**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

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

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The Council met at 10:05.

The Chairperson took the Chair and requested members to

observe a moment of silence for prayers or meditation.

**ANNOUNCEMENTS**

The CHAIRPERSON OF THE NCOP: Hon members, allow me to begin by

reminding all delegates that the rules apply and so do

processes of the hybrid sitting. I would also like to make the

following announcement, that delegates who are physically in

the Chamber must connect to the virtual platform as well as

inserts their cards to register on the Chamber’s system. They

must switch off the sound of their gadgets. They must ensure

that the microphones on their gadgets are muted and remain

muted at all times.

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They must use floor microphones. They must wear face masks at

all times. They must occupy seats marked for that purpose, and

they must at all times maintain a social distance of at least

1,5m from one another. Delegates must switch on their videos

if they want to speak and to address the Chair. Any delegate

who wishes to speak must use the “raise your hand” function or

icon. All delegates may participate in the discussion through

the chatroom. I am informed that there will be no notices of

motion or motions without notice, and that being the case, we

will therefore proceed and move on to the First Order of the

day.

**NATIONAL GAMBLING AMENDMENT BILL [B 27B - 2018] AND REPORT OF**

**SELECT COMMITTEE ON TRADE AND INDUSTRY, ECONOMIC DEVELOPMENT,**

**SMALL BUSINESS DEVELOPMENT, TOURISM, EMPLOYMENT AND LABOUR**

**THEREON**

Mr K M MMOIEMANG: The National Gambling Amendment Bill is one

of the Bills that were not finalised by the Fifth Parliament.

It was revived by the National Council of Provinces in the

Sixth Parliament and referred to the select committee. We

report that we are tabling the beginning outlines whose

purpose is to amend the National Gambling Act of 2004 and to

provide for the procedure for the forfeiture of unlawful

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winnings to the National Gambling Regulator. It also provides

for the quorum to make a final decision in the second meeting

with the majority of the members present in that meeting. It

also ensures that there is the dissolution of the National

Gambling Board and to provide for the establishment of the

National Gambling Regulator.

The process that was followed is as follows, and as indicated

it was revived by the National Council of Provinces 17 October

2019. The select committee was briefed on 16 July 2019.

Between the period 18 to 27 November 2019 was set aside for

briefing by the portfolio committees in the provinces. The

number of errands that were raised during the divergent views

from the committees are as follows, the provinces raised the

concerns the establishment of the National Gambling Regulator

without a board structure. The response to the concern was

that the National Gambling Regulator is established in line

with other entities of the Department of Trade, Industry and

Competition. The Department of Trade, Industry and Competition

entities had adopted the governance model of the board

structures which experienced governance challenges. The

National Gambling Board, with regard to those challenges has

been met by an administrator.

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The second concern was around the National Central Electronic

Monitoring System. The provinces were concerned that the

National Central Electronic Monitoring System which is

currently monitoring limited payout machines, LPMs, will be

extended to all modes of gambling. The provinces indicated

that casinos and bingos already have their own monitoring

systems and Provincial Licensing Authorities put the intention

to extend the National Central Electronic Monitoring System to

other modes of gambling to consolidate information throughout

the country for all legal modes of gambling.

The National Gambling Board currently has an exclusive mandate

over the National Central Electronic Monitoring System for the

LPMs mode of gambling. This National Central Electronic

Monitoring System is a national register as set out in the

National Gambling Act and this function will ensure that the

National Gambling Regulator continues to work as a central

repository of gambling information.

The third point around the National Gambling Policy Council is

that the amendment empowers the majority of the members

present in the second meeting of the National Gambling Policy

Council to make a decision if in the first meeting there was

no quorum. Most of the provinces raised issues around this

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area. The fourth point that was raised by provinces was the

issues of autonomy and independence of the provincial

inspectorate, where national inspectors are allowed to

investigate without prior approval of the province and without

being accompanied by the provincial inspectors. Section 76A

provides for additional powers of the National Gambling

Inspectors that they may act with or without provincial

inspectors to investigate illegal gambling activities.

The final mandates were submitted with three provinces voted

in favour of the Bill, four provinces voting against the Bill

and two provinces abstained from voting. Eastern Cape

abstained from voting, Free State and Gauteng voted against

the Bill. KwaZulu-Natal abstained from voting. Limpopo,

Mpumalanga and Northern Cape voted in favour of the Bill.

North West and Western Cape voted against the Bill. The Bill

was not supported by the required number of five provinces. I

so table the report, national Chairperson. Thank you.

Debate concluded.

*Declarations of Vote*:

Mr J J LONDT: Hon Chairperson and hon members, I want to start

out by thanking and congratulating members across party lines

who, for the first time in a quite a while, voted in the best

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interest of their province which they represent. We might not

always agree with one another, but we are here in the NCOP to

represent our provinces.

In the past, colleagues from the ANC often voted according to

a party line, against what was best for the province they

represent.

This Bill showed how the NCOP should function. The majority of

provinces which exercised their vote mandated their

representatives to vote against this Bill. May this be the

start of how we do work within the NCOP by unapologetically

representing our provinces, irrespective of party lines.

We support the committee report that we reject the Bill. As

the Western Cape, we do not support this Bill. Thank you.

The CHAIRPERSON OF THE NCOP: Any other province wishing to

make a declaration? None. We shall now proceed to voting on

the question. The question is that the Bill be agreed to.

I now call upon provinces to cast to their votes. When called

upon to do so, heads of delegations must indicate whether they

vote in favour, against, or abstain.

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We will start with the Eastern Cape.

Mr S J MOHAI: Chairperson, I would like to rise on a

procedural issue.

The CHAIRPERSON OF THE NCOP: Go ahead, hon Mohai.

Mr S J MOHAI: Chairperson, the presentation from hon Mmoiemang

from the committee indicated provinces that supported and

provinces that did not support, and that therefore the report

that is presented here did not meet sufficient requirements

for the NCOP to either reject or adopt it. I thought that you

would be advised in terms of the procedure that is taken.

In our view, we believe that this Report would then be

presented to a further process that would be dealt with. It is

my view that it should neither be rejected nor adopted by the

House. It must be further referred to mediation processes so

that issues which are genuinely raised by provinces should be

responded to accordingly by the procedure that is taken. I

believe that it is a different procedure altogether that the

House has to follow today. Thank you.

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The CHAIRPERSON OF THE NCOP: I think it’s an important

comment. Perhaps the best way forward is to note the comment,

but proceed with the procedure. It makes for easy and logical

management of how we do things. [Interjections.] Yes, hon

member?

Ms C LABUSCHAGNE: Thank you, Chairperson. I agree with the

point of order raised by the Chief Whip. This Bill has been

brought to Council in December 2018, during the Fifth

Parliament. The votes were the same. So, in the committee ...

the committee didn’t pass the Bill because five provinces did

not vote on the Bill in the committee. It was then brought to

Council and referred back to the committee.

Now we are in the Sixth Parliament. This Bill has been brought

to Council under the same circumstances. I cannot see how it

can be referred back to the committee for the second time. So,

procedurally, we either have to vote on the Bill. That means

the Bill will be rejected by Parliament – by the NCOP.

Then, according to section 76 of the Constitution, the Bill

will next have to be referred to the Mediation Committee that

will have to approve it within 30 days, otherwise it lapses.

That is the same as Rule 175 in the Rules book. Thank you.

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The CHAIRPERSON OF THE NCOP: Okay. Another way of managing

this issue would be to say that the Bill has gone through

various processes. Clearly, as the Chief Whip said, it does

not have the necessary support. If the House agrees that we

should therefore refer this Bill to the next step in the

process ... and next step is that the Bill will be referred to

the Mediation Committee ... so it should go to a mediation

committee. Are we agreed?

Hon MEMBERS: Agreed.

The CHAIRPERSON OF THE NCOP: I guess what we are saying is

that it will go to the Mediation Committee, and that is really

on the assumption that the provinces have rejected the Bill. I

just want to emphasise that so that we don’t come back to this

point at a later stage. So, agreed? [Interjections.] Yes, hon

Londt?

Mr J J LONDT: Chairperson ...

The CHAIRPERSON OF THE NCOP: It’s just a technical point that

is being raised, and I am trying to take us through that. The

technical point that is being raised by the Table is really

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that the Bill can only be referred to the Mediation Committee

if it has not ... it has been rejected by the House.

[Inaudible.] ... that’s the point. I don’t want us to waste

time and repeatedly quibble over the point. But, the more we

have the same understanding, the better. So I am just

emphasising that. Hon Labuschagne?

Ms C LABUSCHAGNE: Chairperson, may I read the Constitution at

section 76, which ... [Inaudible.] ...

My mic is not working.

The CHAIRPERSON OF THE NCOP: Please turn the mic on.

Ms C LABUSCHAGNE: Okay, section 76(1)(d) states that:

If the Council rejects the Bill, or if the Assembly

refuses to pass an amended Bill referred to it in terms

of paragraph (c), the Bill and, where applicable, also

the amended Bill –

which is not applicable here –

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must be referred to the Mediation Committee, which may

agree on —

(i) the Bill as passed by the Assembly;

(ii) the amended Bill as passed by the Council; or

(iii) another version of the Bill.

Furthemore, section 76(1)(e) states that:

If the Mediation Committee is unable to agree within 30

days of the Bill’s referral to it, the Bill lapses unless

the Assembly again passes the Bill, but with a supporting

vote of at least two thirds of its members.

So, Chairperson, with all due respect, on a technical point, I

do agree that that Bill should not have been here in this

Council, at the committee stage, five provinces did not vote

it through.

But that Bill has been stuck in that committee in the previous

term. It is going to be stuck there because nobody wants to

change anything.

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So, now the Bill is here in this House and the only other way

that we can say is, if we say that the Bill has been rejected

– because it has clearly been rejected because it was not

passed – it has to be referred to the Mediation Committee,

according to section 76(1)(d). Rule 175 in our Rule book also

spells this out. The Mediation Committee has to either accept

it within 30 days, or, as a Bill, it fails. Thank you.

The CHAIRPERSON OF THE NCOP: Thank you very much. Rather don’t

make our situation more difficult. Hon Labuschagne is really

asking that we go the automatic route of referring this Bill

to the Mediation Committee. Her reasoning is that the Bill has

already been rejected at discussion and committee stage. So

...

Ms C LABUSCHAGNE: Chair, can I ...

The CHAIRPERSON OF THE NCOP: Do you want us to go through a

formal process?

Mr S J MOHAI: No, I want to call a point of order here. It is

not true that the Bill was rejected at committee stage. It was

not rejected. Let’s be clear. Let’s be clinical about it. Five

provinces did not vote on the Bill. It is indicated how many

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provinces supported the Bill, how many abstained, how many

rejected the Bill. That indication does not allow for a

decision to be made.

So, on what basis would be reject or adopt a Bill in the

House? We don’t have mandates to adopt or reject the Bill.

This was indicated in the committee.

So, your ruling, Chair, sought to end this impasse by

referring it to the unfolding of further processes. There was

no voting.

So I think we need to deal with it in the manner which we have

already ... [Inaudible.] ... or defer the question on the

matter until the presidium makes a decision on it.

The CHAIRPERSON OF THE NCOP: I now want to make a ruling, hon

members, to take us out of this difficulty that we seem to be

in. The ruling is that we shall go through the process.

[Interjections.] Yes, what is the point of order?

Ms C LABUSCHAGNE: Chairperson, the hon Chief Whip said that

this Bill has not been rejected in the committee. The Rule

states that five provinces have to vote in favour of a Bill.

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That is point number one. Five provinces in that committee did

not vote in favour of the Bill. Whether they abstained or not,

theirs was not a vote in favour of the Bill.

Then, the next Rule applicable to this legislation is, a Bill

has six to eight weeks to pass through the processes within

the NCOP and the provinces. If they want to get around that

period of six to eight weeks, the chairperson has to get

permission from the Chair of the Council for extension of the

Bill. That permission is not mentioned in the report; there

was no permission.

So, on which grounds are we sending this Bill back to the

committee for the second time around if we are not going to

say that this Bill is rejected?

The CHAIRPERSON OF THE NCOP: Thank you very much. We will now

proceed. Please, there is so much business that the NCOP has

to go through today. So we can’t discuss the same point over

and over again. I have made a ruling that we will follow the

process so that we end what is happening at the moment.

So I call upon provinces to cast their votes. When called upon

to do so, heads of delegation must indicate whether they vote

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in favour, against or abstain. We shall do in alphabetical

order.

The Eastern Cape?

An HON MEMBER: The Eastern Cape abstains.

The CHAIRPERSON OF THE NCOP: Free State?

An HON MEMBER: The Free State votes against the Bill.

The CHAIRPERSON OF THE NCOP: Gauteng?

An HON MEMBER: Gauteng votes against the Bill.

The CHAIRPERSON OF THE NCOP: Kwa-Zulu Natal?

An HON MEMBER: Kwa-Zulu Natal abstains.

The CHAIRPERSON OF THE NCOP: Limpopo?

An HON MEMBER: Limpopo supports.

The CHAIRPERSON OF THE NCOP: Mpumalanga?

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An HON MEMBER: Mpumalanga supports the Bill.

The CHAIRPERSON OF THE NCOP: Northern Cape?

An HON MEMBER: Northern Cape supports the Bill.

The CHAIRPERSON OF THE NCOP: North West?

An HON MEMBER: North West abstains.

The CHAIRPERSON OF THE NCOP: Western Cape?

Ms C LABUSCHAGNE: Chairperson, I rise on a point of order.

North West cannot change their mandate. Their mandate is to

vote against the Bill. They have to vote according to the

mandate given to them by the province.

The Western Cape votes against the Bill.

Mr S J MOHAI: We can ... [Inaudible.] ...

The CHAIRPERSON OF THE NCOP: We are talking North West.

Mr S J MOHAI: Okay.

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The CHAIRPERSON OF THE NCOP: We are trying to assist.

Mr S J MOHAI: I can help, Chair. I can help. I have the report

of the committee. North West is one of the provinces that vote

against the Bill. This brings us back to the original position

that the Bill should be referred to the Mediation Committee.

The CHAIRPERSON OF THE NCOP: Yes, North West?

An HON MEMBER: Thank you very much, Chairperson. Sorry. North

West votes against.

Mr J J LONDT: That happens when one trusts that member from

the North West!

Ms C LABUSCHAGNE: The Western Cape votes against the Bill.

The CHAIRPERSON OF THE NCOP: Thank you.

[TAKE IN FROM MINUTES.]

The Council rejected the Bill.

Bill referred to Mediation Committee.

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**CONSIDERATION OF FINANCIAL SECTOR LAWS AMENDMENT BILL AND**

**REPORT OF SELECT COMMITTEE ON FINANCE THEREON**

Mr E J NJADU: Hon Chairperson, good morning. As the Whip of

the committee on finance, Chairperson hon Carrim, I think –

hon Chief Whip, hon House Chairs, hon Deputy Ministers and

Deputy Ministers, and hon members of the NCOP, the report of

the Select Committee on Finance on the Financial Sector Laws

Amendment Bill, B15B – 2020, National Assembly - section 75,

dated 2 December 2021, just to give the background of the

Financial Sector Laws Amendment Bill forms part of the

Financial Sector Regulation Act or twin peaks regulatory

reforms introduced in 2011, which covers the conduct and

transformation of the financial sector.

As the National Treasury explained, the purpose of the

Financial Sector Laws Amendment Bill is to address banking

risks, failures and weaknesses and mitigate impacts of

financial crisis. It seeks to address the shortcomings of the

current financial legislation, partly necessitated by the

lessons learnt from the 2008-9 global financial crisis and

domestic experiences and to enhance the SA Reserve Bank, SARB,

financial stability mandate and to expand its objective for

depositors’ protection.

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It was further said that the South African lessons learnt from

the African Bank, Venda Building Society, VBS, Mutual Bank

demonstrated the need for additional powers during an

intervention and an explicit, privately funded deposit

insurance scheme to protect vulnerable depositors.

With regards to the process followed by the committee, on 7

September 2021, the NCOP formally referred the Financial

Sector Laws Amendment Bill to the Select Committee on Finance

for consideration and report, after the Standing Committee on

Finance voted on it.

Chairperson, the objective of the Financial Sector Laws

Amendment Bill is to amend the Insolvency Act of 1936, the SA

Reserve Bank Act of 1989, the Banks Act of 1990, the Mutual

Banks Act of 1993, the Competition Act of 1998, the Financial

Institutions Protection of Funds Act of 2001, the Co-operative

Banks Act of 2007, the Companies Act of 2008, the Financial

Markets Act of 2012 and the Financial Sector Regulation Act of

2017.

The Bill proposes that the process of resolution takes place

under the management and control of the SARB, which will be

the Resolution Authority. Resolution as defined by the

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National Treasury, refers to a process during which a

competent authority, the Resolution Authority, takes over the

control and management of the affairs of a designated

institution that is failing or likely to fail in order to

restructure or resolve the institution with the use of

resolution tools in a manner that seeks to protect financial

stability and minimise the reliance on public funds.

This section summerises the oral and written submissions

received by the committee, organised in terms of key concerns

raised by the four stakeholders and the recommendations made

thereof.

Chair, only to mention two: Just to mention that Cosatu

welcomed the Financial Sector Laws Amendment Bill in principle

and believes that it is a necessary and long overdue

intervention by government, that would help protect workers,

pensioners, the state and the economy.

The Association of Black Securities and Investment

Professionals, ABSIP, is in full support of amendments

proposed in the Financial Sector Laws Amendment Bill and its

overall stance on the amendments proposed by the National

Treasury.

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The committee has the following recommendations. Chairperson,

the committee supports the efforts of the Financial Services

Regulatory Authority, FSRA, under which the current Financial

Laws Amendment Bill falls.

These objectives seek to maintain stability of the financial

system; maintain soundness of regulated financial

institutions; protect consumers of financial products and

services; increase access to financial products and services;

and combat market abuse and financial crime.

The outcomes of which are expected to benefit the society in

general, including retail financial customers; financial

institutions and their shareholders; poorest households; Small

Medium and Micro Enterprises, SMMES, and rural development

programmes.

We also support the proposed amendments in the Financial

Sector Laws Amendment Bill which broadly, designate the SARB

as a resolution authority; establishes a deposit insurance

scheme and provides for co-ordination, co-operation,

collaboration and consultation between different entities in

relation to financial stability and the functions of these

entities. These amendments are expected to, amongst other

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things, address banking risks, failures and weaknesses and

mitigate impacts of financial crises.

Lastly, Chairperson, we recommend that the National Treasury

and the SARB continue to engage with different stakeholders,

to address the gaps identified in the Bill and guard against

the unintended consequences of this Bill.

The Select Committee on Finance, having considered and

examined the Financial Sector Laws Amendment Bill B15B – 2020

National Assembly – section 75, referred to it, and classified

by the section 75, accept this Bill.

Lastly, Chairperson, the DA, the EFF and the FF Plus reserved

their position. We recommend that this House accepts this

report as tabled for consideration. Thank you very much,

Chair. [Applause.]

*Declaration of vote*:

Mr M S MOLETSANE: Hon Chairperson, the Financial Sector Laws

Amendment Bill seeks to provide provision for depositors who

put their hard-earned money into financial institutions. The

Bill proposes to establish a framework for the orderly

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resolution of banks that are designated by the Governor of the

Reserve Bank as important.

At the face value, this Bill seeks to put in place practical

measures to safeguard workers, small businesses, pensioners

and taxpayers’ money as depositors.

However, it also means that as a country we will not be able

to legislate systematic and structural challenges that many of

our people will face when they entrust financial institutions,

mainly banks, with either their money or when they seek

financial services.

Banks currently stand as the most untransformed institutions

which entrench racism in their system. Yet, South Africa

continues to amend legislation which caters for the financial

sector despite their untransformed policies which continue to

fail black people in the economy.

As the EFF, we have since inception, proposed for the creation

of a state bank which shall cater for the financial needs of

our people.

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While the proposed deposit insurance scheme is important, we

must ensure that we criminalise reckless behavior by people

entrusted with depositor’s money. We must also acknowledge

that today we stand in this Council, deciding on a Bill of

this nature because the Reserve Bank continues to fail to

transform the financial sector, particularly the banks. The

EFF does not support this Bill. Thank you, Chair.

Mr Y I CARRIM: Chairperson, I am experiencing problems with my

connections since late yesterday. So, can I plead that I do

not switch on my video but obvious I am very much here.

Basically Chairperson, I do not believe what the EFF is saying

because exactly what hon Moletsane is saying is what the Bill

seeks to address. It does not in fact meet the obligations of

the country as indeed other countries that are part of the

International Financial Systems but in fact, it is precisely

to address the 2008 Global Economic and Financial Crisis.

As indeed the challenges we are experiencing now in the

country: the African Bank collapsing and the state has to come

into its rescue. So, it is for those very reasons that this

Bill is introduced. It is not only a part of the truncheon

Bills dealing with new tool picks model which were drawn upon

from other countries that we adapted to suit our own needs in

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particular, the very concerns that Mr Moletsane expresses when

he talks about transformation.

As we all know, it is a pawn that disadvantages that suffers

disproportionately that the banks collapsed and that is what

happened in 2008. It had got nothing to do with our country

and the developed countries of the world but the greed of the

bankers in the developed world, USA in particular, UK and

Europe caused huge consequences for us. I gathered if I am

correct that we lost, if I remember correctly more than

1,1 million jobs because of them. Other countries even

suffered more.

It is because of the resilience of the financial sector in our

country that we did not suffer more. In fact, it is partly

because of the regulatory regime. But even then, Treasury in

its was done and correctly so, said look we have to do more

like clamp the loopholes. That is what they are doing and that

is what you should encourage. In fact, where I agree with Mr

Moletsane, I am sure the party I come from will is that

Treasury will accelerate the process of this new model.

He is right, we must criminalise reckless behaviour and that

is in fact what this Bill is intending to do. The issue really

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for us as Parliament is to hold the Executive to account and

ensure the institution had set up to stop what happened in

2008 and other times helping actually not happening again.

That means more effective monitoring from our side, more

demands from the other side of the Executive by the

institutions set up by the Executive to actually implement

what we have in this Bill.

We also agree that of all the sectors, the financial sector is

relatively untransformed. We realised that during this time of

Covid-19 and the July unrest and the consequences, we cannot

afford to alienate the private sector but on the other hand,

we need to transform. We need to find the right balances and I

agree with Mr Moletsane and the other parties that we need to

transform the financial sector. In fact, we also supported the

statement long before the EFF was even formed, if I am

correct.

Certainly, Treasury or the previous Minister said, what about

the possibility of the African Bank we use? In any case, we

bolster them with the taxpayer’s money. So, we are on the same

page there. It is just that I am a bit puzzled about why Mr

Moletsane would not vote or his party for this Bill. Thank you

very much.

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**CONSIDERATION OF NATIONAL ENVIRONMENTAL MANAGEMENT LAWS**

**AMENDMENT BILL**

(Consideration of Bill and Report Theron)

Ms T C MODISE: Hon Chairperson, Deputy Chairperson, Chief

Whip, Ministers who are in attendance, House Chairpersons and

hon members, good morning. This is the report of the Select

Committee on Land Reform, Environment, Mineral Resources and

Energy on the National Environmental Management Laws Amendment

Bill, B14F–2017, National Assembly, section 76, dated 07

December 2021. The Department of Environment, Forestry and

Fisheries briefed the committee and all nine provinces were

invited to be part and parcel of that briefing. We continued

with the briefing and from there we continued with the

negotiating mandate because it was a very, very difficult

Bill. It took more than seven days to deal with the

negotiating mandate.

On 07 September, we dealt with an e-list of the Bill. We after

deliberated the e-Bill. We proceeded to 16 November whereby

all nine provinces submitted their final mandates.

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Chairperson, I just want to tell you that this Bill was

initially referred to the Council in 2018 by the Fifth

Parliament, but fortunately it was reviewed by the Council in

2019. After the mandate we proceeded with the Bill on 16

November. We agreed on the amendment Bill.

The Select Committee On Land Reform, Mineral Resources and

Energy having deliberated and considered the subject on the

National Environment Management Law Bill, B14F–2017, National

Assembly, section 76, referred it to be classified by the JTMS

section 76 Bill report that has agreed to amend Bill B14F

2017. Therefore, the committee request the report to be

considered by the House.

In this report, eight provinces agreed and one province did

not support the Bill. We thank you.

Debate concluded.

Question put: That the Bill be agreed to.

*Declarations of vote*:

Ms C LABUSCHAGNE: Hon Chair and hon members, this Bill seeks

to amend various sections dealing with the environment. This

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include the National Environment Management Act of 1998,

National Environment Management Act of 2008, Air Quality Act

of 2004, National Environment Management Biodiversity Act of

2004, Integrated Coastal Management Act of 2008, Protected

Areas Act of 2003 and Waste Act of 2008. It should therefore

come as no surprise that the irrational this Bill consists of

89 clauses faring over 47 pages.

The Western Cape has two major concerns. The first is clause

35 which proposes the insertion of subsection 1(c) to section

43 of the National Environmental Management Act, Nema, meaning

that any person may appeal against the decision made by the

licensing authority contemplated in clause 36(1) or 47(a) of

the National Environment Management Air Quality Act. In the

case of municipalities, the appeal will be to the municipal

council. This requires consequential amendments to sections

43(4)(5) and (6) which were not included.

The Constitution of South Africa allocated the responsibility

of air quality management to local governments. Section 36(5)

(c) of the National Environmental Air Quality Act allocates

this responsibility to the national Minister as the licensing

authority for listed activities. We are concerned that this

will in future be tested and find wanting by the

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Constitutional Court. The Western Cape, therefore, does not

support this Bill. Thank you.

Ms W NGWENYA: Hon Chairperson, the ANC wrote a policy

statement on environment as articulate in 1992, *Ready to*

*Govern.* The policy guidelines puts it that the ANC believes

that all citizens of South Africa at present and in future

have the right to a safe and a healthy environment and to a

life wellbeing. The policy guide further states that the broad

objective of our environment policy are aimed at fulfilling

these rights and for such ground and development within South

Africa must be based on the criteria of sustainability.

The National Environment Management Laws Amendment Bill makes

a number of progressive amendments related to the National

Environment Management Act.

I would like to highlight a few Nema the Air Quality Act the

Nema wate Act, the Nema protected Areas Act. Under the air

quality it has been reported by the World Health Organization

that in 2013 about 20 000 South Africans were killed as a

result of air pollution. Recently, it has been reported that

air quality in Johannesburg in particular has been very

disappointing. The proposed amendments will provide for a

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mechanism dealing with air pollution and prescribe consequence

for unlawful conduct of listening activities resulting in

atmosphere emission, air quality and require responding to

emission and licensing activities under the provision of this

Act.

On waste, waste remain one of the challenge faced by our local

municipalities, meaning companies are the biggest waste

product. In the past the conduct of some of the mining

companies have been very worrying and had as a result of lack

of environment rehabilitation after land issue. There are a

number of mime dump in and around the provinces and this

process held risk to communities living in around them.

The amendment of section 1 of the Nema brings the much-needed.

As I conclude Haldos was business building was as well as in

said waste. In closing Gauteng province support this report

and the adoption of the National Environment Management Laws

Amendment Bill. I thank you, Chairperson.

Mr T B MATIBE: Hon Chairperson the Province of Limpopo is

committed to the promotion and protection of healthy

environment in line with the Bill of Rights which stipulates

that:

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Everyone has the right—

(a) to an environment that is not harmful to their health

or wellbeing; and

(b) to have the environment protected, for the benefit of

present and future generations, through reasonable

legislative and other measures that—

(i) prevent pollution and ecological degradation;

(ii) promote conservation; and

(iii) secure ecologically sustainable development and use

of natural resources while promoting justifiable economic

and social development.

South Africa has one of the most progressive environmental

laws on the continent and in the world. In 1998 the National

Environmental Management Act was enacted with the objective of

making the provision for co-operative environmental governance

by establishing principles for decision-making on matters

affecting environment institutions that will promote

cooperative governance procedure for co-ordinating

environmental functions exercised by organs of state.

The preamble of the National Environmental Management Act,

Nema states that, sustainable development requires integration

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of social environmental factors in the planning,

implementation and evaluation of decisions to ensure that

development serves present and future generations.

The National Environmental Management Act is the competency of

the Department of Environment, Forestry and Fisheries, the

Department of Mineral Resources and Energy and all nine

provincial governments. Hon Chair, it is umbrella legislation

and under it we have specific Environmental Management Act

dealing for an example with ways, protected areas,

biodiversity, equality, integrated coastal management. It is

this umbrella piece of legislation that we have considered its

amendment as the select committee. As the province of Limpopo

we support the Bill.

Chair, we are therefore particularly pleased that the Bill is

intended to ensure that, there is adequate public consultation

with stakeholders in consideration of development that might

impact on the environment. In conclusion hon Chair, we are

equally pleased about the proposed amendments that seeks to

protect the sector, promote the inclusion of black

professionals. The Limpopo Province supports the adoption of

National Environment Laws Amendment Bill. I thank you Chair.

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Debate concluded.

Question put: That the Bill be agreed to.

Voting:

Ms T C MODISE: Chairperson.

The CHAIRPERSON OF THE NCOP: Yes.

Ms T C MODISE: Order on the Western Cape. In the committee

they agreed that they support the Report, but today they

change their mind.

The CHAIRPERSON OF THE NCOP: Well, I am sure they can change

their mind.

Ms C LABUSCHAGNE: Chairperson, a question of parody. Did we

vote on the Bill or on the Report? Because if we voted on the

Bill together with the Report, we rejected the Bill.

The CHAIRPERSON OF THE NCOP: We are just checking the mandate.

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Ms C LABUSCHAGNE: Chairperson on a point of order. It was my

mistake. The Western Cape supported the Forestry Bill. Thank

you Chair.

The CHAIRPERSON OF THE NCOP: Thank you very much. So, Western

Cape votes in favour. Thank you very much, voting is closed.

All nine provinces voted in favour of the Report. The Report

is therefore agreed to in terms of section 65 of the

Constitution. Thank you very much.

Mr A J NYAMBI: Chair on a point of order.

The CHAIRPERSON OF THE NCOP: Yes, what’s your point of order?

Mr A J NYAMBI: So that the records can reflect correctly, we

are not dealing with the Forestry Bill here. So, what hon

Labuschagne is raising is not correct. If she is supporting,

she must be on record referring to what we are dealing with.

We have not yet come to the forestry one. It is the next one.

She is talking about the next one.

Ms C LABUSCHAGNE: Chairperson, I did a declaration on the

National Environmental Law. On that one the Western Cape

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objects. We are against the Bill. It was objected and was

against it in the committee.

IN FAVOUR: Eastern Cape, Free State, Gauteng, KwaZulu-Natal,

Limpopo, Mpumalanga, Northern Cape, North West.

AGAINST: Western Cape.

Bill accordingly agreed in accordance with section 65 of the

Constitution.

**CONSIDERATION OF NATIONAL FORESTS AMENDMENT BILL AND REPORT OF**

**SELECT COMMITTEE ON LAND REFORM, ENVIRONMENT, MINERAL**

**RESOURCES AND ENERGY THEREON**

(Consideration of Bill and of Report thereon)

Ms T C MODISE: Thank you very much, Chairperson. Good morning

hon members. The Report on Select Committee on Land Reform,

Environment, Mineral Resources and Energy on the National

Forestry Amendment Bill, B 11B 2016, National Assembly section

76 dated 16 November 2021, the Department of Land Reform,

Environment, Forestry and Fisheries briefed the committee. The

committee decided to invite again nine provinces to be part

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and parcel on the 02 June 2021 on the National Forestry

Amendment Bill, B 11B 2016.

The Bill was initially referred to the committee on 28 August

2018, during the 5th Parliament. However, it was reviewed by

the Council on 17 October 2019 in the 6th Parliament. The

committee called on the rating comments while the provinces

are dealing with the public hearing. After the public hearing

in the province, we engaged in the process of negotiating

mandate where we took two days to deal with the negotiating

mandate because we wanted to make sure that procedurally, we

ensure that we leave no stone unturned. On 07 September we

dealt with the final mandate whereby all nine provinces agreed

upon the Bill.

The Select Committee on Land Reform, Mineral Resources and

Energy, having deliberated on the consideration of the subject

of the National Forestry Amendment Bill, B 11B 2016, National

Assembly section 76, referred to it classified by the Joint

Tagging Mechanisms, JTMs, section 76 Bill Report that it was

agreed on the amendment Bill, B11D 2016. We therefore

requested the Report to be adopted. I thank you, Chair.

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Bill accordingly agreed in accordance with section 65 of the

Constitution

**CONSIDERATION OF CIVIL AVIATION AMENDMENT BILL AND REPORT OF**

**SELECT COMMITTEE ON TRANSPORT, PUBLIC SERVICE AND**

**ADMINISTRATION, PUBLIC WORKS AND INFRASTRUCTURE THEREON**

(Consideration of Bill and of Report thereon)

Mr M K MMOIEMANG: Thank you, National Chairperson of the

Council of Provinces, Mr Masondo. Chair, the Bill seeks to

amend the Civil Aviation Act which provides for the

establishment of the safety investigation board. True to this

juristic body, Chair, is the powers vested in this body to

investigate the aircraft accidents and incidents in South

Africa, but more than that, the establishment of the SA Civil

Aviation Authority that is vested with the powers to promote

civil aviation safety and security.

Chair, the Bill also seeks to consolidate various pieces of

legislation dealing with the regulation on civil aviation that

existed at the time, but also to ensure that where there were

some hiccups that hindered full operation, it is mitigated.

What is key also, is the provision of Chapter 4 and the Act

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which were never promulgated due to various reasons, one of

which, Chair, was the practical difficulties in the

establishment of the entity that was called the Aviation

Safety Investigation Board which is established by the

chapter.

Consequently, the full establishment of the Aviation Safety

Investigation Board was never achieved and to rectify this

conundrum of the Bill, the department consulted with various

bodies to ensure that there is clarity of thought around how

do we take the promulgation of this Chapter 4 forward. Chair,

the Bill was adopted by the portfolio committee and was

referred to the National Council of Provinces on 11 May 2021,

for concurrence. The committee deliberated on the received

presentation and it was followed subsequently by written

submissions upon our invite in the two national newspapers and

other relevant media platforms.

On 04 November, the committee deliberated on the Bill and on

17 November the committee finalised and processed the

submissions that were made. On 24 November 2021, the similar

Amendment Bill was adopted by the committee and the committee

unanimously agreed and recommended that the Bill be presented

to the House for approval as it was referred. I think what is

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quite key, Chair, is uh - as I have indicated – the key to the

Bill is investigation of aircraft accidents as well as

aircraft incidents. More than that, the Bill seeks to identify

safety deficiencies ... [Inaudible.] ... aircraft accidents

and incidents and make recommendations designed to ...

[Inaudible.] ... reduce any such deficiencies ... [Inaudible.]

... investigation and findings. Therefore, the committee is

sorting the Report to the House for adoption. Thank you,

Chair.

Debate concluded.

Question put: That the Bill be agreed to.

*Declarations of Vote:*

Mr T T APLENI: Chair, we live in a modernising world where the

state takes practical legislative measures to tighten the

safety measures for transport. The Civil Aviation Act was,

therefore, by design, intended to provide an independent

entity that would investigate aviation accidents. This was,

however, not done because the Act did not provide the full

spectrum of rights for the establishment of this entity.

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We, therefore, welcome the amendments made to eliminate the

legal uncertainties and for the establishment of the Aviation

Safety Investigation Board. The establishment of the Aviation

Safety Investigation Board will ensure that accidents are

thoroughly investigated and action is taken where it is

discovered that these accidents are a result of negligence and

poor training.

The Bill could have done more in imposing tougher penalties

for negligence and purposeful disregard for aviation safety

protocols. Nonetheless, the Bill introduces an important

amendment in relation to the role of the civil aviation

authority in environmental protection.

We also welcome the amendment dealing with the prohibition of

any employee of the aviation authority from working for any

players involved in aviation while at the same time employed

by the aviation authority. For there must be clear lines of

delineation between the aviation authority as a regulatory

body and the industry upon which it must provide oversight.

The EFF, therefore, supports the Civil Aviation Amendment

Bill. Thank you very much, Chair. Apologies for the video. The

network connection is terrible.

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Mr M DANGOR: Chairperson, thank you very much. The civil

aviation industry functions in South Africa on the best

international practice. This is necessary as the civil

aviation industry functions globally on the same international

standards. The country has a civil aviation safety record that

is second to none, and this must continue into the future.

In order to maintain such world-class standards, the civil

aviation industry, it is imperative that the legislation

reflects the current global standards and changes that are

being affected. Therefore, it is necessary to periodically

amend the civil aviation legislation. The central aim of the

amendment to the Civil Aviation Act seeks the establishment of

the civil aviation authority and the creation of the safety

and security structures that govern the functioning of the

civil aviation industry.

The creation of the civil aviation authority is geared towards

creating an independent authority that is skilled and ensures

that international safety standards and norms are enforced.

The economic rationale for the legislation is to ensure that

the civil aviation industry is able to optimally function as

it makes a major contribution to the economy through the

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movement of freight and the tourism industry. This intern is a

major source of job creation.

The Bill seeks to amend the Act to ensure the implementation

of legislation in terms of safety, security, and the

investigation of aircraft incidents and accidents in the civil

aviation sector. The Bill deals with corporate governance

issues directly and not through corporate governance plans,

which means that those in the civil aviation authority, with

conflicts of interest, will have to step down.

In the past, the civil aviation authority did not function

within the Public Finance Management Act, PFMA, and the

amendment seeks to rectify this anomaly. It also makes the

authority the preferred creditor which places the structure at

a financial advantage. It is important the civil aviation

authority is supported as its revival, in the context of the

COVID-19 pandemic, is critical. The ANC supports the Bill,

Chairperson.

Mr M NHANHA: Chairperson!

The CHAIRPERSON OF THE NCOP: Nhanha!

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Mr M NHANHA: Were you not going to ask those on the platform

to indicate whether they were voting in favour or not?

*IsiZulu*:

USIHLALO WOMKHANDLU KAZWELONKE WEZIFUNDAZWE: Hhayi!

Sesidlulile baba lapho.

*English*:

Sorry about that.

Mr M NHANHA: No but, Chairperson, my point is this is the

procedure you have been following. You had asked those in the

House and afterwards ... [Interjections.] ...

The CHAIRPERSON OF THE NCOP: No! And I did. I did. I did. I

did.

Mr M NHANHA: But now you are disenfranchising all of those

that are on the platform because you are now changing how you

are doing things. [Interjections.]

The CHAIRPERSON OF THE NCOP: No, sorry about that. Sorry about

that.

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Bill agreed to in accordance with section 75 of the

Constitution.

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON APPROPRIATIONS**

**FIRST AND SECOND QUARTER EXPENDITURE FOR 2020/21 FINANCIAL**

**YEAR BY FREE STATE, GAUTENG, LIMPOPO, MPUMALANGA AND NORTH**

**WEST PROVINCIAL DEPARTMENTS OF AGRICULTURE AND RURAL**

**DEVELOPMENT ON COMPREHENSIVE AGRICULTURAL SUPPORT PROGRAMME**

**GRANT, ILIMA/LETSEMA PROJECT GRANT AND LAND CARE PROGRAMME**

**GRANT: POVERTY RELIEF AND INFRASTRUCTURE DEVELOPMENT**

Ms D G MAHLANGU: Thank you, hon Chairperson. The Chief Whip of

the Council in absentia, hon members, special delegates, and

fellow South Africans good morning, it is my honour and

privilege to table before this Council a report on the

expenditure and performance of the Comprehensive Agriculture

Support Programme Grant, Ilima/Letsema project grant and the

land care programme grant, poverty relief and infrastructure

development on behalf of the Select Committee on

Appropriations in the NCOP.

The committee unanimously adopted the report while the DA, the

FF Plus and the EFF abstained. Section 4(a)(d)(e) Money Bills

Amendment Procedure and Related Matters Act, 2009, as amended

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in 2018, mandates the committee to consider and report on

spending issues, reports on the statements on actual

expenditure published by the National Treasury and any other

related matters set out in the act. These provisions read

together with section 32 of the Public Finance Management Act

1 of 1999, as amended and section 16 of the Division of

Revenue Act, provides the framework of the legislative sector

to play an oversight role over the executive. And that’s what

I think we are doing.

Due to persistent under expenditure and under performance of

the Comprehensive Agricultural Support Programme,

Ilima/Letsema Conditional Grant and the Land Care Programme

Conditional Grants, poverty relief and infrastructure

development in the 2020-2021 financial year, the committee

conducted virtual oversight in May 2021.

Owing to time constraints, only Free State, Gauteng,

Mpumalanga and North West provincial departments of

agriculture were invited to report on the performance of these

conditional grants. And to provide to highlight key challenges

experienced and proposed interventions to prevent this in the

upcoming financial years.

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During the oversight engagements, the National Treasury and

the Department of Agriculture, Land Reform and Rural

Development made inputs around the oversight role and support

for provinces. While processing these engagements, the

committee has made the following observations and therefore

came up with recommendations for the improvement of the

implementation of these conditional grants.

The committee acknowledged that there was an urgent need for

government to implement lockdown regulations following the

outbreak of the COVID-19 pandemic. However, it is of the view

that the policy making process should at all material times

take into account the effects of unintended consequences.

Policies or regulations should not inhibit the roll out of

planned programmes. Particularly those that are meant to

alleviate poverty and create infrastructure for sustainable

food security.

The committee understood the need for budget reprioritization

and redirection of funds following the advent of COVID-19,

which affected planned expenditure and created uncertainty.

The committee is of the view that the National Treasury,

provincial treasuries and affected provincial departments

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should proactively work together to prevent administrative

policy uncertainty during emergency.

The Minister of Finance together with the Cabinet should

ensure that proper plans and mechanisms are developed in

advance to mitigate administrative challenges during disaster

situations and further ensure that a reasonable amount of

budget reserves are earmarked for unforeseen and unavoidable

situations such as virus outbreaks and any other possible

disasters.

The committee strongly condemns under expenditure on

conditional grants meant to alleviate poverty, and create

infrastructure to ensure sustainable food security. Provinces

should use the available resources such as medium term

projected budget estimates and the intergovernmental relation

system, to carry out their future planning cycles to prevent

poor expenditure. While also making provision for unforeseen

and unavoidable situations.

The National Treasurer and provincial treasuries, together

with the provincial departments of agriculture should see to

it that adequate capacity proper plans and remedial actions

are developed to ensure that the Land Care Programme

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Conditional Grants expenditure is improved given the constant

degradation of agricultural land through various factors such

as pollution, soil erosion, alien plants and poor water

preservation.

Hon Chairperson and members, moreover, effective expenditure

on these conditional grants should enable government to create

much needed jobs in poor communities during COVID-19 pandemic.

While also building the much needed infrastructure for the

sector. All five provinces that have reported under

expenditure on the three agricultural conditional grants

should develop clear remedial actions and ensure that these

are implemented without delay.

Given the importance and the need to improve support for rural

communities, the committee is of the view that the Department

of Agriculture, Land Reform and Rural Development together

with provincial departments should consider establishing a

rural help desk programme to assist rural communities. This

should fast-track administrative processes that would enable

them to access funding more readily. Consider capacitating

traditional authorities and councils to assist people to

access this funding and or consider seconding departmental

officials to assist at a district level.

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The committee is of the view that there might be a need for

the Department of Agriculture, Land Reform and Rural

Development to launch an aggressive media campaign to motivate

people to go back to cultivating the land, to promote food

security during this time. This may reduce the heavy reliance

on social grants which is sustainable in the long term given

the magnitude of the growing government debts.

The Department of Agriculture, Land Reform and Rural

Development should expedite the process of aligning the

Comprehensive Rural Development Programme, CRDP, which was

first adopted by the fourth administration to address rural

development with the rural development policy framework, and

other relevant programmes, this was one of the best programmes.

The National Treasury together with the provincial treasuries

should ensure that provinces have adequate systems and

measures in place to deal with corruption and

maladministration before it negatively affects expenditure

earmarked for the most vulnerable communities. Furthermore,

provincial departments should develop early warning systems.

Consequence management is critical as set out in the Public

Financial Management Act, PFMA, as well as appropriate actions

recommended by the Auditor-General.

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As I conclude, let me take this opportunity and thank all

committee members across all party lines, committee

stakeholders who made submissions as well as committee support

staff and those departments from the provinces. Without these

role players the process would not have been a success. The

committee recommend to the Council that the report be adopted.

Thank you very much, Chairperson.

*Declarations of Vote:*

Ms C LABUSCHAGNE: Hon Chair, hon members, this report is...

[Inaudible.] ... underspending for the first and second

quarter expenditure on Comprehensive Agricultural Support

Programmes, the ... [Inaudible.] ... the Ilima or Letsema

grant and the Land Care Programme by the size of our

provinces. It is of great concern where the huge amount of

underspending, that we were presented with. Land reform and

the ... [Inaudible.] ... which should be implemented is

certainly one of the most heated topic in our country.

The success of land reform in South Africa should not be

measured against the physical, a number of farms or hectors

that are redistributed. It must be measured against the long

term success by those farms and the farmers who received the

land. Being in the holiday season can be best described by

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using the example of giving your child a battery operated car

for Christmas. However, you only giving the car, you don’t

give him a battery charge and ... [Inaudible.] ... your child

will be able to operate that car for a very short period but

in the long run it will be useless, so will be the success of

those farmers who are not assisted with the means to farm

successfully in the long run.

It is extremely important that government must do everything

in its power to ensure that land that is redistributed must be

formed in sustainable and a successful way. This needs to be

done in order to not only ensure that land reform will be

successful but also to ensure that the ... [Inaudible.] ...

not jeopardize the poor, food security and as well as job

security for a large number of people in South Africa.

We can therefore not comprehend why these provinces did not

make use of money available in order to achieve this long term

goal. This underspending and poor management again bring to

mind the recommendation such a high level ... [Inaudible.] ...

by former President, Kgalema Motlanthe who said that:

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The failures of land reform were due to poor

implementation of policy, corruption and a lack of

urgency by this government.

This report was compiled almost ten months ago and although

the DA agrees with the report and its recommendations, it’s

very important that the select committee should not only make

these recommendations but that they also should they should

follow up on the implementation there after.

For an example ... [Inaudible.] ... recommend that the report

should be brought to the attention of the relevant premiers,

provincial legislatures and the standing committees for their

necessary interventions. Seeing that premiers are responsible

people for governance within their respective provinces, they

must ask whether their provinces have implemented these

recommendations and if they did not, there must consequences

for those premiers who did not put measures in place in order

to implement the recommendations. I thank you.

Mr E J NJANDU: Thank you very much Chairperson. Hon

Chairperson, I rise to accept the Report of the Select

Committee on Appropriation, which has conducted its

responsibility of scrutinizing conditional grant expenditure.

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By looking into expenditure by the aforementioned five

provinces of agriculture in rural development on the

Comprehensive Agricultural Support Programme grants; Ilima,

Letsema project grant and Local Care Programme.

Chairperson, these programmes are parts of the arsenal of the

government of the African National Congress, to resolve the

challenges of landlessness, poverty and hunger. They provide

access to finance for the farmers, especially in beneficiaries

of the land restitution, redistribution and land tenure reform

programmes.

Hon Chairperson, when the ANC resolved in its 54th National

Conference in 2017, to adopt the comprehensive resolution on

land reform, land expropriation without compensation, we could

not have foreseen that the coalition of the reactionary string

that fails in the forms of the DA, Freedom Front Plus and the

EFF would come together in the National Assembly

[Interjection.] that week as they did in the various hang

municipalities to block progress on the Constitutional

Amendment on Land Reform [Interjection.].

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It is significant to note ... [Interjection.] ...that the

policy is not always followed by the implementation...

[Interjection.]

The CHAIRPERSON OF THE NCOP: Hon members, order, order hon

members. I have said, over and over again in the past that

there’s harm in little bit of hackling, but is long as

hackling does not drown the speaker.

Mr E J NJANDU: Chairperson, no, the opposition will get their

time to respond but not now, I am still speaking Chair. It is

significant to note that in ... [Inaudible.] ... to always

follow up by implementation, as the committee has observed

this conditional grants were among those for which expenditure

was below the acceptable norm of 25% per quarter. Chairperson,

we support this Bill. Thank you very much [Applause.]

The CHAIRPERSON OF THE NCOP: Any other declaration, point of

order?

Ms C LABUSCHAGNE: We are not busy with section 25, hon Dodovu,

through you Chair, it was the report.

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The CHAIRPERSON OF THE NCOP: Thank you very much ...

[Inaudible.] ...

Mr E J NJANDU: We support the report Chair.

Debate concluded.

Question put: That the report be adopted.

IN FAVOUR: Eastern Cape, Free State, Gauteng, KwaZulu-Natal,

Limpopo, Mpumalanga, North West, Northern Cape, 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 ON THE PARLIAMENT OF THE**

**REPUBLIC OF SOUTH AFRICA’S PERFORMANCE IN QUARTER 3 OF 2020/21**

**DATED 28 MAY 2021**

**AND**

**CONSIDERATION OF REPORT OF JOINT STANDING COMMITTEE ON THE**

**FINANCIAL MANAGEMENT OF PARLIAMENT PARLIAMENT OF THE REPUBLIC**

**OF SOUTH AFRICA’S PERFORMANCE IN QUARTER 4 OF 2020-21 DATED 28**

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**AND**

**CONSIDERATION OF REPORT OF JOINT STANDING COMMITTEE ON THE**

**FINANCIAL MANAGEMENT OF PARLIAMENT OF THE REPUBLIC OF SOUTH**

**AFRICA’S 2019-20 ANNUAL REPORT, DATED 28 MAY 2021**

Ms D G MAHLANGU: Hon House Chairperson, hon members, the Chief

Whip and the Chairperson of the NCOP, fellow South Africans, I

greet you

*Setswana*:

Ke ale dumedisa, bagaetsho.

*English*:

Hon House Chair, it is an honour for me to table the reports

of the Joint Standing Committee on Financial Management of

Parliament for both the third and fourth quarter 2020-21

performance of Parliament of the Republic of South Africa in

this august house. The Joint Standing Committee on the

Financial Management of Parliament the Committee, is

established as per the provision of the Financial Management

of Parliament and Provincial Legislatures Act 10 of 2009. The

Financial Management of Parliament and Provincial Legislature

Act requires the executive authority of Parliament to table

the Parliament’s performance in implementing the annual

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performance plan for each quarter for the consideration and

reporting of the Committee.

Indeed, hon Chairperson, the committee has fulfilled the

afore-said mandate by considering both third fourth quarters

of the Parliament’s performance in implementing its 2020-21

annual performance plan, APP, and it reports as follows: Hon

House Chair, it is important to first highlight that the two

quarterly reports, which, I am tabling here were still

assessing the implementation of the Fifth Parliament’s

Strategic Plan. However, since, the current financial year,

which is 2021-22, Parliament has started the implementation of

the Sixth Parliament’s Strategic Plan. The reason, I have to

emphasise that is because some of the issues the committee

raised from both reports will no longer be relevant going

forward due to the change in how the Sixth Parliament have

organised and strive to achieve.

Having said that hon House Chair, for both quarters under

review, the Parliament has performed fairly. For the third

quarter, the Parliament has exceptionally performed. It

recorded 87,5 percent performance which was as a result of

achieving seven planned performance targets out of eight

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planned performance targets. Whilst, for the fourth quarter,

it recorded 77%, which is lower than the third quarter.

In terms of financial performance, Parliament spent 88,9% of

its allocated budget for the third quarter, whilst, it spent

67% for the fourth quarter.

Hon House Chair and hon members, the alignment between

financial and nonfinancial performance, which Parliament has

shown in these quarters is indeed good financial management

and good progress towards prudent financial management. This

is indeed needed to be applauded, I have never seen it before.

We have been complaining, but they did it and they do deserve

that applaud.

Hon House Chair, despite the good performance recorded by

Parliament, the committee has noted some concerns, which

include amongst others, the over-expenditure of compensation

of members during the fourth quarter of this financial year,

by R9 million on. This was further projected that by the end

of the 2020-21 financial year, would be overspent by

R16 million. This overspending was due to the budget cuts of

R30,683 million from October during the 2020 Budget

Adjustments. It is against this background that the committee

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recommends that the executive authority of Parliament and the

Minister of Finance should find a constructive solution to the

budgetary challenges to ensure that Parliament is able to

deliver on its constitutional mandate.

Lastly, the committee is very concerned about the slow pace in

filling of posts t critical to the leadership and functioning

of the institution, specifically that of chief financial

officer, CFO, chief audit executive and Secretary to

Parliament. Hon House Chairperson, this has the potential of

creating instability within the institution. Since the quarter

one report, we recommended that we must be furnished with the

reasons for these delays and to date, we have not received any

response in this regard. Hon House Chairperson, there were

pledges for your indulgence, from the executive to expedite

this process. I thank you.

With your permission hon House Chair, please allow me as this

committee to present before you the 2019-2020 Annual Report

Parliament of the Republic of South Africa in this august

House. The Joint Standing Committee on the Financial

Management of Parliament, the committee itself, is established

as per the provision as indicated previously. We are as a

committee carrying out that mandate as expected.

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Indeed, hon House Chairperson, the committee has fulfilled the

afore-said mandate.

Hon House Chairperson, let me start by welcoming the

unqualified outcomes with no material findings, which

Parliament has sustained for the past six years since 2013-14

financial years. This clean audit is accompanied by non-

incurring of material irregularities, that are irregular

expenditure and unauthorised expenditure. In essence, for the

entire Fifth Parliament, finances of Parliament were managed

prudently. The Sixth Parliament is still continuing with this

sterling performance thus far; I hope this Parliament, will

continue with this excellent performance throughout this

administration. I say this hon House Chairperson and hon

members, in mindful of the fact that this is the last report,

whereby, the performance of Parliament is based on the Fifth

Parliament Strategic Plan.

Hon House Chair, for the 2019-20 financial year, Parliament

held discussions, debates and initiatives on the proposed

reforms, the National Health Insurance, NHI, the land redress

as well as domestic and gender-based violence. Further,

despite the COVID-19 restrictions, which were imposed to

regulate the spread of COVID-19, Parliament has managed to

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hold the executive accountable as required by the

Constitution. In this regard, both Houses of Parliament the

National Assembly and the NCOP, produced a total of 1 000

written questions were put to the Executive, of which 437 oral

questions were put to the executive, including questions to

the President and the Deputy President. Moreover, about 756

meetings were held by the committees of Parliament of both

Houses, and they were accompanied by 31 oversight visits

conducted throughout the 2019-20 financial year, of which 237

reports were tabled as a results of these oversight visits,

quarterly reports and Budget Votes related matters.

To achieve its constitutional mandate of passing laws, for the

2019-20 financial year, a total of 24 out of 43 Bills, that

were before Parliament were processed. Further, eight, section

139 interventions were made in different municipalities such

as Dr Ruth Segomotsi District Municipality, JB Marks Local

Municipality, Fetakgomo Tubatse Local Municiplaity, and

others.

Hon House Chair, there are challenges that we picked up as far

as the performance of Parliament during the 2019-20 financial

year. Those challenges include, amongst others, unfavorable

financial position, due to the medical aid contributions of

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Members of Parliament and provincial legislatures, which is

the liability carried by Parliament. This responsibility

distorts Parliament’s baseline and negatively impacts on

future allocations. Further, the perpetual dwindling of the

budget of Parliament has led to the reprioritisation of the

spending and targets. This has left other important activities

and programs without adequate budget and as such could not be

implemented. If this is not addressed sooner, it has a

potential of threatening the ability of Parliament to execute

its constitutional mandate. I thank you very much.

Debate concluded.

Question put on Seventh Order: That the Report be adopted.

In favour: Eastern Cape, Free State, Gauteng, KwaZulu-Natal,

Limpopo, Mpumalanga, North West, Northern Cape, Western Cape.

Report accordingly adopted in accordance with section 65 of

the Constitution.

Question put on Eighth Order

Debate concluded.

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Question put: That the Report be adopted.

In favour: Eastern Cape, Free State, Gauteng, KwaZulu-Natal,

Limpopo, Mpumalanga, North West, Northern Cape, Western Cape.

Report accordingly adopted in accordance of section 65 of the

Constitution.

Question put on Ninth Order

Debate concluded.

Question put: That the Report be adopted.

In favour: Eastern Cape, Free State, Gauteng, KwaZulu-Natal,

Limpopo, Mpumalanga, North West, Northern Cape, Western Cape.

Report accordingly adopted in accordance of section 65 of the

Constitution.

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON TRADE AND**

**INDUSTRY, ECONOMIC DEVELOPMENT, SMALL BUSINESS DEVELOPMENT,**

**TOURISM, EMPLOYMENT AND LABOUR JOINTLY WITH THE PORTFOLIO**

**COMMITTEE ON SMALL BUSINESS DEVELOPMENT, FOLLOWING A FACT**

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**FINDING VISIT TO KWAZULU-NATAL AND GAUTENG PROVINCES, DATED 19**

**AUGUST 2021**

Mr K M MMOIEMANG: House Chair, allow me to take the podium.

The select committee together with its sister committee, Trade

and Industry and Public Works joined the Portfolio Committee

on Small Business on its oversight visit to both KwaZulu-Natal

and Gauteng between the period of 3 and 6 August 2021. I

believe that the background is well articulated and well

known, by virtue of the unrest that sprang out in both

provinces, following the incarceration of the former

President.

The report covers the achievement the objectives. The

objective of the report was the evaluation of the extent to

which the supply chain was throttled, the damage to property

and the degree and extent to which business was disrupted.

In KwaZulu-Natal, a number of areas were visited - King

Cetshwayo District Municipality, uMhlathuze eNseleni township,

Ilembe District Municipality, eThekwini and Shakaskraal. Areas

visited in Gauteng included the visit to the Ekurhuleni

Metropolitan, the Cambridge Centre Plaza, the site visits to

the City of Johannesburg, the Jules Street, Malvern, Pan

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African Mall in Alexander Township, Jabulani Mall in Soweto,

Kliptown and also the Eyethu Orange Farm Mall and Palm Springs

Mall.

What did the committee observe in terms of the report? In the

report from 5,1 to 5,10 capture the observations that the

committee made. There are recommendations that this committee

is tabling before this House in terms of the observations. The

recommendations are as follows.

One, the Department of Small Business Development, through its

entities, Seda and Sefa, should embark on collaborative

efforts with Sasria to intensify financial literacy campaigns

targeting small businesses and informal traders.

Two, based on the evidence or information committees gathered

on the ground around the magnitude of the destruction, the

allocation of R2,3 billion is welcomed but not adequate.

Therefore, further engagement with the department is important

in order to mitigate the situation.

Three, the committee is concerned that the Debt Relief Finance

Scheme uptake to assist the sector to moderate the impacts of

the Covid-19 pandemic was not adequate. Therefore, the

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department and its agencies have not interrogated factors that

account for this low uptake.

Four, the committees recognises that most informal traders are

not exposed or lack knowledge and that computer literacy is

required to apply for government grants. Hence, it becomes

necessary for government to find remedies.

Five, the department should concretise and lead measures to

improve relationships between the shopping centres,

supermarkets and informal traders, so that there is continued

engagement, particularly around the possible benefits from the

public-private partnership platform.

Six, the department must give a serious consideration to the

reinstatement of the Shared Economic Infrastructure Facility,

which may address a number of infrastructure-related

complaints.

Seven, the common theme that echoed throughout the visits

related to the situation of the trading premises, illegal

traders who intrude trading space without paying a rent nor

having a license. Therefore, this matter has to be addressed.

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Eight, the business confidence index in the country is at an

all-time low following the violent unrest. The sector feels

betrayed that, when these attacks occurred, they were not

adequately protected. Committees are of the view that they

need to regain a programme that will instill confidence in

this business sector.

Lastly, the registration and licensing of businesses is a

matter that has confronted the committee since its inception.

It therefore becomes important that follow-up is being made in

terms of the recommendations that emanate from the xenophobic

attacks both in 2008 and 2015. This, amongst others dealt with

the regulation of small businesses in the country and the

issuance of trading permits and business licenses to

foreigners, which is a major source of conflict and therefore

needs policy response. In Alexandra, this grievance was

emphasised.

So, the department must accelerate the process of renewing the

Business Act or table a new Bill before the end of the current

financial year, as pledged by the department in its annual

performance plan. So, I table the report for adoption. Thank

you.

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*Declarations of Vote*:

Ms C LABUSCHAGNE: Hon Chair, when business owners and

retailers did their forecast for July 2021, little did they

know the horror that awaited them. The country was awash with

rumours as to the potential fallout after the possible arrest

of former President Jacob Zuma. As citizens and business

owners puzzled over this uncertainty, this government did

absolutely nothing, despite the array of intelligence and

security services available to them.

South Africa’s largest civil unrest since the apartheid regime

began on 8 July 2021, when former President Zuma began serving

what was to be his 15-month jail sentence for contempt of

court at Estcourt Correctional Centre. The protest first broke

out in KwaZulu-Natal, with demonstrators calling for his

release. The riots spread throughout the province and led to

Gauteng residents also taking to the streets in support of the

#FreeJacobZuma campaign. These demonstrations quickly involved

widespread looting and vandalism. The unrest lasted for eight

days and left at least 215 dead.

The SA Property Owners Association evaluated that the unrest

cost South Africa’s national economy R50 billion. KwaZulu-

Natal lost R20 billion while Gauteng’s economy took a

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R3,5 billion dent. Gauteng saw 30 shopping malls sacked, while

KwaZulu-Natal reported 150.

In the immediate aftermath, the SA Special Risk Insurance

Association, Sasria, was overwhelmed and has to date received

14 051 claims valued at R32 billion. Five months later,

despite the assistance of Treasury, only R12,6 billion had

been paid out by 15 November, some four months after the

unrest. In that time, many businesses have gone under and

thousands of employees have been left in the lurch, and all as

a result of an ANC factional battle that spilt out onto the

streets of our beloved country.

And what ... accountability? In July, the Minister of Police,

Bheki Cele boasted to the media that 12 instigators had been

identified, and would be charged and named shortly. Five

months later, all we are aware of is an obscure gentleman from

the West Rand of Johannesburg and an equally obscure disc

jockey, DJ, from KwaZulu-Natal. This, despite the fact that

the Zuma children, Edward, Duduzane and Duduzile openly

encouraged looting and mayhem on social media. This excludes

the wealth of evidence collated by the State Security Agency,

SSA**,** on these and other culprits.

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The promise to track down everybody involved, including the

Zuma progeny, was repeated by the then Acting Minister in the

Presidency, Khumbudzo Ntshavheni**,** in August. Since then, radio

silence, and all queries are referred to the man in the hat

who displayed his ineptitude when the chips were down. The ANC

always goes out on accountability, but turns a blind eye when

those within the golden circle of influence are implicated.

While the DA supports this report and the work of this

committee, South Africans should never forget who started this

madness and who should sort it out. Thank you.

Mr M DANGOR: Chairperson, the July unrest has had a

devastating impact on businesses, industry, infrastructure and

our economy. It gave us a rude awakening of what lies ahead

should we not respond to the structural challenges of

unemployment, poverty and inequality. We witnessed the

destruction of businesses and livelihoods, as well as the loss

of life. The impact of this unrest will be felt for the

longest time.

We need to strengthen our law enforcement ... to capacitate

them to be proactive and to pre-emptively respond to any

threats of sabotage and violence that lay ... and ... be

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fueled by whatever cause. However, we wish to applaud them for

the swift response that they undertook to quell the violence.

We call on the National Prosecuting Authority to work with the

SA Police Service to be thorough in its investigations and to

hold the perpetrators of this economic sabotage to account.

The oversight visits to KwaZulu-Natal and Gauteng has given

... first-hand experience of the practical effects of the

unrest within this short period. Thousands of people lost

their jobs. The total damage caused to infrastructure and

businesses sits at about R50 billion. The most disheartening

is the loss of livelihoods of informal traders who may not be

able to get financial support that formal businesses obtain

from government and development finance institutions.

Livelihoods have been adversely affected. It is estimated that

each person that had been employed supported six to seven

people in their own family. The extensive loss is therefore

significantly greater that the number of jobs lost. We should

never allow this to happen again.

We welcome the implementation of the post-Unrest Business

Recovery ... [Inaudible.] ... unemployment that was done,

which allocated more than R1,5 billion to businesses affected

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in the unrest. This has assisted many businesses to start

trading again, although not at optimal levels. These are

critical interventions which we as the ANC-led government

appreciate. I thank you, Chairperson.

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 SPECIAL JOINT OVERSIGHT VISIT REPORT TO**

**KWAZULU-NATAL: SELECT COMMITTEE ON LAND REFORM, ENVIRONMENT,**

**MINERAL RESOURCES AND ENERGY AND PORTFOLIO COMMITTEE ON**

**AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**

Ms T C MODISE: Hon House Chairperson, it was on the 9th of

August when the select committee together with the Portfolio

Committee on Land Reform, Rural Development, Agriculture and

Mineral and Energy visited ... KwaZulu-Natal. During that

time, the country in the second week of July 2021 has

experienced unprecedented level of unrests and distructions of

private property, coupled with the violence and looting

private property. Despite the fact that these acts of violence

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started in KwaZulu-Natal and spread to parts of Gauteng, they

have a socioeconomic impact throughout the country. The

unrest, which involved violence, protests, looting has had

negative consequences for some farmers and agribusiness.

Therefore, the objective of the committee to visit KwaZulu-

Natal was to ascertain the extent to which the unrests has

impacted on agricultural and agroprocessing value chain,

agrologistics and damage of relevant infrastructure. Assess

the impact of unrests on the agricultural supply chain and

food availability. Assess the impact of unrests on current and

future employment in agriculture and agroprocessing sector. We

call on the government’s response and plans to address the

resultant impact and the relevant infrastructure damage.

Identify strengths and weaknesses as well as the

complementarity amongst the different spheres of government,

including the implication of policy intervention.

During that time of the oversight visit the committee

delegation made the following observations: Lack of urgency on

part of the provincial department. As for weeks after the

unrests, the district reported that they have submitted the

report of the impact of the unrests, including the requirement

intervention to the provincial department, which has

highlighted the budgetary constraints despite the declaration

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of the state of disaster in the province on 29 July 2021. The

slow pace of intervention and lack of liaising and direct

communication with the affected farmers by the district while

they are waiting for the decision from their principals.

Appreciation of the Ilembe District that has timely

distributed all available production inputs for the intended

household, for one hectare one household food security

programme. While it is also reported that the province with a

specific figure of how the district will need to assist

affected farmers across all the commodities. With the

exception of the ... [Inaudible] ... how sugar mill minimal or

no specific role is played by the other sugar milling company

in assisting small scale growers for the coming planting

season while others are waiting for government intervention.

In addition, no other avenues have been explored by mills on

use of sugarcane. Those quality deteriorated processing in

order to assist small scale farmers.

The committee made the recommendations to ensure that the

KwaZulu-Natal Department of Agriculture, Rural Development

make use of the opportunity that is availed by the declaration

of the state disaster in the province; to make budgetary

adjustment in order to fast-track; assisting the affected

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farmers in the province, particularly the small farmers,

including those who have been visited by the delegation

namely: Makhumbo, Idwala and Siyamdumisa Farm; ensure that

KwaZulu provincial Department of Agriculture and Rural

Development develops action plan with specific details and

timeously on how affected farmers will be assisted in the mid-

term; in the future to save livelihoods and prevent further

job losses. Engage with the Ministry of Trade and Industry and

co-operation, to address the slow pace of transformation and

require legislation revived in the sugarcane and sugar milling

sector, including the discussion on the implementation of the

Sugar Master Plan that is meant to address some of the

challenges.

Investigate the plight of the 160 hectare farmers that was

handed over by the Department of Rural and Development for the

land redistribution by the Chase farmers in 2013 near Eshowe

in King Cetshwayo Municipality District and submitted a report

to Parliament. Training and support of small scale sugarcane

farmers in improving the sugarcane quality, while other farm

through option failed and water management practice to

increase chances of accepting for milling. Increasing

allocation and flexibility of delivery of sugarcane is needed

for small scale sugarcane grower. Small scale farmer should be

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educated on the benefits of creating a joint co-operative for

delivery to the mill of which can be imported to reduce cost

of inputs through bulk-buying and field management operation

and reduce reliance of contractor for harvesting and

transporting.

Explored other value adding of sugarcane, a part of sugar

production to enable for sugarcane that is not meant for

milling quality to be used for production or other production,

such as fertilisers production and animal feed. Therefore, the

joint committee requested the House to support this Report. I

thank you, hon Chair. [Applause.]

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 SECURITY AND**

**JUSTICE OVERSIGHT IN TERMS OF MITIGATING THE IMPACT OF THE**

**COVID-19 PANDEMIC AND THE RECENT PUBLIC VIOLENCE, LOOTING AND**

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**DESTRUCTION OF PROPERTY WITH A PARTICULAR FOCUS ON THE**

**KWAZULU-NATAL REGION AND OVERSIGHT VISIT TO THE UMZINTO**

**CORRECTIONAL CENTRE IN KWAZULU-NATAL PROVINCE ON 19 AUGUST**

**2021, DATED 01 SEPTEMBER 2021.**

Ms S SHAIKH: Thank you very much, hon Chairperson, and

greetings to hon members. Hon Chairperson, the Select

Committee on Security and Justice conducted oversight in the

KwaZulu-Natal Province from 13 to 19 August 2021 under the

Council theme of, Mitigating the impact of the COVID-19

pandemic and the recent public violence, looting and

destruction of property during the civil unrests over the

period 9 to 18 July 2021. The committee met with the SA Police

Services, SAPS, and the KwaZulu-Natal MEC of the Department of

Transport, Community and Liaison, the Independent Police

Investigative Directorate, the National Prosecuting Authority

and the Department of Correctional Services, and visited the

Umzinto Correctional Centre, where the fire broke out, and

there was infrastructure damage.

Hon Chairperson, the details of the briefings, the challenges

identified by the departments and entities, and the committee

observations are contained in the committee report. However,

House Chair, with regards to the SA Police Services, the

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committee recommendations include that the SAPS, in addition

to ensuring that it has adequate resources in the future to

address any event of this magnitude, should improve its Public

Order Policing, POP, capacity within the province and ensure

effective training to all Public Order Policing members.

The SAPS should ensure that police stations are sufficiently

resourced, and that effective training is rolled out to police

officers at police stations. The SAPS should strengthen its

relationships with the Community Policing Forums, CPFs, to

ensure effective co-operation in crime fighting efforts within

communities. The SAPS should furnish the committee with,

firstly, the report on the investigation into the stolen

ammunition being conducted by the Directorate Priority Crime

Investigation, DPCI, and the detailed report after conclusion

of its investigations into the unrest within the two

provinces.

The SAPS should continue to strengthen its working

relationship with the National Prosecuting Authority and the

JCPS cluster as a whole. The KwaZulu-Natal MEC should ensure

that the peace committee operates effectively to restore

social cohesion within communities affected by the unrest. Hon

Chairperson, with regards to the Independent Police

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Investigative Directorate, the committee recommendations

included that, IPID should work closely with the SAPS and the

Department of Health to address the delays in forensics.

The IPID should communicate with the SAPS and the NPA to

address any challenges in relation to the investigation of

cases. The IPID should upon conclusion of its investigations,

furnish the committee with an updated report on the

recommendations made by the IPID and the actions undertaken in

respect thereof. The committee encouraged the IPID to work

closely with the relevant departments within the JCPS cluster

to strengthen and foster relationships to ensure the success

of investigations.

Hon Chairperson, with regards to the National Prosecuting

Authority, the committee recommendations included that, the

NPA provides the committee with an update on the restorative

justice cases upon finalisation and any additional information

through trials, guilty pleas, and fines. The NPA conducts

continuous follow up with the SAPS in respect of cases that

have been struck off the court roll, in order to ensure

effective analysis and to address any gaps or challenges in

respect of investigations.

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The Department of Justice has identified the need to increase

engagement and coordination between the SAPS, the Department

of Justice and the NPA at district levels, to deal with

operational challenges. The committee recommended that the NPA

furnishes the committee with an update on these engagements

moving forward. The committee encouraged the NPA to continue

to strengthen its working relationship with the other

departments within the JCPS cluster.

Hon Chairperson, with regards to the Department of

Correctional Services, and the inspection of the uMzinto

Correctional Facility, the committee recommends that the

Department of Correctional Services provides the committee

with a detailed report with clear recommendations after it has

completed its investigation into the incidents which occurred

at the uMzinto Correctional Centre. Furthermore, the committee

requires a report pertaining to the death of a female

correctional officer at the Leeuwkop Correctional Centre to be

furnished to the committee.

Hon Chairperson, in general, with regards to the COVID-19 and

vaccination programmes, the committee encourages all the

departments to continue to implement programmes aimed at

raising awareness regarding the importance of COVID-19

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vaccinations and to continue to implement the vaccination

programmes. Hon Chairperson, the report is adopted by the

Select Committee on Security and Justice was on Announcement,

Tabling and Committee Report on 1 September 2021, and we

recommend that the House adopts the report. Thank you.

Declarations of vote made on behalf of the Western Cape and

Mpumalanga.

*Declarations of vote*:

Ms C LABUSCHAGNE: Thank you, hon House Chair. Hon members, we

welcome this report. However, it must be sad that the rise had

its origin in the ANC internal factionalism. Furthermore, it

is a consequence of the ANC’s failure ... [Interjections.] ...

furthermore, it is a consequence of the ANC’s failure to

ensure a properly functioning and capacitated Security Cluster

and has allowed this to happen in the first place. The public

should in, therefore, not give the ANC credit for its efforts

to demand through Parliament an improvement, but it should

rather ask why the ANC did not ensure these things are in

place over the 27 years that it has been in government. The

fact is, hon House Chair, that the underlying issues have not

gone away. In all honesty since the local government elections

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of 2021 results things have gotten worse for the ANC,

especially in KwaZulu-Natal.

What will happen next time when there is an attempted

insurrection? Will we be better prepared, unlikely if one

looks at the various Security Cluster departments playing the

blame game rather than introspecting for improvement? The lion

share of the blame can therefore be put clearly at the feet of

the ANC. We support the report.

Ms N E NKOSI: Thank you very much, House Chair. They don’t

know what’s happening because seemingly we are having a person

who is representing the ANC here, whilst we are here is

unfortunate. Hon House Chair, greetings to your good self,

members of the House and fellow South Africans, we rise to

support the report of the Select Committee on Security and

Justice on its oversight terms and mitigating the impact of

the coronavirus disease 2019, Covid-19, pandemic and the

public violence, looting and destruction of property with a

particular focus on the KwaZulu-Natal province and oversight

visit to the uMzinto Correctional Centre in KwaZulu-Natal

province on 19 August 2021.

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Hon House Chairperson, in line with the oversight duties the

Select Committee of Security and Justice conducted an

oversight week under the council theme of mitigating the

impact of the Covid-19 pandemic and the public violence,

looting and destruction of property during the recent civil

unrest over the period of 9 to 18 July 2021. The committee in

collaboration with the Select Committee on Co-operative

Governance and Traditional Affairs focused in its attention on

the KwaZulu-Natal province. The committee met with the

following Ministries and departments, the national executive

and KwaZulu-Natal provincial executive authority. The

committee visited and inspected the damage to the uMzinto

correctional facility. The committee received a briefing by

the National Prosecution Authority. The committee also

received a briefing by the Independent Police Investigative

Directorate. The committee was also briefed on each

department’s policy in place to cap the Covid-19 pandemic. The

committee noted that the SA Police Service, SAPS, is engaging

the National Prosecution Authority regarding the cases

awaiting decisions and are working on the matter. The

committee also noted that a Peace Committee had been

established and that the Department of Police was working

within a six-months period time frame to identify programmes

to integrate those communities.

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The committee noted the commitment of the SAPS regarding

stolen ammunition which is being investigated by the

Directorate for Priority Crime Investigation. The committee

also made a number of recommendations regarding the Department

of Correctional Services. One, the committee emphasised the

need for greater emphasis on social cohesion to ensure

partnership and ownership so that everyone has the necessary

capacity to address any future challenges. The progress made

by the KwaZulu-Natal division on the vaccination of inmates

which stood at 79 338, that is 63%.

Hon House Chair, as the President has characterised gender-

based violence as the second pandemic, the committee

emphasised the need for the department to put measures in

place when it comes to the safety of the female officers as

they were under attack. In conclusion, as we work towards the

vision of the National Development Plan, in particular

outcome 3, the committee recommends that the SAPS should

continue to strengthen its working relationship with the

National Prosecution Authority, NPA, and with the Justice,

Crime Prevention and Security, JCPS, cluster as a whole.

Mpumalanga province supports the report. I thank you, House

Chair.

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Debate concluded.

Question put: That the Report be adopted.

In favour: Eastern Cape, Free State, Gauteng, KwaZulu-Natal,

Limpopo, Mpumalanga, North West, Northern Cape, Western Cape.

Report accordingly adopted in accordance with section 65 of

the Constitution.

**CONSIDERATION OF ANNUAL REPORT OF THE JOINT STANDING COMMITTEE**

**ON INTELLIGENCE FOR THE FINANCIAL YEAR ENDING 31 MARCH 2020**

**INCLUDING THE PERIOD UP TO DECEMBER 2020**

**AND**

**CONSIDERATION OF ANNUAL REPORT OF THE JOINT STANDING COMMITTEE**

**ON INTELLIGENCE (JSCI) FOR THE FINANCIAL YEAR ENDING 31 MARCH**

**2020, INCLUDING THE PERIOD UP TO DECEMBER 2020.**

*Setswana*:

Rre K M MMOIEMANG: Ke go tlotlile Modulasetulo wa Ntlo.

*English*:

Again, let me express my gratitude to the platform accorded to

me by the esteemed House Chair. Chair, allow me on behalf of

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the Joint Standing Committee on Intelligence to table before

this august House today, the Joint Standing Committee’s Annual

Report for financial year ending 31 March 2020, including the

period up to December 2020 to NCOP.

The report is tabled with accordance with section 6 of

oversight which states that the committee shall, within five

months after its first appointment, and thereafter within two

months after 31 March in each year, table in Parliament a

report on the activities of the committee during the preceding

year, together with its findings made by it and the

recommendations it deems appropriate, and provide a copy

thereof to the President and the Minister responsible for each

services.

The table of contents of the report as it covers ten areas

with its annexures. The introduction part deals with the

establishment of the committee in terms of section 2 of the

Intelligence Services Oversight Act. Its primary mandate is

well articulated to exercise oversight over the intelligence

and counter-intelligence functions of the services. Including,

the State Security Agency, SSA, Defence Intelligence, and also

the Crime Intelligence. The report raises the commencement

work of the committee as of the 30 October 2019, following its

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composition and Constitution after members of the committee

acquired top clearance certificate which is a statutory

requirement.

In terms of membership of the report, it is captured on page

two of the report and how it is constituted. The ANC has nine

seats, the DA has three seats and the EFF has one. All this is

members from both Houses. What is also quite critical is that

this composition is followed up by the legislative mandate and

also the activities in the reporting year. The first part that

the Chair has alluded to, deals with a number of activities

commencing with orientation of members where briefing was

received from all the agencies.

We must report that this report that we are presenting before

the House, we are presenting it informed by the impact that

the COVID-19 pandemic had on the workings of the committee,

which explains why this report in the National Assembly was

tabled on the 20 November and in the NCOP we are tabling it

today. So, what is quite critical is just to reemphasize the

fact that we are tabling it after delays due to COVID-19,

similarly, with the financial report.

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What is also quite critical reporting outside the initial five

months’ period, are the activities that the committee embarked

upon, commencing with the committee meetings where the

committee had 14 meetings that they held, both in Pretoria and

also in Parliament. But also specialized meeting in Pretoria

where the committee received Annual Performance Plan, APP,

from the Inspector General of Intelligence, APP from the State

Security Agency and also briefing on the threshold by the

insurgency in Cabo Delgado in Mozambique. But more than that,

the workman is done by the audit and risk committee in terms

of improving co-operative governance of the State Security

Agency.

What is also quite critical is the briefing the committee

received on the update of Project Veza which has been

thoroughly canvassed in the public space. Beyond that, the

induction will be the Staff Council, and also the briefing by

the Crime Intelligence. More than that I think what is quite

critical is the report and the briefing that we received from

the Auditor-General of South Africa on the audited financial

statement of the State Security Agency, on the audited

statement of the Crime Intelligence, and on the audited

financial statement of the Inspector General and the Defence

Intelligence.

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Lastly, it is also important to make a reflection that the

report also covers certificate of activities of the offices of

the Inspector-General of Intelligence, OIGI, upon the work that

it does on the State Security Agency on the Crime Intelligence

and on the Defence Intelligence. As I indicated, there are a

number of findings that the committee has made, one in terms

of the implementation of the high level ... [Inaudible.] ...

implementation around the Certificate of Intelligence.

The challenges that we are raising around the White Paper

Intelligence which has to be reviewed and also stability,

particularly, at the level of senior management in the State

Security Agency department, but also threats around the

incomplete work of Project Vesa. They need to ensure that

speed resolution mechanisms are dealt with so that we are then

able to ensure that we are having stability.

Beyond that, I think what is quite critical are the

recommendations that the committee is making on page 27 that I

captured. Lastly, as I indicated that for the ease of

reference for members, there are also annexures that speaks to

the report on the interception of private communications, the

report of the Auditor-General to Parliament, on all those

agencies. I thank you, Chair. I table the report for adoption.

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Debate concluded.

Question put: That the Report be adopted.

[Voting take in from minutes]

Report of the Joint Standing Committee On Intelligence for the

financial year ending 31 March 2020 including the period up to

December 2020 accordingly adopted in accordance with section

65 of the Constitution

Question put: That the Report be adopted.

[Voting take in from minutes]

Report of the Joint Standing Committee On Intelligence

(JSCI)for the financial year ending 31 March 2020 including

the period up to December 2020 accordingly adopted in

accordance with section 65 of the Constitution.

**CONSIDERATION OF DELEGATION REPORTS ADOPTED BY THE**

**PARLIAMENTARY GROUP ON INTERNATIONAL RELATIONS (PGIR) ON 14**

**MAY 2021**

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**CONSIDERATION OF REPORT OF THE SOUTH AFRICAN PARLIAMENTARY**

**DELEGATION ON THE VIRTUAL ATTENDANCE OF PARLIAMENTARY**

**LEADERSHIP FOR THE 2030 AGENDA WEBINAR SERIES: CLIMATE**

**LEADERSHIP: PREPARING FOR COP 26, 22 MARCH 2021**

Ms W NGWENYA: House Chairperson, Chairperson and Deputy Chair

of the NCOP, House Chairperson hon Nyambi, Chief Whip of the

NCOP hon Mohai, permanent and special delegates to the NCOP,

ladies and gentlemen, all protocol observed.

I rise to table a report for the consideration by the house

for adoption. The report is about the South African

Parliamentary delegation which attended a virtual meeting on

parliamentary leadership for the 2030 Agenda Webinar Series on

Climate Leadership. The virtual meeting took place on 22 March

2021 and its purpose was to prepare for the United Nations COP

26 Conference on Climate Change, which took place recently in

Glasgow, Scotland from 31 October to 14 November 2021.

Hon House Chair, we are meeting today at a very befitting

time. You will remember that yesterday, on 13 December, we

marked 31 years since the return to South Africa of the late

former President of the African National Congress, Oliver

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Tambo. President Tambo returned to South Africa on 13 December

1990 after he went to exile nearly for 30 years.

Hon members, you will agree with me that president Tambo

became a link between the oppressed masses of our people and

democracy, as well as peace loving people of the world. In

essence, our public diplomacy was shaped by president O R who

sought and maintained international support for our struggle

through the world.

Hon House Chair, participation in the Webinar activities on

climate leadership ...

*IsiZulu:*

... iPhalamende lethu lizame ukukhuthaza kanye nokwenza lula

ukwakhiwa kwezinhlaka zokubusa ngentando yeningi, ukuze

kwakhiwe ubudlelwano obunobuhlakani ezindabeni

ezinentshisekelo efanayo kanye nokukhuthaza umgomo

wokusebenzisana phakathi kwezizwe nobumbano ngokuhambisana

nezinselelo phakathi kwamazwe omhlaba ikakhulukazi namazwe

asathuthuka jikelele.

*English:*

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To this end, our Parliament has enhanced its international

participation to include a broader set of platforms that

discuss a wide array of challenges facing the globe. The

participation of our parliamentary delegation on the virtual

meetings on 22 March, which preceded the COP 26, had confirmed

our willingness to deepen engagement in international fora.

I therefore wish to underscore that our international

relations engagements seek to address the triple challenges of

poverty, unemployment and inequality as identified in the

National Development Plan, Vision 2030. In this regard,

Parliamentarians have the responsibility to protect their

citizens from the threats of climate change to ensure a

sustainable future.

Our Parliament started sending and participating in United

Nation conference on climate change since November 2009, when

COP 15 was held in Denmark, in Copenhagen. Since 2009, our

Parliament has been consistent in attending the United Nations

climate change conference, which is held annually.

According to the report of our parliamentary delegation,

climate change poses one of the greatest challenges to South

Africa, especially in terms of the efforts needed to arrest

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it, by reducing emissions and adapting to its impacts. This

report indicates that tackling climate change has far reaching

implications for socioeconomic development, for production and

consumption patterns, and thus for employment and income

levels and poverty reduction.

*IsiZulu:*

Ngiyavumelana nombiko uma uthi:

Iningizimu Afrika ayigcini nje ngokuba yisisulu

semithelela yokuguquguquka kwesimo sezulu, kodwa futhi

inegalelo elikhulu kulolu hlelo, ngenxa yezinga

eliphezulu lentuthu engcolisa umoya.

*English*:

Hon members, during a webinar meeting held in March whose

focus was on climate leadership and preparing for COP26, it

was mentioned that it is critical that governments and

legislators in their respective countries around the world

should now focus on climate change and delivery.

Parliament plays a crucial role in designing and adopting the

necessary policies and laws and holding governments

accountable for delivering on the Paris Agreement. Its aims

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are to keep the rise in the global average temperature to well

below 2 degrees above pre-industrial levels. It also adopted a

bottom-up approach where countries themselves decide by how

much they will reduce their emissions by a certain year. Their

key role in approving laws and budgets are important in

addressing the climate crisis.

Following the attendance and participation of our

parliamentary delegation to the Webinar, the delegation has

produced a report, which enhance the role parliament in

climate as an oversight body to the executive. The delegation

made the following recommendations:

That Parliament should establish a formal structure for

overseeing climate change action undertaken by the executive

branch of government in Parliament, given the cross cutting

nature of climate change.

Alternatively, an independent body of experts can be

established outside the executive and Parliament to oversee

climate action and advise successfully and cost-effectively

undertake the transition to a low carbon economy by 2050. The

National Climate Change Bill provides a unique opportunity to

formalise the establishment of such a structure.

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It might be appropriate for South Africa to learn from the

rationale and functioning of the ... [Inaudible.] ... on

climate Change whose transition to a low-carbon society can be

done in a cost-effective manner in order to obtain very low

greenhouse gas emissions while maintaining welfare and

development.

There is also an opportunity for us to draw from the UK’s

climate change committee, which is an independent, statutory

body established under the Climate Change Act 2008. It aims to

advise the UK and devolve governments on emissions targets and

to report to Parliament on progress made in reducing

greenhouse gas emissions and preparing for and adapting to the

impacts of climate change.

The parliamentary delegation has made an observation that the

current oversight of climate action in government is not

effective. There is a need to strengthen our oversight role on

climate action in government.

As I have indicated in my introduction, the purpose of this

webinar meeting was to prepare and assist our parliamentary

delegation that had to attend COP 26 climate change conference

in November 2021. Amongst the parliamentary delegation that

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formed part of COP 26, from the NCOP, we were represented by

House Chairperson, hon Nyambi and hon Modise who is the

Chairperson of the Select Committee on Land Reform,

Environment, Mineral Resources and Energy.

The recommendations made by the March webinar on climate

change leadership have indeed empowered and capacitated our

parliamentary delegation to make sound and meaningful

contributions during the proceedings of COP26 on climate

change.

In concluding, House Chair, it is important to mention that

the delegation report that I am tabling to this House has

already been tabled to the PGIR meeting which took place on 27

August 2021. The PGIR is a Parliamentary Group on

International Relations, which according to the Joint Rules of

Parliament, is responsible to oversee the activities and

participation of Parliament in international relations. The

PGIR is co-chaired by House Chairperson responsible for

international relations hon Winnie Ngwenya of NCOP and hon

Ntombela of NA.

The report has also appeared to the official publication ...

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The HOUSE CHAIRPERSON: (Mr A J Nyambi): Hon Ngwenya, I have

been allowing the in conclusion. Can you conclude?

Ms W NGWENYA: ... the official publication of Parliament known

as Announcement, Tabling’s and Committee Reports, debate of

September 2021, and it is on the basis of its appearance to

the ATC that the House today is considering for its adoption.

Honourable members, with respect, I urge this House to support

this Report. I thank you, House Chair.

Debate concluded.

VOTING ON THE FIFTEENTH ORDER

Question put: That the Report be adopted.

IN FAVOUR: Eastern Cape, Free State, Gauteng, KwaZulu-Natal,

Limpopo, Mpumalanga, North West, Northern Cape, Western Cape.

Report accordingly adopted in accordance with section 65 of

the Constitution.

VOTING ON THE SIXTEENTH ORDER.

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Question put: That the Report be adopted.

IN FAVOUR: Eastern Cape, Free State, Gauteng, KwaZulu-Natal,

Limpopo, Mpumalanga, North West, Northern Cape, 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 THE REPUBLIC OF SOUTH**

**AFRICA’S PERFORMANCE IN THE FIRST QUARTER OF 2021-22, DATED 26**

**NOVEMBER 2021**

**AND**

**CONSIDERATION OF REPORT OF JOINT STANDING COMMITTEE ON THE**

**FINANCIAL MANAGEMENT OF PARLIAMENT OF THE REPUBLIC OF SOUTH**

**AFRICA’S DRAFT ANNUAL PERFORMANCE PLAN FOR 2022-23, DATED 26**

**NOVEMBER 2021**

**AND**

**CONSIDERATION OF REPORT OF JOINT STANDING COMMITTEE ON THE**

**FINANCIAL MANAGEMENT OF PARLIAMENT OF THE REPUBLIC OF SOUTH**

**AFRICA’S 2020-21 ANNUAL REPORT, DATED 26 NOVEMBER 2021.**

Ms D G MAHLANGU: Hon House Chairperson, Chairperson of the

NCOP, hon Chief Whip, hon members and fellow South Africans, I

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greet you. I would like to take this opportunity to present

the report of the Joint Standing Committee on Financial

Management of Parliament and Parliament’s performance in

quarter one of 2021-22 financial year.

Chairperson, Parliament performed its activities in the first

quarter of 2021-22 financial year during the adjusted level 4

lockdown. Therefore, some plenary and committee activities

remained visual.

The committee has made the following observations. In the

first quarter of 2021-22 financial year, 12 performance

indicators were measured, of which nine of them were new in

the annual performance plan, APP, of 2021-22 financial year.

Three performance indicators originates from the APP of the

previous financial year. All the new performance indicators

were developed to measure the satisfaction of Members of

Parliament with the support offered to them. Out of 12 targets

set in the APP for 2021-22 financial year, 11 performance

indicators measured were achieved.

The Speakers’ Forum has approved the establishment of the

Parliamentary Institute for the Legislative Sector for

building capacity through training, development and research.

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The research conceptualization and scoping as well as the

funding model and governance of the Parliamentary Institute

for the Legislative Sector approved.

The committee is concerned that Parliament bids for its annual

budget like the national departments, of which Parliament is a

separate arm of the state, and should not be treated like the

departments which bids for the annual budget, which are part

of the executive. The reliance on the executive for bidding

Parliament’s annual budget may weaken Parliament’s oversight

over the executive.

The committee supports the efforts to increase public

participation in Parliament’s activities that ensure that more

people have access to information about Parliament through

television, radio, and social media, which will contribute to

the objectives of Parliament in relation to the public

participation. However, Parliament had not yet achieved the

concerns of the committee about televising Parliament’s

business on a pay-to-view channel. While the committee

welcomes the move to a member-centred performance evaluation

system, the details of how the system will work in practice

...

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The committee remained concerned about the fact that Programme

3 will receive a substantial allocation and includes Members’

facilities, yet performance in respect of this programme will

not be measured.

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. However, the APP has no

performance indicators to measure the performance of these

offices.

We welcome the appointment of the directors of the PBO and the

TAO offices, however, we remain concerned about the long delay

in filling the position of the Secretary to Parliament, chief

financial officer, and the chief audit executive. It is not

acceptable that Parliament remains with a number of vacancies

on key leadership positions, as this has the potential to

result in instability.

The following recommendations were made by the committee after

several deliberations. The committee recommended to – I hope

the hon Chairperson of the NCOP hears this - the executive

authority to respond within 30 days subsequent the adoption of

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the quarter one report of 2021-22 financial year by both

Houses.

The committee should be provided with the detail of the new

way of managing performance by giving more details in relation

to reliability, usefulness, accessibility and timelines as to

how they are measured and how the new method impacts the

existing performance management system.

The committee recommends that it should be provided with the

rationale for having included Members’ facilities under

Programme 3, and give reasons for not having performance

indicators under this programme in relation to the performance

of Members’ facilities.

The committee recommends that clarity should be provided as to

how the impact of the office of the PBO, OISD, and TAO, which

are funded, will their performance be measured and where they

will account for their performance and expenditure.

The committee recommends that it should be provided with an

explanation for the delay in the referral of the PBO’s

business plan and budget estimates. Furthermore, the executive

authority should ensure that the planning and budget

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information is referred for processing by the relevant

oversight committee to ensure that public funds are properly

accounted for.

The committee should receive a detailed report on the reasons

for the long delay in filling the position of the Secretary to

Parliament, chief executive officer, CFO, chief audit

executive, CAE, as well as the measures that have been put in

place to fill them before the end of 2021-22 financial year.

The committee recommends that the challenge around the

allocation of Parliament budget should be addressed as a

matter of urgency and consider Parliament’ status as a

separate arm of state with a constitutional obligation to

perform oversight over the executive. Every avenue should be

pursued to ensure that the majority of citizens have access to

information about parliamentary committee meetings and

plenaries. Therefore, parliamentary meetings should not be

aired on pay-to-view channels, but should be broadcasted on

the national broadcasting platform for the sake of the poor.

The committee should receive a detailed brief on the new

broadcast studio, particularly how it was funded, and its

expected impact, and the cost of operating it over the next

three years.

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These are observations and recommendations of the Joint

Standing Committee on Financial Management of Parliament

presented to this august House. I thank you.

Debate concluded.

Question put: That the Report be adopted.

[TAKE IN FROM MINUTES]

Report accordingly adopted in accordance with section 65 of

the Constitution.

Debate concluded.

Question put: That the Report be adopted.

[TAKE IN FROM MINUTES]

Report accordingly adopted in accordance with section 65 of

the Constitution.

Debate concluded.

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Question put: That the Report be adopted.

[TAKE IN FROM MINUTES]

Report accordingly adopted in accordance with section 65 of

the Constitution.

**CONSIDERATION OF REPORT OF THE SELECT COMMITTEE ON TRADE AND**

**INDUSTRY, ECONOMIC DEVELOPMENT, SMALL BUSINESS DEVELOPMENT,**

**TOURISM, EMPLOYMENT AND LABOUR, JOINTLY WITH SELECT COMMITTEE**

**ON TRANSPORT, PUBLIC SERVICE AND ADMINISTRATION, PUBLIC WORKS**

**AND INFRASTRUCTURE AT THE CITY OF CAPE TOWN AND THE WEST COAST**

**DISTRICT IN WESTERN CAPE PROVINCE, DATED 7 DECEMBER 2021.**

Mr M DANGOR: Thank you very much Chairperson. Chairperson, the

report is 45 pages and I present it on behalf of hon Rayi.

I’ll focus upon the observations and resolutions because I

will not get through 45 pages.

The Select Committee of Trade and Industry Economic

Development, Small Business Development, Tourism, Employment

and Labour jointly with the Select Committee on Public Service

and Administration and Public Works and Infrastructure have

taken an oversight visit to Cape Town and the West Coast

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District Municipality in the Western province from the 17th to

the 20th of August 2021.

The global financial crisis during 2008 and 2009 residue

impacted on the economy of South Africa which also affected

the Cape Metro and the West Coast District’s economy. Since

Covid-19 reached South Africa and the Western Cape, the

economic effects of the pandemic and the resulting lockdown

are still being incurred particularly by the most vulnerable

groups.

Many people still live in poverty and are without jobs,

inequality is worsening. The economy is not growing as

expected, unemployment and poverty remain the highest risks,

the consistent vulnerability including poverty and

unemployment, limited access to health care and population

density.

The following are the most vulnerable, Gugulethu, Khayelitsha,

Mitchells Plain, Makhaza and Dunoon. These areas are in most

of economic opportunities. This can be extended to the

vulnerable communities in the West Coast District. These areas

need high quality education and health care and most

importantly economic opportunities.

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Chair, the oversight visit in the Western Cape has

demonstrated a need for government and its development

partners to rapidly implement the economic reconstruction and

recovery plan to attempt to realise the National Development

Plan’s strategic goals.

In order to realise the National Policy Agenda, the

development programmes must be implemented rapidly and in a

manner that is just and equitable. There must be fairness in

the distribution of resources.

Chairperson, today we are highlighting like many government

policy strategic documents that one of the core challenges is

the South African economy, it’s the disparity between the

provincial economies and within provinces, regions and cities.

Larger cities and towns are growing faster than small regions

and towns and the key to reduce the disparities between the

larger cities and towns is inequalities. We will also clearly

demonstrate it during the oversight visit to cape Town and the

West Coast Municipality.

Chairperson, there’s a need to find sustainable solutions to

improve economic governance at a local level; to address the

imbalances between regions and within regions. Partnerships

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between government and all levels with the private sector

should be strengthened to drive economic development.

Coordination at all spheres of government including

development agencies in partnership with the private sector in

implementing economic development initiatives should be

supported and cemented.

In order to fully gain the benefits of all developmental

programmes such as SEZs, Small Economic Zones, and industrial

parks, all sectors and departments of energy, transport,

roads, public infrastructure, water and sanitation and SOEs,

state-owned entities, need to allocate resources in a more

strategic manner to strengthen and enhance the growth of SEZs

and industrial parks.

Chairperson, while the Western Cape did not suffer from the

economic inactivity as a result of the violent unrest that

crippled Gauteng and KwaZulu-Natal, economic and business

activity was affected. It suffered due to violent taxi

conflict that happened in the City of Cape Town. The taxi

violence has hampered some of the business operations and put

jobs of many people particularly from the vulnerable groups at

risk.

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In an attempt to restore and rebuild the economy, we need to

redouble our efforts in reviving the formal and informal

business industry. We need to find sustainable solutions to

check all the needs of the informal sector. The sector has

been overlooked. The importance of the informal economy is now

leaning more attention as the strategic sector that could

support South Africa including the provincial and local

economies to become more inclusive.

Investor and business confidence in the country remains low.

This has the potential to affect investments in critical

strategic sectors identified as having the potential to drive

an inclusive economic agenda.

We must support initiatives that promote investment and

strategic sectors including investment that will boost skills

to support strategic catalytic economic projects.

Chairperson, we support the initiatives that will strengthen

partnerships with the higher education institutions including

research institutes that invest in research and development to

support science and innovation. We support the initiative of

national government and support the demonstrative by the

Western Cape government to invest in the growth of the Biovac.

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This will add to government efforts to build and enhance the

growth of the pharmaceutical industry further to boost

government efforts to build health relation.

Chairperson, there’s a need to find sustainable solutions to

improve economic governance at a local level; to address

imbalances between regions and within regions, partnerships

between government at all levels with the private sector

should be strengthened to drive regional economic development.

The coordination at all spheres of government including

development agencies in partnership with such a private sector

implementing economic development initiative should be

supported and cemented.

In order to fully gain the benefits of all developmental

programmes such as SEZs, Small Economic Zones, and industrial

parks all sector departments in energy, transport, roads,

public infrastructure, water and sanitation and SOEs, need to

allocate resources in a more strategic manner to strengthen

and enhance the growth of SEZs and industrial parks.

Chairperson, While the Western Cape province did not suffer

from the economic inactivity as a result of the violent unrest

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that crippled Gauteng and KwaZulu-Natal, economic and business

activity did suffer.

In an attempt to restore and rebuild the economy, we need to

redouble our efforts in reviving the informal sector and the

informal business. We support the initiatives of national

government and we support the demonstrative by the Western

Cape government in trying to harmonise between the three

spheres of government to bring about more development.

The spatial mismatch with disconnections between people,

skills and investment is persisting the legacy of apartheid.

The inadequate coordination of development planning policies

resulting in transporting efficiencies, long term travel

distances and right level costs for the poor. The development

path needs to be reversed.

As I conclude hon Chairperson, I urge the House to support the

report. Thank you very much.

Debate concluded.

Question put: That the Report be adopted.

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*Declarations of vote:*

Ms C LABUSCHAGNE: Thank you, hon House Chair and, hon members,

for affording me the opportunity to congratulate the City of

Cape Town and the West Coast District Municipality on putting

together exemplary oversight as requested by the Select

Committee of the NCOP on Trade and Industry, Economic

Development, Small Business Development, Tourism, Employment

and Labour, jointly with the Select Committee on Transport,

Public Service and Administration, Public Works and

Infrastructure.

I am of the opinion that the committee members, who were part

of the delegation, could find little to fault, as the City of

Cape Town had already developed an inclusive economic growth

strategy and economic recovery plan. This will assist in

building a business-friendly environment, enabling firms to

grow and create jobs whilst adapting to market changes, and to

further empower individuals to be economically active and

socially mobile.

Furthermore, it was reassuring to learn and experience the

positive attitude of the West Coast District Municipality with

regard to the Saldanha Bay Industrial Development Zone, Blue

Sapphire Pearls and the West Coast National Park. It has

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therefore been proven that the success of all these businesses

is due to the great partnerships already cemented with the

Western Cape Department of Economic Development and Tourism,

the Ministry of Trade, Industry and Competition, the Ministry

of Public Enterprises, the Ministry of Small Business

Development and the Ministry of Higher Education to deliver

better and concrete results.

It is this beacon of hope that all municipalities should

follow on the path of regeneration and sustainable growth

after decades of mismanagement and neglect. I thank you.

Ms M L MOSHODI: Hon Chairperson, allow me to speak without my

camera owing to the weather. The City of Cape Town is the most

important economic driver in the Western Cape Province, a

significant source of national growth and the third largest

contributor to the national gross domestic product.

However, economic and social disparities are quite evident

within the province. Poverty and unemployment are the most

prevalent in areas such as Gugulethu, Khayelitsha, Mitchells

Plain, Macassar and Dunoon. Greater emphasis should be placed

on, and intervention is needed, in these areas to create

economic opportunities for our people.

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The DA in the Western Cape must stop its anti-poor and “swart

gevaar” posturing, and service our poor African people in

these areas. Building a community’s trust is a serious

challenge. To address the trust gap, the City of Cape Town

will need to work more closely with all communities,

particularly with the African population.

Furthermore, in order to achieve an inclusive economic

recovery strategy, the City of Cape Town will need to co-

operate more closely with all ... [Inaudible.] ... sectors of

government, communities and the corporate sector. For the city

to succeed, all populations, particularly vulnerable groups

like women, youths and persons with disabilities, must

benefit. Development should not be reserved for the elite as

is currently the case in the city.

The taxi conflict in Cape Town has put some businesses and

jobs, particularly those of the working class, in trouble. The

transport system is faced with capacity constraints that need

to be tackled. The rail infrastructure is declining and road

transport is experiencing congestion. The city needs to

improve its public transportation system, which serves

4,6 million people, particularly the MyCiTi bus service which

serves the poor and the working class. The failure of the City

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of Cape Town to spend R1,3 billion on this service to tackle

the constraints brought about the challenge in public

transport which is unacceptable and unjustifiable.

We call on the City of Cape Town to prioritise the needs of

African people. I thank you very much, hon Chairperson, and

hon members. Thank you.

IN FAVOUR: Eastern Cape, Free State, Gauteng, KwaZulu-Natal,

Limpopo, Mpumalanga, North West, Northern Cape, Western Cape.

Report accordingly adopted in accordance with section 65 of

the Constitution.

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON SECURITY AND**

**JUSTICE AFRICAN CHARTER ON STATISTICS TO PARLIAMENT FOR**

**RATIFICATION, SIGNING AND DEPOSIT OF THE INSTRUMENT, DATED 08**

**DECEMBER 2021**

Ms S SHAIKH: Thank you very much, hon House Chair. And greetings

to your good self.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Thank you.

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Ms S SHAIKH: Hon members, the African Charter on Statistics

tabled on 2 December 2020 by the Minister in the Presidency, was

referred to the Select Committee on Security and Justice for

consideration and report.

The African Charter on Statistics was adopted at the 11th

Ordinary Session of the Assembly of Heads of State and Government

of the African Union in Addis Ababa, Ethiopia on 03 February

2009. The purpose of this historical step by the Executive

Council of the African Union was to address the huge gaps that

still existed between the supply and demand for statistical

information needed for development and for the African

integration agenda. Following the endorsement of the Charter,

the Strategy for the Harmonisation of Statistics in Africa was

adopted.

Hon Chair, the African Charter on Statistics was tabled by the

Minister in the Presidency, in terms of section 231(2) of the

Constitution of the Republic of South Africa. In terms of Section

231 (2) of the Constitution. An international agreement binds

the Republic only after it has been approved by resolution in

both the National Assembly and the National Council of

Provinces, unless it is an agreement referred to in subsection

(3).

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In addition, the request for the tabling of the African Charter

on Statistics in Parliament for ratification, signing and

depositing it with the African Union is done in terms of section

231 (4) of the Constitution. That is: Any international

agreement becomes law in the Republic when it is enacted into

law by national legislation; but a self-executing provision of

an agreement that has been approved by Parliament is law in the

Republic unless it is inconsistent with the Constitution or an

Act of Parliament.

The African Charter on Statistics does not contain any self-

executing provisions that will become law in the Republic in

terms of section 231 (4) of the Constitution.

Hon Chair, the House should also note that in the process leading

up to tabling of Charter in Parliament, a legal opinion and

support on signing and ratification was obtained from the State

Law Advisors of the Department of Justice and Constitutional

Development on the Charter’s consistency with domestic laws.

Furthermore, a legal opinion and support on signing and

ratification was obtained from the Chief State Law Advisors at

the Department of International Relations and Co-operation on

the Charter’s consistency with international law and South

Africa’s international obligations.

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Hon Chair, the African Charter on Statistics is a regional legal

instrument which defines the principles governing the activity

of the institutions in charge of collecting, producing,

disseminating and analysing public statistics, and the ethical

and professional rules of conduct of African statisticians. The

Charter is aimed at strengthening the effective implementation

of the United Nations Fundamental Principles of Official

Statistics. The African Charter as I said was adopted in February

2009 but it was entered into force in February 2015. Despite the

progress already achieved in statistics, there is still remain

a number of major challenges facing the African statistical

system, particularly with regard to current and topical events

such as HIV and Aids, environment and climate change, and more

recently food and the financial crises.

Statistics are produced using methodologies that do not always

reflect African realities and are not always comparable across

countries. This is due to a number of constraints, including

inadequate resources being allocated to statistical activities,

a lack of institutional capacity, the low profile of statistics

on the continent, inadequate co-ordination of statistical

activities, and minimal consideration of African specificities

in setting up international standards.

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Regional Economic Communities’ statistical harmonisation

programmes vary from one region to another and rarely meet the

demand for harmonised statistics across the entire continent.

The Strategy for the Harmonisation of Statistics in Africa is a

continent-wide effort that directly responds to these challenges

and supports the African integration agenda.

Hon Chair, the purpose of the African Charter is therefore to

address gaps between supply and demand of statistical

information needed for development and attainment of the African

integration agenda. There is a need to base formulation,

monitoring and evaluation of policies on facts. The Charter

further supports the production of quality statistics necessary

for monitoring and evaluation of Agenda 2030 and Agenda 2063.

And the African Charter on Statistics, together with the

Strategy for the Harmonisation of Statistics in Africa are

initiatives contributing to the attainment of the continental

integration agenda, which is an overarching goal of African

leaders.

Hon Chair, Article 4 of the Charter contains the Commitment of

States Parties whereas Chapter 5 of the Charter sets out the

Implementation and Monitoring-evaluation Mechanism of the

Charter.

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Hon Chair, on 08 December 2021, the Select Committee on Security

and Justice received a briefing on the African Charter on

Statistics. The Committee was informed that South Africa has

legislation in place that governs statistics, the Statistics

Act, Act 6 of 1999. Furthermore, there were no financial

implications associated with the signing and ratifying of the

Charter.

Hon Chair, Statistics play a crucial role for government to

understand the performance of the economy towards Gross

Domestic Product’s growth or stagnancy. Statistics help

government to determine whether or not the labour market

caters for the demands of the economy as well as whether or

not all elements of the planning system are helping towards

addressing the demands of populations and societies.

The Select Committee on Security and Justice, having considered

the request for approval by Parliament of the African Charter

on Statistics, tabled in terms of section 231 (2) of the

Constitution of the Republic, recommends that the National

Council of Provinces approve the abovementioned Agreement. I

thank you, Chairperson.

Debate concluded.

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Question put: That the Report be adopted.

In Favour: Eastern Cape, Free State, Gauteng, KwaZulu-Natal,

Limpopo, Mpumalanga, North West, Northern Cape and Western

Cape.

Report accordingly adopted in accordance with section 65 of

the Constitution.

**CONSIDERATION OF REPORT OF THE RULES COMMITTEE OF THE COUNCIL**

**ON THE 9TH EDITION OF THE RULES NATIONAL COUNCIL OF PROVINCES**

The DEPUTY CHAIRPERSON OF THE NCOP: Chairperson of the NCOP,

House Chairpersons of the NCOP, the Chief Whip of the NCOP,

permanent and special delegates, ladies and gentlemen,

comrades and friends. It is indeed an honour for me to be

given this opportunity to table the Rules Committee Report on

the 9th Edition of the Rules of the National Council of

Provinces.

I want to begin by asserting that the greatest test of our

democratic project in the current dispensation is the efficacy

of the legislative sector to advance outcome-based oversight.

The legislative sector is facing a defining efficacy test,

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particularly with regard to its ability to reengineer its

institutional processes for purposes of accelerating economic

recovery and development during the ongoing onslaught of the

COVID-19 pandemic.

The Constitution of the Republic of South Africa hence affords

Parliament and the NCOP the right to develop its own internal

processes and rules which must necessarily be structured in a

manner taking cognisance of the acute development challenges

we face as a country.

Section 70 of the Constitution of the Republic of South Africa

makes clear proclamations on the internal arrangements,

proceedings and procedures of the National Council of

Provinces when it asserts that:

The National Council of Provinces may—(a) determine and

control its internal arrangements, proceedings and

procedures; and (b) make rules and orders concerning its

business, with due regard to representative and

participatory democracy, accountability, transparency and

public involvement.

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These are key constitutional proclamations which allow the

NCOP to strengthen its internal processes and arrangements in

a manner that advances participatory democracy,

accountability, transparency and public involvement.

Considering these constitutionally enshrined provisions and

South Africans compelling developmental context, I am of the

view that the review of the NCOP Rules was undertaken at a

very critical time enabling us to design our rules in a manner

taking cognisance of the acute development challenges that we

are currently facing as a country.

This review process enabled us to ... [Inaudible.] ... out a

set of contextually relevant and enabling rules which will

enable the NCOP to become more effective and impact-driven in

its approach.

As a sub-committee we, therefore, engaged in a series of

extensive deliberative processes going into the treasure ...

[Inaudible.] ... of the past in order to recover the ideals

that shaped our distinct and peculiar mandate as an

institution.

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We subsequently reached consensus that the rules of the

Council must be designed for the sole purpose of ensuring that

our collective approach as a House is premised on accelerating

the implementation of a people-centred and a people-driven

developmental agenda.

We further agreed that the rules must render us effectively

capable to put in place the most appropriate systems of

interaction with all our social partners while also rendering

us effectively capable to exercise our collective leadership

roles in a manner that is informed by the distinct mandate of

the Council.

Most significantly, we also agreed that the rules must enable

us to measure the impact of the work of the Council across its

various platforms through effective tracking and monitoring

mechanisms. This will allow us to measure our collective

performance as the NCOP particularly in giving effect to the

policy priorities that are set out by our functional electoral

mandate.

To this end, we can only measure the impact of our work if we

are clear on the assigned responsibilities of each of our

business units and by periodically assessing whether the

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measures and markers that we have put in place have indeed

resulted in changing the material conditions of our people.

Hon members, on the 10th of July 2019 the National Council of

Provinces’ Rules Committee mandated the Sub-Committee on the

Review of Council Rules to undertake the review of the 9th

Edition of the Council Rules. The report of the sub-committee

on the proposed amendments and the new proposed rules were

presented to the Rules Committee at its meeting on the 10th of

December 2021.

The Rules Committee, having considered the report and

deliberated on it, agreed to the proposed amendments and

proposals on the new rules which were made by the sub-

committee.

I want to underscore the fact that the amendments to the 9th

Edition of the NCOP Rules are both extensive and well-thought

through.

The committee has ensured that in its chapter several rules

are amended and that the current practices and conventions of

the Council are included in the rules.

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After extensive deliberations we reached consensus to amend

the functions of the permanent Deputy Chairperson, the House

Chairpersons, the Chief Whip and the appointment and

composition of the Whippery. All of the amendments are in line

with current practices and conventions of the Council.

The rule on leave of absence has been amended to be in line

with the constitutional provision on loss of the membership of

the Council.

The rules that formalise ministerial briefings and also

provided for referral of strategic plans and annual

performance plans of departments to committees, since this

forms part of the important work of oversight and

accountability exercised by the Council.

The rules on notices of motions and motions without notice

have also been amended to provide clarity on the format and

the types of motions.

The new rules on virtual and hybrid sittings of the House and

committees have also been included in the rules so as to

accommodate our new reality.

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New rules on establishing a committee on finance and committee

on appropriations have also been included.

The rule on lapsing and resumption of proceedings on Bills was

also amended to deal with the lapsing of Bills as well as any

other business that is before the Council at the time when the

term of the Council ends.

With regard to the questions to the President and Deputy

President the Council retains the current number of six

questions given that this practice has shown that it provides

for equity-based and proportional representation.

Hon members, I will extrapolate verbatim [Laughter.] trusting

that the members will be provided with the copy of the amended

rule book so as to familiarise themselves with the new

amendments which should serve as an important instrument to

enrich the work of the Council.

The amendments of the rules of the Council are meant to ensure

that we intensify our oversight in a coherent and effective

manner.

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I also just want to emphasise that we have agreed that we need

to have a workshop to make sure that all of the members are

properly equipped with the new rules.

With that said and done I also just want to mention that the

rules have been published in the Announcements, Tablings and

Committee Reports, ATC of 13 December.

I would like now to take this opportunity to extend my sincere

appreciation to the members of the sub-committee and the

committee under the leadership of the Chairperson, who made

every effort to engage in a constructive battle of ideas.

I would also like to extend my appreciation to the Chief Whip

in particular as well as all the members of the sub-committee,

but also to Adv Phindela and his team, who worked tirelessly

to enable us to table this report here today.

With all those said I hereby table the Report on the Amendment

of the 9th Edition of the NCOP Rules. Thank you very much. Ke

a leboga. Enkosi. Baie dankie.

Question put: That the Report be adopted.

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Voting.

Report accordingly adopted in accordance with section 65 of

the Constitution.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon members, before ...

let me allow the hon Chief Whip to make a statement. Hon Chief

Whip Mohai!

The CHIEF WHIP OF THE NCOP: Hon House Chair Nyambi, I just

want to make an appeal to members to prioritise the business

of the Council and make sure that their videos are on at all

times when they address the Chairperson or the Council. This

request has been made repeatedly by the Chairperson of the

House, hon Masondo. And it’s time really that members do

appreciate that this is significant with regard to the decorum

of our House.

Tomorrow we want to appeal that we need to see members when

they address the House or the Council not in their cars, not

in public places, but members should take positions that are

appropriate that they are part of the House. We can no longer

tolerate a behaviour where members speak to the House

unanimous that cannot be traced or rather be in a manner that

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is consistent with the decorum of this House. I really want to

make that appeal, House Chair. Thank you.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Thank you and straight

to the point. It’s ambling what has been said many times by

the Chair of the Council, Ntate [Mr] Masondo, and all other

presiding officers.

Hon delegates, allow me to take this opportunity to thank

Members of Executive Council, MECs, all special delegates, SA

Local Government Association, SALGA representatives for

availing themselves, your good self, hon members, for availing

yourself for this very important plenary.

Hon delegates, that concludes the business of the day. The

House is adjourned.

The Council adjourned at 14:21.