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PROCEEDINGS OF THE NATIONAL COUNCIL OF PROVINCES

The Council met at 14:03.

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

ESTABLISHMENT OF SA CHAPTER OF GLOBAL TB CAUCUS BY THE NATIONAL ASSEMBLY AND THE NATIONAL COUNCIL OF PROVINCES ON 4 SEPTEMBER 2018

(Draft Resolution)

The CHIEF WHIP OF THE NCOP: Deputy Chair, I move the draft resolution written in my name on the Order Paper:

That the Council –

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(1) notes that the NCOP and the National Assembly established the SA Chapter of the Global TB Caucus on 4 September 2018; and

(2) resolves to reconstitute, with the concurrence of the National Assembly, the co-ordinating body, the body to –

(a) consist of 11 members of the National Assembly and nine members of the NCOP;

(b) be cochaired by the Chairpersons of the Portfolio Committee on Health and Chairperson of the Select Committee on Social Services included in the above composition; and

(c) exercise those powers in Joint Rule 32 that may assist it in carrying out its task.

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

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

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DEBATE ON INADEQUATE FUNDING AND LOW SALARIES PAID BY THE GOVERNMENT
OF SOUTH AFRICA TO GRADE R TEACHERS, ESPECIALLY IN THE PROVINCE OF
KWAZULU-NATAL

Mr M KHAWULA: Hon Deputy Chairperson of the NCOP, hon Minister of Basic Education, hon MECs of Education from Limpopo, the Eastern Cape and my younger brother from KwaZulu-Natal, the hon Dlungwana, colleagues, it is time we treat Grade R teachers with the respect and dignity they deserve. This House may be very well aware of uTata Madiba's love for children and in particular, he took a keen interest in their education. He was quoted as saying, "Education is the most powerful weapon which you can use to change the world".

However Chairperson, what saddens me is that these words do not ring true for thousands of Grade R teachers who are not respected, are not paid accordingly and struggle to offer our children with the tool of good quality education to effectively change the world.

Preschool education's importance is well documented. Early childhood education is an integral part of a child's development enabling them to be prepared personally and socially for their future. It is here that the child is introduced to numbers, shapes and letters. It is also here that the child learns to socialise, to develop motor

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skills and to concentrate. Whilst the Department of Basic of Education has steadily focussed on access of children to this grade, this has unfortunately not been accompanied by quality of the implementation of the grade in accordance with outcome 11.

Grade R is the reception class which according to the National Development Plan, NDP, falls within the five priorities listed. In reality however, not much reflects that early childhood development is prioritised qualitatively in our education system.

Chairperson, I have consulted many experts, unions, teachers, facilitators and others on this subject matter over a couple of months and what I have come to learn from delving deeper into the topic of Grade R teachers, not only in KwaZulu-Natal, but across the country, is that some realities are quite frankly shocking. One would expect every school to have infrastructure that would enhance teaching and learning, to ensure a strong foundation for our country's children, yet only a few schools within each circuit management, district, province, get provided with appropriate classrooms and play centres.

The Department of Basic Education has up to this far been shying away from taking full responsibility of Grade R. Much as the

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Department of Basic Education 2030 plan clearly states that Grade R will be prioritised, it is not clear how this will be achieved without a concrete implementation plan. The Department of Basic Education sometimes disowns Grade R education, that is the Department of Basic Education leaves Grade R education to provinces, to sister departments like the Department of Social development and the Department of Public Works, without a clear framework of how provinces should provide for Grade Rs. The department always emphasise that since there is no legislation that regulates Grade R, even its teachers do not fall within its mainstream; hence the employment of teachers is disjointed.

There are those who have already been absorbed by the Department of Basic Education into the employment system of the department. There are some who are still School Governing Body, SGB, employed but paid a stipend by the department. There are others who are in the service, but paid a stipend by either the Department of Public Works or the Department of Social Development. The stipend paid by each responsible department is not the same. This is alarming.

Grade R teachers are not employed in terms of the Employment of Educators Act. The Grade R class was initially introduced years ago

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when not qualified educators were available, thus people with a Level 4 Certificate had to be appointed.

Since the Early Childhood Development Level 4 Certificate is not a minimum requirement for employment as an educator, a special arrangement was made to allow these teachers into the system, but they are referred to as practitioners. As years progressed, these practitioners took opportunities to upskill themselves until qualifying for a diploma.

In the recent years, many have qualified to be appointed in the mainstream, yet they are always told that there are no posts in the mainstream. They are therefore compelled to work under unfavourable conditions; and as a result, they are always open to unfair treatment by the officials within the education departments.

Chairperson, we must as public representatives and legislators find amicable solutions to fix this anomaly. My consultations with relevant stakeholders and the unions have brought my attention to the above mentioned scenarios. Grade R teachers' conditions of employment are not regulated nationally which leaves provinces to do as they please. Grade R teachers with similar qualifications and

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doing the same job are, but earning according to what each province can offer.

There are provinces that are doing better on salaries like in Gauteng for instance. However, even there, a Grade R teacher earns substantially lower than an ordinary educator in the mainstream of the department. The worst provinces on salaries for Grade R teachers or stipend, as others prefer to call it, even with qualifications, are the Eastern Cape, KwaZulu-Natal and Limpopo - paying less than R7 000 per month. In his 2017-18 Budget Speech, the Eastern Cape Education MEC, committed to creating more than 900 posts for Grade R educators in that province. Up to now, very little of this has been achieved.

To compound matters, Grade R teachers are not provided for with sick leave, maternity leave or family responsibility leave. The matter is worsened when in some schools and provinces, when Grade R teachers are to take leave, they are forced to get locum tenens whom they pay themselves out of the little they get paid.

Grade R teachers in the Eastern Cape, KwaZulu-Natal, Limpopo, Free State and in some corners of Gauteng are always threatened with losing their jobs if they exercised their constitutional right of

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joining a trade union. They are always harshly reminded that they are not employed under terms and conditions of the Employment of Educators Act and whatever stipend they earn, could be cut off any day without following due processes.

Provinces do as they please with Grade R educators and they are not allowed their basic conditions of employment. The conditions of service for Grade R teachers around the country leave a lot to be desired. The underfunding of Grade R is further compounded by the interprovincial spending inequalities. Some provinces do not abide by the national norms and standards for Grade R funding.

The differences in spending are due to, amongst other things: The misdirection of funds, cross-subsidisation and money earmarked for Grade R funding its way to other educational needs. However, when provinces want to implement their restructuring plans, Grade R teachers get severely affected. For an example, when Grade R learners drop even by one learner, these teachers are the ones that suffer the most. The same with school closures, they either get moved without their consent or lose jobs completely if it appears that the number of Grade R teachers is beyond the number of available classes.

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Chairperson and hon members, it cannot be that the very foundation of our children's education which relies on good qualified personnel, a reception grade that is a building block for the future, its teachers get so sidelined, disrespected, treated inhumanely and yet we expect them to perform exceptionally.

It is simply unfair that Grade R teachers who in some instances face the harshest realities in our communities are paid pittance and struggle to make ends meet.

Chairperson, the IFP proposes that all Grade R educators in the country must be absorbed into the employment system of the education fraternity in the department as soon as possible. We propose that all Grade R teachers in the country must be allocated the same conditions of service that are afforded the rest of the teaching profession in the country. Similarly, the Grade R teaching practitioners who are still in the employ of other departments, must be formalised and absorbed within the Department of Basic Education and upskilled accordingly.

It is noticeable that whilst policy has concentrated on quantity, quality has been sidelined because of some major challenges that have been ignored. These are: A poorly developed curriculum for

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Grade R, poorly trained and poorly paid teachers and misdirected and inadequate funding.

This is a move that does not necessarily need any legislative review. If need be, the House may need to impress upon National Treasury and the government of the day to fund this move properly, indeed if this is a caring government. Actions speak louder than words, Chairperson.

There is certainly a moral, ethical and humane argument to be made when our children, the nation's future leaders, are undergoing foundation phase education which is not up to standard and when their educators are ill-treated within the education fraternity.

The IFP wishes to lobby support for our proposal from every political party represented in the NCOP today. Hon members, we must act now. I thank you, Chairperson. [Applause.]

The MINISTER OF BASIC EDUCATION: Thank you very much, Chair. Let me again thank the NCOP for giving us the opportunity to be part of this debate. I wish to declare upfront that the provision of Early Childhood Development, ECD is a shared responsibility between the Department of Social Development and the Department of Education.

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The Department of Social Development specialises in areas of zero to four ages but there are also departments like the Department of Health and Home Affairs who plays lesser essential roles in the sector.

Chairperson and hon members, I am happy to report that us, as the DBE and the Department of Social Development, are currently working together to conduct due diligence on existing childhood education centres. This is part of the process to move the core responsibility for provisioning and monitoring of ECD services to the DBE, as envisaged by the National Development Plan, NDP.

There are currently approximately 18 000 registered ECD centres in the country, providing services for children from birth to 4 years.

In terms of the Grade R mandate, the provisioning of Grade R is currently not part of the compulsory basic education model in our country. The White Paper 5, published in 2001, states that:

The state will follow a phased approach to introduce publicly funded Grade R classes across the whole public schooling system towards a compulsory and universal provisioning by 2010.

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However, due to challenges in the scaling up, the target was moved to 2014; and later to 2019 in line with the NDP stipulations.

The legislative imperative regarding the mandate for the provision of Grade R had implications especially in terms of funding, - as Grade R provisioning was not a fully funded function of government. As a result, this has had a direct effect on the position of Grade R provisioning on the list of priorities of provincial education departments, given the reality of competing priorities.

UBaba Khawula, it is not lack of caring or being an uncaring government, but we are saying, there have been pressures in terms of competing priorities.

Grade R is currently funding model through the National Norms and Standards for Funding Grade R, which stipulate that the provincial education departments must provide for Grade R learners at 70% of the Grade 1 total learner cost.

The cost must include teacher provisioning. This funding level together with other considerations such as availability of infrastructure, have an impact, not only on the number of places for

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Grade R learners at public schools, but also the number of educators or practitioners, as well as the level of their remuneration.

The funding for Grade R is provided for under Programme 5 of the provincial budget programme. The sub-programme - Grade R in Public Schools, provides for centres in public ordinary schools, whilst the sub-programme - Grade R in Community Centres, provides for Grade R in community centres.

The allocated Grade R funding should cater for both personnel and non-personnel cost drivers. The funding from the 2015-16 and the 2018-19 per province has increased by 28%, which is an average of 5,6% per annum.

KwaZulu-Natal, which is the subject of our discussion, had the highest growth in funding over this period at overall growth of 47%, which is an average 9,4% per annum - I think the MEC will elaborate on that. The lowest growth has been in Gauteng.

Due to funding challenges, most provincial education departments have consistently increased enrolment of Grade R learners in the public schools. The average growth in enrolment between 2014 and 2017 was 7%. For instance, the Eastern Cape increased its learners

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to 809 000, and KwaZulu-Natal also increased its learners to about 777 000.

There is a recommendation that we have to absorb everybody tomorrow. Therefore, in terms of the minimum requirements for teacher qualifications, the minimum requirement for teaching in a public school is NQF Level 6; or a three-year teaching qualification. Currently, only 33% teacher practitioners meet the minimum teaching qualifications; and thus can be employed as fully qualified teachers in the mainstream.

As indicated above, the remuneration of Grade R teachers is one of the areas that is directly affected by the current mandate, and the level of funding. The common practice is that Grade R teachers, practitioners are paid a monthly stipend.

The level of payment taking into account its own needs, only the North West province that appoints all its Grade R teachers in educator posts, as fully qualified educators, and are paid the normal educator salaries.

The rest of the provincial education departments pay most of their teachers, practitioners employed in public schools a monthly

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stipend, which ranges from R5 000 for a Level 4 qualification - so they are not paid the same. Most provinces will pay R5000, for level 4 qualifications, and pay R10 800, for level 6 qualifications.

KwaZulu-Natal pays a flat rate of R6 500, and it is not the lowest. Actually, it is Mpumalanga at R6 340, which is the lowest paying province comparatively. So it is not accurate that KwaZulu-Natal pays the lowest.

Critical to note, is that most provincial education departments are progressively converting the employment of fully qualified Grade R educators practitioners into fully paid teachers through provincial determinations because it depends on the availability of resources and also the qualification of the very practitioners that provinces are able to absorb them in their system.

One of the extreme in the Free State and Gauteng, all Grade R teachers or practitioners are employed on contracts, and paid a stipend. On the other extreme, in KwaZulu-Natal, Mpumalanga and North-West, all qualified Grade R teachers practitioners are paid as teachers receiving full salary with full benefits.

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It must be noted however, that the North West and Northern Cape inherited ECD Practitioners who were qualified as teachers - that's why it was easy for them to absorb because they were already in the system. In Limpopo, Grade R posts were funded at 100% until 2015, when the department decided to hire them again on 3-year contracts - being enforced on. The MEC is here he will explain, but because of financial constraints the province was experiencing difficulties in meeting its obligations.

Also important to note, is that provincial education departments, through sub-programme on the Funding of Grade R in Community Centres, does provide for funding. In his 2018-19 policy statement, the MEC for Education in KwaZulu-Natal, my colleague who is here did indicate that the province is considering an upward adjustment of the stipend paid to Grade R Practitioners.

In addition, he also indicated that the province has provided 1000 practitioners, who were placed in ECD centres, particularly Crèches. Of the 1 000 practitioners, 572 were awarded bursaries to register with Umfolozi TVET College to improve their qualifications to Level 4.

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There are lots of programmes that we have as a sector where we are working with ECD practitioners to assist them to scale their skills so that they can qualify to be absorbed as fulltime teachers when the post arrives. As I said Chair, only 33% of them will qualify in any case if we are going to absorb them tomorrow. Let alone that it is not within our budget. It is not within our immediate mandate as the DBE. There is a plan, which is on the table to deal with the matters from 2019, and again, it is determined by our budgets and plans.

Whilst we feel as the national department that the initiative of the MEC in KwaZulu-Natal is very plausible, but we have also advised him to be very cautious and avoid creating possible legitimate expectations across the system when they are not sure if they will have the adequate posts and funding for the posts that they are undertaking.

It is the same thing with the Eastern Cape - I think it will speak to itself about what the member has said about the commitment to absorb because it is dependent on a number of factors, funding and qualifications.

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However, Chair I have to admit that funding for the provisioning of Grade R has not been adequate. That we are not running away from, and we also say on an on going basis, we are engaged with the unions because we agree with most of the matters that the member has raised about - even those that are qualified but don't have the necessary benefits required, which are received by other members in the sector.

However, most provinces have progressively increased the provisioning for Grade R, as shown by the steady rise in enrolment of learners in public schools.

In addition, provinces have progressively absorbed qualified Grade R teachers into their teacher post establishments, despite the financial constraints they face.

Going forward, Chair and hon members the DBE is committed to the universalisation of Grade R by 2019. Through processes within the sector, including engagements with teacher unions in the Education Labour Relations Council, various options of resourcing are being considered. These include the areas of infrastructure, teacher supply, and other major resource areas.

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Additional resources to reach 100% funding levels for Grade R, remains the main challenge and a risk that may delay the achievement of universal Grade R by 2019. This, the sector must be conscious of, including the existing funding gaps between provincial education departments, as well as the shrinking buying power within the sector.

The sector must also prepare for the potential bulge in the inflow of learners, who would otherwise enrol in private, community institutions. Currently, the advantage is that parents, who can afford, do send their children to private institutions, which relieves the state to a very limited extend.

When we do universalisation obviously there is going to be a bulge, which will really even increase the challenges. However, I want to say Chair as I conclude, that I'm sure Ubaba Khawula if everything was equal some of the recommendations will have been implemented yesterday because we are aware of the challenges.

We are engaging with the unions, with members and we are conscious of all the difficulties that the ECD practitioners are going through. It is something that we are on it on an on going basis, through Treasury and also Cabinet are trying to find ways.

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As mainly as I say, it is both funds not lack of caring, or unwillingness but it is really mainly the question of funding but also the skills of the people we inherited. As I say even if we had the money we will not be able to inherit all of them in terms of the current training requirements.

I think there is something we are also engaging with the social development because as you correctly said, the ECD is one of the most important levels in our system, and that's where you want the best qualified teachers. I think it will be suicidal to absorb things as they stand.

If you look at systems like in Finland for instance, ECD practitioners are trained longer than all other ordinary teachers, showing the importance of the ECD as the foundational level of skills in the education.

So we really appreciate and agree with most of the points that you are saying but Chair, we are saying, it is not lack of awareness about the problems. It is not lack of caring, but it is the reality that if "wishes were horses we will all be riding and getting all the recommendations implemented tomorrow."

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But, we can't lie to the public and say we will do it tomorrow. It is not possible though we would wish to do it. We can't stand here and say we are going to do it tomorrow - I think the ANC will speak for itself. It is not for lack of caring or lack of trying, but it is circumstances that confront us. Thank you very much Chair.

[Applause.]

Ms T G MPAMBO-SIBHUKWANA: Hon Chairperson, hon members and fellow South Africans, education is continuously changing but educator's salaries have not yet properly increased. Yet Grade R teachers are still paid stipends, hon Chairperson, this does not reflect the amount of work they have to do, yet this is a foundation phase. A foundation phase has to be solid. Hon Chairperson, I just want to say as the years go by, the job description of educators widens and soon enough, educators are going to be known as more than educators.

Grade R teachers are now seen as role models, educators and protectors for children of all ages. We can agree that educators deserve more compensation than what they are currently receiving. The Minister has alluded to the fact of the yesterday's practitioners.

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Although teaching is regarded as a respectable and professional career, it is believed by both educators and non educators that educators are mostly underpaid. When we look at teaching in the context of South Africa, we find that most educators remain dissatisfied with their remuneration to an extent that we have seen in our past and currently this year, strikes and pickets from union members.

The MEC has alluded to that. Given the country's national budget and the significant amount of money allocated to education, it does not make sense why teachers are not being prioritised and receiving salaries and increases they so rightfully deserve.

However, if one were to consider South Africa's average student performance and compare it to average teacher pay, it can be argued that teachers are in fact being overpaid, given the apparent lack of productivity associated with their work. One of the main problems underlying this apparent lack of productivity could be the fact that our own teacher pay system barely differentiates between well and badly performing teachers.

Although given the fact that there is little financial differentiation given to teachers regarding their educational

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attainment levels, years of experience and age groups compared to their non-teaching counterparts, the profession remains relatively unattractive to young individuals who are at the top end of the skills distribution in the country and therefore may result in the entrance of lower quality candidates.

If we specifically differentiate between the different levels of teachers, their work and their pay, the preschool teachers seem to be the most affected by low wages. Although it is often argued that this level of teaching is less demanding in terms of work and qualifications, we cannot negate the fact that the preschool teachers play an essential role in building a child's success in the first and most fundamental years of school. They do more than just facilitate arts and crafts projects.

They provide structure and help children with growth in their reading and writing skills, teach science and help children understand themselves. Good quality preschool education and educators cannot only construct a solid foundation but children to understand what school is. Teachers use variety of methods to help children grow both cognitively and conceptually. A healthy and positive relationship with these teachers can make an exceptional

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difference in a child's success as they continue throughout primary school, high school and even beyond.

For years, we have sat in Parliament and listened to the Ministers talk about the importance of basic education. We have sat for the annual budget speeches which stipulate the country's expenditure but the large distribution to public education of preschool teachers remain disgruntled. This is largely since there are discrepancies that lie between their pay and increases and those of teachers teaching on other higher levels. If the Ministers can stand up on podiums and claim to understand the importance of funding education at all levels, then it is time for the government to put their money where their mouth is.

Although the government had addressed the issue of preschool teacher's salaries and theoretically proposed increments, in April this year, the SA Democratic Teachers Union, Sadtu, had taken the picketing in KwaZulu-Natal Basic Education Department as an attempt to force the department to pay the promised and outstanding salary increases to the Grade R teachers. Even though the outstanding amount was R15 000 – an arguably insignificant amount compared to all the billions of rands pumped into basic education, failure on

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the part of the department to pay the amount sends a negative message to these teachers.

They feel undermined and worthless. How can we reasonably expect good performance from these teachers when they feel disrespected? What message is the department sending to the aspiring, good quality teachers that will come after them?

Again, this is to be attributable to the maladministration and the mismanagement of funds in the department whose problems not only affected KwaZulu-Natal but also the Northern Cape and the Eastern as well. [Interjections.] It is therefore becoming a national issue for our government. There must be overarching responsibility taken not only on the running of the department but also in fighting against corruption and mismanagement of funds.

The DA will hold this national government accountable, especially the Department of Basic Education into taking the foundation stage seriously and ensuring the phase is built solidly. The ANC ... [Time expired.]

Mr M MAKUPULA-Eastern Cape (MEC Education): Hon Deputy Chairperson, hon members, special delegates and officials present here today in

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the gallery on the 12 September 2018, 41 years ago a young life was lost in South Africa, 31 year-old Steve Biko was killed by the system of the police in the then apartheid South Africa. He was still a student at that time studying to be a doctor but frustrated and ended up joining politics and became a black conscious activist. He would have been 72 years today if he were still alive and aspiring to be continuing with his education. Today we are here speaking about education especially the Grade R. I feel privileged for the opportunity to table the state of the Early Childhood Development in the Eastern Cape funding and the salaries of the Grade R teachers.

The Minister has tabled the legislative and constitutional mandate of the sector of education, that is, the South African Constitution, Act 108 of 1996, the Quality Public Education, South African Schools Act, Act 84 of 1996 and the number of other Acts including the Public Service Acts, Act 103 of 1994 and the Employment of the Educator Act, Act 76 of 1998. At a policy level, the White Paper 5 and the National Development Plan, NDP, instruct the sector to provide Early Childhood Development, ECD, for Grade R and classes that are before the Grade R arrangement.

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Practically, each Department of Education at a provincial level working with the Department of Basic Education has to provide training and transport to train for pre-Grade R practitioners to provide services for the professional development of educators and the development of non-educators at the ECD sites. For the pre-Grade R status, in 2018-19 financial year the Department in the Eastern Cape has budgeted R23 million for the training of pre-Grade R practitioners to achieve the required qualification which is NQF 4 and the National Curriculum Framework.

The Eastern Cape Department of Education works in partnership with the Department of Social Development. At the moment there are 1 720 ECD sites for pre-Grade R registered with the Department of Social Development and 1 300 not registered. This then tells you that there are 1 700 pre-Grade R practitioners that are funded by the Department of Social Development. The funding formula which I believe is a national one is R15 per child by the Department of Social Development. Practitioners are allocated R6 from the R15 which in the province the average is around R2000 a month. Another R6 go to the administration and R3 go to the learning materials and toys. Of those 1 720, 700 of them are currently undergoing training at NQF 4. By the end of this year they will be fully qualified pre-Grade R practitioners.

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In 2018-19 the department in the province has budgeted R516 million for the development of Grade R teachers. In February 2018, the department advertised - this is where I would like to advise members of this House that before they come here and pronounce on statement, to check the facts. When somebody said something in a statement the previous year, please check what was the latest being said. I agree hon member that last year I did pronounce but it would be good to check that in February this year we advertised 417 permanent practitioner posts. So far up to now, 260 of them are permanently employed as the foundation phase educators with privileges and status of being educators.

One of the things we have picked up is that principals and School Governing Bodies, SGBs are actually working out arrangements such that they favour the one who was here before being qualified. When the post is advertised, in the short listing process they delay processes such that the one who must win must be the one who was there. Having picked up that, we said that, if you delay the process we would take the post and give it to another school because you are not ready. You are still waiting for the one who is still undergoing training. These are some of the subjective factors that are in the process, hon Chair.

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Training in the Grade R teaching diploma is underway for 1 464 practitioners. Of the 4 558 Grade R practitioners in the province, 1 963 of them are professionally qualified. They have a Grade R diploma. One of the challenges is that Rhodes University does not train people on the Grade R diploma. It trains people on the Bachelor of Education in Foundation Phase. Now, you appoint these graduates of the Bachelor of Education in Foundation Phase qualification as a Grade R practitioner but once inside the system, the person moves to being a foundation phase educator.

So, we have this vicious circle of people coming in as Grade R practitioners but once they get into the system they apply for posts as foundation phase educators because your Grade R has not yet been made permanent. Now we are saying the requirement is for you to have a Grade R diploma so that you are fixed to Grade R and you get permanent and privileges just like a foundation phase educator. So there is no need to move to being a foundation phase educator.

The training institutions are University of North West and the South African National Tutor Services. In conclusion, the Eastern Cape is trying its level best to address and improve the state of ECD in the province despite the formidable challenges. We are trying to give dignity to the Grade R practitioners by giving them the status of

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being permanent foundation phase educators with all the accompanying benefits. We hope this will go a long way in strengthening the foundations of education in the province.

I want to emphasise the fact that we respect the lives of ordinary people and we do understand that the life of an ordinary person however destitute, is worth a million times more than the properties of the richest man in this world. Therefore, whatever the status of this practitioner, for this practitioner to do his or her level of optimum contribution the practitioner deserves to be given what he or she deserves. This is what we are striving for with the limited budget and also these subjective challenges I have highlighted to you. We think that we are on the right path.

For those who are doomsayers we say continue to stand there. Your responsibility is to oppose whether we do the right thing; continue opposing. For you to measure how a person is moving or if there is motion - motion is a relative thing. You can only notice that there is a movement when there somebody is moving backwards or barking at you. Then you can start realising that there is movement. For those who are on the opposition side, thank you very much for being opposition even opposing when we are doing the right things for the South Africans. Thank you very much. [Applause.]

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Ms L L ZWANE: Deputy Chairperson of the Council, the hon Minister of Basic Education, Mama Angie Motshekga, MECs from Provinces; Limpopo, Eastern Cape, my own province and KwaZulu-Natal which is the subject of debate today, hon Dlungwana.

Hon Deputy Chairperson and hon members, this is a very important debate. We have discussed this subject, in a way, in our previous debates. I just want to quote what our President, Cyril Ramaphosa, said during the state of the nation address in 2018. He said, and I quote, "if we are to break the cycle of poverty, we need to educate the children of the poor".

We shall always be indebted to our stalwarts, one of which is Mama Albertina Sisulu, whose centenary we are celebrating this year. I want to quote from a poem by Dian van den Berg during the funeral when she said,

A stalwart political leader in your own right, a leader of standing, a shining example of honour and a great achievement yet you transcended political divisions in the interest of preserving the community. You were what all politicians should be.

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I also want to quote a poem by Maya Angelou, dedicated to President Nelson Mandela,

When Nelson Mandela took the seat of Presidency in his country where formerly he was not even allowed to vote we were enlarged by tears of pride, as we saw Nelson Mandela's former prison guards invited, courteously, by him to watch from the front rows his inauguration.

The Lord will set the table before the enemies.

Undeniably, research studies have shown that the most important period of life for educational development is not when completing secondary school or entering university studies, but the early stages in the foundation phase - which is the period from birth to the age of six.

This is a period during which at the age of two and a half years, a child has already developed 50% of the brain capacity. Between the ages of five to six, the child has developed 90% of the adult weight of the brain. That means that the best trained teachers should go to the foundation phase because that is where we need to invest the most.

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Other problems that will manifest in the upper grades will be resolved at that stage. It is my submission, and I concur with hon Khawula, that let us rather invest more in the foundation phase because that is the most important building block of the life of a child.

At that level, the child is developed emotionally, cognitively, socially, the ability to communicate, numerically and the written skills. Those are all the developmental areas that are important even at the foundation phase.

I agree with the hon Minister that we seek to do that as the ANC-led government because we come from an era where there was no policy for Early Childhood Development, ECD. The ECD sector was exclusively for the advantaged and the privileged. These were the only people that were enjoying adequate training to be able to handle toddlers at that level and we were totally excluded as black people. It was only when the ANC-led government took over that we began to make arrangements to ensure that we cater for the ECD phase. [Applause.]

Deputy Chairperson, I also want to acknowledge the fact that this is what the Medium-Term Budget Policy Statement of 2017 says. Over the three year spending period ahead, the focus is to improve the

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quality of education by strengthening educator qualifications and providing appropriate learner and teacher support materials.

Therefore, there is a political will and our only hurdle is the financial constraint that we are still facing as a country. But give us finances and you will actually see who the ANC is.

In our 2014 manifesto, the ANC stated that teacher development will receive ongoing attention. Teacher colleges linked to universities will be reopened and in-service teacher training intensified.

Bursary programmes will be used to improve teacher development. The President also alluded to this when he said that the Funza Lushaka bursary has arranged that 39 500 in the gateway subjects like mathematics, technology and science will be given an opportunity to go and upgrade.

We need teachers that are studying technology for ECD because for them to be effective and be able to use technology in the training of the young ones, they need to be trained technologically. So, this bursary for 39 500 is no small effort in terms of attending to the issues of teacher development and teacher capacitation.

It is true that Grade R is not a fully-funded function but the ANC-led government is taking strides in ensuring that there is adequate

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funding. I know that an amount of about R500 million was set aside to ensure that the ECD centres are funded, there is per capita allocation and infrastructure allocation to ensure that infrastructure is upgraded in those areas where there are challenges, and the allocation can go up to R100 000 per centre.

As I am drawing to a close, I want to say that KwaZulu-Natal - I know the MEC is here so I am not going to elaborate - has put aside slightly over R1,2 billion for ECD. Whilst stipends vary from province to province, as it was alluded to by hon Khawula, but it is from nothing. The ECD education was privately owned and there was nothing given to the practitioners or teachers by government. Today we are seeing a situation where there is at least this R6 500 in KwaZulu-Natal, R7 200 in Gauteng and various amounts in the other provinces.

We should acknowledge that we are not moving from a state that was favourable. We have 5 258 practitioners in KwaZulu-Natal and they are the ones receiving the stipends. Level four, in particular, is an accepted level where a teacher can begin to handle the toddlers, but we aspire that all ECD practitioners attain level six and we develop a policy that is going to standardise this so that we know that everybody is getting almost the same amount in all the

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provinces. That is what the ANC aspires to achieve. Thank you, Deputy Chairperson.

Mr M E DLUNGWANA (KwaZulu-Natal): Hon Chairperson, Deputy Chair of the NCOP, hon Chief Whip of the NCOP, hon Members of the National Council of Provinces, hon Minister and hon colleagues from various provinces. We wish to thank this august House for setting aside time to discuss this very important matter.

We rise to address this august House during the very important year of President Nelson Mandela and Mama Albertina Sisulu. Both Tata Mandela and Mme Sisulu emphasised the importance of education for the success of our country. As the KwaZulu-Natal provincial government, we are following in the footsteps of these giants of our freedom. Our education system in the province is being designed continuously to develop a robust, enduring and self-sufficient nation.

We are focusing on early childhood development, through to pre-primary, primary, secondary, tertiary education and through to the workplace skills development and adult education. I therefore wish to report to this august House that the Provincial Integrated Early Childhood Development Action Plan has contributed immensely to

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improve access to Early Childhood Development, ECD, services in our province.

To date, the province of KwaZulu-Natal has over 200 000 Grade R learners. In addition, the department has created more than 1300 state paid Grade R posts over and above the Post Provision Norm of the schools in order to improve the quality of teaching and learning.

I must also point out that the KwaZulu-Natal Department of Education has over 5 258 practitioners in various ECD sites spread out through the province. About 572 of these were awarded bursaries to further their studies in Mfолоzi College for a qualification at Level ECD 4. This ANC-led government takes the issues of ECD seriously hence it gives bursaries to our practitioners. The first and important factor to consider, when dealing with this issue, is the size of the administration. Therefore, KwaZulu-Natal is the province with most numbers of practitioners followed by Eastern Cape with 4 558 and Gauteng with 4 194. Hon Chairperson, I must highlight here that when we talk about these numbers, in KwaZulu-Natal alone the number of schools that we have is 6 052, it is not just a small issue we are dealing with here. We are talking about a serious administration that we are handling.

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It is very important to point out that Grade R practitioners are not employed in the same way and with the same conditions as other public service employees. As government, we are only subsidizing their salaries through a stipend. The stipend amount varies from province to province. Currently in our province KwaZulu-Natal, they earn a stipend of R7 250 and this is factual. This makes KwaZulu-Natal the third best paying province after Gauteng and Western Cape [Applause.] and therefore defeats the statement made by hon Khawula of the IFP claiming that KwaZulu-Natal is the lowest paying province for ECD. This is evidenced by the number of practitioners as I have mentioned, which we have in the province and as well as the amount per province that we compare with other provinces.

Leaders Khawula's calibre must be careful when making such statements which are not informed by facts. We expect more from you hon Khawula, my friend. If you were saying that isiNduna are paid more than Grade R practitioners, we would have agreed because that is factual. It has been the issue that we have been arguing in the province in our quest to get more money to pay our Grade R practitioners. You can't raise this issue that I am raising because what it will do to you and your IFP. [Interjections.]

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Hon Khawula, history does not have blank pages and I would like to remind you that the erstwhile KwaZulu-Natal government that you and your father were part of never provided any infrastructure for schooling, let alone ECD. Our parents were forced to build their own schools. I never attended Grade R and at the time the IFP-led government never cared about our people. They did not prioritise education when they were in power. Today, you stand in front of our NCOP and raise the issue as if you cared. The fact that our Grade R practitioners are generally paid lower throughout the country requires our combined urgent attention. It cannot be correct that people who are doing such an important work are not being remunerated appropriately and even at the level below isiNduna.

The permanent solution would be to avail more resources to employ them as teachers. For this to happen they would have to be qualified as we have started providing bursaries for them. The policy direction of government at this stage is to incrementally do so starting in 2019 with those that are qualified. We however have to find budget to kick-start such a project. This NCOP can and must be in the lead in advocating for this to happen.

Our view is that once they are employed as qualified teachers with the same conditions of service, the discrepancies in the amount of

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stipends they earn will be a thing of the past. The improvements in their conditions of service will also be negotiated at the Public Service Co-ordinating Bargaining Council like it is the case with all other employees on the public service.

Hon members, we value the role of Grade R practitioners as engines for the production of knowledge. It is for these reasons that we have called on all stakeholders in the education including our private sector to work with us in investing in Early Childhood Development with practitioners being the main focus.

As I conclude hon Chair, we are very determined to work with all the stakeholders; in particular, with our Minister in ensuring that we change the conditions of our ECD practitioners because the work that they do is so important. I thank you. [Applause.]

Mr M I KGETJEPE (Limpopo): Hon Minister for Basic Education, my colleagues the MECs of various provinces, hon members of the NCOP, ladies and gentlemen, we feel honoured and privileged to be invited to participate in today's event. This is an important issue to debate as Early Childhood Development, ECD, continues to be an important stage in the education of our children. ECD is also crucial in the development of a stable and well adjusted adult. Any

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work done in the best interest of our children is the kind of work that we must do and actively pursue in creating a safe and stable environment.

We stand here today with the full knowledge that the National Development Plan, NDP, is our anchor and blue print on our quest as a country to create a united nonracial and nonsexist and democratic South Africa. ECD becomes a foundation on which we build such a country. This is a vision we must be reminded of as we celebrate the centenary for both former President Mandela and Mama Albertina Sisulu and we must accordingly double our efforts, rededicate ourselves to working with everybody to effectively and efficiently deliver ECD and ensure that the legacy of hard work and selflessness define us.

It is critical that departments responsible for different aspects of ECD, co-operate in the planning, implementation and monitoring of ECD provisioning. We believe very strongly that laying a solid foundation in the lives of our young citizens will ensure that the future is brighter for them and the province.

We are aware that the provisioning for children younger than five years requires a combination and a variety of programmes that draws

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in several departments, levels of government, NGOs, Community-Based Organizations, CBOs, families, parents and children. Working in collaborative manner, we will ensure that there is no child left behind.

As Limpopo Province, 2 325 out of 2 385 primary schools are offering Grade R and ECD provisioning was at 92,9% in the financial year 2017-18; 230 898 children access services in registered ECD centres, and 99 751 fully subsidised. We have 1 110 practitioners teaching Grade R across the province. The practitioners teaching Grade R earn a stipend of R7000.00 across the board and we are engaged on a three year renewable contract with the department. The R7000 stipend is an improvement from the previous R5000 and negotiations are at an advanced stage at the Provincial Bargaining Chamber to increase the R7000 by 7%.

Practitioners outside Grade R do not get stipend from the department, the subsidy they get from the Department of Social Development pay practitioners and feed the learners. Grade R in Limpopo is primarily in schools and there are 3 097 registered ECD community centres which offer the National Curriculum Statement. The Department of Education is still responsible for the training of

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practitioners in the community sides on the National Curriculum Framework.

In our attempt to improve the pedagogic skills and input of our Grade R practitioners to date, 573 practitioners have registered to study with North West University for a three year NQF Level 6 qualification and the first cohort will finish this year. [Applause] We are doing all this because we know that besides resources the quality of the delivery of ECD curriculum hinges on the quality of practitioners.

Early Childhood Education is a stage which lays the foundation for children's life long learning and the whole personal development. It articulates the primary, secondary and tertiary education, reform an entire spectrum of education. We have accordingly in the past two financial years, ensured that our learners in Grade R have outdoor equipment and indoor resources that assist in developing both gross and fine motor skills. We have provided all this learner support material and we have ensured that all the programme activities in the ECDs are implemented in the manner that enhances learning.

Furthermore in our efforts to improve the quality programmes in early childhood development we have forged partnership with Molteno

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Institute room to read and save the children starting from pre Grade R. It is our understanding as various sectors and stakeholders that investment at this stage of life will be compensated by the creation of a society that is switched on and more equitable. Of course having sufficient resources is one thing, but doing what we can with what we have is another.

The challenge before us is to provide good beginnings for the hundreds of children through education, healthcare, nutrition and social protection. It is in this regard that we must view ECD as extremely important ensuring life long of learning and proven to produce life time impacts.

Children with quality education tend to advance to higher education and obtain employment having higher earning as well savings and provide higher contribution to social security. All of us here must work everyday for children and we must provide a social protection floor below which no child can fall in extreme poverty and deprivation. Every child should enjoy learning and stimulation and every child should able to live free of hunger, deprivation and poverty. We shall continue strengthening our strategies and intervention that will improve physical, intellectual and social development of our children's early life.

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We know as basic education that investment in ECD can deliver larger financial pay offs. It can minimise the levels of school drop outs and bring down repetition rates of grades in schools. It can increase levels of participation in society and lead to sustained, improved quality of basic services such as health, social development and education.

Let me conclude by urging each of us to learn from the other in order to develop better strategies and early childhood services. When I say better, I mean better for development of children, the creation of a better world that is more just, equitable and peaceful. We must all remain mindful of our responsibilities. Thank you very much. [Applause.]

Mr M M CHABANGU: Deputy Chairperson, thank you for wasting my time. [Laughter.]

The DEPUTY CHAIRPERSON OF THE NCOP: No, hon Chabangu, can you withdraw that?

Mr M M CHABANGU: No ways.

The DEPUTY CHAIRPERSON OF THE NCOP: I did not waste your time.

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Mr M M CHABANGU: You wasted my time.

The DEPUTY CHAIRPERSON OF THE NCOP: No, there is no time that has been wasted here. Your time is still not used.

Mr M M CHABANGU: Can I check?

The DEPUTY CHAIRPERSON OF THE NCOP: No, no.

Mr M M CHABANGU: I withdraw.

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

Mr M M CHABANGU: Deputy Chair, if I were the MEC of KwaZulu-Natal, I would never mention the salary that is given to teachers as a stipend because teaching is a noble profession. It is not a child's play.

At every level our education system is collapsing, has no capacity and is unable to meet the needs of learners, whether at pre-school, primary school, high school or university, the black child has to fight to get an education.

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The reason we are having this debate is because the Department of Education in KwaZulu-Natal, for over a year, did not give Grade R teachers in that province their salary adjustments and what is due to them. [Interjections.]

Mr J M MTHETHWA: Who told you that?

Mr M M CHABANGU: I am reading. [Interjections.]

Mr J M MTHETHWA: Where did you read that?

Mr M M CHABANGU: Protection, Chair!

The DEPUTY CHAIRPERSON OF THE NCOP: Hon Mfundisi, withdraw that.

Mr M M CHABANGU: A thug priest.

The DEPUTY CHAIRPERSON OF THE NCOP: Can I make a ruling on this matter, hon member?

Mr M M CHABANGU: Government failing to pay Grade R teachers what they are owed speaks to a broader problem in our education system. The ANC has no appreciation for education and the role it can play

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in lifting our people out of poverty and you see this across our education system.

Early childhood development, ECD, and pre-school are the foundation phases for any child's education and growth as a functional member of society, it is where they learn the skills they will need for the rest of their lives regardless of which department they fall within, let alone SASSA, which is corrupt to the core.

But what kind of pre-schools do the children of this country go to? They definitely don't go to the same pre-schools that the Minister and members of the executive send their children and grandchildren to. They get private pre-schooling and this is one of the reasons why they don't care about the quality of the schools and teachers.

I can promise you that if the Minister of Basic Education had to send her children or grandchildren to a government pre-school in KwaZulu-Natal, these teachers would have their salary increase a long time ago. It is this lack of commitment, care, mismanagement and corruption that we still have schools made out of mud, schools without electricity and water and thousands of schools without proper sanitation.

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This was all meant to have been a thing of the past already. Two years after the deadline, this government set for itself, the children of the poor must still use pit toilets; sit in leaking in classrooms and share textbooks. Our children are being setup for failure.

You have over 9 000 teaching vacancies at school across the country and that excludes KwaZulu-Natal. You have a backlog of over 1 300 special schools, while children at private schools are learning to write, code and software.

Eleven thousand primary schools in this country don't have computers and 5 000 high schools don't have internet connection. How are we preparing our children for the jobs of the future when many will not learn how to operate a computer until they are adults?

It is because of the failures in the basic education system that young people are also struggling at the tertiary level. Many come to university and colleges without the basic skills they need and are often at a disadvantage to those who went to model-c or private schools. Instead of supporting young black South Africans who have been disadvantaged every step of the way, government only excludes

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them even further through high fees and a NSFAS system that is failing dismally.

Unlike pre-school learners, university and college students are old enough to be conscious and have urgency and that is why they demanded that fees must fall. For this, they were persecuted, arrested, brutalised and victimised but the struggle they fought for was true and genuine.

It wasn't just a struggle for university fees to fall, it was deeper than that and symbolised more. It was a struggle to change our education system so that it equips and empowers the black child, instead of disadvantaging and excluding them. [Time expired.] Thank you very much.

Mr C HATTINGH: Hon Deputy Chair, at the outset, I would like to thank my colleague, the hon Khawula, for bringing about this very important issue for debate in this House. Only last week, we had a debate in this House about our nation's readiness for the Fourth Industrial Revolution, a gradual change to what the economy will demand and how adequately our youth need to be prepared to embrace this exciting future.

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There is no debate about the benefits and crucial importance of early childhood development, ECD, and specifically Grade R education in laying the foundation for a child's lifelong learning. There is a debate about Grade R education and the mess that we find it in, in this country.

The Minister stated that this problem was recognised in the proposals of the Education White Paper 5, published in 2001. That was 17 years ago! It stated there that the state would follow a phased approach to introducing publicly funded Grade R classes across the whole Republic by 2010. Phased in and done by 2010, the Minister said. Unfortunately, the Minister, who came here empty-handed, left in a hurry. I don't know why she doesn't regard this debate as important. Perhaps it says something about her not wanting to participate any further in this debate.

The state would follow a phased approach, the Minister said. The deadline of 2010 couldn't be met. Nor could 2014, and now, it is 2019. However, we know that that won't be met, either, because of the long list of reasons that the Minister lamented on, including funding - a lack of funding.

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That White Paper also stated that the state would address the funding of Grade R in public schools and that this approach would favour the most disadvantaged in society by poor schools being brought into the programme first and due to more favourable per-learner funding for poorer schools. That is not happening! The people worst affected by this are actually the poorest of the poor.

The Minister didn't come here with any solutions. She came empty-handed. The three deployed MECs, including the hon Makupula, also came empty-handed and brought no solutions to this House. He has also left. However, I think he might have to attend to the court cases that are now being brought against his department. The Legal Resources Centre has brought a case against him in the High Court for having 12 classes of more than 80 children per class - and even two classes of more than 100 children per class, in one school only. There is also the problem of 3 000 unqualified and underqualified educators in his province.

Hon Dlungwana, coming here, empty-handed like your Minister, and then blaming the hon Khawula and his father for your failures is simply not on. There appear to be no solutions that you can bring to this forum. [Interjections.] The reality is I don't think you even read the title of this debate. It's about low salaries paid by the

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government of South Africa to Grade R teachers, especially in the province of KwaZulu-Natal - your province!

The hon Kgetjepe comes here and presents a stipend of R7 500 per month as a solution. It is an insult. It is really an insult, it's no solution. It's an insult! The reality is that in all the different systems in the different provinces, no province could actually deliver on the White Paper of 17 years ago with the first target date already eight years ago. [Interjections.]

Why are we in such a mess? Remember, the function of offering publicly funded Grade R is laid down in the section, an obligation on the part of the schools, in terms of section 21(1) and (m) of the SA Schools Act. Why didn't it happen? Why is Grade R education hamstrung by inadequate funding, with different funding models in each of the nine provinces? Why do we still have 80% of Grade R educators being underqualified? Why are educators, in general, only being paid a stipend, without any additional benefits, like a pension or medical aid contributions, etc? Until properly qualified Grade R educators are employed, our children will continue to pay the price.

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However, we don't have to go to President Ramaphosa's state of the nation address. We have to go back to 2007, to a person named Jacob Zuma, who announced free higher education - and who are the major sufferers? [Interjections.]

The DEPUTY CHAIRPERSON OF THE NCOP: Hon member, your time has expired.

Mr C HATTINGH: It is basic education!

Mr D M MONAKEDI: Hon Deputy Chairperson, hon Minister, MECs and other special delegates here present, hon members, ladies and gentlemen, as already indicated, this debate takes place on the day, which 41 years ago, in 1977, one of the freedom fighters and intellectuals to ever be produced by South Africa, Steven Bantu Biko, was brutally murdered by the apartheid regime. In one of his inspiring quotes Biko said and I quote: "the most potent weapon in the hands of the oppressor is the mind of the oppressed".

It is therefore relevant that our topic today deals with the shaping of the mind of a child, especially an African child. These are the children that Tata Nelson Mandela regards as and I quote:

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"The rocks on which our future will be built, our greatest asset as a nation, the leaders of our country, the ones who will be creators of our national wealth, care for and protect our people".

The Grade R, is a key year in a child's educational development because it focuses on helping children take important steps towards independence while teaching them vital social skills. There is also an empirical evidence that if learners are not school ready, they may suffer from learning problems in formal education.

One such evidence is contained in the 2017 Stellenbosch University study, wherein researchers compared the academic performance of learners between Grades 1 and 6 who had completed Grade R and those who had not. The study focused specifically on maths and the children's home languages, and found that Grade R had little impact in South Africa and amounted to about 12 days extra maths instruction and 50 days extra home language instruction, which is relatively little when you take into consideration that there are about 200 school days in a year.

It also found that while Grade R gives kids in affluent schools some advantage, it makes no measurable difference to kids in poorer schools. This is because these schools often don't have enough

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trained teachers, support networks for learners and support from parents. This implies that, instead of Grade R narrowing the gap between children's performance in wealthier and poorer schools by giving all children the same foundation when they start school, it seems to widen the gap.

The question, therefore, is does this mean Grade R is a waste of time? The answer to this question is, not at all. The psychologists opine that, despite these negative findings in maths and home languages, Grade R helps children to get used to the school environment and also makes them feel at ease and used to what's expected of them. This is more so where children go to the same primary school where they completed Grade R.

So, there should be no doubt that Grade R is important in the education system of a nation, especially a nation like ours. That is why our education policy makes it the first stage of the Foundation Phase of our basic education system.

According to the current National Curriculum and Assessment Policy Statement, there are certain assessment standards that should be achieved by the end of the Grade R year. A Grade 1 learner is expected to be physically, cognitively, affectively, normatively,

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socioculturally and linguistically ready for a solid start to his or her school career. Linguistic and cognitive readiness implies that a learner is able to understand the concepts used in the language of learning and teaching, LOLT, of the Foundation Phase.

However, Grade R is not yet compulsory, unlike grades 1 to 9, which are in terms of the South African Schools Act 84 of 1996. This is something that needs to be changed as a matter of urgency. I, therefore, fully support the Department of Basic Education's plan to make Grade R compulsory.

The compulsoriness has led it to be dealt with differently by each province and thus not standardised. It is regarded as part of teacher content knowledge development programme and each province does its own thing when it comes to teacher development and ensuring the improvement of content knowledge.

When it comes to remuneration of teachers, Grade R is not recognised for staffing and salary purposes as being part of the schooling system. The Grade R teachers receive stipends as opposed to salaries as has already been indicated by various MECs. This means that they are not employees of various provincial departments of education, despite rendering those essential services.

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Also, although all provinces have the Budget for the stipends, these are not uniform. Some provinces are paying more than the others, because they have more resources. There is also no uniformity in what their conditions of services are. As a result, each province deals with these teachers differently. This is why, hon Khawula, KZN does not pay the same stipends as Gauteng and Western Cape and the MEC was able to elaborate on this, but I do agree that, this must not indeed be the case.

This is so, despite Grade R training having been part of the Bachelor of Education degree, since 2002. However, here one must understand the inherent dynamics or unintended consequences that are part of this. This is that, though this training was expected to feed more pre-primary Grade R teachers into the system, this does not happen in practice. Once students qualify with a Bachelor of Education degree, they tend to apply for Grade 1, 2 or 3 posts, because of financial and promotional implications.

This means that the Early Childhood Development, ECD, are in most cases; left with and to Grade R teachers that are appointed by school governing bodies, which are paid less than half the salary of departmentally appointed teachers, and have no medical or pension benefits.

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The ECD-related Budget allocations are thus made at provincial level. As a result, this ECD-specific reporting in Budget books and to National Treasury on Budgets and performance indicators is also not standardised across provinces. Indeed, some provinces do not seem to report on ECD Budgets and indicators at all. This nonreporting, in terms of budgeting, has serious ramifications.

The National Treasury would not make specific allocation to or for items that are not in the provincial plans. The provinces, especially the rural ones, would then continue having backlogs due to shortage of funds, as KZN has attested on several occasions. These will then, in the long run, negatively affect the attainment of the Medium Term Strategic Framework, MTSF, targets, especially Outcome 1 dealing with attainment of quality basic education.

But as I said, this is an issue that the Government is attending to, and it is not easy to resolve because of its dynamics amongst others; is a large number of these teachers are not qualified; they don't have that minimum qualification in Grade R teaching. They are doing the work, but they are not formally employed. The grade is formal. It is recognised in the education system, but there is no formal assessment.

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There is also a need for the curriculum and the teacher's minimum qualifications to be agreed on for them to be fully integrated into the education system. These are some of those things that are taking long to be finalised

We note the concrete steps that some of our provinces are taking regarding training and employment of teachers that are providing services to our children in the foundation phase, including forging partnerships with like men that organisation amidst serious financial constraints not because of corruption, but because of has been explained earlier on.

We welcome the commitment by the Minister that there are working on ensuring that this phase, especially Grade R, it is universalised in making sure that from next year, additional resources are actually made available. The ANC, as a party expect this intervention to be implemented like yesterday. I am sure the ANC government is more than committed to the ideal of empowering all children, especially black children.

The DEPUTY CHAIRPERSON OF THE NCOP: Hon Monakedi, can you just take your seat? On what point are you rising, hon Chabangu?

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Mr M M CHABANGU: Deputy Chairperson, I am standing on a point of order, to make you aware that the Minister and the MECs are not here, you are debating on your own. That is how ANC operates. Thank you.

The DEPUTY CHAIRPERSON OF THE NCOP: No, that is not a point of order. I think is an observation that you have made.

Mr D M MONAKEDI: Yes, I was saying I am sure the ANC government that is committed to the ideal of empowering all children, especially black children to be able to reach their full potential as Biko fought and died for. We will not rest until this dream is realised. This is because the ANC believes in Tata Nelson Mandela's teaching that and I quote: "the true character of society is revealed in how it treats its children".

Indeed, as O R Tambo said and I quote: "a nation that doesn't take care of its youth or children doesn't have a future and doesn't deserve one".

I am encouraged that as members of this House, we are generally seems to be at one with regard to what need to be done and therefore let us unite and make sure that we work together to deepen and speed

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up implementation of our plans to ensure a better future for our children. I thank you.

The DEPUTY CHAIRPERSON OF THE NCOP: Thank you very much. Hon members, because this is not the first time this issue has ... [Inaudible.] I didn't want to respond to the charges by hon Hattingh on the absence of the Minister and the other speaker. I think we need to understand this exercise. First and foremost, just to say that ... [Inaudible.] and by who at the National Council of Provinces and if there are MECs from any other province or a member of the executive who has got an interest on a subject for discussion and therefore avails himself or herself to participate in the discussion, there is nothing that forces that Minister. Firstly ... if you look at the speakers' list for instance ... no go to your Rules, go to your Rules and look at them. In the beginning, there is nowhere where in the speakers' list where the Minister is subjected to respond to the debate as if we are discussing a Budget Vote for instance. So ... yes, we are discussing a subject matter as sponsored by a member of this House and as members of this House we are discussing that subject matter. So I am trying to bring this thing to our attention that we shouldn't point and want to blame other people who have shown interest, in actual fact we should appreciate the fact that they have shown interest to participate in

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the discussion and so forth. That is our Rules, that is our Rules, not unless we go the Rules Committee, we do whatever, we have made our submission that if there is a subject for discussion and whoever avails himself or herself as a special delegate from the Province ... [Interjections.] no! No! No! I am not raising a debate here ... [Interjections.] Okay, let me hear the point of privilege.

Ms T J MOKWELE: Chair ... [Interjections.] stop, harassing me.

The DEPUTY CHAIRPERSON OF THE NCOP: Let me hear the point of privilege.

Ms T J MOKWELE: What is the purpose of debating? Are we debating for the sake of debating or are we debating to get solutions? Because if we are debating for the sake of debating then the Ministers and MECs might as well not come here because we are just doing it for entertainment. But the point that hon Chabangu is raising that Ministers and MECs are not here is precisely because this matter is a matter that concerns their departments. They need to hear and they need to have a clear indication of what is happening in their provinces. Like, for instance, this motion was sponsored from KwaZulu-Natal, where is the MEC from KwaZulu-Natal, he is not here and we are going to go and we are going to debate and

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we are going take ... I don't know if we are here for the sake of debating we might as well go because there is no importance for us to be here.

The DEPUTY CHAIRPERSON OF THE NCOP: No, I think you misunderstood me. [Interjections.] Just hold it hon Chabangu ... [Interjections.] Just hold it, can you take your seat. I think there's a misunderstanding ... [Interjections.]

Ms T J MOKWELE: There's no misunderstanding. We are here!

The DEPUTY CHAIRPERSON OF THE NCOP: ... No, there is a misunderstanding because I am saying to as hon members the point is raised, and it's a serious matter. We would love to see our MECs, members of the executive participating in our subjects for discussion in order to be able to take note of the issues as they are raised here. But what I am saying to you, I am bringing it to your attention that in terms of our Rules, there is nothing that compels them, there is nothing. We can invite them and us as a House ... [Interjections.] I'm still ... [Interjections.] [Inaudible.] Because I feel interrupted now, it is for us as a House to then say, here are the issues that we have raised. Here are the key issues that we need to ... [Inaudible.] and isolate from the others and

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therefore this is how we are going to process this matter. Those that need the attention of the province are then brought to the attention of the province to act on those. Those that need national, do this. Then on our oversight mechanism through our own committees we will then be able to follow-ups on those things that would have been brought to the attention of the provincial and of national government. It is for that reason that I am saying, for me to have come up and respond to this is because it was for the second time and I felt that perhaps there was a misunderstanding on what the subject matter for discussion is and what the purpose is for a subject for discussion. [Interjections.] Can I hon members ... [Interjections.] hon members ... [Interjections.] I am going to give hon Chabangu a chance one last time ... [Interjections.]

Mr M M CHABANGU: Thank you!

The DEPUTY CHAIRPERSON OF THE NCOP: ... and then ... I am saying, Ah-Ah! I am not going to give anybody ... after hon Chabangu I am not ... [Interjections.] No hon member, I am not going to give anybody a chance and allow members and I am advising members that if then we as a House feel that our roles are not adequately addressing matters related in said subject for discussion then let us amend them ... [Interjections.] then let us amend them. Hon Chabangu, you

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will be the last one on this particular matter and I will then call on hon Khawula to ... [Interjections.] I have made a ruling on this matter. You can't be on your feet whilst hon Chabangu is on his feet. [Interjections.]

Mr C HATTINGH: ... [Inaudible.] you were speaking.

The DEPUTY CHAIRPERSON OF THE NCOP: No! No! No!

Mr M M CHABANGU: Chair, thank you very much. [Interjections.]

Mr C HATTINGH: You mentioned my name twice and now want ...

[Inaudible.] you've gave an opportunity to EFF members ...

[Inaudible.]

The DEPUTY CHAIRPERSON OF THE NCOP: Hon Hattingh! [Interjections.]

Mr M M CHABANGU: Ah-ah wena! Thank you, Chair. [Interjections.]

The DEPUTY CHAIRPERSON OF THE NCOP: I hope that you are not going to further engage on this subject matter.

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Mr M M CHABANGU: No, I just want to say Chair ... [Interjections.] I am on the platform ... [Interjections.]

Ms T G MPAMBO-SIBHUKWANA: You are not being fair, Chair. You are not being fair.

The DEPUTY CHAIRPERSON OF THE NCOP: Hon Chabangu!

AN HON MEMBER: Hon member!

The DEPUTY CHAIRPERSON OF THE NCOP: Hon ... hon ... hon ...
[Interjections.]

IsiZulu:

ILUNGU ELIHLONIPHEKILE: Wena ungenaphi!

Nk T G MPAMBO-SIBHUKWANA: Ngeke ngikwazi ... [Ubuwelewele.]

ILUNGU ELIHLONIPHEKILE: Ungenaphi wena? [Ubuwelewele.]

English:

The DEPUTY CHAIRPERSON OF THE NCOP: Hon Thandi Sibhukwana!

[Interjections.]

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Ms T G MPAMBO-SIBHUKWANA: I am a member of this NCOP House ...

[Interjections.] I have a right to heckle ... [Interjections.]

The DEPUTY CHAIRPERSON OF THE NCOP: I am recognising hon Chabangu as the last person on this subject and hon Chabangu, can you do me a favour? [Interjections.]

Mr M M CHABANGU: Chair, no, I just want to clarify something then I sit down.

The DEPUTY CHAIRPERSON OF THE NCOP: We are not reopening the discussion. [Interjections.]

Mr M M CHABANGU: No ... [Interjections.]

The DEPUTY CHAIRPERSON OF THE NCOP: Order! Order hon member!

Mr M M CHABANGU: What I am saying is that we must understand the word "debate" and of course maybe go to visit our lexicons ...

[Intejctions.]

The DEPUTY CHAIRPERSON OF THE NCOP: Visit?

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Mr M M CHABANGU: Our lexicons.

The DEPUTY CHAIRPERSON OF THE NCOP: Oh!

Mr M M CHABANGU: To say, what is a debate? My understanding of debating ... [Interjections.]

The DEPUTY CHAIRPERSON OF THE NCOP: You see? I asked you ... [Interjections.]

Mr M M CHABANGU: ... is that we listen to each other.

[Interjections.] We are dealing with a very serious matter of teachers not being paid but the people who are supposed to pay teachers are going away.

The DEPUTY CHAIRPERSON OF THE NCOP: Okay! Hon Chabangu, fine, I heard you. [Interjections.] Hon members, I ... [Interjections.] hon members order, order, I made a ruling on the matter and I am not going to continue to continue with this matter any further. Hon Khawula, can you conclude the debate. [Interjections.] Hon Hattingh, I am not going to recognise you.

Mr C HATTINGH: You mentioned my name twice!

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The DEPUTY CHAIRPERSON OF THE NCOP: I am not going to recognise you.

Mr C HATTINGH: You recognised the EFF! [Interjections.]

The DEPUTY CHAIRPERSON OF THE NCOP: I am not going to recognise you! [Interjections.] Hon Mokwele! Hon Mokwele! [Interjections.] Hon Mokwele, can you take your seat please ... [Interjections.] yes, can you take your seat. [Interjections.]

Mr C HATTINGH: You let the EFF speak twice; they do not even have a point of order, point of privilege ... [Interjections.] This is why this House is in such a mess when you chair.

The DEPUTY CHAIRPERSON OF THE NCOP: I am not ... okay fine, fine. [Interjections.]

Mr M KHAWULA: Hon Chairperson, let me start by expressing my gratitude to all the hon members who participated in the debate for actually given the dignity that the subject deserves. All the members were focused and they were very dignified in the way they tackled the issues. Actually, it shows the importance of the subject that we are talking about. So, thank you very much to all the hon members. If I can be specific and start with the hon Minister to

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say, indeed, today the subject was about the Grade R teachers. The Education White Paper 5, of course, because of the government's failure to meet targets we started in 2010 then postponed to 2014 and now postponed to 2019. I agree we have been postponing. What we are saying as the IFP is that there must be commitment and we must work to meet targets that we are setting. Of course, the norms and standards for the funding of Grade R is 70% per Grade R learner of the total figure that the Grade 1 learner is subsidised on.

A few years ago, a study showed that a Grade R learner in South Africa was funded at 10 500 but a Grade R learner would have been funded at 3 000 - that is now 70%. Its 30% that is what the IFP is talking about - inequalities of funding and not subscribing to the norms and standards, which is what you are saying the government must subscribe to. There are hiccups like the Minister has said and I would like to thank the Minister for admitting the wrongs. We say honesty is the best policy. So, thank you Minister for that. But one last thing to the Minister, the National School Nutrition Programme, the NSNP, colleagues, in the country is only calculated at learners from Grade 1 even if a school has Grade R. In other words, in the mindset of the department a child who is poor who qualifies for the National School Nutrition Programme is not poor at Grade R but the moment the child gets to Grade 1 the child is poor. It's wrong. It

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is something that does not need money. It needs the Minister to correct it that calculation of the National School Nutrition Programme must start at Grade R in schools where Grade R exists.

Hon Mpambo-Sibhukwana thank you very much, colleague, of course, you did refer to the changing conditions and circumstances and we agree with you, that is why we are saying there must be increments even to the stipends. The sad part of it is that the stipends are not given increments annually. Even though it's a stipend do give annual increments because, like you were saying circumstances are changing. So, thank you very much for that. I also would not agree with you then on the issue whether the teachers are not productive and that they are overpaid. I don't want to get to that. Like you were saying there is an e-learning coming. It is a changing circumstance and therefore the stipend must also move with the times. Hon MEC Makupula also thank you very much for what you have said. You said you are trying in respect of what the Minister pronounced last year. The MEC pronounced that he was going to create 900 posts and admitted today that he has only absorbed 260. It's pathetic to create 900 posts, but up until now he has only absorbed 260 - it shows noncommitment to the cause. The hon L L Zwane, thank you very much Mama. It was a very important subject like you have said and

you raised important issues and you have also referred to the bible ...

IsiZulu:

... undlala itafula lami phambi kwezitha zami. Ngiyakuhlala endlini kaJehova kuze kube phakade amen. [Uhleko.]

English:

We have to invest in foundation phase like you are saying. It shows...

IsiZulu:

... mina nawe ...

English:

... we are really in the same *WhatsApp* group. [Applause.] Hon MEC Dlungwana, I am disappointed, of course, you are my younger brother and it shows the level of immaturity. You said you have 6052 schools, more than 95% of these schools you inherited them from erstwhile KwaZulu government. But you are saying the government did nothing. You referred to my father. My father was not the only member of the erstwhile KwaZulu government. Hon Zwane here, her father too who is a good friend of my father was there, but when

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things are wrong, no, it's only Khawula's father. [Laughter.] The others who were there, no, no, they are alright - they are clean. [Laughter.]

MEC Kgetjepe, I am very impressed with the behaviour. MEC Kgetjepe always when he is here, he's very focused, a gentleman engaging on issues. Thank you very much for the commitment to upgrading and upskilling and the partnerships you talked about. Hon Shabangu, thank you my friend, I don't want to get to the issues. Hon Hattingh, thank you for the compliment and I agree with you on a lot of issues that are wrong. Hon Monakedi another Limpopo, another gentleman and another focus. [Laughter.] Now I begin to understand why the ANC elected the hon President Ramaphosa at Nasrec - another Limpopo. [Laughter.] Limpopo, colleagues, is focused. Hon Monakedi was just engaging issues - that is what we need. Colleagues, we cannot leave the things that are wrong for correction in the hands of the ANC. No, this is our country, we have been assigned by our people who have voted us to come here and correct issues. That is why in this debate when the ANC was tackling issues they said things were wrong and now they are correcting them. Anyway, that is why you are voted into power. You are voted into power because things were wrong and that is why we struggled against apartheid. The priority is to start correcting things. So, you cannot blame people. It is

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our responsibility, but to other colleagues it is our joint responsibility. Things that are wrong cannot be left solely in the hands of the ANC because this country will be a disaster if we do that. [Interjections.] It can't be. Thank you very much hon Monakedi for the valuable content for engaging issues. Colleagues, lastly, I would like to say to you that today the IFP has shown you that ...

IsiZulu:

... IFP iyizwi labantu.

English:

The IFP is the voice of the people. So, that is always our focus in the IFP. It's always our focus and we will always remain like that. To his Majesty ...

IsiZulu:

... uBhejane udla abakayise uQasa likaHasi inkomo esengwa ziviyo.

Mnu J M MTHETHWA: Cha, ngifuna nje ukubuza la kuKhawula ukuthi lento ayishilo uyisho kahle ngoba i-IFP ibuya ku-ANC, vele iyizwi labantu ngaloko.

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The DEPUTY CHAIRPERSON OF THE NCOP: Hon member, I think you are out of order. You are really out of order.

IsiZulu:

Mnu M KHAWULA: Sihlalo, sithe ukuhamba isikhathi uzongithi xaxa.

English:

The DEPUTY CHAIRPERSON OF THE NCOP: No, no you still have plenty of time.

Mr M KHAWULA: Okay, thank you, hon Chairperson, ...

IsiZulu:

... vele kunjalo iyizwi labantu. Ngiyafisa nje ukusibonga iSilo. Ngifisa ikakhulukazi ukubonga umntwana kaPhindangene izimfundiso zakhe lezi. Izimfundiso zakhe zigcwele nalapha eNdlini.

English:

When we tackle issues you don't play the man, you play the game. That is why the IFP does. Thank you very much. [Time expired.]

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON TRADE AND
INTERNATIONAL RELATIONS, AGREEMENT ESTABLISHING A TRIPARTITE FREE**

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TRADE AREA AMONG THE COMMON MARKET FOR EASTERN AND SOUTHERN AFRICA,
THE EAST AFRICAN COMMUNITY AND THE SOUTHERN AFRICAN DEVELOPMENT
COMMUNITY WITH EXPLANATORY MEMORANDUM

The DEPUTY CHAIRPERSON OF THE NATIONAL COUNCIL OF PROVINCES: Hon members, you are on your feet and you are confusing me. I don't know if you are seeking my attention. [Interjections.]

Mr E MAKUE: Hon Chairperson and members, it is our honour, as members of the Select Committee on Trade and International Relations to remember and pay tribute to Stephen Bantu Biko today, a brave and brilliant intellectual and leader of our beloved country. The Tripartite free trade area agreement that I am here to talk about today is anchored on the development integration approach, which places emphasis on market integration, infrastructure development and industrial development, as opposed to a purely mercantilist free trade area that does not address the development imperatives of the region.

Tripartite free trade area agreement, hereafter referred to the as the TFTA, creates a single set of rules for trade amongst the three economic communities - the *Southern African Development Community*, SADC, the Common Market for Eastern and Southern Africa, Comesa and

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the *East African Community*, EAC. It represents opportunities of a larger market, comprising 26 countries with a combined population of over 600 million people and a total gross domestic product of approximately US \$1,1 trillion.

The TFTA offers an opportunity for a larger integrated and rapidly growing regional market that promises to enhance South Africa's foreign investment prospects and provides a basis for improved interregional trade. Thus, it increases the region's prospects of stimulating industrialisation employment, income generation and poverty eradication. As you might be aware, intra-Africa trade is estimated to be at a very low of a mere 16%. Therefore, any effort to improve regional trade should be supported.

The agreement before us establishes the framework for addressing the tripartite region's industrial and infrastructure development objectives. Given the increased protectionism in global trade, ratification of this agreement has become more urgent, to ensure that South Africa diversifies export markets and considers alternative markets in order to address the reliance on traditional export markets.

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Ratification of the TFTA is a positive step towards providing South African exporters with much-needed legal certainty of export markets in the region, which will have a positive spill-over effect on investment attraction into the region.

When the Department of Trade and Industry presented the agreement to the select committee on 8 August, which was Women's Day, we recognised the potential benefits for South Africa.

However, the hon members also raised concerns about possible threats that the agreement may pose to South Africa's economy. Part of the additional details and information that the department provided is an elaboration of effective implementation of the agreement by various agencies, including the South African Revenue Services, the South African Police Services and Home Affairs, amongst others. All of them operating at our border posts.

We appreciate the collaborative effort between the department and relevant agencies of the state. We urge that this collaborative effort continues throughout the implementation phase of the agreement.

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Twenty-two out of 26 member states of the African Union have signed this agreement. There are currently three countries that have ratified the agreement namely Egypt, Uganda and Kenya. Therefore, I recommend that this agreement also be accepted by this House. I recommend this on behalf of the select committee.

South Africa's ratification of this agreement will send a strong signal of our commitment to regional integration. Through this agreement, the Republic of South Africa and our people will, amongst others, tackle colonialism head on. Secondly, it will correct trade relations, created by colonialists. Thirdly, it will break the trade boundaries instituted by colonial rulers. Fourthly, it will protect and enhance our national interest.

Finally, we call on you to act, to ensure a better Africa and a better world. I present this for ratification by the House. I thank you. [Applause.]

Debate concluded.

Question put: That the Report be adopted.

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

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

**CONSIDERATION OF REPORT OF SELECT ON PETITIONS AND EXECUTIVE
UNDERTAKINGS MADE BY THE MINISTER OF MINERAL RESOURCES DURING HOUSE
SITTING OF 27 OCTOBER 2015**

Mr D L XIMBI: Chairperson, the Select Committee on Petitions and Executive Undertakings having requested the hon Minister of Mineral Resources to appear before it and provide a progress report on the implementation of fulfilment of the executive undertaking made or given on the floor of the House during the question and answer session in the National Council of Provinces report as follows: On the 27 October 2015, the hon Minister of Mineral Resources made or gave the following executive undertaking, during the question and answer session in the National Council of Provinces. The board the member is talking about belongs to the Department of Mineral Resources as far as I know but we'll look into the issue of our representation as we also take keen interest in beneficiation of the minerals that we are directly responsible for.

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On 8 April 2016, the Chairperson of the National Council of Provinces referred the above-mentioned executive undertakings made or given by the Minister to the committee to scrutinise and ensure their proper implementation. On 21 February 2018, the Minister appeared before the committee and reported on the progress made in implementing the executive undertaking under the respective portfolio in noting the progress report made by the Minister in relation to the implementation of the executive undertaking under review. The committee makes the following observation and key findings.

The Department of Mineral Resources has appointed an independent selection panel consisting of the five persons with the requisite knowledge and understanding of the diamond industry and legal and corporate governance experience to assist in the shortlisting of candidates to be considered for appointment to the board of South African Diamond and Precious Metals Regulator, SADPMR.

The board of the SA Diamond and Precious Metals Regulator is working towards addressing the challenges facing the industry including the barriers to entering the jewellery manufacturing industry as well as the declining beneficiation in the sector.

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The department has been working collaboratively with other departments such as the Department of Trade Industry and the Department of Science and Technology in contributing towards beneficiation. The department is currently engaged in talks with a number of countries including China, Russia, Australia and Canada aimed at convincing investors to come and beneficiate in South Africa.

Further, in noting the progress report made by the Minister of Mineral Resources, the committee, lastly, observes that the executive undertakings have been adequately implemented and therefore recommends that they be closed.

Report to be tabled for consideration.

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.

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Report accordingly adopted in accordance of section 65 of the Constitution

**CONSIDERATION OF REPORT OF SELECT ON PETITIONS AND EXECUTIVE
UNDERTAKINGS EXECUTIVE UNDERTAKINGS MADE BY THE MINISTER OF
ENVIRONMENTAL AFFAIRS DURING HOUSE SITTING OF 27 OCTOBER 2015**

Mr D L XIMBI: Chairperson, the Select Committee on Petitions and Executive Undertakings having requested the hon Minister of Environment Affairs to appear before it and provide a progress report on the implementation or fulfilment of the executive undertaking made or given, on the floor of the House, during the Question and Answer session in the National Council of Provinces, reports as follows:

On 27 October 2015, the hon Minister of Environment Affairs made or gave the following executive undertaking during the Question and Answer session in the NCOP: The first Executive Undertaking entails that, the first part of the plan going forward is to ensure that there are training opportunities for all people in the programme especially those who are from disadvantaged communities.

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The second Executive Undertaking entails that; this campaign will bring about job opportunities as it is aimed at finding new partners. The third Executive Undertaking entails that, the Minister committed to come back to the House with a response in respect of the progress of the research on foam bomb to extinguish fires by Carletonville Station in Gauteng.

On 8 April 2016, the Chairperson of the National Council of Provinces referred the above mentioned executive undertakings made or given by the Minister, to the committee to scrutinise and ensure their proper implementation. On 21 February 2018, the Minister appeared before the committee and reported on the progress made in implementing the executive undertakings under her respective portfolio.

In noting the progress report made by the Minister in relation to the implementation of the executive undertakings under review, the committee makes the following observations and key findings: The Working on Fire Programme was never intended to be a once-off programme and such, it always forms part of the operational plan of the Department of Environmental Affairs.

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The report of the Working on Fire Oversight Committee released on 7 February 2018 provides that the number of people that have resigned from the programme, in the 2017-18 financial cycle, to pursue better employment opportunities stands at 207. In an effort to source employment for those under the programme, the department engages with partner agencies who are not labour brokers but private employers, or with other departments which have opportunities available to employ trained people.

The department does not force anyone out of the programme and the 207 persons who have resigned from the programme to date, resigned voluntarily to pursue better employment opportunities. In each financial cycle the department allocates accredited training targets for the programme and in the 2017-18 financial year the plan is to recruit about 5200 people into the programme, 31% being women and 95% being the youth.

The issue of developing a foam bomb was found to be cost prohibitive by the department and as such the department is using world standard chemicals that have proved to be effective in fighting fires.

Further, in noting the progress report made by the Minister of Environmental Affairs, the committee, lastly, observes that the

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executive undertakings have been adequately implemented and therefore recommends that they be closed.

Debate concluded.

Question put: That the Report be adopted.

The DEPUTY CHAIRPERSON OF THE NCOP: Is there any province that wishes to make a declaration? In the absence of any let's proceed with the voting ... [Interjections.]

Ms T J MOKWELE: Who said so? You are from Gauteng.

The DEPUTY CHAIRPERSON OF THE NCOP: No, no. Hon Mokwele!

Ms T J MOKWELE: Yes Chair!

The DEPUTY CHAIRPERSON OF THE NCOP: I asked for declaration of vote from the province.

Ms T J MOKWELE: Yes!

The DEPUTY CHAIRPERSON OF THE NCOP: Of the delegate from the province.

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Ms T J MOKWELE: Yes.

Declaration of vote:

Ms T J MOKWELE: Thank you very much, Chair. ... You are not from the North West, why are you speaking? Concerning the report before us as tabled by the chairperson of the committee, I hereby declare that it doesn't have a true reflection of what transpired when the Minister was briefing the committee. Therefore, I declare that North West abstain from it.

The DEPUTY CHAIRPERSON OF THE NCOP: There seems to be a problem in the North West. Let's hear about another view. You may proceed.

[Interjections.] No, no, no. It's a special delegate; I've got a right to hear him.

Mr M SAMBATA: Chair, a member might be here and be a member from North West, but the fact of the matter is that she is not representing the province at this stage. I'm the one representing it. ... [Interjections.] Yes!

The DEPUTY CHAIRPERSON OF THE NCOP: Thank you very much hon members. Are you standing on a point of order, hon Mokwele?

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Ms T J MOKWELE: Yes. I think that the hon special delegate from North West also doesn't have the mandate from the province. If he had a mandate from the province ...

Setswana:

... a ka be a kgonne go itsi gore ...

English:

... as the province, we do have or don't have a declaration.

The DEPUTY CHAIRPERSON OF THE NCOP: Okay! Over to you, hon Nyambi.

Mr A J NYAMBI: Chair, I'm rising in terms of the Rules of the NCOP ... [Interjections.]

The DEPUTY CHAIRPERSON OF THE NCOP: Hon Mokwele, you're not listening.

Mr A J NYAMBI: ... which are derived from our Constitution. In terms of the Constitution, the premier is the one who is leading the delegation as a special delegate, and when we come to the House, we have a letter from the province which appoints a provincial Whip.

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When we happen to have a special delegate like it is the case in North West. So, we do have a special delegate in North West who is leading a delegation. Therefore, we can't have any other member from any other province doing that, otherwise it will be chaos. Thank you, Chairperson ... [Interjections.]

The DEPUTY CHAIRPERSON OF THE NCOP: No, no, no, hon Mokwele. Hon Mokwele, I've heard you! Take your seat! I've heard what you said!

Ms T J MOKWELE: To show that North West is confused, North West province have sent the Speaker of North West who has sent a special delegate from the DA, and the DA as a political party doesn't have a seat of special delegate in this House. So, by that it shows you that the province is so confused. I'm just giving you an example, and we are voting ... [Interjections.] No, no. The member here is from the DA and he is sent by the Speaker. That's a confusion that I'm just showing you.

The DEPUTY CHAIRPERSON OF THE NCOP: Hon Mokwele, we are dealing with a matter here related to ... [Interjections.] You see, you're rising; you make a comment; people are listening to you but then you don't listen. All I'm saying is that, and I've been properly advised on this. Hon Nyambi is spot on. We are dealing with a constitutional

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matter and this matter has got to do with a report, not a section 76 negotiating mandate in which a province has to send a mandate.

But by virtue of having a special delegate from the legislature, that special delegate then assumes a responsibility of leading a delegation. That is why you would find in most provinces as and when you get special delegates, the leadership of the delegation normally gives them the space to sit at the front.

Therefore, that is my ruling. We are proceeding with the basis of a report. I'm saying I was calling on North West to find out whether they support the report as presented by hon Ximbi. [Interjections.] Hon Mokwele, you are not going to tell me what to do. I'm recognising the leader of the delegation.

Ms T J MOKWELE: Who's the leader?

The DEPUTY CHAIRPERSON OF THE NCOP: Is the one ... [Interjections.]

Ms T J MOKWELE: There are two special delegates. How do you know that this one is the leader?

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The DEPUTY CHAIRPERSON OF THE NCOP: No, hon member! Hon Mokwele, can you take your seat. [Interjections.]

Ms T J MOKWELE: But we have two special delegates.

The DEPUTY CHAIRPERSON OF THE NCOP: No, you are being disruptive now! Now you are being disruptive!

Ms T J MOKWELE: But we have two special delegates.

The DEPUTY CHAIRPERSON OF THE NCOP: No, now you are being disruptive. There is no declaration of vote from the North West. Therefore, North West do you support the report as presented, because you were in the House? [Interjections.] No, no, no. We are on the declaration and that's where the confusion came in. [Interjections.] Okay, fine. Then we shall proceed with the voting.

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

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

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**PROTECTION, PROMOTION, DEVELOPMENT AND MANAGEMENT OF INDIGENOUS
KNOWLEDGE BILL**

(Consideration of Bill and of Report of Select Committee on
Communications and Public Enterprises thereon)

Mr J P PARKIES: Chairperson, hon members, special delegates, I am here to present the statement on behalf of the select committee which talks to the Protection, Promotion, Development and Management of Indigenous Knowledge Bill. The Select Committee on Communications and Public Enterprises considered the Protection, Promotion, Development and Management of Indigenous Bill that was referred to it by the National Assembly in November 2017.

Following a briefing by the Department of Science and Technology the committee in recognition of its constitutional obligations in processing a Bill invited interested parties to submit comments on the Bill. Judging by the minimum amount of suggestions from the public, it became clear that the Bill was not only well-crafted but was also a product of wide consultation process that was accompanied by workshops and exhibition fairs across the country.

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None of the stakeholders both direct and secondary raised matters that were not addressed in the Bill. Furthermore, the Bill took into consideration the guiding principles and substantive provisions of the protection and traditional cultural expressions and traditional knowledge agreed to by the world intellectual property rights organisation. Collectively, this intentional obligation proposed the establishment of legislation that is unique and specific to the conditions of the country in question for the protection of indigenous knowledge.

Therefore, this means that this Bill is timely and a strategic intervention in protecting, promoting and developing indigenous knowledge for the benefit of our people, especially those who are living in the deep rural areas where indigenous knowledge systems are predominantly formed.

For many years our people have been deprived of the economic rights and benefit due to them, as a result of unregulated and unprotected indigenous knowledge. As an example of the Bill in clause 25(1) (a)-(b) states that "any person who intend to use indigenous knowledge for commercial purposes must apply in prescribed manner for the license authorising the use of that indigenous knowledge and enter

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into a license agreement with the trustee of the relevant indigenous community for its use.

Medicinal plants are just part of the deal; the Bill covers a wide-range of indigenous knowledge system that includes music, arts, and games. For all of this to happen, the Bill talks about the establishment of the national indigenous knowledge systems office which will be responsible for the implementation of this legislation, amongst other functions, in agreement and engagement with the Department of Science and Technology. We have made it clear and explicitly that the National Indigenous Knowledge Systems Office, NIKSO, must be present in all the nine provinces and must be easily accessible to our people; if this Bill has to be indeed for the benefit of our people.

All the nine provinces showed their full support for the Bill and as an NCOP, we submit as a committee that the Bill was also committing ourselves that we will monitor closely its implementation, so as to ensure that our people's life do change and we effect quality change in their lives, we submit. Thank you. [Applause.]

Debate concluded.

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Question put: That the Report be adopted.

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

Bill accordingly agreed to in accordance of section 65 of the Constitution.

The DEPUTY CHAIRPERSON OF THE NCOP: Order! Order, hon members! Did you hear what I said? I don't think you heard what I said. Because you are all over the show! No, no, no, no, this is a procedural matter. [Interjections.]

CONSIDERATION OF REPORT OF SELECT COMMITTEE ON CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS - INSPECTION IN LOCO ON NOTICE OF INTERVENTION ISSUED IN TERMS OF SECTION 139(1)(B) OF THE CONSTITUTION, 1996, IN DR NKOSAZANA DLAMINI-ZUMA LOCAL MUNICIPALITY

Mr J M MTHETHWA: Hon Chair, let me begin by ... [Interjections.]

Ms T J MOKWELE: On a point of order Chair, according to the Order Paper this Report was Announcements, Tablings and Committee Reports,

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ATCd, today - like 12 September 2018. Therefore, we must adopt it ...[Interjections.]

The DEPUTY CHAIRPERSON OF THE NATIONAL COUNCIL OF PROVINCES: Why are you rising, hon Mthethwa? ...[Interjections]

Mr M M CHABANGU: He's not ... [Inaudible.] [Laughter.]

Ms T J MOKWELE: Guys, what are we doing? Chairperson, I would suggest... I don't know where the provinces will get the mandates from because this Report was ATCd today, and we must resolve on it today. Come on guys, come on.

The DEPUTY CHAIRPERSON OF THE NATIONAL COUNCIL OF PROVINCES: No, I thought we have dealt with it. Hon Mokwele, are you done? Hon members, I thought we agreed and we understood earlier on that for reports we don't need a mandate from ... [Inaudible.] ... because it's a report that is presented to the House. It's for the province to agree with it or not, but not to submit a voting mandate. Hon Mthethwa, can you continue with the debate?

Mr J M MTHETHWA: Hon Chairperson, let me begin by wishing hon Mohapi a soon recovery who has been struggling for a long time because of

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his health. On 28 March 2018, Dr Nkosazana Dlamini-Zuma Local Municipality was placed under administration because of a breakdown in discipline and decision-making and has necessitated a direct intervention by the provincial executive council. A decision followed a special meeting between the provincial executive council to intervene in the municipality, which has failed to exercise a number of executive decisions and institutions challenges.

It appears to have been caused by disagreements with a municipal council around the appointment of senior officials and a municipal manager. Basis for evoking section 139(1)(b) of the Constitution, the municipality experience serious and persistent governance and institutional challenges which appears to have been caused particularly by disagreement within the municipal council around the filling of the position of the municipal manager. The employment contract of the then municipal manager at the municipality expired in August 2017. The municipal council subsequently resolved to appoint him on an acting basis for a period of three months. This period expired on 31 December 2017, before the municipality could complete the appointment processes.

The municipal council failed to appoint the municipal manager and it also failed to fill other three other senior managers' posts and

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such posts remain vacant. This includes community services development and town planning and public works and basic services. It should be remembered in terms of section 54(a) of the Local Government Municipal Systems Act 32 of 2000. The municipal council must appoint a municipal manager as a head of the administration of the municipal council. In the case of Dr Nkosazana Dlamini-Zuma Local Municipality, this legislative requirement was not fulfilled and resulted in the breakdown in decision-making and institutional challenges which appears to have been caused by disagreement within the municipal council around the filling of the position of the municipal manager terms of reference of the administrator.

Subsequently, an administrator was appointed to discharge the following responsibility: Prepare and implement a recovery plan approved by the municipal council; undertake the appointment of senior managers in terms of section 54(a) and section 56 of the Municipal Systems Act, including disciplinary procedures for senior managers as prescribed where applicable; and implement programmes to capacitate the councillors of the municipality on their governance role, including oversight on the institutional financial and service delivery affairs of the municipality.

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It has been observed that the municipal council as repeatedly fail to appoint a municipal manager, and in so doing paralysed administration capacity of the municipality to manage its affairs and to deliver basics services to its residence. The select committee wishes to send a strong message that our community will not accept defocused councillors that are not prioritising effective and efficiency functioning of their municipalities. It must be remembered that people have entrusted them to deliver quality basic services and as such service delivery should not be interrupted. The problems facing the Dr Nkosazana Dlamini-Zuma Local Municipality could be a thing of the past if the councillors and political parties work together instead of working against each other.

It should be remembered that councillors are elected to represent local communities on municipality on municipal councils to ensure that municipalities have structured mechanism of accountability to local communities and to meet the priority needs of community by providing service equitable effectively and sustainable within the means of the municipality with regards to the procedural requirement of section 139(2) of the Constitution the Minister was notified on the intervention on 29 March 2018. He approved the intervention within 28 days as prescribed by the Constitution. The Chairperson of

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the NCOP was notified on the intervention on 29 March 2018. The municipal was notified on the intervention of the 28 March 2017.

Recommendation, having conducted the oversight visit to Dr Nkosazana Dlamini-Zuma Local Municipality an interacted with internal and external stakeholders, it is recommended that: The NCOP approve the intervention in Dr Nkosazana Dlamini-Zuma Local Municipality in terms of section 139(1)(b) of the Constitution. The provincial Department of Co-operative Governance and Traditional Affairs in KwaZulu-Natal province together with the SA Local Government Associations, Salga, and in co-operation with the local government Sector Education and Training Authority should facilitate training and capacity building for municipal officials and councillors to further deepen their competency and understanding of the oversight role, legal framework, management and policies that govern the effective of the municipality. The KwaZulu-Natal member of the executive council, MEC, for Co-operative Governance and Traditional Affairs should table an exit report to the NCOP on the status of the intervention in the municipality.

The Select Committee on Co-operative Governance and Traditional Affairs in co-operation with the relevant portfolio committee in KwaZulu-Natal provincial legislature should in future conduct a

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follow-up oversight visit to the municipality in order to evaluate the progress made in respect of the intervention in the municipality. Chairperson, I therefore table this report to you in the House. 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 of section 65 of the Constitution.

The DEPUTY CHAIRPERSON OF THE NATIONAL COUNCIL OF PROVINCES: All nine provinces voted in favour, I therefore declare the Report as agreed in terms of Section 65 of the Constitution. Hon members, I must say that there was a lot of energy - it was a lot of energy. Of course, uneven there are those who are more energetic than the others, but we are all energised, but not equally. As a result, I need to say to those who were more energetic than the others to try and balance in future that energy. Hon members, that concludes the

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business of the day. You are required to remain standing while the procession ... [Inaudible.]

The Council adjourned at 16:47

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