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

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The Council met at 14:01.

The Chairperson took the Chair and requested members to

observe a moment of silence for prayer or meditation.

The CHAIRPERSON OF THE NCOP: Hon delegates, before we proceed

I would like to remind delegates that the Rules and the

processes apply for all virtual sittings. I would also like to

remind delegates of the following: that the virtual sitting

constitutes a sitting of the National Council of Provinces,

that the place of the sitting is deemed to be Cape Town where

the seat of the National Council of Provinces is, that

delegates in the virtual sitting enjoy the same powers and

privileges that apply in a sitting of the National Council of

Provinces, that for the purpose of the quorum all delegates

who are locked on to the virtual platform shall be considered

present, that delegates must always switch on their videos,

that delegates should ensure that the microphones on their



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gadgets are muted and must always remain muted, that the

interpretation facilities are active in that permanent

delegates, members of the executive, special delegates and

Salga representatives are requested to ensure that the

interpretation facility on their gadgets are properly

activated to facilitate access to the interpretation services,

that any delegate who wishes to speak must use his or her own

“raise your hand” function or icon. Hon delegates, I have been

informed that there will be no notices of motion or motions

without notice.

Hon delegates, I have received a request from the Minister of

Co-operative Governance and Traditional Affairs to make a

statement in terms of Rule 234 of the Rules of the National

Council of Province. The statement is in respect of the

intervention in terms of section 100(1)(b) in the affairs of

the provincial government of the North West. In terms of Rule

234(2) I have determined that the statement may not exceed 20

minutes. I am also advised that the delegates from each

provincial delegation and each party who wishes to comment on

the on the executive statement of course will do so. But in

terms of subrule 234(5), such comment shall not exceed three

minutes per province and per party.



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Before we proceed, I’d like to welcome the Minister of Co-

operative Governance and Traditional Affairs, all the special

delegates and welcome all Salga representatives to the

sitting. I now, at this point in time, call upon the hon

Minister of Co-operative Governance and Traditional Affairs

Dlamini-Zuma to proceed with the executive statement.

**STATEMENT IN RESPECT OF THE INTERVENTION IN TERMS OF SECTION**

**100(1)(B) OF THE CONSTITUTION IN THE AFFAIRS OF THE PROVINCIAL**

**GOVERNMENT OF NORTH WEST**

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL

AFFAIRS: Chairperson, let me just say that there is a storm

where I am so I hope it will not interfere with my speaking.

Chairperson of the National Council of Provinces hon Amos

Masondo, Deputy Chairperson of the NCOP, members of the ad hoc

committee on the North West intervention, Mr Thamsanqa Dodovu,

hon members, hon delegates, officials and all members in the

House, thank you for the opportunity to address you today in

my capacity as the Convenor of the Inter-Ministerial Task

Team, IMTT, for the North West province. I am here to present

the report on the intervention by the national executive in

the North West province, as well as the decision to implement

a phased exit of the intervention, beginning 31 March 2022.



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The national executive invoked section 100(1) of the

Constitution in the North West province - first for the North

West Department of Health on 25 April 2018 and then for the

province on 9 May 2018. This was in response to the

instability that fuelled social and labour unrest that was

rapidly spreading throughout the province.

Five provincial departments were subject to intervention in

terms of section 100(1)(b), with administrators deployed to

run the departments on the authority of the national

executive. The affected provincial departments are: the Office

of the Premier, the Department of Health, the Department of

Education, the Department of Public Works and Roads, and the

Department of Community Safety and Transport Management.

Five other provincial departments are currently subject to

intervention through directives issued in terms of section

100(1)(a). These are the Provincial Treasury, the Department

of Social Development, the Department of Co-operative

Governance and Traditional Affairs, the Department of Human

Settlements and the Department of Agriculture and Rural

Development.



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The intervention has now been in place for just under four

years. The findings of the Auditor-General confirm that the

provincial government is on a positive trajectory and the IMTT

is of the view that sufficient progress has been made in

addressing the triggers of the intervention to warrant a

phased withdrawal. This is done, recognising that the work to

embed and sustain these gains is an ongoing process that will

require continued oversight and support from both the

legislative and executive arms of the state.

The IMTT has therefore recommended to Cabinet that the section

100(1)(b) interventions in the various departments be lifted

within the framework of a phased exit, as recommended by the

National Council of Provinces. This recommendation has been

accepted by Cabinet, with the lifting of section 100(1)(b) in

provincial departments approved to proceed from 31 March 2022

onwards, based on the achievement of specified results within

a given department. These results are set out in the detailed

plan in the progress report we have submitted to the NCOP.

Ministerial directives in terms of section 100(1)(a), together

with a proactive monitoring approach leveraging the District

Development Model, will be used to address outstanding matters

or areas where there is risk of reversal of gains. The



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intervention will therefore move to a phased exit from 31

March 2022, with a close-out report, together with an

examination of lessons learnt and a post-intervention

monitoring mechanism expected to be presented to the NCOP in

July 2022.

I will now provide a summary of the achievements of the

intervention. The intervention has successfully stabilised the

province in terms of community and labour unrest. This has

been sustained for the duration of the intervention,

notwithstanding challenges within local government which

continue to receive close attention from both national and

provincial government.

A positive trajectory in terms of restoring governance and

financial controls in the province has been sustained since

the start of the intervention, as evidenced in the latest

audit report of 2020-21 of the Auditor-General of South

Africa, with the AG noting “continued positive trends” in her

latest assessment of the provincial government, while noting

that “basic preventative controls supported by strong

accountability measures still require embedding and effective

oversight”.



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At a departmental level, seven departments received

unqualified audits, including the Office of the Premier which

retained its unqualified status for a second year. The North

West Department of Health achieved an unqualified audit, which

was the first since at least 2016-17. The North West

Department of Basic Education lost its unqualified status, but

this was due to findings that related to historic matters

preceding the intervention. The remaining departments under

section 100(1)(b) – the departments of Community Safety and

Transport Management and Public Works and Roads – reduced

their areas of qualification. When the intervention started,

only four department received unqualified audits.

Both the provincial departments of Co-operative Governance and

Traditional Affairs and of Social Development retained their

unqualified status for a second year, while the newly formed

Department of Human Settlements moved from a disclaimer to

qualified.

The intervention teams in the departments under section

100(1)(b) have succeeded in dramatically reversing in-year

irregular expenditure. The reduction achieved by the

Department of Community Safety and Transport Management - from

R1,26 billion in 2019-20 to R72 million in 2020-21 - reflects



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successful efforts to address problematic contracts,

particularly in learner transport and security.

Cumulative irregular expenditure in the province remains

stubbornly high, but is being addressed through a project led

by National Treasury, together with the provincial treasury.

Negative audit findings for several public entities in the

province are an ongoing concern and must remain the focus of

continued oversight and scrutiny.

The intervention has made important gains in improving

capacity for service delivery through filling executive and

management vacancies, as well as lifting moratoria on hiring

frontline and operational staff. Functions previously

centralised in the Premier’s Office have been transferred back

to their original departments, for example the North West

Development Corporation and the Community Development Workers.

Irregular, poorly managed and potentially corrupt outsourcing

contracts have been terminated across departments and

referrals have been made to law enforcement agencies. Service

delivery improvements attributable to the work of the

intervention teams include improvements in medicine

availability in health facilities, achieved through an



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intensive and ongoing effort to address the myriad challenges

that have crippled the provincial medicine supply system.

One hundred and seventy-one road projects have been

implemented through a provincial roads recovery plan. The road

infrastructure projects have, to date, created over 18 000 job

opportunities. Improved financial management and oversight of

school infrastructure projects has been implemented which is

expected to result in improved infrastructure delivery.

Nine provincial government officials, including two heads of

department have been dismissed following disciplinary

processes initiated by intervention teams. These cases related

to financial misconduct and maladministration. A further 10

provincial government officials have been found guilty and

sanctioned.

With regard to criminal investigations and prosecutions, 13

cases have been finalised. A further 17 cases are in court,

two cases are awaiting decision from the National Prosecuting

Authority. Nineteen cases are under investigation by the

Directorate of Priority Crimes Investigation. A total of six

high-value matters have been referred to the Asset Forfeiture

Unit, AFU, for investigation and to consider possible asset



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forfeiture recoveries. The AFU is currently awaiting decision

to prosecute to commence asset recoveries. Investigations are

currently being undertaken by the Special Investigating Unit

in the North West under six Presidential Proclamations.

With regard to areas that still require attention, five heads

of department posts need filling as a result of disciplinary

processes and the nonrenewal of contracts. Recruitment for the

posts of heads of department for Co-operative Governance and

Traditional Affairs, Human Settlements, Public Works and

Roads, Arts and Culture, Sports and Recreation, Community

Safety and Transport Management are a priority for ensuring a

stable and capacitated provincial administration. Recruitment

processes for these posts are underway.

The slow conclusion of disciplinary processes initiated by the

intervention teams has been a challenge, with processes having

been dragged out by the accused and provincial human resource

teams that the administrators have had to rely on in many

instances. Lessons have been learnt in this regard and

measures to prevent similar occurrences in future

interventions will be proposed as part of the close-out

report.



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Criminal investigations, prosecution and asset recovery

processes in a number of criminal, fraud and corruption cases

in the province are ongoing. As the IMTT we have received

regular reports from law enforcement agencies and we have

assisted to address capacity constraints in the National

Prosecuting Authority’s Serious Commercial Crimes Unit and the

Asset Forfeiture Unit, both of which were severely

underresourced at the start of the intervention. Bringing

high-profile matters such as the SA Express case to court is a

priority to rebuilding confidence in the commitment of the

state to addressing corruption in the province.

Funding for a fit-for-purpose organisational structure in the

Department of Co-operative Governance and Traditional Affairs

as well as realignment of the budget to address ongoing

accruals in the Department of Health are also an outstanding

priority.

Regarding the plan for the phased exit, the Inter-Ministerial

Task Team for the North West province has developed an exit

plan, which is shared with the NCOP as per its recommendation

that the exit plan is shared before implementation. The plan

is premised on a phased exit, whereby departments under direct



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administration will be migrated to section 100(1)(a) on

attainment of specific results, such as the filling of vacant

heads of department posts. The responsible Ministers will then

issue directives for matters that still need to be addressed,

but do not require the presence of an administrator. A

monitoring system is being developed which will track the

attainment of these results, as well as monitoring to detect

regression in the province. We will retain the presence of our

co-ordinator in the province until the exit plan is completed.

Cabinet has approved the plan and directed that the report

should be submitted to the National Council of Provinces in

line with the NCOP’s constitutional mandate to regularly

review an intervention under section 100(1)(b) and make any

appropriate recommendation to the national executive.

The phased exit will begin on 31 March 2022 with the

withdrawal of administrators from those departments that are

ready to be migrated from section 100(1)(b). The process of

migrating all section 100(1)(b) departments to section

100(1)(a) is expected to be completed by the end of June 2022.

The IMTT will submit a close-out report to Cabinet and the

NCOP at the end of this process. This final report will



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include a comprehensive account of the intervention, as well

as an examination of lessons learnt and a monitoring plan.

The Department of Planning, Monitoring and Evaluation,

together with the Office of the Premier, will be responsible

for monitoring the province post intervention, using the

monitoring plan developed as part of the exit phase. Cabinet

will be kept appraised of progress and any reversals in the

province that require the response of the national executive.

The District Development Model will also provide an important

mechanism to ensure continued monitoring, oversight and

unblocking challenges in the post section 100 era. The

following Ministers and Deputy Ministers have been assigned as

district champions to the province: Minister Gwede Mantashe in

the Bojanala District, Minister Ayanda Dlodlo in the Dr

Kenneth Kaunda District, Deputy Minister Obed Bapela in the

Ngaka Modiri Molema District and Deputy Minister Makhotso

Sotyu and Deputy Minister Njabulo Nzuza ... [Sound/platform

crashed.]

The CHAIRPERSON OF THE NCOP: Yes, we will try to get hold of

the Minister. Minister, you are not coming through. Please try

again. We will also ask the table to be in touch with what’s



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happening and to assist the Minister where possible. The

Minister did indicate that she may experience some

difficulties due to the bad weather in the area where she is.

In any case, she was very close to concluding her statement,

so without wasting time we will move on to the hon Mkiva in

the Eastern Cape.

Mr Z MKIVA: Good afternoon Chair and good afternoon to the

members of this august house. I will take the few minutes from

the Minister and add on my budget of time. We welcome the

findings of the Auditor-General that, since section 100

interventions began on 8 May 2018, the North West Provincial

Government has developed on a positive trajectory and that,

the Inter-Ministerial team is of the view that sufficient

progress has been made in addressing what triggered that

intervention. [Interjections.]

We welcome the phased withdrawal whilst recognising that the

work to embed and sustain this gains is an ongoing process

that will require continued oversight and support from both

the legislative and executive arms of the state. The

intervention has resulted in strengthened financial management

processes, improved audit outcomes, as well as responsiveness

to opinions. These need to be welcomed by the National Council



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of provinces. Since the intervention, we have seen a

strengthening of the financial controls of the finance cluster

... [Interjections.]

The CHAIRPERSON OF THE NCOP: Hon Mkiva, if you can just ...

[Interjections.]

The CHIEF WHIP OF THE NCOP: I suggest that hon Mkiva concludes

Chair. I will speak after him, after he concludes his

statement, not to tamper with the floor. Thank you.

The CHAIRPERSON OF THE NCOP: Hon Mkiva, please proceed.

Mr Z MKIVA: Let me then conclude Chair, given the fact that

there are issues that are from your side.

*IsiXhosa*:

Xa sithathe isigqibo sokungenelela singurhulumente,

asingeneleli kuba sisenza umlomo mnandi okanye kuba siqhayisa

koko singenelela kuba sifuna ukwenza umsebenzi obonakalayo

endimeni. Xa singenile ke endimeni, asilishiyi igaba nekhuba

endimeni. Singenile phaya njengoko esitsho uMama uNkosazana,

kwaye ziyabonakala iziphumo ezihle ezibonakalisa ukuba la

rhulumente uyalunga.



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Siyavuma siyanqwala siyi-ANC sisithi, sikulungele ngoku

ukunikezela kwela phondo ukuze lithathe imikhala

lizixhuzulele. Thina siza kuthi gqolo, gqolo, rhoqo

siwatsazisile amehlo okokhozi sijongile ukuba yonke into

ihamba ngendleal. Sifuna ukuthi ke kuMama uNkosazana,

sinothulela umnqwazi ngomsebenzi omhle eniwenzileyo, ningajiki

niqhube. Thina siyiNCOP siza kusebenzisana nani ukuqinisekisa

ukuba liyaphumelela ngokuthe dle ela phondo, lenze umsebenzi

olindelekileyo.

Ngoko ke, siyayixhasa le nyewe yokuba arhoxe urhulumente

kazwelonke siqalise iphulo lokunikezela xa iphela le nyanga

ukuze ithi xa ingena inyanga kaTshazimpunzi kube kutshawuza

umsebenzi omhle uphethwe ngabantwana baseNorth West njengoko

sisitsho. Siyavuma, siyacamagusha.

The CHIEF WHIP OF THE NCOP: Chairperson, I wanted to raise the

matter that, because of the terrible weather conditions that

we were alerted to that disrupted the Minister, I propose that

the Minister comes last maybe with a few minutes just to wrap

up what otherwise was a free flowing statement. Thank you.



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Mr I NTSUBE: Chairperson of the NCOP, Chief Whip of the NCOP,

Minister and hon members, one of the success of ...

[Inaudible.]

The CHAIRPERSON OF THE NCOP: Hon Ntsube we are losing you, we

can’t hear you. Please unmute. Hon Ntsube, we can’t hear you.

Please go back a bit and speak closer to the microphone.

Mr I NTSUBE: Am I audible Chairperson?

The CHAIRPERSON OF THE NCOP: Please proceed.

Mr I NTSUBE: One of the success One of the success in section

100 in the North West has been a progress achieved in

addressing corrupt practices and a poor governance. These are

critical in ensuring that we build the capabilities of the

state. As part of this operation, the nine contracts relating

to the outsourcing of services and project management units

have been terminated under the intervention. Several contacts

are the subject of forensic and criminal investigation, an

investigation by the Special Investigating Unit and we welcome

the processes that are underway to recover the losses of the

state.



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With regard to the consequence management, we are concerned

that the conclusion of all outstanding disciplinary cases is

taking a considerable amount of time, notwithstanding the due

process that must be followed in this regard. There are a

number of pending and outstanding disciplinary cases related

to financial misconduct and maladministration in the

department under Section 100 (1)(b). We welcome to supply-

chain management practices that have been reviewed across

department and disciplinary process that have commenced, which

have long resulted in senior management, including head of

department, HOD being dismissed and lower levels officials

also been dismissed.

It is a positive development that we see similar progress

across affected departments. This can only be strengthened in

these departments. This has gone as far as the persal

transferal system clean-up with the assistance of the

Department of Public Service and Administration. In addition,

hon Chairperson, implementation of revised and strengthened

organisational structures across departments have been taking

place and there’s been realignment of districts in terms of

District Development Policy. The implementation of the

consequence management on investigated cases, in particular on

infrastructure procurement must be welcomed. This goes with



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progress in relation to the key appointment recruitment of

staff.

In conclusion hon Chair, in respect of the intervention we

witness a serious in dealing with consequence management, and

welcome and support the phase withdrawal. Thank you very much

hon Chair of the NCOP.

Mr M DANGOR: Hon Chairperson, we stand to support the decision

of a phased exit of the section 100 (1) intervention in the

North West Province. We are convinced that the Inter-

Ministerial task team has made sufficient progress in

restoring stability in the province, and changing the

trajectory towards a path of service delivery and

socioeconomic development. We commend the employment of

capable and qualified human resources at the level of senior

managers. This is an essential building of an ethical and

capable developmental state.

The National Development Plan highlights the need for a well-

run and effectively co-ordinated state institutions with

skilled public servants, who are committed to the public they

serve and capable of delivering high quality service

consistently and reliably. A professionalised public service



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is critical to the restoration of a healthy political

administrative interface. The employment of capable and

competent human resource in the provincial government has had

a profound impact in arresting the spiral decline in the

province, and has also managed to sharpen the capability of

service delivery and socioeconomic development. The Department

of Health with initially drew attention at the beginning of

section 100(1) intervention, key management vacancies that

have been fold and 5 000 employees were made permanent.

We also commend the insourcing of Emergency Medical Services

and the acquiring of 147 Emergency Medical Services, EMS

vehicles. This has a direct bearing on the responsiveness of

medical services for communities around the North West. The

Department of Public Works’ 171 roads projects have been

implemented under the Roads Recovery Plan and has led to the

creation of 18 158 working opportunities

The unblocking of construction projects which were previously

disrupted by the instability is a positive development, which

signals that the department will continue creating job

opportunities in the construction sector. We believe that the

delivery of road and both infrastructure is an investment into



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the economy of the North West that will attract investments

into the province. I thank you Chairperson.

Mr S ZANDAMELA: Chairperson, there has been no progress made

in the North West province to speak of. Interventions

implemented by the national and provincial Cogtas, together

with the Treasury, should have addressed current conditions of

the province.

Basic services remain an everyday struggle of the province and

this is largely due to a lack of adequate structures in place.

Fiscal challenges also remain a challenge, as local government

revenues remain inadequate and unable to address the high

levels of poverty experienced by the people. Unauthorised

expenditure has been taking place in the province, which has

led to the collapse of the financial system.

Corruption continues to go by undetected with no apparent

consequence for wrongdoers, as officials go by unpunished and

as a result, local municipalities are poorly managed. It

severely cripples the ability of the province to pursue its

commitments to economic development by drains resources away

from economic development goals.



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The state of the North West province therefore continues to be

an area of concern, particularly since the following are still

happening in that province: parallel councils where, in

instances, you find two mayors and two Speakers;

maladministration and corruption in municipalities; defiance

to provincial government interventions; private ratepayers

organisations withholding revenue and taking over municipal

services; failing to deliver water and sanitation to our

people; vandalism and theft of infrastructure; gangsterism and

criminal attacks on officials; huge debts to Eskom and water

boards, which threatens the continuation of essential

services.

The committee met with the law enforcement agencies to engage

on some of the issues with these entities and yet no arrests

have been made. But most importantly, what is evident is that

what we have in the province is a leadership crisis. Strong

leadership is needed to bring about stability and governance

to counter the violence taking place in the province. Such

stability will not come about under the leadership of the

ruling party. Only the EFF will bring stability in that

province. I thank you.



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Mr Y I CARRIM: Hon Chairperson, I have some problems with the

Wi-Fi connection and my 4G as well, so, if I fade, I will go

off the video. Very quickly, as our Parliament, we have

regretfully agreed to too many interventions. Some have

worked, some have half worked, some have, at least, partially

worker, some haven’t barely worked. It seems to us that these

are rather better-managed and more effective interventions.

I do not, for the life of me, know which North West on which

planet, Mr Zandamela is referring to. He wants us only to look

at the municipalities where the EFF has a say, to see how it

is collapsing, which is not to say of course, ... As our own

leadership of the ANC has said, and also as the Minister

herself has said, we have to get the politics right and

ultimately, it is mostly our party, our internal divisions

that are far too disruptive to the state functioning and

government performing.

So, we accept that we are the majority party and that we must

take primary responsibility for the internal political

divisions. However, it is not as if other parties are

necessarily contributing towards stability, while they can

obviously be vigorous in their oversight of the majority

party.



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Of course, Cogta … This is such a measure, such a tempered

exit. It is so well balanced. The Minister was excellent in

setting out all the steps that are there. What she presents

were not illusions, but it is going to be endlessly durable.

She is saying ... Look at the AG’s report, Mr Zandamela. That

is not like a politician’s speech. That is not the Minister

speaking or the government speaking, or the ANC; that is the

AG saying that things have improved.

The Minister also pointed to several inadequacies and the need

to address for example people accused of wrong doing and so

on. So, really, Mr Zandamela, you were not listening. More

importantly, I don’t think it will help to respond to the

alternative universe in which he exists. So, let me focus on

other key issues, as we in the ANC see it.

We are saying, yes, Cogta has done what it can, but the

responsibility is not just Cogta’s alone; it is all the

departments under the interministerial committee, IMC, or the

interministerial task team. It is also, of course, the

provincial governments that must take more responsibility or

greater responsibility for itself and should function more

effectively. Civil society has a role and trade unions and

business, in particular; NGOs and communities-based



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organisations, but also our Parliament, particularly, the

NCOP, which is why we are here. So, we are all in it together,

not just the state but civil society too. We have to make it

work.

I cannot recall such a balanced, such a nuanced exit, moving

for 100(1)(b) to 100(1)(a), being careful about which

departments you do that with and so no. clearly, the Minister

is talking about ... She said, if I recall her exact words,

“ongoing support and monitoring”. She said that she is

accountable to the NCOP and she will report here in late June

and July. We look forward to the post-intervention monitoring

that … [Time expired.] Thank you.

Mr S F DU TOIT: Hon Chair, we have requested for some time

that the section 100 intervention on the Northwest province be

ended. Why, one may ask? Well, we are yet to be provided with

the exact figures with regard to the expenditure or the

remuneration of administrators, their supporting teams,

technical task team, etc. The intervention cost taxpayers

millions.

The interministerial task team, IMTT, consist of 15 Ministers

with Minister Dlamini-Zuma at the helm of this ship.



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*Afrikaans*:

Dit beteken dat wolf eintlik skaapwagter gemaak was, aangesien

die ANC in werklikheid ’n span saamgestel het om moontlike

wandade, korrupsie, wanadministrasie, diefstal en

onderprestering van sy eie kaders te ondersoek.

*English*:

Under the guidance and supervision of the IMTT and

administrators, some progress have been made, yes. The

Auditor-General noted, and I quote: “continued positive

trends” in her latest assessment of the provincial government,

while indicating that “Basic preventative controls supported

by strong accountability measures still require embedding and

effective oversight.”

The Department of Community Safety, Department of Transport

Management, Department of Public Works and Roads reduced in

their areas of qualification. Community Safety and Transport

management’s irregular expenditure remains high at R72

million, under guidance and leadership of the IMTT and

technical task team, and this is after almost four years of

intervention!

*Afrikaans*:



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’n Groot bekommernis is dissiplinêre sake wat onafgehandel is,

veral sake in die Department van Onderwys.

*English*:

Charges against the Chief Director of the Department of

Education, where he was transferred to another department,

instead of being suspended. This is pending. The finalisation

of the cases is taking too long. The nature of the cases are

quite serious - financial misconduct and maladministration –

yet, the person was only transferred or rather re-deployed.

*Afrikaans*:

Hierdie verslag toon dat ondersoeke na vrugtelose en verkwiste

uitgawes nog nie afgehandel is nie en dit na sowat vier jaar.

*English*:

How is it possible that a request was posed for Treasury to

condone irregular expenditure to the tune of R5,6 Billion? It

is shocking that one of the reasons for the intervention was

because provincial Treasury demonstrated, and I quote:

“weakness in its fiscal oversight roll”.

*Afrikaans*:



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Dit is duidelik dat regstellende aksie bygedra het tot die

verval van die provinsie, aangesien die verslag daarop dui dat

kritieke poste soos byvoorbeeld die van ’n hoofsiviele

inginieur, hoofargitek en hoof- strukturele ingineer vakant

is, met die aanduiding dat daar uitdagings kan wees om

beskikbare kandidate te kry om die poste te vul. Is dit as

gevolg van swart ekonomiese bemagtinging?

Ons hoop is dat die premier en LUR’re nou verantwoordbaar vir

hul suksesse en mislukkings gehou kan word en dat

blaamverskuiwing en vrae oor magte en bevoegdhede iets van die

verlede sal wees.

*English*:

In closing, ...

*Afrikaans*:

... die Noordwes-provinsie kan nie verdere sloering met

instandhouding van infrastruktuur soos paaie en

watervoorsiening bekostig nie. Die verval moet nou gestop

word!

Mr M E NCHABELENG: Hon Chairperson, the ANC, amidst many

challenges, has made great strides in building an ethical and



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capable developmental state, defined as a state with a

capacity to mobilise sections of the society, whether they be

market or nonmarket stakeholders, towards a developmental

agenda. In our case, the developmental state must resolve the

triple challenges of poverty, unemployment and inequality.

One of the greatest milestones of the section 100(1)

interventions in the North West province is that it mobilises

stakeholders and galvanises their energy towards the

resolution of the identified challenges. The intervention was

initially necessitated by the breakdown in the relations

between the state, labour and broader communities.

It must be welcomed that, since the intervention, labour

relations and social stability have been restored. Despite the

existing challenges, the state was able to have sustained

engagements with different stakeholders. And progress has been

made in addressing concerns such as occupational health and

safety violations in the Office of the Department of Social

Development, and a major push has been made to clear backlogs

in performance assessment for the Department of Health.

This renewed social contract between the actors in the North

West has been evident in addressing the recent challenges,



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including responding to the Covid-19 pandemic and the impact

it has had on the economy.

We are of the view that it further places the provincial

government in a favourable position to co-ordinate the

district development model, which is premised on state and

nonstate actors, working on one plan to effect the local

economic development.

We are already seeing the impact of this, as jobs are being

created in the scale of thousands, and by the investment in

the infrastructure project. Through this process, we will be

able to take advantage of the North West comparative and

competitive advantage to grow the economy.

We support the decision to migrate the departments under

section 100(1)(b) to section 100(1)(a) with a view that the

remaining challenges be addressed through the ministerial

directives. I thank you.

Mr N M HADEBE: Hon Chairperson and the Minister, section

152(1) of our Constitution collectively binds us as ...

oversight and government to ensure accountable and service-

driven local governments. With this in mind, we must



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collectively bear the shame of failing the people of this

country, especially in the North West province. In this

regard, once we have understood the shortcomings as ...

oversight and administration, we must decide on how we will

adapt our approach to ensure that failures do not cross our

desks. If we continue to develop our approach and models with

the best intentions and the best plans, we will have no

problem in realising the success of our respective mandates.

After all, we were not mandated to fail the people of this

country.

In dealing with the North West’s section 100 administration,

it is shameful that we have allowed a province’s local

government structures to become so riddled with corruption,

greed and maladministration. This has severely cost the people

of our country years of development. we must look to the root

cause of the problem and understand the lessons that we ...

[Inaudible.] ... be taken away from placing the ...

[Inaudible.]

The CHAIRPERSON OF THE NCOP: Hon Hadebe? Hon Hadebe, please

keep on trying and speak closer to the microphone. We can’t

hear you. Please proceed.



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Mr N M HADEBE: It is alarming that some departments still have

qualified audits, irregular expenditure exists and there are

outstanding disciplinary hearings. For those found guilty of

fraud and theft, only nominal sanctions have been actioned by

the docking of one month without pay.

As a member of the NCOP, where we are expected to do

oversight, it is difficult to accept an exit strategy that

still leaves a lot to be desired. If action is not taken to

completely extinguish all the embers of maladministration and

corruption, then it could quite easily flare up again. By

accepting an exit strategy with such shortcomings, does it

mean that we condone the irregular activity that is currently

ongoing? When we perform our oversight, we expect all

departments to have rectified the problems that were raised

before. Like, why in this case ... the intervention must seek

to address these problems before its conclusion.

It is understood that the exit strategy is a phased exit. So,

the Minister of Co-operative Governance and Traditional

Affairs as chairperson must take us into her confidence ...

that these issues will be addressed by the time of the last

phase and that she is satisfied with the work that has been

achieved.



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The IFP also calls on the Minister to revise the action taken

against those found guilty of theft and fraud ... with harsher

sanctions, as we cannot accept such actions taking place

within our departments.

Having said all of the above, I must mention that with all the

above addressed, the IFP supports the exit strategy. I thank

you.

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

greetings to the Minister, Chief Whip, hon members, ladies and

gentlemen. Chair, so that I don’t suffer what has been

happening to others because of network connection ... I rise

in support of the progress report presented to us here today

by the Minister of Co-operative Governance and Traditional

Affairs ... placing the North West under section 100. ... I

understood it, it was never intended as an end on its own but

as a means to an end, as provided for in our beautiful

Constitution.

The measures taken were necessary to ensure stability in the

province and that commitments made to our people were

honoured. We also rise to commend the work of the

interministerial task team which ensured that there was no



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breakdown when it came to the delivery of services at a time

when the COVID-19 pandemic could’ve wreaked havoc.

We are particularly impressed with the responsible manner in

which the phased exit plan, as correctly explained by the

Minister and as supported by our colleagues — and hon Carrim

has done justice in dealing with that ... when it comes to the

plan of the implementation as this will ensure that the plans

made during the enforcement will continue without some

necessary problems that can be avoided.

The emphasis on the attainment of certain milestones before

the issuing of the new directives in terms of section

100(1)(a) and (b) is a masterstroke which we all need to

commit and work towards. One of the things we can’t take for

granted is the role that has been played by Co-Operative

Governance and Traditional Affairs, the committee and the

manner in which, from time to time, the Minister was able to

lead by example ... leading from the front ... providing the

NCOP with information.

We are of the view, and are very convinced, that it is going

to be a case study, where there will be challenges in future,



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to use the experience of the North West to assist where there

might be challenges in future.

Of course we are not saying that all is rosy but we still have

a role to play as the National Council of Provinces. Once

again, we commend the Minister in providing that leadership,

and all relevant stakeholders. We support the report.

Mr M K MMOIEMANG: Thank you, national Chair. Let me also rise

on behalf of the ANC to express our support for the phased

withdrawal as announced by the Minister in her statement. Our

support is anchored by our appreciation that this intervention

has indeed brought stability, particularly around critical

policy functions in those departments that were identified for

the intervention, and we sincerely believe that it has laid a

foundation for the benefit of the people of the North West.

We also appreciate and express our support, informed by our

belief that this intervention and the phased withdrawal have

brought improvements in service delivery. At the policy level,

we witnessed the acceleration in socioeconomic transformation

imperatives across departments that were the subject matter of

this intervention.



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Furthermore, the intervention has assisted in terms of

ensuring that there is expansion of our employment initiatives

through further job opportunities, particularly around

programmes and projects that have benefited our communities.

More than that, we have also seen the intervention accelerate

in the ... [Inaudible.] ... of conditional grants which now

stands at 98% and therefore, this is indeed a huge

improvement.

Moreover, through this intervention we have seen job creation

in the 171 road projects that were implemented under the roads

recovery plan and this has created 18 000 jobs. This is as a

result of addressing ... [Inaudible.] ... matters, such as

procuring graders for road maintenance and construction for

the first time in five years.

We also note that there has been a steady improvement in the

Presidential ... Employment Initiative ... back on track and

in the process it has created 4 000 job opportunities.

What also impressed us was how they have dealt with the land

... Through the intervention, 57 portions of land have been

transferred through the land restitution programme that had



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also stalled. This has resumed under the intervention in order

to mitigate and deal with those ... [Inaudible.]

In conclusion, the intervention has brought back key policy

functioning in the identified departments and this has greatly

assisted those departments that were the subject matter of the

intervention. Let me reiterate again our support as the ANC to

the phased withdrawal as announced by the Minister in the

statement.

Ms T C MODISE: Thank you very much, hon Chairperson. Hon

Minister, hon Chief Whip and my colleagues, when section

100(1) intervention was already in place in the North West,

the 2019 General Household Survey, which tracks progress and

identifies challenges in service delivery, was released by

Statistics SA. Among other things, it revealed that while

there has been a general improvement in access to clean water

and sanitation had improved, it had declined in the North

West.

Over a year we have come to appreciate the experience of

communities such as ... [Inaudible.] ... local municipality to

rely on water tanks to receive water and that sometimes goes

on for some time without water. The lack of water



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infrastructure had a negative impact, not only on the lives of

the people of the North West but also on business,

compromising efforts at creating jobs. We call upon the

Department of Co-operative Governance and Traditional Affairs

to lead efforts to address the challenges in water and

sanitation in the province and to ensure that systems are put

in place.

We know that the Department of Human Settlements has

registered progress that is seen in other departments. In the

2019-20 financial year, it regressed by receiving a disclaimer

opinion from the Auditor-General and there has been a decline

in the delivery of housing. This is a serious concern to us.

In this regard, we welcome the assistance provided by the

invoking of section 36(3) of the Public Finance Management

Act, PFMA, by the MEC, which allows for the appointment of a

head of department, HOD, of the Department of Co-operative

Governance and Traditional Affairs, as an accounting officer.

In our view, lessons ... [Inaudible.] ... in turning around

the Department of Co-operative Governance and Traditional

Affairs, which achieved a clean audit, can be replicated in

the Department of Human Settlements. We call for the

appointment of the grant fund manager. This is critical in



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ensuring that funds allocated to building human settlements

are utilised effectively and also that someone is ... to

account.

Furthermore, there should be a hasty oversight of the

department to ensure that all the priorities identified ... as

such department ... [Inaudible.] ... section 100(1)(a). Hon

Chairperson, I thank you.

Mr I M SILEKU: Good afternoon hon Chair, hon members, hon

Minister, this intervention has been in effect since 2018.

Firstly, what one has witnessed is one faction replacing the

other as premiers. It has been a year since we went down to

North West to see and hear for ourselves.

*Afrikaans:*

Wat ek daar gesien het is glad nie ‘n goeie storie nie.

*English*:

It is great news to hear that some departments have retained

their positive audit outcomes, while the other entities continue

to have negative audit outcomes. It is good and well to have

positive audit outcomes, but the truth is that unfortunately it



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doesn’t translate to people having better services. Critical

services that the citizens of the North West desperately need.

When we were on oversight in March 2021 we identified critical

issues that needed urgent attention. I only have three minutes

and will focus on some of the issues that the departments didn’t

attend to. The Department of Human Settlements while on

intervention failed to meet its targets. The appointment of Head

of the Department, HoD, and key senior positions are still

outstanding. The appointment of a Grant Fund Manager is still

outstanding. These are issues that are flat when we were on

oversight. The Department of Co-operative Governance and

Traditional Affairs and the Office of the Premier is still

without an HoD.

Fit, for Purpose organisational structure still outstanding.

Review and implementation of section 154 Municipal Support plans

issued in July 2018, still outstanding. Municipalities in North

West are still dysfunctional and failing to render basic

services.

Hon Chair, while the ANC cadres continues to use the Constitution

to eliminate their political opponents, we shall never see value

for money when it comes to intervention, instead we will see



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factions asking for intervention while as backbenchers, when

appointed in position of the executive they will advocate for

the intervention to be lifted. Chairperson, we urgently need to

expedite the Intergovernmental Monitoring, Intervention and

Support Bill.

*Afrikaans***:**

... of anders gaan ons geld spandeer en dan sien ons fokol

vordering as dit by intervensies kom nie. Ek sê baie dankie.

*English*:

Thank you

Ms C VISSER: Hon Chair, despite the type of intervention,

there is no existing proof of interventions fulfilling the

purpose of improving the administration and restoring

political stability, which were all negatively impact the

District Development Model. Citizens in all spheres of life

are dependent on the services provided by the North West

Provincial Government who failed to deliver on its

constitutional obligation and created violent destructive

protests in more than 15 towns over the past four years.



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Was it worthwhile: did the North West Provincial Government gain

any institutional value under

intervention? It seems little to celebrate about in terms of

functional service delivery. Municipalities failing in

a

four-year section 100

compliance of basic constitutional rights. Road infrastructure

of provincial roads collapsed into the worst conditions ever,

North West school buildings are in a state of collapse in all

parts of North West, yet the department forfeited its

infrastructure grant for two consecutive financial years.

There are health centres and clinics with severe basic

medication shortages, vacancies and limited emergency room, ER,

vehicles. Eskom disconnected electricity supply of the Office

of the Premier, the Department of Co-operative Governance, Human

Settlements and Traditional Affairs, and Public Works last week

due to non-payment of accounts.

The intervention only achieved limited improvement in terms of

the department audits probably caused by a lack of capacity in

the administration. The exit plan did not include a service

delivery audit, to ascertain what it achieved.

The question to be asked is why do interventions fail? Is it a

lack of political will and oversight? Or is the regression of



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competence, ability, and shortages of capacity within provincial

and municipal administrations, and the nurturing of systemic

fraud and corruption within these administrations paralysing the

very function they are obliged to deliver. The North West

Provincial Government intervention failed to resolve the root

causes in four years and therefore, we require regular national

monitoring. I thank you, Chair.

Mr T S C DODOVU: Hon Chairperson of the Council, let me in the

first instance congratulate the Minister and the team for

supporting the North West province to a much greater and

better stability given the challenges which were obtained at

the time of the intervention. This was not a simply task. It

was a very difficult task because the North West was

characterised by a number of challenges. There was service

protest, the financial system has collapsed, the audit opinion

was very bad and in that sense, the Minister was able to shape

up this particular process to its logical conclusion. And on

that scope, we want to yearly hardly thank the Minister for

playing an indispensable role in bringing back government to

the people of the North West.

And in that sense, we think that the outstanding work in line

with the exit strategy that the Ministers tabled must be



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continued and the North West province must be monitored at all

material times so that at the end of the day those particular

problems which occurred in the past must not resurface again,

hon Chairperson. But at the same time identify the early

warning systems that must be in place so that when the

problems of these nature arise we are able to respond

immediately with or without to intervention. In that sense,

the outstanding issues that we have no doubt in our minds that

are going to be follow so that at the end of the day there is

indeed firm stability and that the people of the North West

get the benefits that must be accrued to them by the

provincial government itself and that as when it is quite

important to focus on the municipalities in the North West so

that at the end of the day gentle be determined in the first

instance.

In that sense once more, hon Chairperson, we would like to

thank the Minister for the work well done and for the

implication for the future perspective. We can draw a lot of

lessons from this particular process on how in other provinces

these can be avoided so that at the end of the day the

government must be stable and be able to deliver. On that

sense thanks very much, hon Chairperson.



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

We will try once more to see if we can locate the Minister. We

did indicate that there was a bit of problem, the weather and

related problems seems to be hampering effort to come back and

link up individual platform. The Minister then know that be

the case. Let me draw your attention to the conclusion of this

thing. The Minister was left with about two paragraphs. The

last paragraph makes the following recommendation: That the

NCOP note the progressive report; that the NCOP note that

Cabinet has approved the plan for a phase exit at the

beginning of 31 March 2022.

And lastly, that the NCOP provides inputs and recommendations

to the exit plan. So, that’s where we are, hon members. I am

sure that takes us to the end of today’s session. And I wish

to take this opportunity to thank the Minister, all special

delegates and the SA Local Government Association, Salga,

representatives who avail themselves for this particular

sitting. That hon delegates concludes the business of the day.

And the House is adjourned. Thank you very much.

Debate Concluded.

The Council adjourned at 15:12.

