

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

Thursday, 19 March 2020

Page: 1

WEDNESDAY, 19 MARCH 2020

PROCEEDINGS OF THE NATIONAL COUNCIL OF PROVINCES

The Council met at 10:00.

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

The DEPUTY CHAIRPERSON OF THE NCOP: So, we meet in Gauteng to consider very, very important issues. One of them is the issue of the pandemic, as you all know, but the other is a matter related to the municipality of Tshwane. Without getting into details because these matters are going to be dealt with by the House. I am sure we will do everything possible to give due attention. I am sure we will do everything possible to ensure that we give due attention as we grapple with the matters. Hon members, I am told that the whipperny has agreed that there will be no matters of motion,

Thursday, 19 March 2020

Page: 2

no motions without notice. So, we will move straight on to the statement by the Deputy Minister of Health.

**STATEMENT IN TERMS OF COUNCIL RULE 251: BY THE MINISTER OF
HEALTH ON COVID-19**

(Statement by the Deputy Minister of Health)

The DEPUTY MINISTER OF HEALTH: Thank you very much, hon Chairperson of the NCOP, hon Amos Masondo and our Deputy Chair of the NCOP, hon Sylvia Lucas, the hon Speaker of the Gauteng Provincial Legislature, hon Mekingwe and all hon Members of the NCOP. Let me take this opportunity to thank you for inviting the Ministry of Health to come and share with you some ideas and information about the major challenge, which is not only facing us as South Africans but also facing the entire globe.

Here, hon Chair, we indeed talking about the outbreak of the coronavirus, also called COVID-19 which started just as an outbreak in Wuhan City in the province of Hubei in China,

Thursday, 19 March 2020

Page: 3

developed into what now the World Health Organisation has defined as a pandemic. This started at the end of December 2019, but the actual pathogen this COVID-19 was isolated and confirmed by the Chinese medical specialists and the WHO on 7 January 2020. So, it is quite a new organism, you know which has taken the world by storm indeed.

Now this is a new strain of virus that causes in most cases mild upper respiratory tract infection and in some cases develop into a lower respiratory tract infection which can also lead to a very serious pneumonia. It is a virus which is derived from animals. It is thought to have originated from bats with, which, as I have already mentioned starts usually with a mild cold, cold-like, flu-like symptoms including high fever, dry cough, tiredness and in most cases it comes out with 80% of the cases just ends as a mild flu-like syndrome. But in about 15 to 20% of people it can then develop into a more serious form of a lower respiratory tract infection leading to pneumonia and also what is, in medical terms called fibrosis of the lungs, which means over and above leading to inflammation of the lungs, it also

Thursday, 19 March 2020

Page: 4

causes the soft tissue of the lungs to be hardened, and therefore leads to difficulty in breathing.

And in 5% of people where it become serious it requires ventilation because of, as I have mentioned by causing fibrosis in the lungs makes it difficult to breathe, so your body is not able to retain enough oxygen. So, when it comes to that situation then you require ventilation for a period until the lungs recover, which is the reason why, as you might have followed part of the discussion including just, so yesterday where, in the US President Trump was talking about pumping a lot of money into production of ventilators because of that kind of complication. And in the, on average about three to 3.5% of cases it leads to deaths.

In order to detect the COVID-19 samples are taken from the throat, from the back of the throat, from the pharynx through a swab and send to a laboratory for testing. The test will only be positive if the person has an active disease. However, the test does not identify persons who are incubating the virus. Now maybe at a later stage one would

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

Thursday, 19 March 2020

Page: 5

also just come back to this fact but it is an important fact because what it says is that, I know a number of people through the media have been raising questions to say if the Health Department and Government generally is saying that we are doing screening at the ports of entry including at the airport, how come almost 99% thus far of the people who have ended up being positive, 99% of them are people who had travelled, but how come they were not picked up at the airport. That is because you have an incubation period which runs between two and 14 days, and in that period if a person is in incubation, in other words having none of the symptoms which I have mentioned here, high fever, dry cough, tiredness and sneezing, if none of those has already manifested, when you do the, even if you are to do the laboratory test you would not be able to pick up the virus, and one of the most prominent of those symptoms is high fever. So, that is why we use those scanners because if you then find somebody with a high fever the likelihood, if they have got the virus, if you do that swab and take to the laboratory you will, you have a possibility of then finding the virus.

Thursday, 19 March 2020

Page: 6

The virus is spread through two methods, breathing and coughing, sneezing, the droplets from, as you cough and sneeze there is droplets that come out from your cough, and if those droplets come across another person within one meter, one and a half meters' distance then that person can inhale those and get infected. The other way is if those droplets lands on a surface and while they are still, the virus is still active, if somebody then touches that surface and then after touching that surface with the virus still active, touches the mouth, the nose or the eyes, then the virus is transmitted that way. So, the best way to prevent this [these] droplets is to keep a safe distance as we have mentioned, a meter to one and a half meter and avoid also mass gatherings. The best way to prevent direct contact of the virus is to avoid touching your mouth, nose, eyes and to wash the hands frequently because as we, you know with soap and water and, or also using an alcohol-based sanitiser which will be able to kill the virus. There is also a sanitiser which will be able to kill the virus, also cleaning the surfaces where people touch regularly so that

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

Thursday, 19 March 2020

Page: 7

when somebody else touches if they have had that virus it does not transmit to the next individual.

All in all, individuals are encouraged to keep away from mass gatherings and those who are in hospital will have to make sure that they are covered with masks and gloves to make sure that they do not transmit the virus.

As I have mentioned this was isolated on 7 January after the outbreak in China. Now where are we currently? At the current moment, as of today, the updated statistics through the WHO indicate that 219000 people have been infected worldwide as of early this morning.

Now, out of that if we look at the breakdown, 85 000 of the people out of the 219 have already recovered; 124 000 is still in active stage; that is globally, 124 000 is still in active stage of the virus, 85 000 have already recovered.

There has already been just under 9 000 deaths throughout

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

Thursday, 19 March 2020

Page: 8

the world. Three point something in China and then the rest is distributed all over the world. Now, in terms of where there has been an outcome, either recovery or death when you look at the statistics, out of 94700 you have had 91% recovery and the death rate has been 9% out of where there has been an outcome.

For those who are still in active phase, 118000 are in mild form of the disease and 7000 are in a serious form of the disease.

In terms of just a brief breakdown, hon members, currently in terms of totals, the total in China as of early this morning was 81000; the new infections in China have been dropping drastically generally below 40, below 30, sometimes even around 20. As of early this morning the new infections in China, as a whole, were only 34.

In terms of Italy, the total infections currently standing just over 35700; in Iran 17000; in Spain 14000; in Germany 12300; USA 9400; in France 9100 and you know those are the

Thursday, 19 March 2020

Page: 9

top countries in terms of the infections.

In the African continent the infection rate is still fairly low comparatively compared to what it is in other parts of the world especially in your Asia, China, South Korea, Europe and also if you look at Australia and those areas.

Africa and to some extent South America the figures are still comparatively low. Egypt is leading in African continent; it is just below 200 in Egypt if they have not passed by this morning. I have not checked the update.

As we know that in South Africa the last report, we are still waiting adjustment as of yesterday we were sitting at 116.

I have already mentioned that the infection rate in China has been declining, it has been standing- total figures have been just around 80 000 for almost a week now with daily new infections around 20, 30 per day whereas in Europe on average daily basis if you look at Italy you will

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

Thursday, 19 March 2020

Page: 10

find on a daily basis over a thousand, 2 000, 3 000.

In Spain as well the same thing. Germany also- all the European countries. The UK started slow as well. The basic characteristic of the virus is that it comes slowly when it starts and then it explodes exponentially.

The WHO is monitoring the outbreak throughout the world on a daily basis and as I have already mentioned that on 11 March the WHO declared the outbreak as a pandemic and already having been declared as a world disaster.

In view of the declaration of the pandemic, our national cabinet on 15 March last Sunday took a number of decisions, these decisions as we know, hon Members, were communicated by the President having declared the outbreak as a national state of disaster in imposing travel restrictions as of 18 March, yesterday, from high risk countries such as Italy, Iran, China, South Korea, Spain, UK and USA and also closing some of our land ports, ports of entry; two sea ports of entry and also prohibiting gatherings of more than

Thursday, 19 March 2020

Page: 11

hundred people.

That announcement and declaration by the President also emphasised that all citizens, all of us should change our behaviour in terms of regular hand washing, the things which I have mentioned, avoiding touching your eyes, nose and also in terms of handshakes.

I am sure now we are getting familiar with the elbow greeting. That is what the President has already advised all of us to do.

Now, in our own country we have also not been spared as I mentioned that our rate has also been monitored and it has been rising. Our first case as honourable members would remember on 27 February from a group of 10 who had travelled to Italy was detected in the KZN Province.

Since then I have already mentioned the number we have been monitoring on a daily basis, it is also worrying because almost every day, in the beginning, in the first few days

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

Thursday, 19 March 2020

Page: 12

it was all confined to the 10 travellers to Italy, but over the last 10 days or so the numbers have been rising and it has been largely people who had travelled mainly to Europe but also we have been picking up from the US as well.

Currently, in terms of the numbers in our country; breakdown per province, we have a highest number of infections in the Gauteng Province as of yesterday standing at 61; Western Cape at 31; Kwazulu-Natal 19. Maybe let me not go into the total figures.

Hon members, the message is very clear as pronounced by the President that we have responsibility as individuals but also, we have responsibility as communities. As individuals to make sure basic hygiene and also in our families and whatever institutions we lead but also as organisations in terms of making sure that we avoid the things which have been said largely in terms of gatherings. [Interjections]
Okay, Chair.

Let me just conclude, hon Chairperson, by thanking the

Thursday, 19 March 2020

Page: 13

leadership of various communities in the country. We are very grateful that through the initiative of the President all political parties have supported the initiatives of government, civil society generally, also religious organisations, which the President is meeting as we meeting here today to galvanise them also to support the initiatives which the government have announced.

We call on all of us as public representatives wherever we will be during this recess to make sure that we spread the message and galvanise our communities to fall in line with these announcements by the President. Thank you very much, hon Chair.

The CHAIRPERSON OF THE NCOP: Thank you very much, Deputy Minister. [Applause.] The issue we are discussing is of course so important, and the information from the Deputy Minister is very critical. We just allowed him to spill over just a little bit, but I am sure everything possible has been done to ensure that the speech is circulated, and that Members really familiarise themselves with the content

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

Thursday, 19 March 2020

Page: 14

is critical. This information is very, very important, I am sure hon Nchabeleng will agree, as we move into the future in the coming few days, weeks and months.

Ms M GILLION: Chairperson, the ANC welcomes the decisive measures announced by President Cyril Ramaphosa on Sunday, 15 March 2020, declaring a national disaster to enable South Africa to take the necessary measures to fight this pandemic.

Having an informed understanding of the virus is of utmost importance, so as to avoid falling victim to fake news. South Africans have a responsibility of ensuring information that is [not] verified by credible sources is not spread.

We commend the work done by the national Department of Health. They have a very active social media presence to keep the nation abreast on all the latest developments pertaining to this virus. There is a WhatsApp number for all news and answering of questions related to the

Thursday, 19 March 2020

Page: 15

Coronavirus. That number is 060 012 3456.

As the ANC, we wish to commend all community health workers, nurses and doctors who are working tirelessly to ensure that the health and safety of the nation is upheld. Your selfless contribution does not go unnoticed.

We call on all institutions and all sectors, both public and private, to adhere to the restrictions on public gatherings. In this regard, what is required of us all is to implement social distance as best as we can while still adhering to good hygiene practices. It is through our collective efforts that we will be able to fight this outbreak. We need not panic and be engulfed by fear and respond accordingly by [not] panic-buying and taking other drastic measures.

We need to heed the calls made by the President and his Cabinet and trust that the government has the capacity to conquer this outbreak. South Africa possesses the necessary knowledge and means to fight this disease, if we act

Thursday, 19 March 2020

Page: 16

swiftly and collectively to minimise its impact. I also believe, and as the ANC, we believe that together we too shall overcome this. I thank you. [Applause.]

Mr M R BARA: Thank you, hon Chair. South Africa is a nation that has proven over time that we can overcome any obstacle when we are united. The Coronavirus is as such no exception to that resilient determination of this nation. It is therefore of critical importance that all South Africans should heed the call or pronouncement by President Cyril Ramaphosa that we are on a state of national disaster.

All precautionary measures by the President and the team of Ministers led by Minister Zweli Mkhize are important for all of us to abide by. The Democratic Alliance, through the party leader, John Steenhuisen has given its full support and commitment in the fight against COVID-19.

All endeavours must be made to ensure that our communities are educated on the do's and don'ts to curb the spread of the virus. All communication mediums must be used to reach

Thursday, 19 March 2020

Page: 17

every citizen of our country.

The DA has suspended all party activities and all our staff members- most of them are working on remote from home. This is to ensure that where we can, we minimise the spread of the virus.

We call on all South Africans to work with health authorities for screening and quarantine if required and obey directives of our health authorities. COVID-19 figures are growing daily, therefore it is important that the Minister of Health or anyone delegated by his office gives us daily updates to keep the nation informed. This will clamp down on the space that is taken by fake news and misinformation.

We need to break the chain of infections if we are to stop the spread of COVID-19. That is why travel restrictions, self-quarantine and good hygiene practices, like washing our hands regularly, are crucial.

Thursday, 19 March 2020

Page: 18

We appeal to all South Africans to be considerate and compassionate for one another. This is not the time to stockpile on groceries. Purchase what you need in the short term of a week to ensure that there is enough for everybody. If we work together as the private sector, government and society at large, we can defeat this pandemic. I thank you, Chairperson. [Applause.]

Ms M O MOKAUSE: Thank you- [Applause.] Thank you, Chairperson. Chairperson, this is not a disease of Black people, this is not a disease of White people, therefore we urge all parties to equally participate, irrespective of race.

Minister, this is the first time, post-1994, that we have a pandemic that is threatening the world in a manner that Coronavirus is doing. We have made a commitment yesterday when the Commander-in-Chief and President of the EFF met the President of this country, that we are going to support all initiatives of government and we are going to do our part, through our membership and at the level of our

Thursday, 19 March 2020

Page: 19

constituency, to make sure that our people are aware of what needs to happen.

After all, has been said and done, Minister, let us agree that Coronavirus showed up when we need to pay more attention to primary healthcare. Public healthcare should be about prevention.

Let us also agree that the experience of Coronavirus or rather the threat should be seen as an opportunity to repurpose our public healthcare to be more service-orientated rather than profit. We cannot continue to have a situation wherein few individuals are the ones who are fortunate enough to get medical attention at Netcare, Mediclinic, OneLife and other private hospitals in affluent areas while our people depend on public health which has completely collapsed.

When we are done dealing with Coronavirus, hon Minister, we are proposing the following, even in the context of NHI, if you continue with it in its current proposal which we

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

Thursday, 19 March 2020

Page: 20

highly discourage. Let us have a programme in your department with a dedicated DDG that focuses on health education and health promotion. Do not wait on the EFF Private Member's Bill to amend the National Health Act for clinics to open 24 hours. This is the time, Minister.

Let us create polyclinics in every ward. It might sound unrealistic but if it is thoroughly planned and there is no looting, it is possible. In this way, we have some form of health service of all practitioners in every community and we can begin to focus on prevention and profiling communities so that we can educate more.

Chair, at this time of crisis, we are pleading with Minister: Do not wait for media to start asking too many questions. So far, the communication has been forward. Let us improve on it, and in that manner our communities will be comfortable knowing that government is treating this matter very seriously. This should include telling people statistics by gender, age and their locality. That will actually reduce this misinformation that this kind of

Thursday, 19 March 2020

Page: 21

disease is only for white people. Thank you.
[Interjections.] [Applause.]

Mr S E MFAYELA: Hon Chairperson, hon Deputy Minister, today we face together, as a nation, an unprecedented attack by an invisible enemy, *isilwanyane esingabonwa ngamehlo* [an animal that cannot be seen with a naked eye].

Yesterday the official number of confirmed cases was 116. We have broken the 100-case mark and precautionary measures must be immediately implemented in order to flatten the curve of the continuing spread of the virus. The IFP has said that this is not the time for panic, hysteria and misinformation. It is time for wisdom and responsible action. We urge all South Africans to heed the precautionary instructions of avoiding social contact; seeking medical advice if ill; washing hands regularly; self-isolation if instructed to do so; using disposable tissue when coughing and sneezing; and keeping the safe distance from one another in public.

Thursday, 19 March 2020

Page: 22

isiZulu:

Ngqongqoshe, sengiphetha, ngiyafisa ukuthi kenihlale phansi nethimba lakho nibheke ngoba uma umuntu ephuma phesheya eza la niyamcwaninga; ake nicwaninge abasuka emadolobheni beya emakhaya ngoba njengoba sisemadolobheni nje sisezindaweni eziminyene, sesizosuka siye emakhaya siyothelela abantu nje abangenalutho, abamsulwa. Besicela ukuthi uma nihlezi nethimba lakho kenibheke ukuthi asisuki yini nalento emadolobheni siye nayo emakhaya, ngoba uma iye yafika emakhaya liyobhubha izwe yilesi silwane. Ngiyabonga.
[Applause.]

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S LUCAS): Thank you very much, hon Chairperson, hon Deputy Minister, hon members, special delegates, everyone present here. Martin Luther King jnr said the following and I quote:

"The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy".

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

Thursday, 19 March 2020

Page: 23

Before I continue, let me appreciate the fact that I could see that this pandemic has truly united us as South Africans. We have a common purpose and we have unity of purpose with regards to this specific issue; and that is something that we appreciate much, hon Minister. This is a medical emergency that is faced by the world, far graver than we have experienced in over a century. The WHO has declared the Coronavirus outbreak as a global pandemic; and if we have listened to the statistics as given by the Deputy Minister this morning, it confirms the correctness of this decision by the World Health Organisation.

Never before in the history of our democracy has our country been confronted with such a situation. And now that the President has declared a state of disaster in terms of the Disaster Management Act, it has set in motion varied processes to implement an integrated and coordinated disaster mechanism which will focus on preventing and reducing the outbreak of the virus across the country.

Hon members, I want to speak on behalf of parliament and

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

Thursday, 19 March 2020

Page: 24

say that we have come to the realisation that this pandemic will severely disrupt our programme and our activities, and that is why there was a special meeting convened between Presiding Officers, Chief Whip and the party representatives; and we have been briefed by the Chief Whip of the Majority party in order to make sure that there are immediate interventions devised by parliament in line with the announcement of the President of the National State Of Disaster on Sunday 15 March.

Yesterday the NA rose. the NCOP will rise today, and we will then be in constituency period up until the 13 April 2020 when a further assessment will be done. After that assessment we will decide how we are going to take our programme forward. But there are also some measures that have been devised by parliament inclusive of the screening of Members for possible exposure to the Coronavirus. I hope we will have time to do it as the NCOP.

We also devised a number of interventions to ensure the protection of the parliamentary community and visitors,

Thursday, 19 March 2020

Page: 25

including the installation of our measures of hand sanitisers, availability of onsite medical support team for screening and testing. We have also made the decision to suspend the operations of parliament and to close parliament to the public until further notice.

I have also been informed that some of the staff members have been informed that they should self-isolate for 14 days to make sure that we are safe. Our Members will also continue to spread this message during this constituency period to make sure that the correct message goes out like other Members have said here. The spreading of fake news is only when we allow for fake news to be spread if we are not in direct contact with our constituency, and that is what we are trying to do.

But, also, we would love to call on municipalities to make sure that, particularly in informal settlements, people should have access to water. If you speak about hygiene, you speak about the use of water and about the access to water. And we would like to call on municipalities to

Thursday, 19 March 2020

Page: 26

ensure that our people in informal settlements have access to water, particularly just as a basic need, to make sure that they have access to hygiene.

But, also, we want to commend the health workers and the volunteers. They are always ready to assist patients that need to be assisted; and it is commendable that you did not hear from the side of the health workers that there is any issue with regards to being ready to assist the communities with that. I think the time is now most befitting for us as parliament to imbue within ourselves a greater sense of political maturity, a greater sense of leadership. We must make sure that we work together; and I am glad to find that parties have committed themselves today that we are going to work together across the political spectrum to ensure that we give hope and that we give clarity to our constituencies. As Parliament, we are also committed to make sure that we implement the measures that have been outlined by government in response to the virus. In conclusion, hon Chairperson, I would like to just quote the former hon President Thabo Mbeki when he said:

Thursday, 19 March 2020

Page: 27

"Gloom and despondency have never defeated adversity. Trying times need courage and resilience. Our strength as a people is not tested during the best of times."

We then call on all South Africans to join efforts with us as- with our government to ensure that we deal with the coronavirus. We also want to commend the religious sector because, particularly for Christians, Easter or Passover is a very important event on their agenda. It is a very important time for reflection and also for making sure that we as Christians or the Christians in this country get together and make sure that they observe Passover. But all the religious communities, all the different ones they have actually heeded the call of the President and we need to commend them because we need them in these trying times. And, also, we want to again say, united we stand, divided we fall, and I thank you. [Applause.]

The CHAIRPERSON OF THE NCOP: Thank you very much, Deputy Chair of the NCOP. Hon members, in keeping with the practice and tradition, let us thank the Deputy Minister

Thursday, 19 March 2020

Page: 28

for responding to the call of the NCOP to debate the Coronavirus question. Thank you very much, Deputy Minister.

[Applause.]

That, Hon members, concludes the debate.

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON CO-OPERATIVE
GOVERNANCE AND TRADITIONAL AFFAIRS, WATER AND SANITATION
AND HUMAN SETTLEMENTS.**

Mr DODOVU: Honourable Chairperson of the NCOP, Deputy Minister of Health, permanent and special delegates of the NCOP, all protocol observed, yesterday, 18 March, the Select Committee of Corporative Governance and Traditional Affairs in the NCOP concluded its two-day visit to the City of Tshwane Metropolitan Municipality where it fully investigated the circumstances under which the provincial government of Gauteng invoked section 139(1)(c) of the Constitution. The City of Tshwane is not only the single largest metropolitan municipality in our country but is also the administrative capital of South Africa. This city

Thursday, 19 March 2020

Page: 29

has the second largest number of embassies in the world after Washington DC, and therefore many people across the global village call it their home. Hon Chair, by invoking Section 139(1)(c) of the Constitution, the Gauteng Provincial Government express a cautioned message that needs no other interpretation and the message was that the Tshwane Municipality was unable to fulfil its executive obligations in terms of the Constitution and that exceptional circumstance exist warranting its dissolution.

This intervention was subject to Section 139(3) which calls for the Gauteng government to immediately submit a written notice of dissolution to the Minister of Cooperative Governance and Traditional Affairs, CoGTA, to the relevant provincial legislature and to the NCOP, and that the dissolution would take effect 14 days from the date of receipt of the notice by the NCOP, unless it was set aside by the Cabinet Minister or the NCOP before the expiry of those 14 days.

Thursday, 19 March 2020

Page: 30

During its visits to Tshwane the select committee of this House, which is a multiparty committee consisting of 12 Members from the ANC, DA, EFF and IFP interacted with both the internal and external stakeholders in order to solicit their views and opinions on the Constitutional, procedural and substantive matters relating to the invocation of Section 139(1)(c). During this visit the select committee received presentations from six of the seven political parties represented in council as well as South African Municipal Workers' Union, SAMWU, the trade union, SALGA, the traditional leadership, the youth forums, the women forums, the business federations as well as the civic movements.

All these presentations by stakeholders were proceeded by submission from the MEC of CoGTA in Gauteng, hon Lebogang Maile, who presented the circumstances and reasons which led to the decision to dissolve the Tshwane Metropolitan Council, and this broadly includes the following: That the municipality was dysfunctional, and council meetings were not taking place as a result of disruptions, walk outs and

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

Thursday, 19 March 2020

Page: 31

the unlawful conduct of the Speaker for more than two months. But there was paralysis in the municipality because there is no Executive Mayor, no mayoral committee and no substantive City Manager. But because the council has not established ward committees, this undermines participatory democracy in its affairs.

Hon Maile also indicated to us that since the 2006 post local government elections the city has experienced serious governance challenges ranging from the appointment of the City Manager, motions of no confidence to [in] the Mayor and Speaker, allegations of widespread corruption, maladministration and inefficiencies. That irregular appointment of staff and the unlawful awarding of tenders was causing major financial losses for the city, but the city has serious challenges of water quality especially in Hammanskraal and surrounding areas where its quality was found to be unsustainable for human consumption by statutory bodies. That the water shortage was a high risk for the municipality as it posed health hazards in communities, in schools as well as in the Jubilee Hospital

Thursday, 19 March 2020

Page: 32

which had to be closed down and had its patients transferred to other areas. Despite obtaining unqualified audit opinions, the city has accumulated problems of unauthorised, irregular, fruitless and wasteful expenditures with no plans to curb them. According to the provincial government of Gauteng, all the above problems have not only placed the Tshwane Municipality in a dysfunctional state, but they have also impeded the municipality from fulfilling its executive obligations in terms of the Constitution. The Gauteng Government stated that in order to address these problems it issued directives in terms of Section 139(1)(a) to address the crisis situation.

Premised on the above, hon Chair, and based on its investigation on the state of municipality of Tshwane and the interaction that it made with internal and external stakeholders, it is the considered view of the select committee that exceptional circumstances do exist to warrant the invocation of Section 139(1)(c) of the Constitution in Tshwane. That the existence of special

Thursday, 19 March 2020

Page: 33

circumstances is a special requisite, prerequisite to the exercise of power to dissolve a municipal council. But in this particular case all the remedies to the situation were followed and observed without any success.

Given the collapse of the municipal council meetings, the leadership challenges, vacant position of the City Manager, Executive Mayor and Mayoral Committee, Mayco, the water challenges, the non-establishment of ward committees amongst others, the capacity of the municipality to manage its affairs and to deliver basic services to the residents as well as to provide accountable government for the people of Tshwane was paralysed. Therefore, the select committee submits that the decision to intervene in terms of section 139(1)(c) of the Constitution under this exceptional circumstances is both justified and warranted since all forms of support in terms of section 154 of the Constitution and the directives in terms of section 139(1)(a) were exhausted. All parties except the DA supported this form of intervention.

Thursday, 19 March 2020

Page: 34

However, it is also important to state, hon Chair, that the DA's argument is that failure to appoint the Executive Mayor of Tshwane is the cause of failure of the councilors to attend meetings, especially by the ANC, the EFF. That is a problem according to the DA.

Having conducted an oversight visit to the City of Tshwane and interacting with internal and external stakeholders and acknowledging the declaration made by the President of the Republic on measures to combat the COVID-19 virus, the Select Committee on CoGTA recommends the following to the House: that the NCOP approves the intervention in the City of Tshwane Metropolitan Municipality in terms of Section 139(c) of the Constitution; that a seasoned, competent and capable administrator be appointed in the City of Tshwane and be supported by a team of experts with clear terms of reference; that the administrator should fast-track the process of appointing and filling of the position of City Manager; that the member of executive council, MEC of CoGTA in Gauteng should institute a forensic investigation in terms of Section 106 of the Municipal Systems Act on all

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

Thursday, 19 March 2020

Page: 35

allegations of corruption and financial management and table a report to the NCOP and to the Gauteng Provincial Legislature; that the MEC of CoGTA should submit a quarterly report to the NCOP on the status of the intervention in the municipality, including the termination report; that the Select Committee on CoGTA should, in cooperation with the relevant portfolio committee in Gauteng Provincial Legislature, conduct a follow-up oversight visit after the by-elections in order to evaluate progress made in respect of the intervention in the municipality; and that the Independent Electoral Commission, the IEC, should develop should develop an implementation plan on the by-elections elections, taking into account the presidential declaration made on 15 March 2020 on the measures to combat COVID-19 so as to facilitate fair and free elections. Thank you very much, hon Chair.
[Applause.]

Debate concluded

Thursday, 19 March 2020

Page: 36

The CHAIRPERSON OF THE NCOP: I shall now put the question. The question is that the report be adopted, but in accordance with Rule 71 I shall first allow provinces the opportunity to make their declarations of the vote, if they so wish. Any province wishing to make a declaration? Western Cape. Let us start with the Western Cape and then Goyiya and Dangor and the Eastern Cape. In that order. [Interjections.] No, no. Yes, start. [Laughter.]

Declarations of vote:

Mr I M SILEKU: Hon Chairperson, the sudden rise to have the NCOP certify the Gauteng Provincial Government's intervention in the Tshwane Municipality is nothing short of political exploitation of an independent national legislative body and incorrect interpretation of the Constitution.

Based on the list of reasons provided by the provincial government, the choice of a Section 139(1)(c) intervention is not warranted as these reasons refer to a mix of

Thursday, 19 March 2020

Page: 37

executive and financial obligation that the municipality has been accused of not fulfilling.

When it comes to the failure of fulfilling executive obligation at Section 139(1)(b) or (1)(a) or (b) should be firstly be executed. That would see the provincial government either notify the municipality where they have failed and provide steps to amend or assume the responsibility of the executive obligation.

Section 139(5) dictates that necessity for the provincial government to impose a recovery plan should the municipality fail to meet their financial commitments that compromise service delivery, such as the one listed in the notice of intervention. Instead what we have now is a provincial government avoiding their constitutional role by rushing to what seems to them as a quick fix.

The intervention was only referred to the NCOP last week leaving the Select Committee of CoGTA with very little unprecedented time for adequate engagement. SALGA was

Thursday, 19 March 2020

Page: 38

afforded no opportunity for engagement before the intervention was issued. [Remarks] They further noted that the dissolution of council and new election could just again result in no party obtaining a majority, risking the municipality with a hang council and no political leadership.

An additional problem with the Tshwane Council is the failure of councillors to attend meetings and elect a Mayor they are constitutionally obligated to. Rather than a dissolution of council, action should be taken against these councillors who contravened the Code of Conduct.

It is further irregular for this council to prioritise the Tshwane intervention over those of other intervention that have been with the NCOP for several weeks, such as Maluti-a-Phofung in the Free State and Mogalakwena in Limpopo.

The NCOP has a constitutional role to investigate whether an intervention in the municipalities and provinces is justified and in accordance with the spirit of our

Thursday, 19 March 2020

Page: 39

Constitution and cooperative governance. After yesterday's select committee meeting it is evident that Section 139(1)(c) in Tshwane is not reasonable and not in the best interest of the residence of the Tshwane. I thank you. "Baie dankie." We do not support. [Applause.]

Mr A B GOYIYA: Thank you very much, hon Chairperson. I rise on behalf of the Northern Cape in support of the recommendations by the Select Committee on Cooperative Governance and Traditional Affairs to dissolve the dysfunctional Council of Tshwane Metropolitan Municipality in the interest of service delivery to the people of Tshwane.

Our support is based on the fact that the majority of stakeholders in that municipality, both internally and externally concur that the municipality is in a state of paralysis and has dismally failed to deliver deserved services to the people of Tshwane. The continued collapse of council meetings and the excessive political bickering as well as the total disrespect of rules and orders by the

Thursday, 19 March 2020

Page: 40

council and the failure to apply the rules, all those are testimony to a paralysed institution that is unable to fulfil its Constitutional mandate.

The fact that Tshwane Metro has failed to elect an Executive Mayor since the resignation of Stevens Mokgalapa is a confirmation of a crisis of the highest proportions. The absence of the Executive Mayor has a ripple effect in that there is no mayoral committee and there is no oversight provided on the administration.

Section 79 Committees have not performed their duties in line with the Municipal Structures Act, Act 117 of 1998. Public participation has been negatively affected by the absence of ward committees, since the election of that council in 2006. This means that the community has been, has never been represented in the compilation of the Integrated Development Plan, IDP. [Interjections.] It is an insult to the people of Tshwane and a clear flouting of the Municipal Systems Act, Act 32 of 2000 in relation to public participation. [Interjections.]

Thursday, 19 March 2020

Page: 41

Hon Chairperson, Tshwane Metro has reached a political cul de sac ... [Interjections.]

The CHAIRPERSON OF THE NCOP: Can I get an opportunity, hon members. [Interjections.]

Mr A B GOYIYA: ... with no room for progress.

The CHAIRPERSON OF THE NCOP: Just a minute, hon Goyiya. Can I make a plea that even if you hackle, do so in a way that does not allow for the drowning of the speaker. [Interjections.] Let us not deny other people the right to hear the points that are being raised by the speaker. Thank you very much.

Hon Goyiya!

Mr A B GOYIYA: Tshwane Metro has reached a political cul de sac with no room for progress. The council has not even been able to unite on issues of service delivery. The case in point is the lack of provision of clean drinking water

Thursday, 19 March 2020

Page: 42

to the people of Hammanskraal who are predominantly African working class that have been subjected to drinking water infested with worms.

The people of Tshwane deserve better than the raw deal they are now, they have now been subjected to. Therefore, let us allow them to take their destiny in their own hands. We support the dissolution in the interest of the people.

Finally, Chair, we need to dispel the myth that there are attempts to wrestle power. There are no attempts to wrestle power here. There is no outright winner in Tshwane. So, people should not behave as if they have control of Tshwane. The DA was given a favour. Finally, Chair, Amilcar Cabral says -

"Hide nothing from the masses of our people, tell no lies, expose lies whenever they are told, mask no difficulties, mistakes and failures."

Thursday, 19 March 2020

Page: 43

So, Chair, we want to support the dissolution of Tshwane Municipality. [Interjections.]

The CHAIRPERSON OF THE NCOP: Yes, as he concludes.

Thank you very much. [Laughter.] [Applause.]

Hon Dangor! [Interjections.]

Mr M DANGOR: Thank you, Chairperson. The dissolution ...
[Interjections.]

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

Mr M DANGOR: In terms of Rule 71 ... [Interjections.]

The CHAIRPERSON OF THE NCOP: Just hold on, Dangor.

Yes, hon Mokause.

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

Thursday, 19 March 2020

Page: 44

Ms M O MOKAUSE: House Chairperson, I am making a plea. We cannot be subject to mediocrity when these provinces are making declarations. These are ANC failures in Tshwane. So we cannot be told of all these things. They made declarations and that is it. We cannot be subjected to this. [Laughter.] [Interjections.]

The CHAIRPERSON OF THE NCOP: That, hon members, is not a point of order but a point of view by a member.

Hon Dangor, please proceed. Dangor!

Mr M DANGOR: Chairperson, thank you very much. I rise in terms of Rule 71. The Gauteng delegation supports the report and the recommendations that flow from it. From the submissions by the majority of stakeholders, it is evident that the Tshwane Municipality is non-functional. Consequently, the said local authority is unable to fulfil its obligations of delivering services required to the citizens of the city. The dissolution of the said local authority and the appointment of an administrator followed

Thursday, 19 March 2020

Page: 45

by elections at the date to be determined by the IEC is in the public interest. I so submit. Thank you very much, Chairperson. [Applause.]

The CHAIRPERSON OF THE NCOP: Thank you very much. Let us proceed to the Eastern Cape. [Interjections]

Ms Z V NCITHA: Thank you very much, Chair. Chair, I rise on behalf of the Eastern Cape to support the report of the Select Committee on Cooperate Governance and Traditional Affairs, particularly its recommendations for invocation of Section 139(1)(c) of the Constitution in Tshwane Metropolitan Municipality.

We base our support on the following, Chair: The city has failed to table the annual report in terms of Section 127(2) of the Municipal Finance Management Act; Section 129 of the same Act compels the municipality to adopt the report;

Section 127(5) directs the accounting officer - which they

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

Thursday, 19 March 2020

Page: 46

do not have- to make the report public so that members of the public are able to make interaction with the report. Chair, the last leg will be to submit the report to the Auditor-General, the Gauteng Finance department and lastly CoGTA at national level. They have failed to do so.

Secondly, Chair, they were unable to adopt the adjustment budget in terms of Section 28 of the Municipal Management Act, which was supposed to happen in February. They have failed to do so.

Lastly, Chair, they have not adopted their draft integrated development plan in terms of the Systems Act of 2000. It is an obligation to do so and to allow members of the public to participate in that, including the traditional leaders.

On this basis, as Eastern Cape we are saying we should be taking an urgent decision on the matter, and that decision must be within the prescript of the law. Thank you very much. [Applause.]

The CHAIRPERSON OF THE NCOP: Thank you very much, hon

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

Thursday, 19 March 2020

Page: 47

member. We shall now proceed to the manual voting on the question and the question is that the report be adopted. I shall now do this, take you through a process of voting and we will follow alphabetical order and go from province to province.

The first province is the Eastern Cape. Please indicate your vote, Eastern Cape. Eastern Cape. [Interjections.]

In favour: Eastern Cape, Free State, Gauteng, Limpopo, Mpumalanga, Northern Cape, North West.

Against: Western Cape

The Council adjourned at 11:38.