, which flushed the world into [Inaudible.] this year, the programmes of many institutions in the world including Parliament of the Republic of South Africa were delayed from the beginning of this year.

Therefore, I’m presenting quite a number of reports at the same time to this sitting.

Let me, hon members, on the onset start with the report entitled Report of Joint Standing Committee on the

Financial Management of Parliament - Parliament of the Republic of South Africa’s Performance in the third and fourth quarters of 2019/20, dated 2 September 2020.

The committee, hon Chairperson, having considered this report highlighted observations and recommendations thereof, as follows:

The committee acknowledges the institution’s efforts to provide progress reports on the achievements of annual targets. However, the report remains adequate due to the lack of quarterly milestones of each annual target.

Therefore, the committee recommends that all key performance indicators of the Sixth Parliament should be measured on a quarterly basis and should focus on the quality of deliverables rather than only on their quantity and the time in which they were delivered.

The National Elections of 2019 remains a cause for concern as resulted to Parliament approaching the National Treasury for additional funding to cover the amount of R111,987 million shortfall due to unexpected

overspending than anticipated number of members who exited Parliament after the 2019 National General Elections; but only received R73 million. At the time of reporting, the difference of R38,9 million had not yet been given to Parliament.

The committee recommends that the executive authority engagements with the Minister of Finance and National Treasury around the funding of R38,9 million shortfall in respect of exit gratitude for non-returning members of Parliament be intensified.

The committee remains concerned about Parliament’s responsibilities in respect of the medical aid contributions of former Members of Parliament and provincial legislatures. Parliament is responsible for a [Inaudible.] contribution of provincial legislatures’ contributions towards the medical aid; which placed a burden on its budget.

The committee recommends that Parliament should fully explore ways in which its responsibility is respected of the medical aid contributions for former Members of

Parliament and provincial legislatures may be nationalised.

A possibility of each of the 10 legislatures taking responsibility for the contributions of their former members must be explored.

The nine provincial legislatures should provide the committee with their responses to the proposal that they should bear responsibility for the contributions and medical aid of their former members.

The committee has noted that the Department of Public Works and Infrastructure remains responsible for Parliament’s maintenance and infrastructure means, and remains concerned about various long-spending maintenance and infrastructure related challenges. Of particular concern is Parliament’s capacity to provide power during loadshedding period and the slow progress in respect of attending the maintenance issues.

Therefore, the committee recommends Parliament gives serious consideration to taking over the responsibility

for its maintenance and infrastructure from the Department of Public Works and Infrastructure.

Hon Deputy Chairperson, the next report to present is entitled Report of Joint Standing Committee on the Financial Management of Parliament - Sixth Parliament of the Republic of South Africa’s Strategic Plan (2019- 2024), and the 2020/21 Annual Performance Plan and Budget, dated 2 September 2020.

The Joint Standing Committee on the Financial Management of Parliament having considered the Parliament’s draft Annual Performance Plan, APP, for 2021-22 financial year in its report cited a number of observations and recommendations thereof as follows:

Parliament does not yet have a guideline to inform the drafting of its plans, although ought to have ensured that it complies with the requirements of the Financial Management Parliament and Provincial Legislatures Act, FMPPLA, which requires the inclusion of objectives and outcomes for each programme.

Therefore, in order to have desired impact Parliament should comply with the legal requirement to develop guidelines to identify objectives and outcomes across all programmes to allow for transparency and easy monitoring of performance.

Parliament should also ensure that all performance targets are broken down to be measured on quarterly basis in order to monitor their implementation.

The committee notes that programme three and the members’ facility will receive a substantial allocation of the annual budget, however, [Inaudible.] performance indicators to measure the performance of these programmes throughout 2021-22 financial year.

The committee noted that risks under each programme have been identified, however, no information provided in respect of mitigation plans responding to those risks.

Therefore, Parliament should develop a mitigation plans for each risk identified and be linked to specific outcome. These mitigation plans should be developed

before the implementation of the APP and be presented to the committee on their completion.

Hon Deputy Chair and members, the committee’s role notes that the Office on Institutions Supporting Democracy, OISD, the Parliamentary Budget Office, PBO, Treasury Advisory Office, TAO, and Legislative Sector Support, LSS, will report directly to the executive authority although the APP got more information with regard to how the performance of these offices will be measured; there are developments – as we say.

The position of the director the PBO and the Treasury advisor’s position in the TAO have not been filled. But as I said, there are new developments.

The PBO advisory committee should fast track the recruitment of a suitable qualified director for the PBO and the committee be provided with a monthly report on progress made or challenges experienced in this regard.

The process of establishing the TAO should also be fast tracked and that it be established before the end of the

2021-22 financial year. In addition, hon Deputy Chair, means of funding the TAO should be explored, so as to ensure once established it has the funding to support its purpose and existence.

Te committee notes with concern the long delays in filling critical vacancies, that is the Secretary to Parliament, chief financial officer, chief audit executive position, which have been vacant for a long time. These positions are critical; therefore, stability in these positions is crucial to the functioning of Parliament. Parliament should fill these positions as a matter of urgency and before the end of 2021-22 financial year.

The committee is concerned that Parliament applies to the National Treasury for a share of the national budget.

Parliament is a separate arm of the state and cannot be expected to rely on the executive for bidding its budget allocation. This reliance on National Treasury has the potential to weaken Parliament’s ability to perform oversight over the executive.

The committee supports all efforts to increase public participation in Parliament’s activities by ensuring that more people have access to information about Parliament through television, radio and social media that would contribute greatly towards achieving the public participation goal.

Parliament should pursue every avenue to ensure that the vast majority of citizens are able to access information about parliamentary committee meetings and plenaries.

Therefore, parliamentary committee meetings should not be aired on pay-to-view channels, but should be broadcast on the SABC platform; that’s the recommendation of the committee.

The committee also notes that the regulations of the FMPPLA have not been developed yet. The committee is of the view that the regulation will go a long way towards standardizing, amongst others, Parliament’s planning and budget processes. Parliament should develop the regulations referred to in chapter 9 of the FMPPLA and finalise them as a matter of urgency and before the end of the 2021-22 financial year.

Hon Deputy Chair and hon member, the last report to present today is entitled Report of Joint Standing Committee on the Financial Management of Parliament - Parliament of the Republic of South Africa’s performance in quarter 1 Of 2020/21 dated 4 November 2020.

The committee has noted the PBO’s continued over performance and the explanations to that. Such over performance is due to fact that the demand for PBO analytical report it produces were difficult to predict, which frequently resulted in positive performance variances or over performance in respect of the targets set. However, the committee recommends that the impact and quality of those reports should also be assessed.

The committee has noted the OISD improved its performance and that all targets were met. It is also noted that the detailed quarterly report and weekly schedules of OISD prepares have resulted in timely communication and tracking of resolutions. However, as in case of the PBO, the committee recommends that the impact and quality of the services of the OISD should also be assessed.

The committee has noted the impact the national lockdown has had of the performance of programme 3, core business in particular, while the institution has for the most part performed admirably in respect of remote working.

More could be done to build to ensure that all employees are able to work efficiently from home.

The committee notes that the institution has developed a policy to govern remote working and recommends that it be reviewed regularly as more lessons are learnt.

The committee also recommends that the lessons learnt under lockdown be incorporated to make the institution’s overall operations more efficient going forward.

Lastly, the committee noted the expenditure in terms of programmes and economic classification as reported is not actual, is exactly as projected.

Furthermore, the committee has noted the high level information provided in respect of spending on goods and services and is of the view that it is insufficient for oversight purposes. Therefore, the committee recommends

that the institution should in every quarter provide a detailed breakdown of high level actual spending on goods and services. I thank you very much hon members and the Deputy Chair.

The DEPUTY CHAIRPERSON OF THE NCOP: Before we continue let me just correct the fact that the Orders that have been dealt with now was the Thirteenth, Fourteenth, Fifteenth and Sixteenth; Order Sixteen being the Sixth Parliament of the Republic of South Africa’s Strategic Plan (2019-2024), and the 2020/21 Annual Performance Plan and budget, dated 2 September 2020. Thank you, hon Mahlangu.

QUESTION PUT on the Thirteenth Order

VOTING

Motion agreed to in accordance with section 65 of the Constitution.

QUESTION PUT on the Fourteenth Order

VOTING

Motion agreed to in accordance with section 65 of the Constitution.

QUESTION PUT on the Fifteenth Order

VOTING

Motion agreed to in accordance with section 65 of the Constitution.

QUESTION PUT on the Sixteenth Order

VOTING

Motion agreed to in accordance with section 65 of the Constitution.

# CONSIDERATION OF REPORT OF SELECT COMMITTEE ON APPROPRIATIONS FINANCIAL AND FISCAL COMMISSION’S SUBMISSION FOR THE DIVISION OF REVENUE 2021-22 DATED 2 SEPTEMBER 2020

Ms D G MAHLANGU: Hon Deputy Chairperson, hon Chairperson, hon Chief Whip of the Majority Party, hon members and fellow South Africans, good afternoon. It is my honour and privilege to table before this august House a report on the Financial and Fiscal Commission, FFC, of the 2021-

22 division of revenue recommendations on behalf of the Select Committee on Appropriations.

Hon Deputy Chairperson, I am happy to report to this House that on 2 September 2020 the committee received and noted the report of the FFC submission on the 2021-22 division of revenue recommendations. The report was tabled in terms of section 9(1) of the Intergovernmental Fiscal Relations Act of 1997 as amended which requires the commission to table a submission on the division of revenue recommendations for the following financial year for the executive to consider and implement.

However, due to time constrains and other pressing issues, the committee was unable to invite the affected executive departments to discuss the FFC recommendations of the 2021-22 financial year and to further indicate whether they agree with the commission’s recommendations

or not. We hope that this House will assist us to make sure that our committee programmes do cater for such an important engagement in the near future which are the departments as indicated above. We also want to say as the committee as we present this report, the FFC was led by the late Prof Daniel Plaatjies. We want to say on behalf of the committee, hon Deputy Chairperson and the House, may his soul rest in peace. He will be dearly missed. Thank you.

Debate concluded.

*Declaration of vote:*

Ms C LABUSCHAGNE: Hon Deputy Chairperson, we wish to convey our sincere condolences to the family, colleagues and friends of Prof Daniel Plaatjies. He was a committed man and worked for the betterment of this country. He did not want to be taken lightly. He did not suffer fools and he did not fear speaking truth to power.

His forthright approach and pragmatism will be missed in the committee and in this country. Our best to be to him is to continue in the struggle for economic wellbeing and

both fiscal and executive integrity. We already miss you Professor. May you rest in peace.

The report at hand deals with the presentation that was particularly well put together and dealt with amongst other things, the response to COVID-19, intergovernmental fiscal relations, the impact of COVID-19 on socioeconomic development, sustainable funding for health care and the practical approach to the National Health Insurance, NHI, and lastly, with the Early Childhood Development, ECD, approach to family and community welfare.

While there may be some ideological differences in approach, the report gave good for thought and was refreshing and welcome look at some alternatives to be considered in fiscal plan for the future. The report must be treated appropriately and responded to by Treasury.

Past reports have not received the treatment and earnest consideration that they deserve. Treasury needs to take these Chapter 9 institutions seriously as envisioned by the Constitution. The report reflects the presentation and our deliberations. The Western Cape supports this report.

In favour: Eastern Cape, Free State, Gauteng, KwaZulu- Natal, Limpopo, Mpumalanga, Northern Cape, North West, Western Cape.

Motion agreed to in accordance with section 65 of the Constitution.

# CONSIDERATION OF JOINT REPORT OF SELECT COMMITTEES ON APPROPRIATIONS AND FINANCE — APPOINTMENT OF DIRECTOR OF PARLIAMENTARY BUDGET OFFICE DATED 3 NOVEMBER 2020

The CHIEF WHIP OF THE NCOP: Hon Deputy Chair, I have my hand up.

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): Okay,

Chief Whip.

The CHIEF WHIP OF THE NCOP: Thank you very much, hon Deputy Chairperson. I’m standing to move that Order 19 stands deferred to another sitting of the House for further consideration.

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): Is it

Order 18 or Order 19?

The CHIEF WHIP OF THE NCOP: It’s Order 18. The one that you just read out; of the joint report of the committees.

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): Okay.

Chief Whip, thank you. So we are going to ... The report on Order 18 will be deferred.

Ms C LABUSCHAGNE: Chairperson, on a point of order: Can the Chief Whip just inform us what is the reason why it has to be deferred?

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): It’s a

fair request. Yes, Chief Whip?

The CHIEF WHIP OF THE NCOP: Yes, the matter is about the two Houses of Parliament. We want to build uniformity when we process matters of this nature; that they are considered in another House as well. It’s also to help members to familiarise themselves with the contents of

the report in a much more thorough way. Thank you, Deputy Chair.

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): Thank

you, Chief Whip. I think it’s acceptable. So, we are going to continue and we will now proceed to the 19th and 20th Orders.

Order deferred.

# CONSIDERATION OF REPORT OF SELECT COMMITTEE ON LAND REFORM, ENVIRONMENT, MINERAL RESOURCES AND ENERGY — LEGISLATION RELATING TO AMENDMENTS TO NORMS AND STANDARDS FOR MANAGEMENT OF ELEPHANTS IN SOUTH AFRICA DEVELOPED IN TERMS OF SECTION 8(3) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT BIODIVERSITY ACT NO 10 OF 2004 READ WITH SECTION 146(6) OF THE CONSTITUTION WHICH REQUIRES THAT ALL SUBORDINATE LEGISLATION ISSUED UNDER THE ACT WHICH AFFECTS PROVINCES TO BE SUBMITTED TO THE NATIONAL COUNCIL OF PROVINCES FOR APPROVAL DATED

**3 NOVEMBER 2020**

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): Hon

Modise? Tebogo Modise? Ma’am Modise? Chief Whip, what do we do because the issue is one of connectivity?

The CHIEF WHIP OF THE NCOP: Is the Whip of the committee able to take us further? [Inaudible.]

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): Yes,

if they have the Announcements, Tablings and Committee Report, ATC, they can just read the report before we continue. Can you assist, Adv?

[Interjections.]

Ms T C MODISE: [Inaudible.]

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): Okay.

Ma’am Modise, it’s clear ...

Ms T C MODISE: Deputy Chair? Good afternoon.

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): Yes?

We can hear you now. We can hear you now.

Ms T C MODISE: [Inaudible.] Deputy Chair?

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): Yes?

It seems that you have a challenge with your connectivity. [Interjections.] Adv, can you assist? Can you assist?

Ms T C MODISE: [Inaudible.] Please Chair, can I proceed?

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): We are

waiting on you to table the report.

Ms T C MODISE: Deputy Chairperson, can I proceed?

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): Yes

please.

Ms T C MODISE: Okay. Thank you very much, Deputy Chairperson. I stand before this esteemed House to table for consideration and adoption two reports of the Select Committee on Land Reform, Environment, Mineral Resources and Energy.

It is ... [Inaudible.] ... fitting to reiterate in this House that we have a progressive Constitution ... in the world and supreme laws of the land encouraging effective intergovernmental relations and which give effect to participation democratically through public participation.

Contained in our Bill of Rights, in the Constitution of South Africa, is section 24 that deals with the environment. It stipulates that everyone has the right to, among others:

Have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that:

prevent pollution and ecological degradation; promote conservation; and secure ecologically sustainable development and use of natural resources while promoting a justifiable economy and social development.

The first report relates to the legislation on norms and standards for the management of elephants in South

Africa, developed in terms of section 8(3) of the National Environmental Management: Biodiversity Act, read with section 146(6) of the Constitution.

In these two legislative constitutional provisions ... dealt with conflicts between national and provincial legislation. The Department of Environment, Forestry and Fisheries developed norms and standards in line with section 9 of the National Environmental Management: Biodiversity Act.

The purpose of the amendment to the norms and standards for elephants is to address the implementation on enforcement and challenges that mainly related to the management of elephants in South Africa.

The second report that I table before this House relates to the list of threatened and fresh-water species and regulations. The department explained that the Threatened or Protected Species, Tops, regulation 2007 provides for a national approach to the sustainable use of the species and the ... threatened with extinction.

... [Inaudible.] ... the need of national protection whilst ensuring the conservation of species, the department further explained that the Tops regulations addresses multiple issues, including unethical hunting practices such as hunting in confined spaces or the hunting in ... [Inaudible.] ... animals by means of birds.

Activities related to the management of damage causing

... animals ... hybridisation and spreading disease as a result of translocation. Activities threaten cycad population, registration of captive, breeding and keeping facility.

On 2 and 9 of ... [Inaudible.] ... the department made a presentation on the norms and standards on the management of elephants and the list of threatened fresh-water species and regulations to the select committee. The select committee invited all nine provinces. The nine provinces and the select committee ... [Inaudible.] ... presentation made, held further engagements in their respective legislatures and went on public participation

... [Inaudible.] ... in process.

As required by the ... [Inaudible.]

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): Is

there any way that you can assist them, Adv?

Ms T C MODISE: [Inaudible.]

Mr I NTSUBE: We are battling to hear, hon Chair.

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): We can

definitely not hear a thing but the report is also in the ATC as is indicated here.

Mr I NTSUBE: That is true. We suggest that we move forward in terms of voting.

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): Adv,

we take it that these reports have been ATC’d.

[Unidentified member (Adv)of staff audibly responds] That is correct hon ...

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): So, if

it is ATC’d then we can accept that it has been tabled. Hon Modise, we are having ... it’s extremely difficult to hear you. You are not audible at all. Since the reports have been ATC’d we are going to put it in front of the House for voting. Thank you very much.

I will put the question in respect of the 19th Order. The question is that the report be ... [Inaudible.] ... the opportunity to make their declarations of vote in terms of Rule 71 if they so wish.

Debate concluded.

Ms C LABUSCHAGNE: Chairperson, it’s hon Labuschagne.

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): Yes,

hon Labuschagne, I hear you.

Ms C LABUSCHAGNE: Is Order 19 the one on elephant management?

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): The

one on elephant management? The management of elephants in South Africa. It’s the norms and standards.

Ms C LABUSCHAGNE: I would like to make a declaration.

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): You

may proceed.

*Declaration of vote:*

Ms C LABUSCHAGNE: Thank you. Hon Chairperson, we welcome these norms and standards for elephant management.

However, I need to focus on the fact that the Minister of Environment, Forestry and Fisheries, hon Creecy, herself highlighted that although elephants in captivity are included in these norms and standards, it is not enough to cover all the aspects of elephants in captivity. The importance to develop a separate set of norms and standards for elephants in captivity and the management thereof after the completion of the revising process of the National Environmental Management Laws Amendment Bill to address the wellbeing of animals so that the welfare

of animals can be addressed in the National Environmental Management: Biodiversity Act, is important.

The timeframe for the completion of norms and standards for elephant management in captivity will hopefully fall within the expiration of the 6th Parliament. The Western Cape supports the norms and standards for elephant management.

Question put: That the Report be adopted.

IN FAVOUR: Eastern Cape, Free State, Gauteng, KwaZulu- Natal, Limpopo, Mpumalanga, Northern Cape, North West, Western Cape.

Report accordingly adopted in accordance with section 65 of the Constitution.

# CONSIDERATION OF REPORT OF THE SELECT COMMITTEE ON LAND REFORM, ENVIRONMENT, MINERAL RESOURCES AND ENERGY — LEGISLATION RELATING TO THE TABLING OF THE LIST OF THREATENED TERRESTRIAL AND FRESHWATER SPECIES AND REGULATIONS RELATED THERETO IN TERMS OF SECTION 8(3) OF

**THE NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004 (ACT NO. 10 OF 2004) (NEMBA), READ WITH SECTION**

**146(6) OF THE CONSTITUTION WHICH REQUIRES THAT ALL SUBORDINATE LEGISLATION ISSUED UNDER THE ACT, WHICH AFFECTS PROVINCES, TO BE SUBMITTED TO THE NATIONAL COUNCIL OF PROVINCES FOR APPROVAL, DATED 03 NOVEMBER 2020.**

Debate concluded.

Question put: That the Report be adopted.

IN FAVOUR: Eastern Cape, Free State, Gauteng, KwaZulu- Natal, Limpopo, Mpumalanga, Northern Cape, North West, Western Cape.

Report accordingly adopted in accordance with section 65 of the Constitution.

# CONSIDERATION OF REPORT OF SELECT COMMITTEE ON HEALTH AND SOCIAL SERVICES — FILLING OF VACANCIES TO THE CENTRAL DRUG AUTHORITY (CDA) BOARD, DATED 18 NOVEMBER 2020.

Ms M N GILLION: Hon Chairperson, hon House Chair, hon delegates fellow South Africans, as the COVID-19 pandemic continues to ravage the country and the world, let us be extra vigilant and take the necessary precautions to keep each other safe.

Hon Deputy Chair, following a referral [Inaudible.] ...

The DEPUTY CHAIRPERSON OF THE NCOP: You may continue, hon Gillion, there was a [Inaudible.].

Ms M N GILLION: Thank you, Deputy Chair. Following a referral published in the ATC dated 28 May 2018, the Select Committee on Health and Social Services together with one of the National Assembly counterpart, the Portfolio Committee on Social Development, embarked on a process to fill vacancies for persons to serve on the board of the Central Drug Authority, (CDA). This was done with the main aim of ensuring that suitable candidates lead this valuable institution that plays a critical role in fighting another scourge in our society — that of substance abuse.

Substance abuse is a growing problem in South Africa with more than 13% of the population having used a drug in their lifetime, according to the DAIDS Regulatory Support Centre, RSC, of 2015.

Hon members, substance abuse requires a multi-sectoral approach in South Africa and the SDA, as a statutory body established in terms of the Prevention of and Treatment for Substance Abuse Act 17 Of 2008, has a critical role. It has four main functions, and these are: To give effect of the National Drug Master Plan, NDMP, in accordance with the guidelines set out therein; to advise the Minister on any matters affecting the abuse of drugs referred to in the CDA by the Minister for advise; to advise the Minister on any matter on which the CDA consider necessary; and to plan, co-ordinate and promote measures relating to the prevention and combating of the abuse of drugs and the treatment of persons dependant on drugs in accordance with the NDMP.

Hon Deputy Chairperson, the committee thus embarked on the process of finding 13 suitable candidates to lead the CDA for a period not exceeding five years. Upon such

conditions, the Minister of Social Development may determine the time of making the appointment.

Following an open call advertised widely by the Department of Social Development, Parliament received 64 nominations of potential candidates. In line with the criteria set out in the Act and the advert, the committee shortlisted 26 candidates. The CVs of the shortlisted candidates were published on the Parliament website for transparency purposes. In addition, verifications of qualifications and security clearance was done. Of those shortlisted candidates, only 21 were interviewed between

3 and 5 November at Parliament as two withdrew from the process and three did not meet the set criteria. The interviews were streamlined live to the public.

Hon members, on 13 November 2020 the sub-committee considered the draft report and the entire recruitment process. It then recommended 13 candidates. In accordance with the Act, the select committee resolve that the following 13 candidates be recommended to both Houses of Parliament to be appointed by the Minister of Social Development to serve the CDA for a period of five years:

Mr Devon Clife De Koker, Mr Peter Ucko, Ms Elna Japisa Mathonsi, Mr Thabo Zacharia Morabe, Ms Nyameka Mayathula- Khoza, Ms Matlhogonolo Sobeng Sophia Maboe, Ms Rachel Mmadikeledi Motsepe, Ms Nomcebo Alice Dlamini, Mr Samasivan Pillay, Ms Dareleen James, Dr Gurunathen Kistnasamy, Ms, Nomathemba Elaine Kela and Rev Mlahleki Reuben Sokana.

In line with the prescripts of the South African Constitution, all sections of the Prevention of and Treatment and Drug Dependency Amendment Act 70 of 2008 and the mandate of Parliament, this process was done objectively and in a transparent, just and open manner.

It has been an honour and privilege to execute this difficult, unique and momentous task. Working on this process has been a true reflection of the overarching role of strengthening our country’s democracy. I thank you, Deputy Chair.

Debate concluded.

Question put: That the Report be adopted.

IN FAVOUR: Eastern Cape, Free State, Gauteng, KwaZulu- Natal, Limpopo, Mpumalanga, Northern Cape, North West, Western Cape.

Report accordingly adopted in accordance with section 65 of the Constitution.

Business concluded.

The Council adjourned at 17:19.