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PROCEEDINGS OF THE NATIONAL COUNCIL OF PROVINCES

The Council met at 14:00.

The House Chairperson: Committees took the Chair and requested members to observe a moment of silence for prayers or meditation.

**29TH ANNIVERSARY OF APARTHEID SA DEFENCE FORCE WITHDRAWAL FROM
ANGOLA**

(Draft Resolution)

Ms T J MOKWELE: Chair, I move without notice on behalf of the EFF:

That the Council –

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- (1) notes that yesterday, 30 August 2017, marked the 29th anniversary of the apartheid SA Defence Force's withdrawal from Angola;
- (2) further notes that it was as a result of military sacrifices and the commitment of the socialist army of Cuba led by commandant and Comrade, the late Fidel Castro – may his soul rest in peace – that the Cuban force of over 50 000 beat the SA Defence Force in the battle of Cuito Cuanavale;
- (3) also notes that following its defeat at the hands of the Cuban forces, the SA Defence Force had only one option, which was to withdraw from Angola;
- (4) recognises that the defeat and withdrawal that followed was one of the key reasons for the eventual ending of apartheid;
- (5) further recognises that for this, we as the EFF on behalf of South Africans, would like to take this opportunity to thank the Cubans under the leadership of the late commandant Fidel Castro, for the sacrifices they made for the liberation of South Africa and South Africans;

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(6) also recognises the significance of this day and the contribution of Fidel Castro and the Cubans in ending the minority rule of white monopoly capital in South Africa.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Is there any objection to the motion?

[Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): In light of the objection the motion may not be proceeded with. The motion without notice will now become a notice of motion.

Ms T J MOKWELE: Can you open. I don't know whether I should call this man an hon member because he just said what I've read is bullshit. I don't know ... [Inaudible.] ... bullshit ... if I have to explain it. It's a very, very ...

The HOUSE CHAIRPERSON (Mr A J Nyambi): No, let me deal with it. Hon Hattingh, did you say that?

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Mr C HATTINGH: Hon Chair, I was provoked. [Inaudible.]

[Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): No, I'm saying ...

[Interjections.]

Mr C HATTINGH: I withdraw. [Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): I was ... [Interjections.]

Order members!

Ms N P KONI: It must be noted in this House that we have constantly been calling this man to order and he continues with his behaviour. This man must actually be taken to Ethics; this one.

The HOUSE CHAIRPERSON (Mr A J Nyambi): I have dealt with it.

CITY OF CAPE TOWN FAILS RESIDENTS

(Draft Resolution)

Ms E PRINS: Chairperson, I move without notice on behalf of the ANC:

That the Council –

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- (1) notes that more than 100 people have been left homeless and one man died after a fire ripped through a Cape Flats informal settlement;
- (2) further notes that many people do not have anywhere to stay as they do not have money or materials to rebuild their houses, and many people have lost everything and are only left with the clothes they are wearing;
- (3) also notes that residents feel that the City of Cape Town has failed them by not building houses for them as this is the only permanent solution to the fires and the destruction of property in Cape Town; and
- (4) calls on the City of Cape Town to accelerate the building of houses for the poor close to their areas of employment.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Is there any objection to the motion?

[Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): In light of the objection the motion may not be proceeded with. The motion without notice will now become a notice of motion.

RESIGNATION OF ADV LENNIT MAX

(Draft Resolution)

Mr D L XIMBI: Chairperson, I move without notice on behalf of the ANC:

That the Council –

- (1) notes the sudden resignation of Adv Lennit Max as chairperson of the Western Cape legislature's conduct committee following the quitting of Adv Romeo Maasdorp as the registrar of members interests;
- (2) further notes that the position of registrar was advertised as vacant without following procedure or the incumbent being informed about the advertisement;

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- (3) also notes that the resignation of Adv Max, following a clash with Mark Wiley of the DA in the conduct committee after the DA's concerted effort to cover up the place keeping ... DA provincial leader Bonginkosi Madikizela;
- (4) calls on the DA to stop collapsing the conduct committee when it must investigate their members, as in the case of Premier Zille and Patricia de Lille; and
- (5) also calls on the DA to allow the committee to do its work and investigate MEC Madikizela, MEC Mbombo and the DA Chief Whip Mark Wiley.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Is there any objection to the motion?

[Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): In light of the objection the motion may not be proceeded with. The motion without notice will now become a notice of motion.

WESTERN CAPE GOVERNMENT RECIEVES DROUGHT RELIEF FUNDS

(Draft Resolution)

Mr M D MONAKEDI: Chairperson, I move without notice on behalf of the ANC:

That the Council –

- (1) notes and welcomes the national Department of Cooperative Governance and Traditional Affairs' release of the first tranche of money needed by the Western Cape government to cope with the devastating drought and fires in the province;
- (2) further notes that the first tranche of R34 866 263 million was transferred on 21 August to the municipalities of Cape Town, Bitou and Theewaterskloof;
- (3) also notes that the second tranche of R40 million which is to be spent on livestock feed will be sent to the province on 31 August;

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(4) happily recognises that from the granted funds, the City of Cape Town would get a R20 812 483 million Municipal Disaster Grant, Bitou Local Municipality would get a R10,9 million Municipal Disaster Grant and Theewaterskloof Local Municipality would get a R3,1 million Municipal Disaster Grant; and

(5) applauds and appreciates the care demonstrated by our national government to the people of the Western Cape.

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

CITY OF TSHWANE UNCOVERS CORRUPTION

(Draft Resolution)

Ms B A ENGELBRECHT: Mr Chair, I move without notice on behalf of the DA:

That the Council—

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- (1) congratulates the DA-run City of Tshwane for uncovering corruption of more than R10 million from the previous ANC administration;

Ms T J MOKWELE: The DA is not running the City of Tshwane. It's not true.

The HOUSE CHAIRPERSON (Mr A J Nyambi): No, you're out of order Mokwele. Can you continue hon Engelbrecht?

Ms B A ENGELBRECHT:

- (2) notes that the corruption was uncovered after Mayor Solly Msimanga initiated forensic audits that exposed the many suppliers being paid on demand without the proper supply chain management principles being applied;

[Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Order members! Hon members, let's listen. We have an opportunity to agree or not to agree with the motion. Can you continue hon Engelbrecht?

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Ms B A ENGELBRECHT:

- (3) further notes that in some cases many of the invoices were duplicates being paid over and over again, with no care by the ANC administration;
- (4) also notes that this is an indictment of the way the old ANC administration was wasting and stealing public money that should've been spent on service delivery in the city; and
- (5) recognises that the DA-led City of Tshwane will continue to root out all forms of corruption and wasteful expenditure because we are committed to ensuring that public money is used to improve service delivery, and in the process improve peoples lives.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Is there any objection to the motion?

[Interjections.]

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The HOUSE CHAIRPERSON (Mr A J Nyambi): In light of the objection the motion may not be proceeded with. The motion without notice will become a notice of motion.

CONSIDERATION OF REPORT OF SELECT COMMITTEE ON LAND AND MINERAL RESOURCES - DRAFT AMENDED NORMS AND STANDARDS FOR THE MARKING OF RHINOCEROS AND RHINOCEROS HORN AND FOR THE HUNTING OF RHINOCEROS FOR TROPHY HUNTING PURPOSES IN TERMS OF SECTION 8(3) AND SECTION 9 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004 (Act No 10 of 2004) AND SECTION 146(6) OF THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA

Mr O J SEFAKO: Hon House Chair, hon members, greetings to all. The Report of the Select Committee on Land and Mineral Resources: norms and standards for the marking of rhinoceros and rhinoceros horn and for the hunting of rhinoceros for trophy hunting purposes. Section 146(6) of the Constitution states that a law made in terms of an Act of Parliament or a provincial Act cannot prevail only if that law has been approved by the National Council of Provinces. Section 8(3) of the National Environmental Management: Biodiversity Act requires the Minister to submit all subordinate legislation to the NCOP for approval in order to effectively resolve the conflict that may arise

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between subordinate legislations and provincial conservation legislations in terms of section 146(6) of the Constitution.

The committee engaged with the department with questions emanating from the presentations. Matters of concern included stakeholder consultation, inclusion of previously disadvantaged communities in the country's game industry and the collaboration between the national department and the provincial departments during the development of the norms and standards.

The department assured the committee that a joint committee, inclusive of national and provincial department had been established for collaboration and standardisation of the norms and standards across all provinces. This type of collaboration has also focused on security where SA Police Service, SAPS, various anti-poaching units, game rangers, intelligent services and the judiciary play an active role in securing endangered wildlife.

After the department's presentation, it was recommended that members of the Select Committee on Land and Mineral Resources take note of the need to implement revised norms and standards for the marking of rhinoceros, rhinoceros horn and for the hunting of rhinoceros for

trophy hunting purposes and recommended draft revised rhinos norms and standards to the National Council of Provinces for approval.

Thank you, Chair.

Debate concluded.

Question put: That the Report be adopted.

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

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

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

CONSIDERATION OF REPORT OF SELECT COMMITTEE ON LAND AND MINERAL RESOURCES - FOLLOW-UP OVERSIGHT VISIT TO THE NORTH WEST PROVINCE

Mr O J SEFAKO: Hon Chair, this is the statement on the follow-up oversight visit to Madibeng. This follow-up visit to Madibeng, was to determine whether integration of the planning and the

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implementation of Social and Labour Plans, SLPs, with municipal plans had improved. The committee was disappointed to discover that there have not been any significant improvements. There were evidence of attempts to align the municipal Integrated Development Plan, IDP, project with the mine Social and Labour Plans, but the call for greater transparency during critical periods in the development and evaluation of the IDP related projects by the municipality remain largely unanswered.

The Department of Mineral Resources insisted that the mining operators were instructed to align their SLPs, with the municipal Integrated Development Plan, IDP, and that the IDP was made available to companies. The concern is that the Intergovernmental Relations, IGR, challenges remain, particularly with regard to IGR between the municipal structures, the provincial administration and the Department of Mineral Resources. A symptom of this is the continued struggles of the municipality-initiated Mining Forum. The fact that the municipality reported that there is still not sufficient representation from decision-making officials of the Department of Mineral Resources present at all the forums.

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The lack of the IGR observed results in the municipal IDP and the mine Social and Labour Plans being developed separately from each other, and using divergent consultative processes. Even though the Department of Mineral Resources insists on the IDP alignment, the two plans are not developed using the same consultative processes and are not guided by the same pieces of legislation.

The IDP is guided by the Municipal Systems Act and the Social and Labour Plan is guided by the Mineral and Petroleum Resources Development Act and the Mining Charter. The Mineral and Petroleum Resources Development Act and the Mining Charter stipulate the consultation with the owner of the land and those affected by mining activity. Even if the spirit of the legislation requires in-depth and far-reaching consultation, the two divergent consultative methodologies of the IDP and the Social and Labour Plan will not necessarily result in the creation of two developmental documents with a shared vision.

At present, the type of projects initiated, as well as the sustainability or maintenance of projects after the initial donation from the company is questionable. Few appear to be capable of initiating any form of sustainable employment or functional

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community upliftment. It is clear that there is a need to review how the Mining Charter directs public consultation during the development of Social and Labour Plans, the suitability of projects initiated and the linkages to the municipal IDP. A potential solution for the IGR impasse, which ultimately could strengthen municipal IDP and the attainment of the National Development Plan, NDP, goals...

The committee resolved to continue to engage the Department of Mineral Resources with the aim of improving the relationship between the Department of Mineral Resources, the provincial government and the municipal authorities.

The most critical outcomes of such an improved relationship will be: Improved IGR in order to make constructive, positive efforts towards improved linkages between Social and Labour Plans of the mining companies and the IDP and the Local Economic Development strategy of municipalities.

Again, the improved functioning of the Mining Forum.

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Additionally, the delegation resolved during the follow-up visit that the continued absence of political decision-makers of the department at the oversight engagement was unsatisfactory. It was decided that the committee should make time in its meeting schedule to invite the Minister, the Deputy Minister and the Director-General of the Department of Mineral Resources to attend a committee meeting where this situation will be discussed. I move for the adoption of this Report.

Debate concluded.

Question put: That the Report be adopted.

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

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

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON APPROPRIATIONS -
URBAN SETTLEMENTS DEVELOPMENT GRANT PERFORMANCE IN THE FIRST THREE
QUARTERS OF THE 2016-17 FINANCIAL YEAR.**

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Mr C J DE BEER: Hon Chairperson and hon members, the Urban Settlements Development Grant was introduced in 2011 and it is allocated to metropolitan municipalities to supplement their capital budgets. This grant is a Schedule 4B or a supplementary grant. This means that metros are expected to use a combination of grant funds and their own revenue to develop urban infrastructure and integrated human settlements. The grant enables metros to better leverage their resources to develop sustainable human settlements, including the upgrading of informal...[Interjections.]

Ms T J MOKWELE: Why do you trust these people with our money?

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Mokwele, you are out of order. Hon De Beer, you are protected. You can continue.

Mr C J DE BEER: The grant enables metros to better leverage their resources to develop sustainable human settlements, including the upgrading of...[Interjections.]

Ms N P KONI: House Chair, I want to check when was this report tabled?

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The HOUSE CHAIRPERSON (Mr A J Nyambi): We are dealing with it and you will get the information. Allow him to table the report. He is doing that.

Ms N P KONI: I want to check if it is not one of the reports that were tabled last night.

Mr C J DE BEER: Let's try again hon Chairperson. The grant enables metros to better leverage their resources to develop sustainable human settlements, including the upgrading of informal settlements. The grant funds the provision of basic municipal services to new housing projects and allows municipalities to plan and budget for both services and the construction of housing once they attain authorisation for the human settlements function.

The National Development Plan, NDP, acknowledges quite explicitly that a fundamental reshaping of the colonial and apartheid geography may take decades to be reversed. For the fundamental reshaping of cities within the country from the colonial past, the country must clarify and relentlessly pursue a national vision for spatial development.

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The 2016 State of South African Cities report maintains that spatial transformation is core to local and national development. The Urban Settlement Development Grant is an attempt by government to address some of the challenges of spatial development within the country. The Department of Human Settlements as well as the National Treasury made presentations on the performance of this grant in the first three quarters of 2016-17 financial year, taking into consideration both the financial and nonfinancial performance of the grant over the reporting time period.

The Urban Settlements Development Grant allocations grew from R2,6 billion, or 14% of the capital revenue for metros in 2010-11, to R10,8 billion, or 29% of the capital revenue of metros of R37,9 billion in 2016-17 financial year. The committee was however, very concerned with the spending patterns over the period, especially the spending in the third quarter of the 2016-17 financial year where the spending was at an average of 53,6% below the expected 75% in this quarter. The Western Cape only managed to spend 50% of this grant. The committee also noted with concern that there are a variety of different interpretations of the grant among the three spheres of government. These range from a narrow focus on supporting housing projects, for example, provinces, to a broad view

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of intervening in the built environment metros and the National Treasury. The differences in the interpretation of the grant have resulted in intergovernmental tension. This tension is articulated by metros viewing that the grant's flexibility as a means to fund a range of activities that support human settlements while the provinces are of the view that the flexibility is a major disadvantage because metros spend the grant on items that do not directly advance the provision of housing through Human Settlements Development Grant.

Having engaged the national departments, the committee will further engage the three metros as well as affected provincial departments during its oversight visit to Gauteng during September 2017, that is, we are going there next week. The committee will also conduct site visits so as to ascertain the value for money spent.

After considering and deliberating on the performance of the Urban Settlements Development Grant in the first three quarters of the 2016-17, the Select Committee on Appropriations recommends the following.

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Both the National Treasury and the Department of Human Settlements should strengthen their support to, and monitoring of the metros that are currently underspending. The committee will also target such metros in its quarterly expenditure monitoring and will conduct oversight visits to metros to assess the value for the money spent as well as the achievements of the desired outcomes. The Department of Human Settlements, in collaboration with the provincial departments for Human Settlements, should speed up the process of accreditation or the assigning of human settlement functions to the metros. The department should report to the committee within 30 days after the adoption of this report by the House. The department in collaboration with the National Treasury and the Financial and Fiscal Commission, FFC, should look into the feasibility of merging or aligning this grant with other related grants to avoid duplication. The different interpretations of the Urban Settlements Development Grant policy framework should be resolved among the various spheres of government to avoid any further ambiguity. The Department of Planning, Monitoring and Evaluation, in collaboration with the FFC should facilitate this process and report to the committee within 30 days after the adoption of this report. The Department of Human Settlements should urgently provide guidelines

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about reporting on nonfinancial outcomes of the Urban Settlements Development Grant.

I hereby table this report for consideration by the Council. Thank you. [Applause.]

Debate concluded.

Question put: That the Report be adopted.

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

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

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON APPROPRIATIONS -
EARLY CHILDHOOD DEVELOPMENT GRANT (BUSINESS PLAN AND FINANCIAL
ALLOCATION FOR 2017/18 AND 2018/19 FINANCIAL YEARS).**

Ms T MOTARA: Chairperson, during the 2016 Medium-Term Budget Policy Statement, MTBPS, the Minister of Finance announced for the

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introduction of conditional grant that will expand early childhood development services and the maintenance of related infrastructure. At the time, the National Treasury was reportedly working with the Department of Social Development on a strategy to guide future financing for early childhood development.

During the 2017 Budget Speech, the Minister further indicated that the government aims to provide a social safety net for all South Africans, particularly the young, elderly and the disabled and to standardise social welfare practices as highlighted in the National Development Plan, NDP. Spending on this priority was set to rise from R164,9 billion in 2016-17 to R209,1 billion by 2019-20 financial year, growing at an annual average of 8,2% over the medium-term.

While the early childhood development services for children between 0-4 years old have grown over the past five years, only half of the 2,4 million children from poor households who should benefit are accessing the services. Government has allocated an additional R1,3 billion over the Medium-Term Expenditure Framework, MTEF, period for early child development. This will provide subsidies for 113 889 more children. The Early Childhood Development Grant is one

of the mechanisms applied in order to promote early childhood development services. This is a Schedule 5 grant that has a specific purpose allocated to provinces to supplement the funding programmes or functions that are funded from the provincial budgets. The grant has two distinct objectives which are, first, to improve poor children's access to early childhood programmes, and, second, to ensure that early childhood centres has adequate infrastructures.

On 23 may 2017, as part of its oversight work, the Select Committee on Appropriations invited the Department of Social Development to make a presentation on the Early Childhood Development, ECD, Grant. This included the presentation on the business plans and financial allocation for the 2017-18 and 2018-19 financial years. The department was requested to make an oral presentation on the grant and taking into consideration the following, the 2017-18 business plan, financial allocations and transfers to provinces and progress on the implementation of the grant.

During the deliberations with the department and the National Treasury, the committee made a number of the observations with specific recommendations that have been made for follow up later on.

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Some of these observations included were, firstly, the value of the subsidy to be paid is R15 per child for 264 days, which means about R3 960 will be the total subsidy per child. However, the department does not have a different rate which would cater for children who have special needs or a disability. The department reported that the financing strategy to cover children with disabilities would only be finalised by the end of March 2018. Secondly, the department indicated that costing of the grant by the National Treasury is inadequate and therefore the department will not be able to meet the targets of 100 004 poor child beneficiaries based on R15 subsidy per child and 4000 early childhood development, ECD, centres based on R32 000 for upgrades per ECD facility. Thirdly, the department indicated, given that the funding is inadequate, the target regarding the number of children has been revised downwards to 76% from the original target of 100 004 children by 2018-19. The target for ECD centre upgrades have also been revised downwards to 718 by 2018-19 based on their costing exercise that determined that the cost of upgrading an ECD facility would cost a minimum of R100 000.

While the department had presented clear stated steps and timelines for the implementation of the grant, it was however indicated that provinces are still to sign and submit service level agreements by

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May and June 2017. Any delay in the signing and submission the service level agreements, SLAs, has potential to delay transfers to the provinces since payments are to be made in line with the payment schedule as per the SLA with the ECD centres.

With these being said, on behalf of the committee, Chair, I would like to table the report for consideration by the House. I thank you. [Applause.]

Debate concluded.

Question put: That the Report be adopted.

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

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

**CONSIDERATION OF JOINT OVERSIGHT REPORT OF SELECT COMMITTEE ON TRADE
AND INTERNATIONAL RELATIONS AND SELECT COMMITTEE ON ECONOMIC AND
BUSINESS DEVELOPMENT - NKANGALA DISTRICT, MPUMALANGA**

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Mr S G MTHIMUNYE: Chairperson, a multiparty delegation consisting of members from the Select Committees on Economic and Business Development and Trade and International Relations undertook a joint oversight visit to the Nkangala District Municipality in Mpumalanga from 27-30 March 2017. I hereby table the report on its behalf.

In terms of section 42(4) of the Constitution, the National Council of Provinces is mandated to ensure effective co-operative governance and good intergovernmental relations between the three spheres of government: national, provincial, and local. This unique NCOP mandate also seeks to ensure that provincial interests are advocated in the national sphere of government. In this context, the two committees - the Select Committee on Economic and Business Development and the Select Committee on Trade and International Relations - conducted a joint oversight visit to the Nkangala municipal area.

Chair, I would like to share a bit of geography and statistics with regard to the Nkangala District Municipality. The Nkangala District Municipality has six local municipalities under it, with its headquarters situated in Middelburg, and it shares its boundary on the western side with the City of Tshwane. It also covers

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approximately 16,7 million km² of land. The area has a population of about 1,3 million people, and the number of households stands at some 420 000. The electricity supply stood at 85,7% in 2011 and GDP growth at 7,3%. The unemployment rate was at 25% in 2012, with 44% of it being the youth.

The primary objective of the oversight visit was to assess how the sector departments influence the growth and development of the regional economy, as this ensures that local business expands and creates much-needed jobs for the local people. This is done deliberately and consciously to fundamentally change the structure and ownership of the economy in this particular region. Furthermore, oversight ought to evaluate the various service delivery implementation efforts of government departments and their agencies in the sector across all spheres of government. In achieving government policy priorities, the agreed areas of focus were infrastructure investment, small business development, industrialisation, tourism, and skills development, as expressed in the National Development Plan, the Nine-Point Plan, the 2017 state of the nation address, as well as the 2017 Budget Review.

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During our oversight visit, we made the following observations. In terms of the economic growth and development in Nkangala District Municipality, we focused on the following areas. It focuses on economic and infrastructure investment that includes electrification of households in partnership with Eskom. It further focuses on empowerment of the youth, women and people living with disabilities. It also focuses on tourism initiatives. It supports and promotes small, medium and microenterprises and co-operatives. It enhances development in partnership with mining houses to accelerate economic growth.

The following challenges were noted. Economic growth in this particular region is low. The unemployment rate is high. There is gross inequality, even in the face of the opulence you see in the mining houses operational in that particular region. There is low infrastructure development. That is why the Moloto Corridor - both rail and road - is welcomed so much by the people of that particular area. It has the potential to ignite economic growth. There are also historical challenges of issues such as water supply, specifically in the areas of the Thembisile Hani Local Municipality and Dr J S Moroka Local Municipality. This also has a negative impact on economic growth. The economy of the Nkangala District Municipality

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is mainly based on retail, and mining contributes a substantial part of the GDP in this particular region. Agriculture, forestry and tourism also play its part as economic drivers in this region.

The following projects were visited. Bethusile Projects and Construction is a black female-owned company situated in Emalahleni, formerly Witbank. It is a transport contract worth R3 million, funded by the National Empowerment Fund, NEF. It creates about 39 jobs. We also visited Evraz Highveld Steel and Vanadium in Witbank. It is a project that was funded by the Industrial Development Corporation, IDC, to the tune of R150 million - a rescue package when the company was going under - and has about 5 000 workers.

We also visited the Lulama Business Enterprise, which is 100% black owned. It is a franchise under Sasol, with about R8,6 million of NEF funds pumped into that particular business, creating about 57 job opportunities. We further visited Ekandustria Industrial Park, which is owned by the Mpumalanga Economic Growth Agency, Mega. The park is under a programme of the Department of Trade and Industry called the Industrial Parks Revitalisation Programme. It currently employs about 6 000 people in various factories with various forms of

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production. We also visited the Zithabiseni Resort. The national Department of Tourism poured about R30 million into this particular resort to assist with revamping it.

The Verena police station is also being renovated. It is funded by the Department of Public Works. Kusile Power Station, a R161,4 billion project, is 80% complete, according to Eskom, with the two units already commissioned contributing about 1 600 MW to the national grid. Four units are still to be commissioned. In all, total power production will be about 4 800 MW. Witbank magistrate's court is also under renovation. This project is also funded by the Department of Public Works.

The report was published on page 132 of the Announcements, Tablings, and Committee Reports on 2 June 2017. On behalf of the select committee, I therefore wish to table the report to the House for consideration. Thank you.

Debate concluded.

Question put: That the Report be adopted.

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

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

CONSIDERATION OF REPORT OF SELECT COMMITTEE ON CO-OPERATIVE
GOVERNANCE AND TRADITIONAL AFFAIRS - NOTICE OF INTERVENTION ISSUED
IN TERMS OF SECTION 139(1) (B) OF THE CONSTITUTION, 1996, IN MAFUBE
LOCAL MUNICIPALITY, FREE STATE

CONSIDERATION OF REPORT OF SELECT COMMITTEE ON CO-OPERATIVE
GOVERNANCE AND TRADITIONAL AFFAIRS - NOTICE OF INTERVENTION ISSUED
IN TERMS OF SECTION 139(1) (B) OF THE CONSTITUTION, 1996, IN
MASILONYANA LOCAL MUNICIPALITY, FREE STATE

CONSIDERATION OF REPORT OF SELECT COMMITTEE ON CO-OPERATIVE
GOVERNANCE AND TRADITIONAL AFFAIRS - NOTICE OF INTERVENTION ISSUED
IN TERMS OF SECTION 139(1) (B) OF THE CONSTITUTION, 1996, IN
METSIMOHLO LOCAL MUNICIPALITY, FREE STATE

Mr M J MOHAPI: Chair, special greetings ... [Interjections.]

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The HOUSE CHAIRPERSON (Mr A J Nyambi): I am sorry, hon Mohapi. Let me give the chance to hon Mokwele. Can you take your seat, hon Mohapi! Hon Mokwele, why are you standing?

Ms T J MOKWELE: Chair... [Interjections.] That is not true! Here, we are working. It's not true! Chair, I need your indulgence in this matter. Apparently, according to the speaker's note that is before us, we are told that the reports that hon Mohapi is about to present were published in the Announced, Tabled and Committee, ATC, on 29 August 2017, and the committee only met yesterday for consideration of these reports.

Now, I'm checking with you, Chair, if is it it procedural that the reports can be scheduled or published in the ATC only for one day for the members to go through them, and be submitted to the House for consideration and adoption? I am asking this because, according to me, for us to have an ample time to deal with the reports, they should be published on an ATC at least the latest seven days, in order for us to deal with the matter.

I went through the rules, Chair, and there is nothing that speaks to the matter; maybe there is, the Table staff will therefore assist us. Before we can just endorse this matter, as a council, we need to

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know. According to the way the reports are tabled, some of those municipalities do not need the intervention of section 139(1) (b), rather 139(1) (c) if the members had ample time to deal with their issues, Chair. Thank you.

The HOUSE CHAIRPERSON (Mr A J Nyambi): There's nothing wrong with what you have said, hon Mokwele. I have done the very same thing after sitting here presiding, to check what is in front of us. You are quite correct that you have checked the rules and there is nothing.

So, as somebody presiding, to assist the process, I think that it will be in order for the process that is dealing with the rules to look on this issue and come up with something, so that in future, once we get to something of this nature, then there is no debate or question about it, and that we will be guided by something that is in black and white.

So, the process that is going on and that which we are aware of in the NCOP, is dealing with the rules and it must attend the issue, in order for us not to be subjected to something of this nature again. Thank you.

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Ms T J MOKWELE: I hear that you are acknowledging what I said. What is your rule? I'm asking this because based on whatever that I've said is for us as the members to be able to be given enough time to go through the reports. Normally, it is a norm that we get the reports at least to be published on an ATC at least for a minimum of seven days for us to go through them.

The other issue is that, for these reports that are before us, it is important for us to put our mind on them and make sure that whenever we adopt them we would be informed. Again, I am going back to the issue of the mandate from the provinces, because we must vote as the provinces. What will the provinces say when they never had a chance to go through these reports? Thank you.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Mokwele, my ruling is that, what is going to be done now is not violating any rules of the NCOP. But be that as it may, I am saying that we can take it further and deal with the rules so that we can avoid something of this nature in the future. As it is now, it is not violating any rules. So, it would be in order to allow hon Mohapi to continue. Continue hon Mohapi!

Mr M J MOHAPI: Chairperson, these are the reports that were discussed thoroughly at the select committee meeting. Chair, the reports are regarding the interventions in Masilonyane and Mafube Local Municipalities, and also the reports that were submitted before the select committee with regards to Metsimaholo Local Municipality.

The Free State Provincial Executive Council has in the recent past reported to the NCOP a series of financial challenges which has culminated into a state of dysfunction in both Masilonyana and Mafube Local Municipalities, also with Metsimaholo Local Municipality failing to pass an annual budget.

The degree, nature and extent of these problems have accordingly resulted in the Provincial Executive Council of Free State resolving on 15 March 2017, to place Masilonyana and Mafube Local Municipalities under administration in terms of section 139(1)(b) of the Constitution.

Similarly, with regard to Metsimaholo Local Municipality, the Provincial Executive Council resolved to invoke section 139(4) of the Constitution read with section 25 of the Municipal Finance

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Management Act to dissolve its municipal council due to its failure to approve the budget for the Municipality.

The decision to invoke section 139(1)(b) of the Constitution in respect of Masiloyana and Mafube Local Municipalities, as well as 139(4) in respect of Metsimaholo Local Municipality, means that the provincial executive council, through the MEC responsible for Cooperative Governance and Traditional Affairs, Cogta, in that province, had to appoint administrators.

The administrators were appointed to implement the turnaround plans necessary to improve the state of performance, compliance and functionality of the Masilonyana and Mafube Local Municipalities. The other administrator was appointed to run the affairs of Metsimaholo Local Municipality, and prepare for the elections of the new councillors within the prescribed period.

The municipal dysfunctions in Masilonyana that has necessitated section 139(1)(b) of the Constitution are as follows: Firstly, the failure to pay monthly salaries to municipal employees timeously and communicate its inability to its employees, in order to ensure

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harmonious employer-employee relations and maintain a stable municipal environment.

Secondly, failure to collect and manage its revenue and expenditure systems to the extent of its inherent inability to fulfil its financial obligations which led to it accumulating a very huge debt due to the unpaid creditors, for an example, the rising and accumulating Eskom debt.

Thirdly, the inability to manage and run its financial management unit, as the engine of the municipality due to lack of adequately skills. Fourthly, the collapsed infrastructure which has led to water supply and sanitation challenges, as well as badly eroded streets and road network.

Fifthly, the municipality failed to pay over to custodian institutions the municipal monthly employee deductions on pension and medical aid, which has now accumulated into millions. Sixthly, for the past three municipal financial years, 2012-13 until 2014-15, the municipality received qualified audit opinions from the Auditor-General.

In the latest audit report, which is 2015-16, the municipality received a disclaimer, meaning that the municipality provided insufficient evidence in the form of documentation on which to base an audit opinion. On the basis of Mafube Local Municipality, endemic challenges and dysfunctions affecting service delivery, the municipal state of compliance and performance at Mafube includes the following:

Firstly, the municipality is faced with the challenge of low staff morale, due to late payment of salaries to municipal employees, leading to the South African Municipal Workers' Union, Samwu, withdrawing its labour. Regardless of the municipality entering into an agreement with its employees through the relevant union for the payment of third party monies owed to municipal employees, it has however; failed to adhere to the said agreement. This led to municipal employees embarking on a strike in the municipality.

Secondly, the service delivery challenges faced by the municipality included the outsourcing of the electricity function to the rural maintenance company, through the Public Private Partnerships, PPP, arrangement, of which the Provincial Treasury, together with the Department of Cogta have agreed to further investigate the contract.

Thirdly, generally, the municipality is facing challenges relating to water, sanitation, old water meters and filling of potholes. The select committee acknowledges the intervention by the Minister for Cogta, to prevent a planned electricity cut-off, due to the failure of the municipality to settle outstanding amounts with Eskom.

Fourthly, the financial management challenges faced by the municipality relates to the nonfunding of the approved budget due to cash flow problems which resulted in the rising debt owed to Eskom and a general failure to pay creditors within 30 days. Fifthly, the institutional capacity building challenges faced by the municipality include a bloated organogram.

Chair, in terms of the Metsimaholo Local Municipality, on 29 June 2017, the Free State Provincial Executive Council resolved to invoke section 139(4) of the Constitution by dissolving the council of Metsimaholo Local Municipality.

The route cause and the main reason for invoking section 139(4) of the Constitution is that the municipal council failed to approve its annual budget, before the commencement of the budget year as

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stipulated in terms of the provision of section 24(2) of the Municipal Finance Management Act.

The select committee, having received referrals in terms of Rule 101 of the NCOP, noted the notice in line with section 139(6)(b) of the Constitution and also noted, and resolved to follow-up on the letter by the Metsimaholo Community Association, as referred to us in terms of Rule 101. The select committee has on 14 to 18 August 2017 embarked on an oversight visit to the Free-State Province for in loco inspection of all issues.

All the stakeholders representing the broader community within the Municipal areas of Masilonyana and Mafube have been given an opportunity to reflect on their views regarding section 139(1)(b) of the Constitution. In both municipalities they all supported the intervention.

The provincial executive council deemed it necessary, in terms of section 139(1)(b) of the Constitution, to assume responsibility for the relevant obligation in Masilonyana and Mafube, to the extent necessary to maintain essential national standards, restore finances

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to a sound footing and meet established minimum standards for the rendering of service delivery.

After deliberations and consideration by the select committee, the select committee has recommended the following in terms of Masilonyana Local Municipality: Firstly, that the NCOP approves the intervention in terms of section 139(1)(b). Secondly, that the administrator should fast track the process of implementing the municipal turn-around in accordance with the terms of reference assigned by the Free State MEC for Cogta.

Thirdly, that the administrator should provide progress reports on the implication of the nonpayments of employees' insurance policies; criminal steps on unaccounted funds; municipal plan to pay Eskom debt; filling of critical vacant positions; stakeholders' communication strategy; valuation-roll data cleansing; findings by Municipal Public Accounts Committee, MPAC; improvement of municipal information technology system revenue collection; financial recovery plan and service delivery plan as recommended by the Minister for Cogta when approving the intervention.

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Noting the submission on the Human Rights' report on water challenges, the select committee will consider conducting a follow-up visit to the municipality. The SA Local Government Association, Salga, together with should also embark on a capacity building programme for the councillors.

In terms of cooperative government, the provincial department should consistently support and strengthen the capacity of the municipality to manage its own affairs in terms of section 154 of the Constitution. The MEC for Cogta in the Free State should quarterly submit progress report to the NCOP with regards to the status of the intervention; that in the Select Committee on Cogta, in co-operation with the relevant portfolio committee in the Free State, should make a follow-up oversight visit to the municipality.

With regards to the Mafube Local Municipality, the select committee recommended the following that, the NCOP approves the intervention in Mafube Local Municipality in terms of section 139(1) (b). Secondly, the administrator should also fast tract the process of implementing the municipal turn-around plan. Thirdly, the administrator should provide progress reports on all the issues that were raised in terms of the report submitted by Cogta.

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Fourthly, that Salga should also deal with the issue of capacity constraints in the municipality, jointly with the Department of Cogta. In terms of cooperative government, the Provincial Department of Cogta should consistently support and strengthen the capacity of the municipality in terms of section 154 of the Constitution; that the MEC of Cogta should table quarterly report that the select committee together with the portfolio committee should make a follow-up on the Mafube Local Municipality.

With regards to Metsimaholo Local Municipality, the select committee recommends the following that: Firstly, we take note of the recommendations made by the select committee in terms of Rule 101 of the Constitution and of the Rules of Parliament, and that we take note that the select committee, having received referrals in terms of Rule 101 of the NCOP Rules, recommends that the NCOP notes the notice in line with section 139(6) (b) of the Constitution and that the follow-up on the letter by Metsimaholo Community Association as referred to the select committee, be followed up.

The Free State MEC for Cogta should table quarterly progress reports to the NCOP. Lastly, that the Select Committee of Cogta, together with the portfolio should make a follow-up after constituting the

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council after the elections We therefore submit that the NCOP consider the three reports. Thank you, Chair.

Debate concluded.

Question put:

Declaration of vote:

Mr J J LONDT: Chairperson, this report is frankly not comprehensive with regard to the problems faced by the Mafube Local Municipality. The report is silent on the fact that Mafube is effectively bankrupt. It owes in excess of R600 million. This is a staggering amount for a small municipality. Naturally and as a direct consequence, service delivery is the first thing that suffers under such circumstances. We therefore support the intervention. However, it is vital to note that, first, there must be criminal consequences for those who put the municipality in this mess. Secondly, it must be noted that the fault for leading this municipality into bankruptcy should be squarely put at the feet of the ANC government there.

Secondly, for years Masilonyana Local unicipality...[Interjections.]

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The HOUSE CHAIRPERSON (Mr A J Nyambi): No, now we are dealing with the Sixth Order.

Mr J J LONDT: Will you allow me a separate declaration on it?

The HOUSE CHAIRPERSON (Mr A J Nyambi): Yes, now we are dealing with the Sixth Order, after it will be the Seventh Order and later it will be the Eighth Order.

Mr J J LONDT: Will you allow me?

The HOUSE CHAIRPERSON (Mr A J Nyambi): Yes, I will allow you, don't worry.

Ms T J MOKWELE: It must be noted that as Bokoni Buphirimathe, the North West legislature, we don't have a mandate to vote on this report. Thank you.

Question put: That the Report be adopted.

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

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

Ms T J MOKWELE: North West has no mandate unless I am not a delegate. The leader of the delegate is not here.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon members, I am not going to choose leadership of provinces. It is not my responsibility. Now I shall put the question in respect of the Seventh Order. The question is that the report be agreed to.

Mr T C MOTLASHUPING: Chairperson, I am not sure, when will provinces be accorded the opportunity to say I have been mandated by the leader of the delegation? You never accorded me the opportunity. Hon Mokwele...[Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Both of you take your seats. Now I am dealing with the Seventh Order.

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON CO-OPERATIVE
GOVERNANCE AND TRADITIONAL AFFAIRS - NOTICE OF INTERVENTION ISSUED**

IN TERMS OF SECTION 139(1) (B) OF THE CONSTITUTION, 1996, IN
MASILONYANA LOCAL MUNICIPALITY, FREE STATE.

Debate concluded.

Declaration of vote:

Mr J J LONDT: Chairperson, for years the Masilonyana Local Municipality has been in the news due to the poor service delivery, especially of water to its residence. Most recently, businesses and households alike have suffered severely because the municipality did not have money to buy chemicals for water purification or to fix simple technical problems at the purification plant. The province eventually stepped in to help. With a collection rate of just over 20% whilst the municipality bills barely rich consumers, poor financial management and serious incurances in the past of fruitless and wasteful expenditure and unaccounted expenses, this municipality is in financial crisis for million of unaccounted and unauthorised expenses. There must be criminal consequences.

The DA supports the intervention with a hope that this will assist the municipality to get back on its feet. However we wish to state the following categorically that a municipality does not end up in

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such a financial mess for no reason. It happens due to bad leadership. In this case, from the ANC. Cadres are deployed to positions for which they are not fit and a lack of care for the people. The state of Masilonyana Local Municipality proves yet again that it is time for real change.

Ms T J MOKWELE: Number seven, the North West, does not have a mandate.

The HOUSE CHAIRPERSON (Mr A J Nyambi): We shall now proceed to voting on the question. I shall do this in alphabetical order per province.

The CHIEF WHIP OF THE COUNCIL: Chair, I am rising on a point of order, and if it is not attended to then it will set a very wrong precedence. This House is constituted in terms of provinces. The North West province is appropriately seated from where I stand. So, the member who is speaking on behalf of the North West is not even appropriately seated as from that province. So, I wish you to rule regarding seating arrangement of the House.

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The HOUSE CHAIRPERSON (Mr A J Nyambi): No, you can't call a point of order on top of a point of order. Please, take your seat I will make a ruling. Take your seat, there is a point of order. He has made a point of order and I must make a ruling, so, take your seat.

Ms T J MOKWELE: Yes.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon members, I am presiding here. Make my life to be easier by adhering to the Rules of the National Council of Provinces. What has happened is not something which you will want me as somebody who is presiding to get into that terrain and assist you about what is right and what is wrong. I will be using the Rules to guide me. When I call a province I expect it to assist me. We have nine provinces and now it's only the Western Cape which has done it, and another province is the North West. If the province is not going to participate it is not my responsibility to get into that space.

The point of order that you are raising, chairperson, about the sitting arrangement and that it will set a wrong precedence, is something that can be addressed at another forum so that once we come here we don't have this issue. Allow me to finalise what I am

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saying. Now there is no other province so let's allow provinces to vote. I am doing it in alphabetical order. [Interjections.] No, they were raising a point of order on top of a point of order and I have made a ruling.

Ms T J MOKWELE: With due respect, Chair, this is a different point of order. My hon friend, the chairperson of the Select Committee on Co-operative Governance and Traditional Affairs, Cogta, has just shouted to members and said, shut up. By that time it was me who was talking. I don't know, is shut up parliamentary? Can I also use it? Personally, I don't have a problem, but I want your ruling on the matter whether is it parliamentary. If I use it tomorrow to him or any other person in this House it must be allowed. Thank you very much.

Mr J W W JULIUS: Gauteng agrees.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon members, put your hands down. Let us agree and not do anything that compromises the decorum of the House. We know the Rules very well. Let's refrain from doing anything that will be dealing with the decorum of the House - all of us, all of us.

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Mr J J LONDT: It is a different point.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Julius, do you still have the point of order, or you are fine?

Mr J W W JULIUS: I am covered, but I am tempted to actually say it again because nothing was done about it. The member must withdraw.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Which member?

Mr J W W JULIUS: The member who said, shut up.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Please, keep quiet. Hon members, when hon Mokwele raised a point of order, I made my ruling. Well, I missed the part of identifying the member. I thought she was referring to somebody from that side hence I said let us refrain from doing it. But if she has identified the member, I might have missed it, and let us accept that I have made a ruling.

Ms T MOTARA: Chair, you have identified that the leader of a particular delegation is not in the House and therefore that province cannot be represented by any other member except the leader

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of the delegation. This is what you ascertained earlier on. I don't think it is correct that any other member who is not a leader of the delegation can get up and speak on behalf of a delegation.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Please, take your seat, hon members, and allow me to deal with this. Take your seat, Michalakis. I have never identified any other leader of any province to be out. What I did is that I allowed provinces to make declaration if they so wish. It is not my responsibility to say whether it should be a leader or not a leader. Somebody, on behalf of North West, stood up and spoke. Now I don't understand why you are standing up because I am still making a ruling.

Mr G MICHALAKIS: Hon House Chairperson, call me hon Michalakis otherwise I am going to call you Nyambi. The hon member of the EFF clearly identified the chairperson of the Cogta as having said, shut up. He is not only the chairperson of the Cogta, by the way, but he is the chairperson of the Women's committee as well in a Women's Month saying it in the House to a woman that shut up.

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I would request that as she did identify him, he must withdraw otherwise I am going to start shouting shut up in the House. It's going to end up in chaos. Please, let the member withdraw.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Michalakis, I have made a ruling and if the ruling is not in order, there is a process to deal with it. I am not going to review my ruling. I have made a ruling.

Mr W F FABER: Chairperson, with due respect, hon Michalakis has also just said that you called him Michalakis, and that is a concern because that is a lack of respect. As the Chairperson I would like you to also, please, give the normal respect to other members - to hon Michalakis.

The HOUSE CHAIRPERSON (Mr A J Nyambi): I have been consistently calling him hon Michalakis. And he said he is not Michalakis.

Question put: That the Report be adopted.

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

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

CONSIDERATION OF REPORT OF SELECT COMMITTEE ON COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS - NOTICE OF INTERVENTION ISSUED IN TERMS OF SECTION 139(1)(B) OF THE CONSTITUTION, 1996, IN METSIMOHOLO LOCAL MUNICIPALITY, FREE STATE.

Question Put.

Declarations of vote:

Mr J J LONDT: Hon Chairperson, we support the intervention in this municipality as per the report. How ... [Interjections.]

The CHIEF WHIP OF THE COUNCIL: Hon Chairperson, on a point of order: I want you to reconsider and that you rule in the next sitting of the House regarding the improper manner in which members of this House opportunistically sees the moment to speak on behalf of a properly seated province. The point we are raising here is that you have not reached this where you call the North West province and somebody opportunistically seated somewhere where is not supposed to

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be seated and rises opportunistically to speak on behalf of a province improperly. I do not think that this is correct hon Chair.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Chief Whip you have raised [Interjections.] ... about what?

Ms N P KONI: No I am saying note me. After you have ruled on what the Chief Whip is saying you will come back to me.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Ja! Let me deal with the ruling. Hon Chief Whip the issue can be attended to as you have quite correctly raised it and in the next sitting it can be reflected and I can assure you that if my ruling is wrong, there is no way I am going to review what I have done. There is a procedure and a process to deal with the wrong ruling. So I am sticking with my ruling and I am moving on.

Setswana:

Mme T J MOKWELE: Modulasetulo wa Ntlokgolo ya di Porofense, go ya ka Molao wa Ntlo e, motho yoo nang le maatla a go tlhopa ...

English:

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... leader of the delegates according to the Constitution is the Premier. [Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Mokwele!

Ms T J MOKWELE: Now I want you Chair to rule on the matter ...

[Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Mokwele!

Ms T J MOKWELE: Can you listen to me? May you please humbly ... I request you hon Chair to listen to my submission. May you please rule on the matter of the Chief Whip where he says we are standing opportunistically so as members of the North West wanting to prove a point. We are not dealing with opportunities here. We are here to work as much as there is no leader who was appointed and as much as there is no mandate from the province that I come from. There is no way that the province that I come from can agree to the reports that are before us. That is why in our declarations as the North West we are saying we don't have the mandate. Thank you very much Chair.

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The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Mokwele that is not a point of order. I have made a ruling about what was said and we are moving on.

Mr J J LONDT: Hon Chairperson, we support the intervention in this municipality as per the report. However, the Rules of the House states that the minority views needs to be included which was not done in this case. The NCOP has no authority to approve or disapprove an intervention in terms of section 139(1)(c). In the light thereof as well as the fact that the municipality ...

Mr M J MOHAPI: Chairperson with due respect, the hon member is misleading the House. The NCOP was not approving hence the recommendation was saying we should take note.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Londt, go on.

Mr J J LONDT: In the light thereof as well as the fact that the municipality is currently in an election phase, the NCOP can do nothing further. Despite the reminder hereof the ANC in the committee still feel that they want to incur fruitless and wasteful expenditure entertaining an objection by their new partners, the

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Ministry of Corporate Affairs, MCA on a matter of which there are already legal opinions and the court has ruled. These elements are highly irregular and the DA will guard against any form of meddling in these elections by the ANC and the MCA. However, we support the dissolution of this municipality. The people of Metsimoholo deserves better than the ANC, MCA mess.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Thank you. We shall now ... Any other province?

Ms T J MOKWELE: North West.

The HOUSE CHAIRPERSON (Mr A J Nyambi): North West.

Ms T J MOKWELE: So you are giving him before me. And I stood before him. Its fine you can give him. But I stood before him and you saw me. We were looking at each other.

The HOUSE CHAIRPERSON (Mr A J Nyambi): No you can't be presiding. I am presiding. [Interjections.]

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Ms T J MOKWELE: No its fine. You are protecting your party anyway, it's fine.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Mokwele you are out of order.

Ms T J MOKWELE: On what?

The HOUSE CHAIRPERSON (Mr A J Nyambi): You are casting aspersion on the Presiding Officer.

Ms T J MOKWELE: [Interjections.] It's because I stood up before hon Motlashuping and you looked at me and then looked at him. That on its own tells you that ... unless you are blind but I know that you are not blind because you are my neighbour. You can see.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Mokwele you are out of order.

Ms T J MOKWELE: No I am not. I am not Chair. I am not out of order

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The HOUSE CHAIRPERSON (Mr A J Nyambi): I am not going to get in the politics of the North West. Hon Motlashuping.

Mr T C MOTLASHUPING: Hon House Chair, as the province of the North West we want to categorically without any fear state that we support the intervention as stated by the select committee and that we shall rally behind the recommendations as presented before this House. And the recommendations as they were presented before this House are in order and the North West support. Thank you.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Any other province? For which province?

Ms T J MOKWELE: I am here.

Setswana:

Bokone Bophirima.

The HOUSE CHAIRPERSON (Mr A J Nyambi): No, I cannot deal with two people from one province.

Ms T J MOKWELE: [Inaudible.] ... this thing chief please man.

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The HOUSE CHAIRPERSON (Mr A J Nyambi): No! She is not recognised. I am done with the North West. Okay! You are recognised on a point of order.

Ms T J MOKWELE: Chair, on a point of order: In terms of the Rules, there is no where that stipulates how many delegates of a province must speak on behalf of the province. It says a province may, it doesn't say how many delegates from a province unless I am not reading my rules properly. [Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Yes you are not reading ... [Interjections.] Let me assist you. You are not reading them properly.

Ms T J MOKWELE: No! Now I am saying to you that I am standing on behalf of the North West. [Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): No! You can't stand. Let's switch it off. Please switch off the mic.

Ms T J MOKWELE: I am supporting the report. I am ... [Inaudible.] [Intejctions.]

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The HOUSE CHAIRPERSON (Mr A J Nyambi): Now we proceed to voting.

Ms T J MOKWELE: No! You don't have the mandate. [Interjections.]

Voting.

Question Put.

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.

Mr M KHAWULA: Chairperson on a point of order: I am seeking clarity
from the Chair to say that at one time North West is not allowed to
speak and vote and the other time it is allowed. What is happening
Chair? Can you really clarify this to us because the Chair is now
confusing us?

The HOUSE CHAIRPERSON (Mr A J Nyambi): Let me assist you and you can
even check it. The first thing that I will say is that when we

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started the declarations, it was Western Cape and I said the North West and then there was one person. [Interjections.] No! When we were dealing with the sixth order it was one person and I recognised that one person and we moved on. Then the second time after the intervention of the Chief Whip, there was an after thought and then there were two people. That is why I said eight provinces voted in favour because there were saying different things and it was creating problems.

Now when I said North West, there was the hand of Motlashuping. On the sixth and seventh order, there was no hand of Motlashuping. Its only on the eighth order that he raised his hand and that's when he was recognised. But after the sixth order after hon Mokwele spoke, hon Motlashuping decided that he will be the second one to raise his hand. There was no way that I was going to recognise two people from the same province as I have done now with hon Mokwele.

Hon members, the last part that I want to remind you is that if the Presiding Officer has made a ruling that is not in line with the Rules, there is a procedure to deal with that. There is no way that you can have the Presiding Officer sitting here and you think that

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you can have the Presiding Officer review a ruling that was made.
There is process and procedure to deal with it.

Debate concluded.

The Council adjourned at 15:31

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