**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**TUESDAY, 29 NOVEMBER 2022**

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

The Council met at 14:02.

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

# ANNOUNCEMENTS

The CHAIRRPERSON OF THE NCOP: Hon members, before we proceed, I would like to make the following announcements, and this is in keeping with the need to remind all hon members that, the rules and process apply to this hybrid sitting. So, the announcements are as follows: The hybrid sitting constitute a sitting of the NCOP, that delegates in the hybrid sitting enjoys the same powers and privileges that apply in the sitting of the NCOP.

That for purposes of the quorum, all delegates who are locked on to the virtual platform, shall be considered to be present.

That delegates must switch on their videos if they want to speak and that delegates should ensure that, their microphones on their gadgets are muted, and must remain muted, unless they want to speak. That all delegates in the Chamber must connect to the virtual platform, as well as to insert their cards to register on the Chamber system.

That delegates who are physical in the Chamber, must use the floor microphones and should switch their microphones on, when they need to address the Chairperson. That all delegates may participate in the discussion through the chatroom. That the interpretation facility is active, and that, permanent delegates, Members of the Executive, special delegates and SA Local Government Association, Salga, representatives, on the virtual platform are requested to ensure that, the interpretation facilities on their gadgets are properly activated to facilitate access through interpretation services.

That permanent delegates and Members of the Executive in the Chamber, should use the interpretation gadgets on their desks, to access the interpretation facilities. We will now proceed to the Notices of Motion. Hon delegates, I will now allow an opportunity to delegates to give Notices of Motion. Please

indicate if you want to speak, so that we can proceed. Notices of Motion, that’s where we are. Any member? Yes.

# NOTICES OF MOTION

Ms D G MAHLANGU: I hereby give notice that on the next sitting of the Council I shall move on behalf of the ANC:

That the Council-

Debate the acceleration and strengthening women empowerment initiatives so that they become economically independent as one of the ways to deal with Gender-Based Violence and Femicide, GBVF, in our country.

I so move.

The CHAIRPERSON OG THE NCOP: Thank you very much, hon Mahlangu. Before I proceed, I am told that there are students who are going to be part of the audience somewhere in the gallery. I don’t have all the details, but these are the students who are joining us today to be broadly part of what is happening in the NCOP. They may not participate, but I’m

sure you can wave to them and they can wave to you. ...

[Interjections.]

Thank you very much. We will now proceed. Having brought to a point where we are done with hon Mahlangu, we will now proceed to any other Notice of Motion. Please, let us not confuse the two motions, otherwise we will spend a lot of time unnecessarily. Over to you, hon Lehihi.

*Setswana:*

Moh S B LEHIHI: Ke emela gore mo kopanong ya Khansele e e latelang, ke tla tshitshinya mo tlase ga mokgatlo wa EFF:

Gore Khansele-

E tseye tsiya mabapi le motse wa Deelpan, kwa Bokone Bophirima, yo o amegileng ke merwalela e e sentseng metse ya bone fa kgwedi ya Motsheganong e simolola.

Ke a leboga.

# THE SUPPLY OF DRINKING WATER TO THE COMMUNITIES OF MATJHABENG IN FREE STATE

(Draft Resolution)

Mr G MICHALAKIS: Chairperson, I move without notice:

That the Council-

1. notes that the communities of Matjhabeng in the Free State have been struggling with water and sewage problems for extended periods. Right now there are again communities without water;
2. again notes that around 60% of the municipality’s water meant for household usage, is lost every day due to failing infrastructure;
3. further notes that only three of the 11 water treatment plants and only four of the 56 sewage pump stations are currently working, the place is a sewage disaster area;
4. recalls that in June of this year, Minister Senzo Mchunu indicated that they have budgeted

R522 million, blaming the municipality for not maintaining their infrastructure;

1. resolves that at the first opportunity, the Select Committee on Cooperative Governance and Traditional Affairs must call the Departments of Water and Sanitation, Cooperative Governance and Traditional Affairs and the municipality, to report on the progress made in this regard, a roll-out plan for this project, and measures to ensure that these funds are spent on upgrading the infrastructure of Matjhabeng and doesn’t get wasted or stolen; and
2. Council sends a strong message to both departments and the municipality that, the people of Matjhabeng deserves better to have clean water and a properly functioning sewage system, and that it is unacceptable that these residents now suffer because of people’s inability to govern properly.

I so move.

The CHIEF WHIP OF THE NCOP: Chair, can I amend the last part of the Motion that, it is not the inability to govern, but the huge backlog that is facing the municipality to attend to the

infrastructure needs to fix the problem of water. If he doesn’t agree, I will object.

Mr G MICHALAKIS: I am standing on a point of order, Chair. I believe that our rules make it a requirement, and the Chief Whip should know this that, when you stand and make such an amendment, you should site the rule in terms of which you’re doing that. I think that the Chief Whip will find out that, there is no rule in our rules that allows for an amendment of a motion. I would have thought that, he would have known that out of all people. Thank you very much.

The CHAIRPERSON OF THE NCOP: Hon members, you are making my life very difficult.

The CHIEF WHIP OF THE NCOP: It is acceptable because it is the conversation in the House. When a member makes a motion, a member can rise to amend the motion, not the entire part of the motion. But I object the motion. Thank you.

The CHAIRPERSON OF THE NCOP: Perhaps I should take the blame somewhat, I only heard that the Chief Whip wanted to speak a bit late, but given the fact that, there’s this objection, what this means is that, the motion will therefore not

proceeded with. It will become a Notice of Motion. Thank you very much. Any other Notice without Motion?

# THE INCREASING RISE OF A NEW TREND OF KIDNAPPING IN THE WESTERN CAPE

(Draft Resolution)

Mr M DANGOR: Chairperson, I move without notice:

That the Council-

1. notes with concern, the increasing rise of a new criminal trend of kidnapping of people across gender, age and colour, especially in the Western Cape;
2. further notes that, the recent reported incidents of kidnapping clearly show a pattern of an organised crime by criminal syndicates;
3. recognises that there is terror and feeling of no security unleashed by this pattern of crime against the Western Cape communities; and therefore
4. call on the criminal justice sectors departments to step up an integrated and coordinated campaign to bring this heinous crime to an end and bring all those who are involved to book.

I so move.

Agreed to in terms of Section 65 of the Constitution.

# THE CONTINUOUS FLOUTING OF THE SOUTH AFRICAN LABOUR LAWS BY THE CLOTHING AND TEXTILE FACTORIES IN THE NEWCASTLE AREA

(Draft Resolution)

Ms L C BEBEE: Chairperson, I move without notice:

That the Council-

1. notes with concern the continuous flouting of the South African labour laws by the clothing and textile factories in the Newcastle area,
2. also notes that a team of inspectors from various labour centres, the home affairs department and the

police conducted inspections of factories in Newcastle and Madadeni Industrial Park from the Monday 14 till Friday 18 November 2022;

1. further notes that a total of 70 factories with 30,539 employees were inspected during the campaign, including six night inspections and found that the compliance rate at the factories that were inspected was very low at only 8%;
2. understands that clothing factories in that area thrived and had developed a reputation for employing illegal foreigner workers, and allegedly subject them to working conditions resembling modern-day slavery;
3. as such, will not tolerate the undermining and non- compliance with the labour laws of the country as was shown in Newcastle; and therefore,
4. call on the government to increase measures aimed at addressing the high levels of worker exploitation and take drastic steps against the guilty companies.

I so move.

Agreed to in terms of Section 65 of the Constitution.

# PARAMEDICS RAN FOR COVER WHILE ON DUTY WHEN THEIR AMBULANCE WAS ATTACKED

(Draft Resolution)

Ms A D MALEKA: Chairperson, I move without notice:

That the Council-

1. condemns the murder of a patient inside an ambulance in Atteridgeville on Monday 21 November 2022;
2. notes that emergency services responded to the call to the scene of an injured man in Atteredgeville, the patient was found already on the ground surrounded by the residents when the paramedics arrived;
3. also notes that the paramedics were able to initiate treatment and prepared to transport the patients to the nearest hospital when community members reacted by

throwing stones and barricaded the road to prevent the ambulance from leaving;

1. further notes that paramedics ran for cover when the ambulance was attacked, unfortunately, the patient was fatally assaulted and the ambulance was extensively damaged;
2. believes that such unlawful attacks on paramedics will make it difficult for paramedics to discharge their constitutional mandate to provide access to health-care services; and
3. calls upon communities such as in leaders to assist in strengthening some of the interventions that are already in place to curb such incidents and to ensure the safety of paramedics and ambulance when they enter our communities, especially at night.

Agreed to in terms of section 65 of the Constitution.

# CALL FOR SOUTH AFRICANS TO REMAIN VIGILANT WHILE AT THE BEACH

(Draft Resolution)

Ms B M BARTLETT: Chairperson, I move without notice:

That the Council-

* 1. notes with utmost concern the study conducted by the National Sea Rescue Institute, which shows that more South Africans drowned inland sites, like swimming pools, canals, old mine dams, and even water tubes, then in the ocean;
	2. further notes that during the study period between 2016 and 21, it was found that an average of 1477 people drowned every year at average National Drowning rate of 2,54 per hundred thousand;
	3. further notes that KwaZulu-Natal, KZN, had the worst drowning rates, followed by the Eastern Cape, Gauteng and the Western Cape, where the majority of those who died from drowning being children; and lastly
	4. takes this opportunity to make a clarion call to all South Africans to remain vigilant and ensure that as we move to the summer, and school holiday season, they

put in place safety measures to ensure the safety of their children.

Agreed to in terms of section 65 of the Constitution.

# WESTERN CAPE GOVERNMENT SILENT ON BRIBERY MATTER

(Draft Resolution)

Ms M N GILLION: Chairperson, I move without notice:

That the Council-

1. notes with concern the report by the Auditor-General that over more than R22 million of RDP housing has been allocated to the undeserving beneficiaries by the Western Cape Department of Human Settlements;
2. also notes that this took place at a time when homelessness and the demand for housing by the poor, the vulnerable and the weak are at its highest;
3. further express our concern about the silence of the Western Cape government about this matter, especially

in the light of the possibility of corruption, which involves favouring those who are connected to the governing DA or bribery of the officials by those who have money in order to be prioritized at the expense of the poor, the weak and the vulnerable; therefore

1. call on the Premier of the Western Cape to urgently institute investigations in order to get to the bottom of this method.

Not Agreed to.

# IT’S TWO-IN-A-ROW FOR FREE STATE DAIRY FARMER

(Draft Resolution)

Mr A ARNOLDS: Chairperson, I move without notice:

That the Council notes—

1. notes that on the 19th of November 2022, Nompe Zim a dairy farmer from the Free State province won the prestige Agricultural Research Council Annual National Master Dairyman Awards, a fourth award in a row;
2. Further notes that Nompe Zim was crowned during the recent awards, which were held well further notes that Ms Zim was crowned during the recent awards which were held at Groot Phesantekraal Wine Farm, in Cape Town;
3. acknowledge that the dairy farmer took over the farm from her father in 2020 and currently farms with more than 200 cows on 162 hectares of land;
4. recognize that it takes great tenacity and perseverance to make it into the dairy industry;
5. further recognize that you won an award even in the face of unfavourable farming conditions in the Free State, such as floods, and dilapidated infrastructures;
6. wishes Nompe Zim and other black women like her well, in the continued journey in the dairy sector.

Agreed to in terms of section 65 of the Constitution.

# FINANCIAL CRISIS FOR THE FREE STATE MUNICIPALITY

(Draft Resolution)

Mr M S MOLETSANE: Chairperson, I move without notice:

That the Council-

1. notes that the Free State municipalities stand in financial ruin, with high levels of fruitless and wasteful expenditure increases, with no one being held accountable for the inefficiencies and poor decision making, in carrying out projects initiated;
2. further notes that in Thabo Mofutsanyana region, sub- region of Maluti-APhofung, there exists three taxi ranks which were built by the municipality and were later declared non-operational and currently stand as white elephants;
3. acknowledges that millions of rands of tax payers’ money was wasted on these structures which currently stand unused and that millions more are needed to reconstruct;
4. recognizes that the Mangaung Taxi rank on its own requires just over R50 million to reconstruct; and
5. calls on the Minister of Co-operative Governance and Traditional Affairs, and other relevant departments, to put measures in place to bring to end to fruitless and wasteful expenditure.

Agreed to in terms of Section 65 of the Constitution.

# SHOCKING CRIME STATISTICS REVEALED

(Draft Resolution)

Ms N NDONGENI: Chairperson, I move without notice:

That the Council-

* 1. notes with concern the shocking latest crime statistics for the period between July and September 2022, mostly pertaining to the huge increase in the level of crime against women and children;
	2. further notes that the huge increase in crime against women and children indicates that it has reached crisis proportions and affects every community, family in our country;
	3. deplores as unacceptable the rate at which women are abused, violated and killed in South Africa, worse as many are killed by the people they know, people they love and trust;
	4. also notes that the stats asserts that over 13,000 women were victims of assault with intent to cause grievous bodily harm between July and September, 1,277 women were victims of attempted murder, and 989 women were murdered during this period;
	5. further notes that among others that more than 10 000 rape cases were opened with the police between July and September this year, some of these heinous women violation occurs in buses, taxis, trains and other modes of public transport;
	6. welcome the news that in the three months 410 rapists who were arrested of whom 68 had been sentenced to life behind bars; therefore

Agreed to in terms of section 65 of the Constitution.

# NPA CHARGED SASOL COMPANY FOR POLLUTING KLIPSPRUIT RIVER

(Draft Resolution)

Ms C VISSER: Hon Chair, I move without notice:

That the Council-

* + 1. notes that on 22 September 2022, the Sasol company appeared in the Secunda Magistrate Court on criminal charges brought against them by the National Prosecuting Authority, NPA;
		2. further notes that the charges include unlawfully and intentionally negligent disposal of untreated contaminated discharge of water from the API dams into the Klipspruit River causing serious water pollution of a natural water resource

and the immediate environment;

* + 1. also notes that the attending members of Organisation Undoing Tax Abuse, Outa’s Watercan Project then took water and river mud samples approximately 8km downstream from the Sasol

Secunda facility and had it tested by an accredited lab for vanadium of which the test results confirmed a positive result of 21mg/kg vanadium in the results;

* + 1. notes that the vanadium positive content result beckons further downstream testing to determine the extent of pollution of other heavy metals and hazardous materials Sasol use in their processes, the likes of chromium, selenium, mercury, lead, manganese, copper, etc;
		2. recognizes that all these highly toxic chemicals run down the Klipspruit River into the Vaal River and the National Key Point Vaal Dam, which provides water to almost 20 million citizens in Gauteng; and
		3. calls upon the Department of Water and Sanitation, Department of Forestry, Fisheries, and Environmental Affairs and SA Human Rights Commission to take action in ensuring further intensive testing is done and that no tolerance of any industrial source or municipality guilty of polluting South Africa’s water should be allowed.
		4. acting with the strongest measures since a fine of R10 million makes it profitable for any company to pollute.

I so move.

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

# KOPANONG LOCAL MUNICIPALITY PERSISTING WATER CRISIS

(Draft Resolution)

Mr M A P DE BRUYN: Hon Chairperson I move without notice:

That the Council -

1. again notes the persisting water crisis in the Kopanong Local Municipality, where the largest parts of the municipality have been without water since February this year due to non-payment to the water board by the Kopanong Local Municipality;
2. Also notes that the relevant departments, national and provincial has still not intervened to assist the Kopanong Local Municipality in negotiating with the water board to have the water supply restored.
3. It should be noted with concern that this is an extreme violation of the basic human rights to have access to clean water by both Bloemwater and the Kopanong Local Municipality
4. In this regard, it should also be considered that the water board is on many occasions acting carelessly and impulsively without considering the impact and wellbeing of paying citizens and that the agreements between the department, water board and the municipality be re-evaluated to serve in the interest of our citizens.

I so move.

Agreed to in terms of Section 65 of the Constitution

# DELAPIDATING PATIENT TRANSPORT SERVICES IN NORTHERN CAPE

(Draft Resolution)

Ms D C CHRISTIANS: Hon Chairperson, I hereby move without notice:

That this Council -

1. notes with concern that the Northern Cape Health Department is complicit in the worsened wellbeing and loss of life of patients, who are left in the lurch by state-funded patient transport service;
2. notes that this came to a head this month when patients from Namaqualand, including Port Nolloth, Steinkopf and Kuboes, gathered at the Springbok hospital yesterday morning, for departure to Upington at 4am. On arrival of the transporter, the driver informed the patients that he refused to

drive the vehicle because of the poor state of the tyres and the non-operational lights;

1. further notes that this is not the first time that the patients were let down by the patient transport service. On 09 November, patients also waited from 3am for their transport to Dr Harry Surtie Hospital in Upington. The transporter arrived at midday because the vehicle needed new tyres and a license disc. By the time the patients arrived in Upington, they had missed their appointments and had to return to Springbok. They arrived back after 10pm, with some of them having no choice but to spend the night outside the hospital;
2. again notes that patients from the Richtersveld also wasted R800 on transport to Springbok, for what turned out to be a wasted trip.
3. notes with concern that the ongoing failure of the provincial government to fix ambulance services, has led to patients being transported to the Carnarvon hospital in a privately-owned hearse;
4. further notes that some of the patients have life threatening conditions, amongst these are cancer patients in need of urgent treatment. Patients are denied health care because of the Northern Cape department’s ongoing failure to maintain its vehicles and manage the patient transport service; and
5. urges the Minister of Health to intervene in the collapsing patient transport system in the Northern Cape as patients’ rights to life, good health and human dignity are being violated and for as long as the department neglects to fix this, they will have blood on their hands.

I so move

Agreed to in terms of Section 65 of the Constitution.

# YEAR OLD MAN ARRESTED WITH EXPLOSIVES ON M41 TO DURBAN

(Draft Resolution)

Mr E M MTHETHWA: Hon Chairperson, I hereby move without notice:

That the House;

* 1. commends the Directorate for Priority Crime Investigation, Hawks for arresting a 23-year-old man for possession of commercial explosives, on Tuesday, 22November 2022,
	2. notes that this arrest is as a result of a tip-off from law abiding citizens, who informed the law enforcement agencies about a suspect who was in possession of commercial explosives,
	3. reckons that the alleged suspect was travelling in a minibus taxi that was travelling to Durban when it was intercepted on the M41 and the suspect was arrested,
	4. believes that arrest has managed to thwart and prevent what would have been a destruction of life and property,
	5. thank the law-abiding citizens for assisting the law enforcement agencies into apprehending the suspect,
	6. therefore, call upon South African citizens to continue to work with the law enforcement agencies to make South Africa safe place and applaud the Hawks for the job well done.

I so move

Agreed to in terms of Section 65 of the Constitution.

# RECENT CAPE TOWN TAXI STRIKE DISRUPTED GRADE 12 MATRIC EXAMS

(Draft Resolution)

Mr I NTSUBE: Hon Chairperson, I move without notice:

That the Council -

1. notes the reported numbers of students who could not write their examination in the two days of the recent Cape Town taxi strike;
2. further notes that the failure of the Western Cape government to take precautionary measures of preventing this disruption despite the full knowledge of its potential harm to students;
3. therefore, calls on the Western Cape government to reassure communities of alternative arrangements to allow the children who could not write another chance without any further delay.

I so move

# GRANTING BAIL TO THE ACCUSSED

(Draft Resolution)

Mr K MOTSAMAI: Hon Chairperson, I move without notice:

That the Council -

(1) debates government’s policies that when it comes to the pain of letting the accused out on bail to roam around the streets until his court proceedings.

I so move.

Agreed to in terms of Section 65 of the Constitution

Ms M O MOKAUSE: Hon Chairperson, on a point of order: The Deputy Chairperson in out of order. There are a lot of things she talks about, herself that are not making sense when she is chairing this Council but we never howl at her to say she is not making sense. What kind of the attitude is that from the leader of the Council? What kind of attitude is that? We are not in a shebeen here. This is not a shebeen, hon Lucas, we are in the House.

The DEPUTY CHAIRPERON OF THE NCOP: You must tell me what is your issue with me. You must tell me.

The CHAIRPERSON OF THE NCOP: Thank you very much. That is not a point of order ...

The DEPUTY CHAIRPERON OF THE NCOP: Because there is no order in the point.

The CHAIRPERSON OF THE NCOP: ... that is part of the debate and so on and it is inappropriate and at the unfortunate time. I guess.

# PASSING AWAY OF POLICEMAN WARRANT OFFICER THOMAS SHONGWE

(Draft Resolution)

Mr T S C DODOVU: I hereby move without notice on behalf of the ANC:

That the Council-

1. notes with sadness the death of policeman, warrant Officer, Thomas Shongwe, who was attached to the Presidential Protection Unit and was killed in a motor vehicle accident in Middleburg, Mpumalanga, on Sunday, 20 November 2022;
2. also notes that he died in the line of duty, in a vehicle that was part of a motorcade ferrying Deputy President David Mabuza when the accident happened;
3. recalls that the Deputy President’s motorcade was travelling between Mpumalanga and Gauteng when one of the back-up vehicles experience tyre burst causing the vehicle to roll over;
4. understands that three members of Presidential Protection Unit were in the vehicle and the other two sustained serious injuries and were transported to a nearby hospital for urgent medical attention;
5. encourages and supports the investigation of the incident to determine the circumstances surrounding the cause of the accident;
6. takes this opportunity to send our prayers and thoughts to the families of the deceased and the injured during this difficult time; and
7. conveys our condolences to the Shongwe family, relatives, friends and colleagues, and wishes the injured members a speedy recovery.

Thank you very much, hon Chair.

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

# BRUTAL MURDER OF PRINCE MBONGISENI MILTON MUNTUKAPHIWANA ZULU

(Draft Resolution)

Mr M I RAYI: Thank you very much, hon Chairperson, I hereby move without notice on behalf of the ANC:

That the Council-

1. notes with profound sadness and grief the brutal and senseless murder of Prince Mbongiseni Milton Muntukaphiwana Zulu last week on Thursday in Nongoma in Kwazulu-Natal;
2. further notes that Prince Mbongiseni Milton Muntukaphiwana Zulu who was a permanent delegate in the NCOP, representing the KwaZulu-Natal Province and Inkatha Freedom Party in the 4th Parliament;
3. also notes that Prince Zulu played a key role in assisting King Misuzulu to take over the Zulu throne after the passing of King Goodwill Zwelithini;
4. notes that Prince Zulu was a remarkably kind- hearted, humble and affable Prince who carried himself with profound humility and consideration despite his social standing; and
5. takes this opportunity to convey its heartfelt condolences to the Zulu Royal House and the Zulu nation, as well as the IFP for their profound loss and call on the Minister of Police to ensure that his killers are brought to book for the ruthless and horrid act.

*IsiZulu:*

Hamba kahle, Ndabezitha. Wena Wesilo! Mageba!

*English:*

May your kind soul rest in peace.

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

# SUSPENSION OF RULE 218(1) FOR CONSIDERATION OF ELECTORAL AMENDMENT BILL

*(Draft Resolution)*

The CHIEF WHIP OF THE NCOP: Hon Chairperson, I move that the Order Paper be accepted by the House.

That the Council resolves that Rule 218(1), which provides inter alia that the consideration of a Bill may not commence before at least three working days have lapsed since the committee’s report was tabled, be suspended for the purposes of consideration of Electoral Amendment Bill [B 1B - 2022] (National Assembly – section 75).

Question put: That the Motion be agreed to.

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

AGAINST**:** Western Cape.

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

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON PETITIONS AND EXECUTIVE UNDERTAKINGS - HEARING OF BRAUTESETH PETITION, HELD ON 04 AUGUST 2022, AS ADOPTED ON 13 OCTOBER 2022.**

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON PETITIONS AND EXECUTIVE UNDERTAKINGS - EXECUTIVE UNDERTAKINGS MADE BY THE MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT DURING THE HOUSE SITTING OF 09 MARCH 2021, AS ADOPTED ON 13 OCTOBER 2022**

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON PETITIONS AND EXECUTIVE UNDERTAKINGS - HEARING OF THE FLAG BOSHIELO PETITION, HELD ON 09 JUNE 2022 AND AN INSPECTION *IN LOCO* TO THE COMMUNITY OF FLAG BOSHIELO WEST AREA IN THE SEKHUKHUNE DISTRICT MUNICIPALITY, LIMPOPO PROVINCE, ON 26 AUGUST 2022, AS ADOPTED ON 13 OCTOBER 2022.**

Ms A D MALEKA: Chairperson, the Select Committee on Petitions and Executive Undertakings having held a hearing on the Brauteseth petition on 4 August 2022, and adopted on 13 October 2022. The petitioner had alleged that Dr Nkosazana Zuma Local Municipality and Harry Gwala District Municipality

are facing water challenges due to poor planning and failure to maintain water infrastructure. The petitioner requested the NCOP to investigate the state of water infrastructure and inadequate performance by the officials in the municipality.

The committee made the following observations and key findings in relation to the various submissions made by the subject matter of the petition: In noting the submissions made by the petitioner, the Provincial Department of Co-operative Governance and Traditional Affairs and the Harry Gwala District Municipality in relation to the subject matter of the petition that the issues raised in the petition have been resolved. The committee observed that the submissions made have been adequately implemented and therefore recommended that the petition be closed. The Select Committee on Petitions and Executive Undertaking table the report for consideration.

The second report, Chairperson, the Select Committee on Petitions and Executive Undertakings having requested the hon Minister of Forestry, Fisheries and Environment to appear before it and provide a progress report on the six executive undertakings made on the floor of the House during a sitting on 09 August 2021. The concerned executive undertakings were referred to the Select Committee on Petitions by the

Chairperson of the National Council of Provinces for it to scrutinise and subsequently report to the House on their implementation. After its referral, the committee proceeded to extend the invitation to the Minister to appear before it and report on the progress made by the Department of Forestry, Fisheries and Environment in implementing the concerned executive undertakings, which falls under their respective portfolio.

In noting the progress report by the Minister, the committee observed that the executive undertakings have been adequately implemented and therefore recommends that they be closed. The Select Committee on Petitions and Executive Undertaking table the report for consideration.

The last report, the Select Committee on Petitions and Executive Undertakings having held a hearing on the Flag Boshielo Petition on 9 June 2022, and an inspection in the local community of Flag Boshielo West area on 26 August 2022 report as follows: The petition is requesting the NCOP to recommends the Limpopo provincial government executive council that it dissolve the Municipal Council of the Sekhukhune District Municipality, and place it under administration in terms of the section 139(l)(c) of the Constitution; further,

that the NCOP recommends that the administrator’s first order of business be the provision of clean running water for the aforementioned community.

The petitioner alleges that the Sekhukhune District Municipality has failed to provide clean running water to the community of Flag Boshielo West area for several years, and the community have approached the courts on five separate occasions. The court order had been granted in favour of the community but the municipality has failed to comply with the court order.

The committee made the following observations and key findings: When water is supplied, it is only for an hour until the next time it is supplied and this is not enough for the day-to-day needs of the community. In addition, there are water leaks from pipes, and the municipality apparently does not report these leakages nor repair them. In some instances, the community does not get water for approximately 6 weeks because the trucks would have gone for servicing.

The community stressed that the construction of the water treatment facility was supposed to be completed in December 2016. It is now complete after a considerably long period, and

capacity should surely no longer be an issue. Yet the community still does not have access to clean and sufficient water on a regular basis.

The municipality alternates between street sections or blocks in terms of water supply. The community also stated that the municipality is not transparent with them and they still receive water bills and are expected to pay these bills which amount to roughly R4 000. The community does not have the money to pay such for the bills when they are not receiving the service.

Subsequent to the inspection in loco, the petitioners have further requested: That the select committee recommend that a financial audit on the district municipality takes place. The Flag Boshielo community requests that the select committee recommends that the municipality’s funds be scrutinised; and that the select committee recommends that the municipality commits funds to the installation of fully functional pipes and taps.

The committee made the following recommendations: The committee concluded that a timeframe of two months be given within which the municipality should report back to the NCOP

on a way forward to facilitate water supply to the five villages within the Sekhukhune District Municipality. This should be done by providing the NCOP with a progress report within 60 days of the tabling of the report.

In the process leading to the two months period stipulated, the municipality is requested to provide the NCOP with a monthly progress report indicating the steps they have taken to facilitate water supply to the five villages within the Sekhukhune District Municipality. This should include the following: Progress on engagement, with the provincial executive stepping in and providing support to the municipalities; and progress on engagement with the Department of Water and Sanitation; and the municipality is to improve its relationship and communication with the communities by, amongst others, hosting regular mayoral imbizos and public meetings.

The Select Committee on Petitions and Executive Undertaking table the report for consideration. Thank you, Chairperson.

There was no debate.

*Declaration of vote*:

Mr J J LONDT: Hon Chair, the petition concerns the Sekhukhune District Municipality’s unresponsiveness to the water crisis in the Flag Boshielo West, the reason behind this community approaching the NCOP as the last resort to have access to water.

The petition had gained over 7 000 signatures and was handed over to the Office of The Presidency in November 2021 but no response was received from either the Office of The Presidency or the Department of Water and Sanitation. The only response was from Minister Lindiwe Sisulu who said: “I am sorry you didn’t have water for a decade,” and pledged R145 million drought relief in Sekhukhune.

In 2015, a groundbreaking court order should have secured portable water for the residents of five villages in Limpopo, however, it turned out that this order ...

The CHAIRPERSON OF THE NCOP: Hon member, just a minute. It does seem as if you are making a declaration in terms of the Third Order. So, we will request you to wait until your turn.

Once again, is there any province wishing to make a declaration in terms of the order under consideration?

Debate concluded.

Question put: That the Report be adopted.

[TAKE IN FROM MINUTES]

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

Debate concluded.

Question put: That the Report be adopted.

[TAKE IN FROM MINUTES]

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

Ms C LABUSCHAGNE: Hon Chair, this is hon Labuschagne, I am sorry, I only joined the meeting now. I probably got in when you said to hon Londt that he was reading a wrong declaration. Where are we now?

Mr I NTSUBE: We are on the voting now, Chairperson. Clarity will come later on.

The CHAIRPERSON OF THE NCOP: Order members, hon Bebee.

Ms L C BEBEE: On a point of order, Chairperson. I want you to remind members on the virtual platform that they must switch on their videos. If they have a problem, they must ask the presiding officer.

The CHAIRPERSON OF THE NCOP: Hon Labuschagne, can you switch your video on? If not ...

Ms C LABUSCHANGE: My video is on, Chair.

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

Ms C LABUSCHANGE: Chairperson, the First Order, as I have it, was about the Brauteseth petition and the Second Order was about the Minister of Forestry ... [Interjections.]

Ms M O MOKAUSE: On a point of order, Chairperson.

The CHAIRPERSON OF THE NCOP: Hon Labuschagne ... [Inaudible.]

... order members. Hon Labuschagne, can I also ask you to speak to the issue. The issue is: Is the Western Cape in favour, against or abstaining on the question?

Ms C LABUSCHANGE: What is the question, Chair? [Interjections.]

An HON MEMBER: That is the question, Chair.

Ms C LABUSCHANGE: No, Chairperson, I asked you when I came in. I had a problem and I logged on late. Now, I am asking, on which report am I going to vote? That’s all I am asking.

Ms M O MOKAUSE: Chairperson, on a point of order.

The CHAIRPERSON OF THE NCOP: What’s the point of order?

Ms M O MOKAUSE: Chairperson, we might be wearing our uniforms today as domestic workers, but we are not teaching the DA girls. We started this House at 2 o’clock. If ever there was anything that hon Labuschagne did not understand, her colleagues are here, they must brief her. So, we need to proceed. We have the business of Council to take care of.

The CHAIRPERSON OF THE NCOP: Okay. Point noted. Hon members, the voting is now closed.

Mr W A S AUCAMP: My hand is raised on a point of order, please. Hon Chairperson ...

The CHAIRPERSON OF THE NCOP: The voting results are as follows:

[TAKE IN FROM MINUTES]

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

Mr W A S AUCAMP: Chairperson, I rising on a point of order, please.

The DEPUTY CHAIRPERSON OF THE NCOP: There is no order, hon Aucamp, allow the Chairperson to preside. [Interjections.]

Mr W A S AUCAMP: My hand is up and I am rising on a point of order. [Interjections.]

The CHAIRPERSON OF THE NCOP: Hon members, can we have order, please?

The DEPUTY CHAIRPERSON OF THE NCOP: Allow the Chairperson to preside. [Interjections.]

The CHAIRPERSON OF THE NCOP: There is a member who wants to rise on a point of order. Can we hear the member? [Interjections.]

Mr W A S AUCAMP: I am rising on a point of order.

An HON MEMBER: On a point of order, Chairperson.

Mr W A S AUCAMP: Hon Chairperson, may I please be recognized? It’s hon Aucamp speaking.

The CHAIRPERSON OF THE NCOP: Please, speak. What’s your point of order, hon member?

Mr W A S AUCAMP: Hon Chairperson, I am rising on a point of order that there are two members, hon Ntsube as well as hon Lucas, none of those two people are on the chair but they seem to try to tell you how to run this meeting. ...

[Interjections.] ... Hon Chairperson, may I ... [Interjections.]

An HON MEMBER: We are only protecting the decorum of the House. [Interjections.]

The CHAIRPERSON OF THE NCOP: Unfortunately, that’s not a point of order.

Mr W A S AUCAMP: Hon Chairperson, I was not even given a chance to complete my point of order. ... [Interjections.] ... Hon Lucas ... [Interjections.]

The DEPUTY CHAIRPERSON OF THE NCOP: I am not working for you. [Interjections.] I am trying to assist.

Mr W A S AUCAMP: Maybe you must take a bite of Kentucky Fried Chicken, KFC, because your mouth open too much now.

The DEPUTY CHAIRPERSON OF THE NCOP: I am not working ... [Inaudible.] ... don’t try me.

Mr W A S AUCAMP: Hon Chairperson, you have not listened to my point of order.

The CHAIRPERSON OF THE NCOP: Before we proceed to voting, I shall allow provinces an opportunity to make their declarations. [Interjections.]

Mr W A S AUCAMP: Hon Lucas, behave yourself.

The CHAIRPERSON OF THE NCOP: Any province wishing to make a declaration?

Question put: That the Report be adopted.

Ms C LABUSCHAGNE: Yes, Chairperson, on a point of order. This is a two-way communication. I asked in the beginning what order are we voting on? [Interjections.]

The CHAIRPERSON OF THE NCOP: We are on the Third Order, hon Labuschagne. [Interjections.]

Ms C LABUSCHAGNE: I voted yes.

The CHAIRPERSON OF THE NCOP: Thank you very much. Voting is now closed.

[TAKE IN FROM MINUTES]

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

# CONSIDERATION OF REPORT OF JOINT STANDING COMMITTEE ON THE FINANCIAL MANAGEMENT OF PARLIAMENT ON THE PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA’S 2022-23 FIRST QUARTER REPORT, DATED

**21 OCTOBER 2022**

Mr M I RAYI: Thank you very much, hon Chairperson. In debating the first quarter report of the current financial year, we need to ground this debate on what the policy priorities are for Parliament linked to the strategy plan. A major part of ensuring that the policy priorities are achieved in this financial year to the move away from the current ... [Inaudible.] ... satisfaction model of performance management which is an extremely poor methodology in measuring performance. We need to assess key performance indicators that are saved by the agreed key performance areas. The Secretary to Parliament has committed in this direction and we welcome this, given that the 2022-23 first quarter report does not provide information on performance in respect of any of Parliament ... [Inaudible.] ... strategic objectives.

Therefore, our debate is about how we achieved the strategic orientation of Parliament and the progress made in this regard. For the NCOP, with its specific mandate, ours is to ensure that the administrative performance of Parliament is commensurate with achieving policy priorities. Parliament’s performance management system has to be align to organisational strategies and the organisational review.

Parliament has just completed a strategy review session earlier this month. That review looked at the relative successes, gaps and limitation of the sixth term strategy. This review needs to inform our planning going forward and what needs to be achieved by the end of the sixth term. It means that we have to be systematic and structure and not spontaneously jump from one matter to the next as if there is no plan. Planning in itself is insufficient. There’s no shortages of plans as we all have experienced through our oversight, but what we do have shortage of is project management. Therefore, this is where performance management needs to come in.

Our Parliament facilities management, the post-fire relocation of parliamentarians to the sixth floor of the 90 Plein Street building was completed in the first quarter of 2022-23 financial year. The NCOP was also declared safe for occupation

and the process of relocating stakeholders back to NCOP was ongoing in quarter one. Our deep concerns arising out of the January 2022, arson is the lapses insecurity that have taken place. Let us be clear Parliament has got to produce its own report and analysis of the causes of the arson of January 2022. The fact that we do not have the report is a poor reflection. We know that parliamentary security enhancement project, the project charter has been approved and the extension of boundary fence has been initiated.

On the human resources management of Parliament, the organisational realignment project which entails the micro analysis and design of business operating models processes in the positional structure to enable macro functional design is noted. Draft job profiles have been design to support the draft design proposals completed on parliamentary communication services, the information communication technology, ICT, and financial management in progress, internal audit in progress, and members support services in progress. We welcome in this quarter the appointment of Secretary to Parliament and the particularly encouraged by the new leadership’s intention to ensure that every aspect of the institution, including the performance management system, is geared towards achieving the Sixth Parliament’s strategic

objectives. We note that the administration will develop a blue print and progressively implementing changes towards ensuring that Parliament’s overall performance in respect of public participation, oversight, law-making, deepening international fora and better intergovernmental relation was reflected in the performance management system.

We are particularly pleased that the Parliament embarked on measuring and reporting on outcomes and impacts instead of merely implementing process reporting. On the organisational realignment project, this is critical and whilst we do not expect great progress in this quarterly report will need our intention. On Parliament’s budget allocation, again in this quarter report will not reflect that progress. We now know has been achieved on the part of resolving some of the deep contradiction, in particular what we now know is that the Medium-Term Budget Policy Statement, MTBPS, has provided an allocation of R100 million to address the deterioration of the baseline of Parliament, still well-short of the R269 million requested. However, it is progress and thanks to the executive authority and the Secretary to Parliament in achieving this.

His first quarter report does not reflect these since it has happened subsequently.

On the parliamentary protection services, we know that the appointment of the head parliamentary protection service is a priority for Secretary to Parliament, and that the position will be filled early in 2023-24 financially year, so as to ensure that a post fulfils the Parliament’s need as they will be identified through the reorganisations processes. We welcome commitments made to fill critical vacancies as soon as possible in line with the realign organisational structure. It recommends that the necessary work to fill these posts, specifically that of chief financial officer and head parliamentary protection services should be done with the sense of urgency. The committee has recommended that the executive authority should provide committee on Joint Standing Committee on Financial Management of Parliament with a response to all the recommendations in this report within 30 days of the adoption of this report by the National Assembly, NA, and the NCOP.

The committee looks forward to being presented with a revised improved performance management framework strategy, regular updates on development in this regard should be included in each quarterly report. We know that the Secretary to Parliament has systematically acquainted himself with the organisation and the work that has gone into organisational

realignment to date. The committee should receive quarterly updates on progress made in the process to complete the reorganisation. The committee has consistently recommended that the relevant authorities negotiate and agreed to a budget process that allows Parliament to be funded in a manner that recognises its constitutional responsibilities as one of the three arms of state. Parliament executive authority and Minister of Finance should brief the committee on the challenges experienced and the proposal for bridging the impasses. The committee recommends that every effort be made to ensure that Parliament protection service is equipped to execute its responsibility and collaborate with the SA Police Services to ensure that parliamentary precinct is kept secured. I thank you, Chair.

Debate concluded.

Question put: That the Report be adopted.

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

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

# CONSIDERATION OF REPORT OF SELECT COMMITTEE ON LAND REFORM, ENVIRONMENT, MINERAL RESOURCES AND ENERGY - OVERSIGHT VISIT TO THE FREE STATE, DATED 08 NOVEMBER 2022.

Mr I NTSUBE: Thank you, hon Chairperson of the Council, the Deputy Chairperson and the Chief Whip. The delegation of the Select Committee on Land Reform, Environment, Mineral Resources and Energy having conducted a fact finding visit to the Jagersfontein disaster site in the Free State from the 19 to 21 September 2022 reports as follows: The committee has prioritised oversight over the Jagersfontein mine dam collapse due to the magnitude of the event and the impactful that it will have on the committees’ oversight role in the near future.

The communities surrounding the dam have been traumatised and their lives are severely affected. While the environmental damage caused by the incident cannot be measured at the present but it is likely to be the significant lasting. While there is a risk of appearing to seek an instant explanation for the cause of the tragedy assignment, this is not the intention of the committee during this oversight. There has been an initial report received that the risk of dam collapse was potentially known to numerous role players but it is

simply too early to determine what level of understanding of the potential risk of the dam collapse was known to the provincial entities, the Department of Mineral Resources and the mine owners.

The oversight focuses on the committee include both of the portfolios of environmental affairs and mineral resources. The events that have unfolded at the Jagersfontein has significant impact to both those oversight focus areas of the committee.

During the most recent strategic planning exercise the committee reaffirmed its focus on the oversight team negative impacts of mining and efficiency of the one environmental system. This tragic event unfortunately feeds directly to the oversight team as the environmental impact of this event will be severe and the committee would want to start the process of determining what oversight lapses may have occurred to allow the threat of dam collapse to go unnoticed.

The committee, therefore, wishes first and foremost to convey their heartfelt condolences to the affected communities. It further wishes to establish a channel of communication with local government provincial offices of the Department of Mineral Resources and Energy, DMRE, and the Department of Forestry, Fisheries and Environment, DFFE, as well as the

national office of the department in question in order to continue gathering information regarding the factors that ultimately played a role in the disaster. Lastly, the committee wishes to get first impression of the scale of the environmental impact that unfolded as well as to continue oversight over the environmental impacts of the event as this become evident.

The delegation consisted of the following Members of Parliament: Hon Modise, the chairperson; hon Nyambi; hon Ngwenya; hon Bebe; hon Labuschagne; hon Arnolds; hon De Bruyne and the parliamentary stuff and so forth. The days following the collapse of the dam wall contained a significant amount of press articles creating a degree of uncertainty some stating that there have been warnings about the state of the wall, questioning the ownership of the facility alluding to the potential environmental risk of the chemicals in the tailing sludge that was released also as a result of a damaged sewage infrastructure in Jagersfontein.

The committee oversees the Department of Mineral Resources and Energy as well as the Department of Forestry, Fisheries and Environment. The uncertainty around the scale of the spills as well as the ownership activity and the regulation of the

property by the Department of Mineral Resources and Energy was considered to be an impediment towards performing efficient oversight over the committee’s portfolio. The concurrent competency of the Department of Forestry, Fisheries and Environment is a key focal point of the committee although impacts on agriculture also concurrent competency and the roles and responsibility of the Department of Mineral Resources and Energy are not relegated.

The committee fact finding visit is considered to be a prelude to in-depth oversight over the two departments that are involved as well as to begin to formulate a better understanding of the departmental policies that directed departments. Inconsistencies and or gaps in the policies could hopefully be identified and focused on during in-depth oversight. On day one, we received a brief presentation by the Department of Forestry, Fisheries and Environment which highlighted responsibilities and immediate action following the disaster.

The following was highlighted: The comprehensive set of water samples were taken immediately post spill event. The Department of Forestry, Fisheries and Environment with specialist capabilities provided and interpreted pre-spill

data, developed an immediate containment response plan, directed the manner in which immediate containment was to be undertaken, formulated medium to long term rehabilitation of the system, used specialist network at the Free State University to provide resources in relation to the sampling, picked turnaround time as well as technical advice.

Chair, support was also provided to the Free State environmental department with immediate instruction to proceed with activities in response to the incident issued by the Department of Forestry, Fisheries and Environment collaborating with the joint operations committee led by the Garib District Municipality. The actions of the Department of Forestry, Fisheries and Environment complement directives that were issued by the Department of Water Affairs and Sanitation related the containment directive that may still be issued.

The Jagersfontein disaster meets the definition of incident as defined in the National Environmental Management Act, NEMA, and as a result the Department of Forestry, Fisheries and Environment and the ... [Inaudible.] ... Jagersfontein Development of 25 September 2022 deadline for the submission of the report required. The NEMA and the EIRR regulation

normally requires that the environmental impact assessment to be followed and environmental authorisation be issued for the identified activities which would ordinarily include activities involved in responding to this type of incident.

The department has issued a directive enabling these activities to proceed without a requirement. Chairperson, specifically the S30A issued support by the ... [Inaudible.]

... enable the following actions to take place immediately: Containment of pollution, cleaning of polluted areas, structural and civil works on all development of new roads, bridges, substation sewage treatment works, power lines, houses and other infrastructure. On the most pressing response required was sampling the mine slurry released after the dam collapse in order to ascertain what environmental risk these spills pose.

The following actions were initiated. Two sampling campaigns were undertaken by 13 September. The samples were processed as follows: Samples taken to the SAPS forensic science laboratory as it might be used later on but SAPS also assisting to determine the constituents post spill. Another set collected on 19 September 2022 were taken to the University of Free State in order to receive the sample analysis result ...

[Inaudible.] ... turnaround time. In order to develop a rapid safety response, the following actions were implemented: Chairperson, three reports were submitted by Jagersfontein Development (Ltd) outlining the chemical composition of the tailings slurry pre-spill. Two occupational hygienist reports were submitted. The pre-spill waste was classified as the Type

3 chemicals which can safely be disposed to category C landfill.

The cleanup process was effected and further testing will be undertaken. The department advised on the type of personal protective equipment that will be required for the government official participating in the session, the rescue as well as the cleanup process.

The CHAIRPERSON OF THE NCOP: As you conclude, hon member.

Mr I NTSUBE: Chairperson?

The CHAIRPERSON OF THE NCOP: As you move towards closing. As you conclude your remarks.

Mr I NTSUBE: Okay, Chair. It is quite a long report, Chair. However, let me just get to the conclusion. At least the

members would have the benefit of the report because it has been sent to all of us, Chairperson. In short, Chairperson, we are requesting the Council to consider this Report Chairperson, thank you very much.

*Declaration of vote:*

Ms C LABUSCHAGNE: Thank you very much, Chair. The only declaration that I would like to do is that the select committee on this, who attended or did this oversight should continue in implementing your recommendations. It is a pity that it couldn’t be read. However, there are recommendations on the fact that the department did not dispute the findings of the court although they said that it was a strange finding.

Chair, given the fact that the findings of that court case might have a big influence on the rest of the provinces, we strongly agree that we have to follow up on the recommendation on that as well as to have a look again at the one environmental system in collaboration with the Department of Water and Sanitation. I thank you.

Debate concluded.

Question put: That the Report be adopted.

In Favour: [TAKE IN FROM MINUTES]

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

# CONSIDERATION OF ELECTORAL AMENDMENT BILL [B 1B - 2022] (NATIONAL ASSEMBLY – SECTION 75) AND REPORT OF SELECT COMMITTEE ON SECURITY AND JUSTICE THEREON

Ms S SHAIKH: Thank you very much hon Chairperson and greetings to all hon members. The Electoral Amendment Bill [B 1B - 2022] National Assembly section 75 was referred to the Select Committee on Security and Justice on 20 October 2022. The committee has agreed to the Bill with proposed amendments. Hon Chairperson, in the matter of the New Nation Movement and Others versus the President of the Republic of South Africa and Others, the Constitutional Court on 11 June 2020 declared the Electoral Act, Act 73 of 1998 to be unconstitutional, to the extent that it requires that adult citizens may be elected to the National Assembly and provincial legislatures only through their membership of political parties.

The New Nation Movement challenged the constitutionality of some sections of the Electoral Act, Act 73 of 1998 in

particular section 57, and Schedule 1(a). Section 57, and Schedule 1(a) limits participation in national and provincial elections to political parties through proportional representation. To put differently, as it stands, the Electoral Act, Act73 of 1998 unjustifiably limits individuals, not belonging to a political party, the right to stand for public office and if elected hold office.

This right is conferred by section 19(3)(b) of the Constitution. For this reason, the Constitutional Court ruled that section 57 of the Electoral Act, Act 73 of 1998 is unconstitutional. This implies that provision must be made for individuals or independent candidates to stand for elections in the National Assembly and provincial legislatures.

Further, in paragraph 15 of the court judgment, the following was said in respect of Parliament’s Rule and I quote:

Before I proceed to deal with the interpretative exercise, let me mention that a lot was said about which electoral system is better, which system better affords the electorate accountability, etc. That is territory this judgment will not venture into. The pros and cons of this or the other system are best left to Parliament

which – in terms of sections 46(1)(a) and 105(1)(a) of the Constitution – has the mandate to prescribe an electoral system. This Court’s concern is whether the chosen system is compliant with the Constitution.

This declaration of unconstitutionality was held to be prospective from 11 June 2020, but its operation was suspended for 24 months to allow Parliament to remedy the defect in the Act that gave rise to the unconstitutionality. This defect was meant to be corrected by 10 June 2022, and was extended to 10 December 2022 as a result of Parliament’s application for this extension. The Electoral Amendment Bill has introduced, aims to address this defect in the Electoral Act, Act 73 of 1998.

In the main, the Bill expands the Act to include independent candidates as contesters to elections in the National Assembly and the provincial legislatures.

Hon Chair the Bill was advertised in nine official languages from 24 October to 09 November 2022, and on seven SABC radio stations The committee received 24 submissions from various individuals and organisations. In processing the Bill, the committee received briefings by the Department of Home Affairs on the Bill, the Independent Electoral Commission, IEC on the seat formula calculations, the Content Advisor on written

submissions to the Bill and a briefing by the Parliamentary Legal Advisor on the tabling of the Bill.

The Department of Home Affairs and the Independent Electoral Commission responded to the written submissions on the Bill. The committee deliberated on, and agreed on proposed amendments to the Bill and had further deliberations on proposed amendments. On 25 November 2022, the committee deliberated and adopted the proposed amendments, went through the proposed amendments on a clause by clause basis and adopted the committee report and the Bill.

Hon Chair, in terms of the proposed amendments, the inclusion of amendments to Clause (3) and 6 sought to address the disparity between party candidates and independent candidates, where the revised Bill only required independent candidates to produce signatures supporting their candidature, totalling 20% of the quota for receipt in the previous comparable election. The proposed amendments intend to provide that, parties who are registered but not represented in the National Assembly or provincial legislature will have to produce the same amount of signatures. Furthermore, once the independent candidates and registered parties are represented in the National Assembly or

provincial legislatures, they would be exempt from this requirement.

Clause 21 proposes amendments to Schedule (1)(a) of the revised Bill which includes an amendment removing “most votes” and substituting this phrase with the phrase “highest proportion of votes,” an amendment in order to rectify the forfeiture calculation, as the revised Bill incorrectly excludes those independent candidates who have gained one seat from the calculation. An amendment to the calculation formula that will apply when an independent candidate must make a choice, between either the provincial legislature or the National Assembly.

Deletion to certain phrases that are redundant and errors that appear in the revised Bill and an inclusion of a new paragraph, which is required in order to do a reverse forfeiture calculation when which is essential to protect seats midterm should a vacancy arise. A new clause as introduced in the Bill concerning broad electoral report as point 24 in the Bill. This clause will not have a place of permanency in the principal Act and will remain in the amendment Act.

The clause authorises the Minister to establish the electoral reform consultation panel. The functions of the panel are to independently investigate, consult on, report on and make recommendations in respect of potential reforms of the electoral system for the election of members of the National Assembly and provincial legislatures, in respect of the elections to be held after the 2024 elections.

The clause further sets out in detail the establishment roles and functions of the panel. The functions of the panel are to independently investigate, consult on, report on and make nonbinding recommendations in respect of potential reforms of the electoral system, with regard to the elections to be held after the 2024 elections.

In order to establish and constitute the panel, the Minister will call on the public and any interested parties to nominate fit and proper South African citizens, who have the necessary skills, expertise, experience, knowledge or academic qualifications in the administration running of elections or Constitutional Law, or electoral systems, etc. The panel must within 12 months of the date of the 2024 elections, submit a report to the Minister on the probable options for electoral reform. Once the Minister receives the report, the Minister

must within 30 days, table the report in Parliament for its consideration.

Hon Chairperson, the committee having taken into account the input of the public, proposed amendments in the Bill which will serve to equalize and create parity in relation to the signature requirement for independent candidates and political parties. The proposed amendments to Schedule 1 also further enhances the Bill. Further, the inclusion of a clause which sets out the establishment and functioning of an Electoral Reform Consultation Panel goes a long way in addressing the concerns raised in submissions, which requested the need for broader electoral reform. This panel once established will receive the views and opinions of all relevant stakeholders in the formulation of such reform post the 2024 elections.

In conclusion, the proposed amendments have served to enhance and strengthen the Bill. It will go a long way in ensuring a free and fair election by including independent candidates in the 2024 elections. Hon Chairperson, the Select Committee on Security and Justice having considered the Electoral Amendment Bill [B 1B - 2022] refer to it and classified by the Joint Tagging Mechanism, JTM as a section 75 Bill, reports the Bill

with proposed amendments for the National Council of Provinces’ consideration. I thank you very much Chairperson.

*Declaration(s) of vote*:

*Afrikaans*:

Mnr S F DU TOIT: Agb Voorsitter, die voorgestelde gewysigde Kieswet het ten doel om ’n stem aan die onafhanklike kandidaat wie geen tuiste by enige politieke party kon vind nie, te gee.

*English*:

The Electoral Amendment Bill seeks to, among others provide for the nomination of independent candidates to contest elections in the National Assembly or provincial legislatures.

We acknowledge the participation of independent candidates in the proposed Bill since we support free and fair elections where an equal playing ground must exist between independent candidates and political parties that compete in elections.

Independent candidates that wish to contest the 2024 elections might be a proverbial knight in shining armour; someone with sober intentions but only a lone warrior in the war against the masses; a soldier that has no-one to account to. It might be possible that this individual could be elected. However,

remember that once elected, he or she could decide to trade the noble steed for a seat on the gravy train for the remainder of the five-year term and no-one can strip him or her of the rank or position for their betrayal. A possible sell out that can’t be unmounted.

In South Africa, the advancement of constitutional democracy is very important. Therefore, no eligible voter may be excluded from voting for the candidate of his or her choice, hence the proposed changes to the Electoral Bill.

It is a fact that some feel that the public participation process was flawed and that more could have been done.

Changing a voting system is no frivolous matter. It is not something that must be rushed. Proper consultation, planning and evaluation must precede such a Bill. The future of a country could be determined by it and will be determined by it.

*Afrikaans*:

Gevestigde politieke partye soos die VF Plus is beginselvas. Ons het verteenwoordiging op al drie vlakke van regering om ondersteunend tot kollegas te wees, om probleme aan te spreek, hetsy dit op munisipale, provinsiale of nasionale vlak is.

*English*:

In the current proportional electoral system, no vote goes to waste.

*Afrikaans*:

Trek jou kruis waar jou vertroue lê en maak net seker dat daar ’n verantwoordbaarheid is by die een wat jou stem kry. Die VF Plus ondersteun nie hierdie voorgestelde gewysigde Kieswet nie. Dankie.

*English*:

Ms M DLAMINI: Chair, the EFF supports the Electoral Amendment Bill as tabled here today. This Bill is what we have produced and is consistent with the Constitutional Court’s ruling. It provides an equal platform for all those who seek to contest elections to do so in a transparent and open platform.

The Bill is therefore correct and legitimate in stating that the minimum requirements of entry for political parties must be the same as that of so-called independent candidates. The independent candidates must also pay the same amount of deposit fees as paid by political parties. The deposit must not be refundable as the inclusion of independent candidates

will come with costs and people who wish to stand should not be taking chances.

Those who contest as individual independent candidates and get a higher number of votes than is required to get a seat in Parliament must forfeit the remaining votes because they would have been given a clear and equal opportunity and option to contest as a political party.

We strongly discourage by-elections to replace independent candidates who either die or resign from Parliament or a legislature because if such is permitted the country will permanently be in a state of by-elections.

We also once again reject white supremacist organisations that tried to subvert South Africa’s democratic lawmaking processes for there is nowhere in South Africa’s Constitution where it states that Parliament must take instructions and advice from George Soros and the Oppenheimers. The EFF supports the adoption of the Electoral Amendment Bill. Thank you.

Ms C VISSER: Chair, the Constitutional Court gave Parliament two years to deal with one of the most important Bills in recent history, the Electoral Amendment Bill.

In March 2022, the Portfolio Committee on Home Affairs embarked on a largely flawed public consultation process in all nine provinces. Upon completion, the NCOP was expected to rush through this important Bill in less than one month.

The ANC acknowledged that public participation is a cornerstone of our democracy. However, they cited the importance of the imminent deadline in only accepting written submissions without any oral submissions or public meetings to solicit the input of the public.

The DA raised concerns about the disregard of civic pleas for proper public participation in terms of proper electoral reforms, allowing South Africans and civil society to adequately participate in the process to allow for a free, fair and justified electoral system.

Concerns about independent candidates ... should also be allowed to stand in one region on the basis that the rights of some affiliated Members of Parliament to stand anywhere are already limited, and this is not an unreasonable restriction of rights. It is only fair and justifiable.

The DA was informed of an email having been sent to the committee by Mr Michael Atkins with alleged information that the Independent Electoral Commission, IEC, misled the committee. The email was not circulated to the members.

The DA is also concerned that the electoral reform consultation panel is to be appointed by the Minister, serve on instruction of the Minister and will report to the Minister rather than Parliament.

The DA states on record a possible embarrassment to the institution of Parliament should this Bill eventually be challenged before the Constitutional Court. The DA does not support this Bill. Thank you, Chair.

Mr T S C DODOVU: Hon Chairperson, the ANC supports the report of the Select committee on Security and Justice on the Electoral Amendment Bill. As we now know, the object of this Bill is to effect the order of the Constitutional Court in the case of the *New Nations* to amend the Electoral Act to make provision for independent candidates to participate in both national and provincial elections.

As the ANC, we supported the minimalist option taken by the executive given the need to effect the court order within the stipulated deadline. Also that the time period available for Parliament, may not be sufficient for the complete reform of our electoral system.

The ANC appreciate that this Bill, provides equality and parity on the requirement or the registration of both the independent candidates and the new political parties intending to contest elections. The intentions to ensure that this requirement is fair to any independent candidate and the new political party registering to participate in elections.

The ANC also support the provision for the formula for determining the seat allocation, that is in line with the spirit and matter of the court judgement.

The Bill also makes a provision that allows the independent candidate to contest in more than one region. As the ANC we support that. We equally support fully, the provision in the Bill the establishment of the electoral reform consultation panel that will lead the process of the reform of our electoral system. The panel will be composed of men and women

of our country, who possess the necessary skills and expertise on matters relating to the Constitution and elections.

Hon Chairperson, as I stated from the beginning, the ANC support the report of the Select Committee on Security and Justice on the Electoral Amendment Bill. Thank you, hon Chairperson.

Question put. That the Bill be agreed to.

Bill, subject to proposed amendments, agreed to in accordance with section 75 of the Constitution.

# CONSIDERATION OF REPORT OF AD HOC JOINT COMMITTEE ON FLOOD DISASTER RELIEF AND RECOVERY, DATED 17 NOVEMBER 2022

Mr A J NYAMBI: House Chairperson Mme Ngwenya, Chairperson of the NCOP Ntante Masondo, Deputy Chair Mme Lucas, Chief Whip Ntate Mohai, special delegates, hon members and fellow members, today I stand before you to affirm that the decision taken to constitute the Ad Hoc Joint Committee on Flood Disaster and Recovery was one of the best decisions to have ever come out of this House, indeed Parliament, if ever there was one element of our work that need to be heightened at the

time when we were visited by the most devastating disasters in our living years. It was an oversight and we dully responded accordingly. It is worth reminding this House that the work of the committee was triggered by the floods which battered three of our provinces in April and May 2022, this year. Although there were differences in the severities with KwaZulu-Natal being the hardest hit, the committee set out to pay equal attention to all provinces affected. A revisit to KwaZulu- Natal was thus an occasion by nothing else except the sheer volume of work that needed processing. As a committee we were of the view that human cost of any disaster cannot be confined to numerical data which by its nature may not successfully account for human suffering. Hardship remains a scourge where two people are involved instead of ten. This weave neatly into the ANC martyr that better life should be for all people, and not just a majority. We care about that one family in an outer most part of the country that is without any street name as we do about families who live behind high security walls.

What followed was a long and winding road that kicked off with the much vaunted R1 billion which became a source of frustration and confusion to many within the implementation ecosystem. An idea was created that the amount was meant as a response to the exclusive needs of only KwaZulu-Natal whereas

the reality was that it was meant as a national response to the flood disaster. We had to pin through layers of technical speak such as metrics to enhance a proper understanding of the process which provinces and municipalities need to follow in order to unlock funds for the relieve projects. This was not an easy process as we at one stage had our ideas out for the Minister of Finance and the Acting Minister of Finance at some point. We learnt valuable lessons as we picked up that even the most complex problems could easily be solved when parties open themselves up for dialogue and engagements. We find each other when we could so easily veer off the cause that plunges the hopes of our peoples into further despair in our wake.

As one administrator in my office Mr Mabaso put it that it was practically hard to leave off our suitcases in a quest to sift facts from fiction and also to ensure that the bureaucratic red tapes give way to sift the implementation of the much- needed interventions. First off the starting blocks was KwaZulu-Natal where devastations stirred back at us with the stubbornness of a wolf which has just drawn blood from its prey.

House Chairperson, we experienced the loss of properties, life and limb at the scale that we could not have anticipated from

a natural and common phenomenon such as rain which changed into a monster. We witnessed the displacement of hundreds of people most of whom escaped with just a bag full of the little that they could scramble together. We came face to face with the degrading realities of men and women who had to share close spaces with each other and the adverse conditions under which school-going children had to keep their dreams of a better future alive. We still share the pain and despondency of families who have some of their loved ones missing and understand that they can attain closure once their remains would have been retrieved and properly buried. We have decried the lack of sufficient psychosocial support and we are making specific recommendations in the report to address such areas as we feel that they are pertinent in restoring the dignity of our people.

House Chairperson, in the midst of all we also touched base with the bountiful reserve of human kindness as different nonprofit organisations open their hearts and paces to ensure that displacement did not adequate to hunger and diseases.

However, we also noted a glaring lack of co-ordination between nonprofit organisations, NPOs, and government departments who seem to be singing from different hymn books for the same audience. That was very worrying. We appreciated the kindness

and patriotism of these organisations. We acknowledged that they couldn’t do so much with the bulk of what needed to be done and we reverted to the executive authorities of different departments. This is where the real job began for us as we had to ensure that there was oversight on commitments made by Ministers, premiers and executive mayors to provide relieve as well as assist affected communities to rebuild their lives.

We proceeded to the Eastern Cape where we were also in agreement that there was a need of urgency in dealing with the aftermath of the floods in order to avoid a pile of cases unattended in instances of destruction which often lead to older cases being panted as new disaster worthy of such classification. Any differing view only serve to alienate our people who will rightfully point out that they had waited for so long to benefit from government interventions.

The North West province, especially in Deelpan, was another eyesore. Houses were still very much submerged in water when we arrived. Road infrastructures like in the other two provinces, had also been severely damaged. We also agreed that work need to start in earnest to alleviate the condition under which most of our people had been trapped in. Electricity, water supply as well as communication had been interrupted and

it was unimaginable how communities would set to rebuild their lives in the absence of urgent government interventions.

One must say that even though the committee was received with scepticism at its inception, but that soon fell off as we clearly indicated that our attitude was not that of us and them, or big sisters and brothers’ attitude. We understand that in keeping with the doctrine of separation of powers ours is a different mandate to that of the executive, but on the main we are just a different side of the same coin. That’s how our people looked at us at last. They clearly made no distinction between the legislature and the executive. When a Minister come to visit them it is the same as when a committee hits their shores. All they see is government. It is for that reason that we have always emphasised that ours is not a fault-finding mission, but an exercise yet in improving the commitments of the executive to their undertakings.

As indicated earlier, the efforts of the floods in KwaZulu- Natal, Eastern Cape and North West cannot be eliminated in one fell swamp. Consistent actions will be required with the resettlement of people who are still hooked in mountain views and community halls, and the priority being in KwaZulu-Natal. The commitment by the provincial government to have decanted

them by the end of October has not materialised and we view it as a serious upfront to our hard-fought democracy.

House Chairperson, we are also counting on the portfolio committees and the select committees to whom we have equipped the responsibility to follow up all the areas that we have identified. We would have wished to stay on a little while longer, but it is the nature of an ad hoc committee that it had to perform its work with specific time frame and refer those areas of its work that it could not conclude. We leave this stage with a sense of satisfaction that at least we have been able to set the ground work for future interventions. We hope that future endeavours will receive the kind of support that had been offered to us over the lifespan of the ad hoc joint committee. Talking about the lifespan of the ad hoc committee, I also wish to submit to this august House a proposal that it be extended until the end of the financial year in order for us to safeguard the gains that have been made so far. This is not, in any way, a contradiction or negation of the referrals we made to various committees, but it is, in fact, an act aimed at strengthening oversight as a bulwark to safeguard the interests of our people we represent in this august House.

Lastly, I wish to thank the Chairperson of the Council for having entrusted me with such a mammoth responsibility and for having afforded me the required support. I also wish to thank the Secretary to the NCOP Advocate Phindela. I thank the political administration under the watchful eye of Mr Godfrey Mokate who ensure that I had tangible human support during this audacious journey as it created the much-needed link between the office and I in order to keep the operations going. I thank my staff in the office for keeping the home fire burning and for every other support they accorded me.

To hon Cedric Frolick who served as my co-chair, I have nothing but high praise for the professionalism and companionship in a journey that often wriggle others. We were shuttered by the revelations of 17 members of one family who had only a shack to call home. We were also battered by revelations of how much it cost government to erect temporary residential units. Our recommendations in the report are very clear. To the rest of the members of the committee, I want to say, thank you for your attention to details and for vociferously engaging as you often did. You asked difficult questions, you asked insightful questions but your suggestions and recommendations were also a class act. Bravo to that! I also thank the executive authorities in the form of Ministers,

premiers and executive mayors for the manner in which they prepared their engagements with us. Together we can turn the situation around for the benefit of our people and we also rely on you to up commitments that you made as anything short of that would be a serious abrogation of duty.

I table the report and recommend that this House adopt it. I thank you.

Mr M R BARA: Hon Chair, hon members and fellow South Africans, good day. The year 2022 has been devastating for thousands of South Africans living within flood-prone areas. Between 11 to

13 April 2022, parts of KwaZulu-Natal, Eastern Cape and North West provinces experienced severe flooding and landslides caused by heavy rainfall. The floods were catastrophic, with over 300 mil of rainfall experience within a 24-hour period. Rushing flood water collapsed river banks and hillsides. Residents’ homes were completely washed away with all their belongings.

The pouring rain and sweeping floods came at night when many were sleeping, making the event even more deadly: 442 people were killed, including 57 school children; over 40 000 people were displaced; and over 12 000 homes were destroyed by the

floods. Infrastructure, including roads and health centres were also damaged. More than 600 schools have been affected, with 124 schools being seriously damaged, 101 schools completely inaccessible and more than 320 000 pupils affected.

This has created a humanitarian crisis and government declared a national state of disaster. In response to the disaster, the government began co-ordinating the provision of humanitarian assistance to those most affected and set up temporary accommodation sites for families that had been displaced by the disaster. The impact of the disaster was most severe in areas with informal settlements that were built close to rivers, as well as rural areas steep hillside, with little or no infrastructure to protect them from the consequences of extreme weather conditions.

The main objective of the Ad Hoc Joint Committee on Flood Disaster Relief and Recovery committee was mainly to engage the relevant government departments and entities to assess the overall impact of the damage, responses and relief measures provided to individuals or communities that were negatively affected by the floods. Fundamental to this, was to supervise the response and implementation of the relief measures by the

government. The ad hoc committee went to visit the three provinces namely Eastern Cape KwaZulu-Natal and the Northwest.

However, it was crucial to know that KwaZulu-Natal is the one province that was severely hit. Damage is encountered in KwaZulu-Natal stressed from bridges being swept away homes and infrastructure shattered, families disorientated and lives lost. In the Eastern Cape, specifically in the Port St John’s Local Municipality, there were seven fatalities reported.

There are hopes that were destroyed - an infrastructure that required immediate attention. The Northwest Province was the least affected, with zero fatalities, but with damages in some parts of the Deelpan Village, in Tswaing Local Municipality.

KwaZulu-Natal still faces a massive task to build to rebuild after April floods. The Auditor-General has reported that the KwaZulu-Natal Human Settlements department has spent only a fraction of the money allocated to it, to deal with temporary relocation of province’s residents who were displaced by floods. Of the R342 million Conditional Grant and Disaster Relief Grant set aside for temporary residential units, KwaZulu-Natal has spent less than 10% of the funds.

The Auditor-General apportioned the failure to deliver as per allocated budgets and demand to lack of capacity and inadequate project management. The AG also pointed out that government’s response was too slow. Government’s ability to respond to disaster was inadequate. At this particular time, that is something that we don’t need, as people are looking at us to come with means and ways of assisting them.

In the eThekwini Metro in particular, which was the most affected with unprecedented destruction of infrastructure and homes, the Auditor-General found that: There were delays experienced in the supply of water, such as not receiving water for at least one day and not receiving water for more than three days, as confirmed by 83% and 50% of affected communities, respectively; poor co-ordination of integration between the city, KwaZulu-Natal Cogta and the national Department of Water and Sanitation leading to resources not being used effectively, which is something that we cannot afford - where resources are not used adequately to address people who are in problems; poor condition of tankers, with leakages from tanker hoses and defects on tree water tankers; abuse of emergency services has reason for not following adequate process, with no progress after similar pricing challenges identified during Covid-19 audits; and higher

prices paid compared to other spheres of government, such as national Water and Sanitation.

This reminds me of the fact that if you look at the housing, the price of a unit in the North West is far higher - it comes to close to R100 000 per unit when you compare it with what is happening in other provinces, namely KwaZulu-Natal and the Eastern Cape.

The country is in a state of disaster, with more than

400 lives lost, families displaced, bridges have collapsed and schools destroyed, but there are still people with despicable wicked intentions to loot in respect of procurement. That is something that needs to be dealt with, with immediate effect, because when people are in trouble, like they were during the floods, you can’t afford to have people who are lining up their pockets at the expense of assisting communities that are really in need.

As for the Eastern Cape, the situation was worsened by a messy co-ordination between municipalities and the provincial departments, which led to close to nothing being done to recover and provide relief to affected families. It is essential that the problem of water and sanitation is

addressed with immediate effect. People cannot and should not live without basic necessities after 28 years of democracy.

Two weeks ago when the NCOP embarked on Taking Parliament to the People in the Ugu District Municipality, people lambasted how they still struggle to access basic services or basic service delivery, such as water and sanitation. This is just one instance of lack of service delivered in KwaZulu-Natal, worsened by the floods disaster.

In the same gathering, I was troubled when the Premier of KwaZulu-Natal painted a well-pictured update about the work being done by the KwaZulu-Natal government to address the floods’ aftermath. I was troubled because I knew that was not an accurate reflection according to the affected people. There are people who still live in community halls, when there was an undertaking that by now, temporary residential units will be in place for all the victims to get accommodation.

We need a strong political will to deliver adequate services to the people. Leadership requires transparency and willingness to be honest and open with the masses. We need such leadership to rebuild a responsive state skilled to speed up service delivery to those whom we are serving.

The other issue that is of prominence to know is: Whether all learners, mainly those that were affected by floods, were able to get proper support to be competent enough to sit for their year-end exams? If we fail to do so, it would mean that we will have the same children going back to the same class next year, which might not be a good thing.

I want to pass my gratitude to the leadership and all the members of the ad hoc committee for their efforts in creating an atmosphere of nonparty political agenda, free participation and contestation of issues within the committee. In so doing, putting the betterment of the people’s lives in the forefront. I thank you.

*IsiZulu*:

Nk L C BEBEE: Sihlalo weNdlu, ngibingelele kuSihlalo wethu uBaba uMasondo nakuSotswebhu Omkhulu uBaba u-Mohai nakozakwethu abakhona la namhlanje, ngokukhethekile usihlalo wethu wekomidi lesikhashana okunguyena oqale walundlala lolu daba, ngokukhethekile futhi nezithunywa zekhethelo ezithamele le nkulumo-mpikiswano yanamhlanje, ngibonge kuwena Sihlalo ngokuthi unginikeze ithuba lokuthi ngibe yingxenye yale nkulumo-mpikiswano yanamhlanje ekhuluma ikakhulukazi ngoguquguquko ikakhulukazi kwezulu olwenza esikhathini

esiningi ukuthi kubekhona zonke lezi zikhukhula ezenzekayo namhlanje. Ngizobalula nje iKwaZulu-Natal hhayi ngoba nakhu ngiqhamuka khona kodwa ngendlela okwenzeka ngayo ukuthi kube nomthelela omubi kabi esifundazweni ngokuthi kube khona izikhukhula. Kuthi kusalungiswa lokho ziqhamuke ezinye izikhukhula futhi. Kwabonakala ukuthi lowo umsinga wafika esikhathini esiningi kodwa-ke ngoba uHulumeni wethu bebambisene naso isifundazwe kanye nomasipala bakwazile ukuthi bahlanganyele izinto zenzeke. Empeleni iKwaZulu-Natal iyafana ne-Mozambique kuguquguquko lwezulu. Uma sikhumbula kahle ukuthi niyakhumbula e-Mozambique kwabakhona izikhukhula ezifana nse nezenzeke KwaZulu-Natal, lokho okwenze kubenomthelela omubi kakhulu. Izikhukhula ezinomthelela omkukhulu zibe khona eMpumalanga Koloni ikakhulukazi zagugula amabhuloho akhona.

Zabakhona futhi nase-North West ikakhulukazi lapho kuthe ikomidi uma sesiya lapho kwatholakala ukuthi, hhayi, indlela yakhona ... abantu ... indawo abakhe kuyona kusho ukuthi bakha kuyona ... endaweni enamanzi ngoba ubufika ubone imizi emikhulu emihle icwilile ivele ngophahla kuphela okubonisa ukuthi ngezinye izinto lezo okufanele ukuthi sizibheke ukuthi zihambe kahle. Enye into kufanele sibe nombuzo wokuthi ngempela njengoba kulolu guquguquko loshintsho lwezulu, ngabe

sinazo yini izindlela zokuthi sikwazi ukuzivimba na. Umthelela walezi zikhukhula wenze ukuthi uHulumeni wethu akwazi ukuthi angenelele ekubeni kukhona abantu abekade bexakeke kakhulu abehlelwe ngokuningi ezimpilweni zabo.

Ngakhoke uHulumeni nezinhlaka zonke kufanele sisebenze kulolu bhubhane lwalezi zikhukhula ngoba uyabona ukuthi ziseza zona. Kofanela ukuba sibe namaqhinga okulwa nazo ukuthi ngabe senzenjani uma sihlangabezana nazo. Izindawo ezahlaselwa yizikhukhula njengeKwaZulu-Natal, Mpumalanga Koloni kanye ne- North West kubange ukuthi abantu ngempela balahlekelwa ngamakhaya abanye balahlekelwe yizihlobo zabo, ngempela kube yindida nje ungabe usazi kwenzekalani ... okubange ukuthi abantu ababalelwe ezindaweni zokukhoseliswa ... yebo okwesikhashana ikakhulukazi KwaZulu-Natal ...

Yebo ngimuzwile umhlonishwa ekusho ukuthi kusho ukuthi kusahamba kancane ukuthi abantu bakhishwe ezindaweni zokukhosela abakuzona ukuthi bayekhona. Inkinga, hhayi ukuthi imali ayikho, inkinga umhlaba. Yiwona okufanele ukuthi siqikelelise ngoba sisifundile isifundo sokuthi sakhele abantu ezindaweni la ekuzothi ekugcineni baguguleka. Kofanele ukuthi uhlolwe kuqala ngaphambi kokuthi kwakhiwe. Yiyo leyonto eyenze ukuthi kusilele kakhulu ukuthi uNgqongqoshe Wezindlu akwazi

ukuthi aqhubeke akhele abantu. Yebo kuyakhiwa abantu bayaphuma kancane. Ngeke kusheshe manje ngoba abantu baningi kakhulu kulezi zindawo yenhlekelele.

Soloko zaqala izikhukhula uHulumeni udlale indima enkulu kabi ngokuthi alethe izinsiza kubantu abakhahlanyezwe yilezi zikhukhula nokulethe izinto ezifana nokudla kanye neminyango efana njengoMnyango Wezempilo okwazile ukuthi uhlole abantu ukuthi banjani ngaphakathi noMnyango Wezokuthuthukiswa Komphakathi ukuthi babone ukuthi bayazithola yini izinsiza ngoba phela abantu uma bekhukhulelwe yonke into kusho ukuthi kulahleka izitifiketi zokuzalwa kanye nazo zonke izimpepha, kusho ukuthi uyangenelela lapho noMnyango Wezasekhaya ngokunjalo.

Enye into futhi namaphoyisa siwabizile ukuthi akwazi ukuthi abe yingxenye sibonile ngoba besithi umangabe sibabuza abantu abahlezi emahholo basho ukuthi, hhayi cha, amaphara ayabahlupha, ayabagqekezela nayo yonke into. Kepha sicele amaphoyisa ukuthi abe yingxenye ayo yonke ilokhuzana ukuze zonke izinto zihambe ngononina. Umonakalo wezikhukhula ubalelwa ku-R25 billion nangaphezulu. Izinkomba zithi isimo somnotho asimile kahle hle. Ekuhambeleni kwethi siyikomidi

sithole ukuthi kuhamba kancane njengoba besengishilo, ukwakhiwa kwezindlu.

Ngiyakuphinda futhi ngoba ukwakhiwa kwezindlu zesikhashana ngoba sithola ukuthi kuhamba kancane njengoba besengishilo kufanele ukuthi kutholakale izindawo zokuthi kwenzeke kodwa imihlaba asinayo. Ngakhoke sihamba sifuna lezo zingxenyana zomhlaba ukuthi bakwazi abantu ukuthi bagcine benezindawo zokukhosela. Okunye futhi sithumele nenhlolova ihlole kahle umhlaba ukuthi ngempela kufanele yini abantu ukuthi babekhona lapho. Izindawo eziningi zibe nokuntula kwamanzi njengasoThongathi ikakhulukazi ngoba izingqalasizinda zakhona zaguguleka zonke kwangasala lutho kwafuneka ukuthi kuqalwe phansi ukuthi kwakhiwe izingqalasizinda ezintsha.

Ngokulekelelana kukaHulumeni omkhulu nesifundazwe nomasipala bakwazile ukuthi bazenze lezo zinqalasizinda. Yebo abantu bebewathola amanzi ngama-waterkan kodwa besazi ukuthi lokho akwenele kodwa engakusho manje okuyizindaba ezimnandi ukuthi, hhawu, seziphothuliwe leso singqalasizinda sasoThingathi samanzi, sebeyawathola amanzi. Nakhona kwalimala imigwaqo yetiyela. Kwaguguleka lonke itiyela.

Kwabhidlika amabuloho eKwaZulu-Natal naseMpumalanga Koloni kodwa siyajabula ngoba sebeqalile uhlelo lokuwakha kanye nemigwaqo isiyavuleka, nojantshi bezitimela nabo bayavuswa zonke izinto zima ngononina bazo. Okusobala ukuthi uHulumeni oholwa uKhongolose uyabanakekela abantu nezingqalasizinda nezwelonke liphela ngaphandle nje kokuthi mhlawumbe kuzoba yipolitiki yokuthi ubani owenze lokhu nalokhuya. Kodwa nje uHulumeni kaKhongolose, hhayi cha, kuningi osekwenzile okuhle okubonakala kulezi zikhukhula. Yebo kusasele ukuthi abantu abayingcosana, ngoba besengishilo, besengichazile ukuthi, yebo, umhlaba siyawuthola, kuyakhiwa, kusobala ukuthi kuyogcina mhlawumbe ekupheleni konyaka mhlawumbe uzayo phakathi kwawo ozayo abantu sebethole izindawo zabo.

Umnyango Womgcinimafa Kazwelonke wayesithembisile ukuthi uzolekelela ukuletha ezifundazweni ezintathu iKwaZulu-Natal, Mpumalanga koloni ne-North West ... Enye into ebangele ukuthi uhamba kancane kangabikhona ukusebenzisana okufanele kulezi zigaba ezintathu zikaHulumeni, sikwazile siyikomidi ukuthi sizame ukuthi sikulungise lokho ukuthi kusetshenziswane kwenziwe zonke izinto njengoba zinjalo.

Ngalokho kwabangela futhi nokuthi izifundazwe nomasipala badonse kanzima sebethatha izimali zabo ababelwe zona

ngokudidizela nje koMgcinimafa okugcine naye ebuyile akwazi ukuthi zonke izinto zihambe kahle. Ngakhoke uMnyango ka-CoGTA noMgcinimafa unendima enkulu okufanele ukuthi ayidlale ekulekeleleni isifundazwe nomasipala ukuze bakwazi ukusheshisa ukuze abantu basizakale.

Isizwe sethu besithwele kanzima kulezi zikhukhula noKhuvethe nalo luthe bhe okube nomthelela onzima kuMnyango Wezenhlekelele kanye nomthelela futhi esakhona eyenza uuhambe kancane. Siyikomidi sithathe isinqumo sokuthi mayichitshiyelwe le Mithetho kube lula ukukhiswa kwezimali uma kwenzeka izinhlekelele ezifana nalezi. Sicela uHulumeni neminyango yakhe bahlangane ukuze kusheshiswe ukusizakala kwabantu bangathwali kanzima.

Lezi zikhukhula zithikameza kakhulu umnotho wezwe. Abalimi balahlekelwa imfuyo balahlekelwe nayizinto zaonke zabo abazitshalile nezingqalasizinda, konke nje kuyamoseka.

Uhulumeni uqinisekise ukuthi bayasizakala. Kepha usekwenzile lokho uHulumeni ngoba ukwazile ukuthi abanye abanikeze isibonelelo babuyiselwaa futhi nezingqalasizinda zakhona okubonisa ukuthi kukhona okwenzekayo.

Kufanele simncome uHulumeni wethu nosomabhizinisi nezinhlangano ezihlukahlukene ezikwazile ukufaka isandla ekulekelelweni kwezifundazwe ezintathu. Lokho kunikeze ithemba lokuthi uma sibumbene siyawenza umehluko kubantu bakithi.

Siphinde futhi sibonge amasosha athunyelwa nguMongameli ukuthi alekelele kanye nethimba lezinhlekelele ukuthi ekugcineni abantu bakwazi ukuthi bahlengeke baphinde futhi bafune laba bantu ababemuke nezikhukhula. Sizibonile izinja begijima nazo, behla benyuka becinga abantu bebathola emuva mhlawumbe kwezinsuku esesidlulile. Benza umsebenzi omkhulu, siyabonga nakubona ngendlela ekwenzeka ngayo. Siyisizwe sidinga ukwakha izinhlaka zenhlekelele kuzifundazwe kanye nomasipala ukuze sikwazi ukuhlangabezana nezimo ezinje nokuthi sibafundise abantu ukuthi uma bezokwakha ezindaweni mabangakhi ezindaweni ezinomhlaba othambile, mabangakhi ezindaweni ezingamaxhaphozi ngoba sigcina, umangabe kuyinhlekelele, kwenzeke izinto ezifana nalezi.

Isifundazwe nazo ezinazo isizinda zokubhekelela inhlekelele. NjengeKwaZulu-Natal nje izifunda zonke zinawo amahhovisi ezenhlekelele. Omasipala bakhona bonke banazo iziteshi ezincane statio ezinhlekelele okuthi uma kwenzeke izinto ezinje ubabone begijima kwenzeka izinto. Njengoba bengibona kukhona i-COVID-19, nakule nhlekelele ibona abekade begijima

ukuze bakwazi ukulekelelana ukuze basheshe bafike ezindaweni. Futhi enye into eyabangela ukuthi iningi labantu lilahlekelwe ngoba, njengoba besengishilo, yingoba bakhe kulezo zindawo abangafuneki ukuthi bakhe kuzo.

Sicela uMnyango ka-CoGTA nomasipala bakhethe imihlaba ekahle yokwakhela abantu. Siyabonga ngomsebenzi osuwenziwe noma kube nezingqinamba ngokukuthi kusheshe kwakhiwe izingqalasizinda zamanzi, kuphinde kusheshe kwakhiwe imitholampilo futhi kusheshwe futhi kwakhiwe izikole nezibhedlela. Sengigcina kulokhu kokwakha izizinda, kungcono siqede lezi zinkinga zokuthi kuphele ilokhuzana ... [Akuzwakali.] Siqhubeke siqwashisa umphakathi ngezinhlekelele, Hulumeni kaKhongolose futhi ngokuzethemba ukuthi siyazinqoba lezi zinselelo esihlangana nazo. Ngiyabonga, Sihlalo weNdlu.

USOTSWEBHU OMKHULU WOMKHANDLU WEZIFUNDAZWE KAZWELONKE (Mnu S J

Mohai): Washo kamnandi! Wayishaya, mama.

*English*:

The HOUSE CHAIRPERSON (Ms W Ngwenya): Order Chief Whip!

*IsiZulu*:

Sizobuya sibuye kuye mhalwumbe usahlushwa ukungena.

*Afrikaans*:

Mnr S F DU TOIT: Agb Voorsitter, elke keer as die wolke dreun, die blitse in die verte die horison of berge verlig en die reuk van reën jou neusgate prikkel, vul dit baie mense met ‘n kaleidoskoop van hoop, lafenis en uitkoms. Vir ander neem dit

... terug na ’n lang donker nag gevul met angskrete, terwyl moeder natuur met lang koue nat vingers 448 persone onder die massa bruisende bruin modder-water intrek. Verslae gesigte wat geen uitkoms sien, geen reddingsboei van hulp wat betyds deur ‘n sogenaamde omgee-regering in hul rigting geslinger word nie. Soveel wat met ore gespits luister na ‘n waarskuwing deur ’n sogenaamde rampsentrum wat nooit kom nie, tevergeefs**,** te min, te laat.

*English*:

In areas of the country where government failed to ensure that the Spatial Planning and Land Use Management Act, Spluma, be implemented, deceased individual’s names were crossed off a list as if in a skewed way the X in the block next to their name reflected the same mark that they made on a ballot not so long ago.

So many chose to support a government that failed to adhere to municipal legislation that could have saved their lives. So

many chose to support a regime that promised the world and only delivered a final resting place in a casket that was provided by a third party.

In areas like Port Alfred, disputes over municipal and tribal land resulted in families being swept down a muddy slope, whilst they tried to find refuge in a dwelling, balanced on a slope with a breathtaking view.

*Afrikaans*:

Die President het miljoene Suid-Afrikaners vanaf die podium gepaai en met ‘n rustige stem aangekondig dat R1 miljard dadelik deur die regering beskikbaar gestel gaan word om hierdie ramp aan te spreek en verligting te bring. Daar was belowe dat oorsig doeltreffend sou wees en ook dat geen korrupsie geduld sou word nie.

*English*:

What was not said was the fact that most of the district municipalities did not budget or had working disaster centres. In most instances, there were officials with no budget except that of the payroll.

*Afrikaans*:

Die President het in sy toespraak nagelaat om te noem dat te midde van min tot geen fondse in hul eie begrotings, daar van munisipaliteite en provinsies verwag sou word om daardie fondse aan te wend om die ramp aan te spreek, terwyl aansoek om regeringshulp moeisaam aangevra word.

*English*:

Municipalities that were under administration because they were unable to deliver basic services were required to make adjustments to their own budgets to address the flood damage. Humanitarian relief and psychosocial support was provided to families and individuals adversely affected by the floods. Its effectiveness was constrained by a definitive shortage of social workers. The Auditor-General must be complimented for the manner in which she and her department played their part in this ongoing ordeal.

*Afrikaans*:

Soos tydens die onlangse COVID inperking, word fondse wat veronderstel is om ’n ramp aan te spreek en fondse wat broodnodig is om verligting te bring, aangewend om basiese instandhouding en die gebrek daaraan aan te spreek.

*English*:

I am on record ... in April just after the disaster struck, the FF Plus stated the fact that the ANC’s failure to govern effectively contributed to the escalation of this disaster. If water infrastructure in municipal areas were cleaned regularly and kept clean from debris, fewer roads and bridges would have been damaged. If the Spluma was adhered to, fewer people would have been uprooted and forced to find refuge in shelters. The socioeconomic effect of this amplified disaster will be felt for years to come. Beter co-ordination between different departments should be addressed as a matter of urgency.

*Afrikaans*:

Net soos wat dit nie regverdig teenoor die slagoffers van hierdie onlangse ramp, waarvan die rippelende werklikheid steeds uitkring, is nie, net so is dit nie regverdig teenoor belastingbetalers dat hul bydrae tot die fiskus, die toedeling wat veronderstel is om verantwoordelik vir rampe aangewend te word in oomblikke soos hierdie, gebruik word om die mislukkings van ’n regering toe te messel onder die vaandel van omgee.

Die gesigte vol vrees is steeds daar en dit word egter deur verslae oë sonder hoop, gesigte vol teleurstelling aangevul. Die angskrete van ’n generasie wat deur jul onvermoë in die

lewe teruggehou is, weergalm nou deur die klowe van Nkandla. Hul oë het oopgegaan en hulle sien julle vir wat julle is. Die ANC is die grootste ramp wat hierdie land kon tref.

*English*:

Mr N M HADEBE: Hon Chairperson, the floods have devastated our provinces and have had a disastrous impact on the lives of our citizens. The subsequent failure in disaster relief has highlighted the intersectionality and extremity of the problems facing our country and our government. Let us not be fooled that the floods are the cause of the problems facing our provinces. They have swept away any pretense that our government has been adequately maintaining its roads and infrastructure or effectively taking care of its rivers and environment.

Approximately 80% of eThekwini’s sewerage plants are dysfunctional. This has resulted in the contamination of rivers and oceans due to large volumes of untreated wastewater and the resulting devaluating effect on the tourism sector in KwaZulu-Natal.

The report highlights that in certain instances the impact of the floods could have been mitigated through relatively

inexpensive proactive measures such as regular cleaning and unblocking of waterways and drains. The city’s water and sanitation department is on the verge of collapse, taking nearly two weeks to fix a burst pipe. This results in massive revenue losses and critical water shortages for the people of KwaZulu-Natal.

The political leadership of the national Department of Water and Sanitation has known about these issues for the past five years and yet nothing has been resolved. The inadequate response to the floods in KwaZulu-Natal is a clear example ... [Inaudible.] ... the unresponsive and inadequate co-ordination between government departments. In KwaZulu-Natal,

4 983 dwellings were reported as destroyed; however, only

254 temporary residential units, TRUs, have been built.

Affected individuals and households continue to wait, cramped into temporary relief shelters, struggling with the greater distances they must now travel to commute to both work and school. Furthermore, the TRUs that were completed were done so to an unacceptable standard, with 100% of units constructed, being defective.

As we look to the future, we see that if government was more trustworthy and transparent, we would not need such stringent

red tape to safeguard the ethical release of funds, which would therefore result in a more agile and immediate response to disaster relief. The IFP therefore, nevertheless, accepts the report. I thank you, hon Chairperson.

Mr T J BRAUTESETH: Hon House Chairperson, hon members, and fellow South Africans, “the struggle of man against power is the struggle of memory against forgetting.” This is a quote from Milan Kundera in the book by struggle icon and respected jurist, Adv George Bizos, called *No One To Blame?* This book makes an invaluable contribution to the fabric of struggle literature in our country. For those unfamiliar with the work, Bizos recounts his work on numerous inquests into the deaths of antiapartheid activists and laments that at the end of each inquest the magistrates would conclude that there was ‘no one to blame’.

Fast forward multiple decades to this report we are debating today, I will acknowledge that the work of the committee was largely thorough and the engagements robust. The colleagues serving on the committee worked in collegial fashion, expressing the same dismay and horror at the effects of the devastating floods and equal frustration at the slow pace of recovery efforts. The staff also did commendable work in

pulling together the multiple threads into one cohesive document that we are considering today. Their work must be applauded.

The one issue that bothered me all the way through the work of the committee, especially when dealing with the political heads of the affected municipalities was the familiar refrain

– we are not here to blame anyone.

In the view of the DA, this is the fundamental flaw of the report. It assigns no blame to any department or individual or groups of individuals. It stops short of the work of Parliament – to hold the executive to account.

The two pillars of the committee’s work are clear – to investigate the response and the recovery to the floods. Firstly, let’s look at the response, on 10 April 2022, the SA Weather Service issued a level 2 warning of a cut off low system over eThekwini. A day later, 11 April, the SAWS upgraded the warning to level 8, and then on the same day to level 9, a dramatic increase. The SAWS warnings were dire.

They predicted widespread flooding of roads and settlements, loss of life, infrastructure damage and displacement of communities, widespread mudslides and rock falls, and

widespread and prolonged disruption of municipal services. The SA Weather Service got it exactly right. But did the eThekwini municipality listen or even warn the residents of the disaster that was unfolding? No, they didn’t?

The municipality always touts their Facebook page as the site of reliable information. It has a wide network with over 430 thousand followers – a perfect conduit for information and warnings. But an analysis of this page over the critical days and hours leading up to the biggest storm in a generation shows a catastrophic failure. There were notices of normal power outages, the opening of submissions for the budget process, a caution to stop littering to avoid drain blockages, and an Eskom load shedding alert. But there was no disaster weather warning alert.

Despite this fact, Mayor Kaunda on 12 April 2022 held a briefing and stated that his administration received the SA Weather Service warnings, they issued an alert to the public. As a resident of the city, I can tell you that this was completely and utterly false. There is no evidence of any warning to residents of eThekwini in line with the level 9 threats. So, there was no adequate warning. What about the response to the disaster? The eThekwini Disaster Management

Plan notes that: “disaster management is not only reactive, but also involves actions aimed at preventing, or mitigating the effects of disasters.” This is the first failure. Nothing could be done to avoid the storm but equally so, nothing was done to mitigate the effects of the disaster.

Further scrutiny of the Disaster Management Plan reveals the following critical flaws: the call centre in eThekwini has all but collapsed, including the Whatsapp reporting line; and there has been no capacity for evacuations. In the critical hours between 10 and 12 April, when the Isipingo basin flooded, there was not one helicopter on the scene to evacuate the hundreds of people needing assistance. That aid came from private citizens with their own boats and vehicles co- ordinated largely by a DA ward councillor, Andre Beetge.

Another DA ward councillor, Dolly Munien, in the absence of search and rescue teams, flung herself into a raging torrent in Uthongathi to retrieve bodies.

There is no evidence of a central operating centre. Senior officials are offline and do not communicate with councillors.

In conclusion, this was a disaster that should have been foreseen and adequately prepared for. But as with the riots

and looting in July 2021, residents have had to fend for themselves. For the umpteenth time, this administration has failed its citizens in their hour of need. Like the cut off low, the ANC-led administration remained stationary for days while this disaster played out, watching and wondering what was happening. Then we must consider the response.

The bottom line is that when you consider the relationship between different spheres of government, you have to plan, plan, and plan. As the saying goes, if you fail to prepare, you prepare to fail. When you plan, you must consider scenarios, many of which have not even happened but might happen. Then you pull in all the stakeholders involved, all government departments, all professionals, all role-players, all civil society organs, all nongovernmental organizations, NGOs. You pull in the resource people and plan to minute details of the resources available. And then you obsessively plan out every last detail involved - every last detail. And then you make no assumptions, none whatsoever. From this process, you develop a standard operating procedure which can be activated immediately and put into implementation.

Colleagues, this is not fanciful thinking. Less than 30kms from the seat of this House, lies the Western Cape Disaster

Management Centre, where legions of professionals plan continuously to mitigate the effects of a disaster. They make real response and recovery a reality.

These same officials saw the storm coming, heeded the SAWS warnings and offered to place search and rescue teams in eThekwini before the storm. These offers were ignored. The end result was 442 of our compatriots dead and over 60 still missing. And this report says no one is to blame? Tell that to the families of the dead. Tell that to the residents who have lost their homes. Tell that to those still languishing in community halls. Tell that to South Africa as it recovers from the worst natural disaster in our history.

We must not forget the truth. We must struggle against the power of those who wish to protect themselves and avoid accountability.

The report before us today, whilst not assigning blame as it should, speaks clearly to an unprepared, incompetent and uncaring ANC government, especially at the level of the eThekwini municipality. To continue the insanity, this report holds out the District Development Model, DDM, as the solution

to all the ANC mishaps. For this reason alone, we cannot support this report. I thank you.

Mr T S C DODOVU: Chairperson of the session hon Ngwenya, chairperson of the Joint Ad Hoc Committee on Flood Disasters, hon Jomo Nyambi, hon Chief Whip of the National Council of Provinces, Members of Parliament, ladies and gentlemen.

During the World Economic Forum of this year 2022, the Global Risk Report was dominated by the discussions on climate action failures, extreme weather events, biodiversity laws and an ecosystem collapse. These matter are extremely serious for human kind with the highest potential to severely damage societies, economies and planet.

This afternoon, close your eye and plug your ears again and say you did not hear me. I want to repeat this, fail action on climate, extreme weather and biodiversity now come first, second and third respectively in a list of top ten global risks over the next decade.

Just two months after intense discussions at the World Economic Forum, here at home in the provinces of KwaZulu- Natal, Eastern Cape and North West, climate change fostered

extreme weather events and resulted in natural flood disasters which caused catastrophic consequences for the people from those provinces.

KwaZulu-Natal received between 200 and 400 mm of rain in a period of 24 hours and most parts of the province which were affected by the rainfall flooding included the entire eThekwini Metropolitan Municipality and the iLembe, Ugu, King Cetshwayo and uMgungundlovu districts.

Hon Chair, it is quite correct that when the joint ad hoc committee visited the KwaZulu-Natal province in particular, I witnessed damaged bridges and dilapidated transport routes, unsafe power and electrical grids, buildings including schools, houses and accommodation facilities close to the beaches in a state of disrepair.

With what members of the ad hoc committee experienced, it is quite clear that during the extreme natural events like what happened in these provinces, a fragile infrastructure can have great consequences for the local population to whom it represents a direct threat.

In addition, fragile or poor infrastructure delays the effective potential for those affected to help themselves or impedes humanitarian relief by the local authorities of non- governmental bodies.

As it has been proven in these three provinces, relief agencies both public and private have experienced enormous challenges during these trying moments. This is from organizing transportation during the ruined roads and bridges, during the time of ensuring that there is fair distribution of goods and services to the people, for example, there was scarcity in those areas in respect of medicine, water, food and shelter.

For me, this was not a political ball game to play. The disasters affected all the people in these areas and they needed help. The President was the first one to effectively respond on this, convening a joint sitting of Parliament to declare this a national disaster and Parliament responded positively by appointing a joint ad hoc committee led by competent, skillful, experienced parliamentarians, hon Nyambi and hon Frolick.

With their anticipated role with how they galvanized and rejuvenated the committee itself, we are at a point where we understood in precision of what were the issues at hand and that also strengthened our oversight role as Members of Parliament.

The coordination and the facilitation of activities was superb. They were also patient with the departments who were to give reports. They also enabled Members of parliament to in a very intense way probe, question them and go deeper to understand the magnitude of the problem at hand.

I want to emphasize that this was not a political football game, it was not a matter that we must play or take lightly, it is a matter that affected many of our people especially those who are historically disadvantaged and Members of Parliament cannot come here and raise matters in the way that they are raising them especially hon du Toit from the FF Plus.

I think it is ingenious of him to point fingers at the ANC as if it is the ANC that created the floods. As I indicated, it is because of the imperatives of the climate change and globally we were warned in terms of the World Economic Forum that if you are not careful this will hit you and they were

vindicated in what happened but to come to score some cheap political points is really unnecessary and uncalled for.

This particular work required all of us as Members of Parliament to work together to cooperate and I think largely through the leadership of hon Nymabi and hon Frolick’s leadership, we did our work exceptionally well. We coordinated our efforts and paid attention mostly to all those areas that were mostly affected and to all the people that were displaced. We went back to those areas that had problems such as the Ugu District.

We went to go back as part of monitoring and evaluation and as part of ensuring that the systems and structures are in place. We went back there to check what the problem is and enforce that everything that needed to be done is done.

We had issues with the eThekwini municipalities where there was cause communication in respect of what needed to be done. We made follow ups accordingly, very patient, methodical and in a way that provides leadership and not tackling the man but tackling the ball in that, we were focused to deal with the problems at hand.

It is ingenious for hon Brauteseth to articulate the point that he is articulating and quite clearly and expectedly, we knew that he is going to say it is the failures of the ANC government. I think it is ingenious, it is dishonest and it is wrong for him to pursue issues in the way that he is pursuing them.

The election time is 2024 that is when we are going to contest but for now we are focused at hand, we are resolute, we are doing what is expected of us and I think with our effort, with our oversight role, we have insisted that those people who were in the halls and elsewhere needed to be provided with proper accommodation especially temporary housing units that needed to be built, that where roads were not constructed in a manner that they were to be constructed with the speed and tempo that was required. We insisted that those particular things needed to happen.

We have also said that there ought to be that coordination between the spheres of government, local, provincial and national. They needed to work together to ensure that we achieve those particular results where the money is available the so called R1 billion needed to be dispensed so that it is spend for the benefit of our people.

This is how you govern; this is how you work hard to ensure that you put up the systems in place. I do not know why these fights because these problems affected all of us and we needed to resolve them.

I happy that hon Nyambi is saying, let us continue to do our work, let us continue to enforce coordination between departments, let us continue to ensure that they do what is expected of them and with the kind of leadership that we have in this committee, I am more than convinced that we are going to ensure that the departments work in a way that is expected of them because what is important is to give services to the people. What is important is to restore order and tranquility in those communities, what is important is to ensure that people have got better roads, where houses are not available houses must be constructed, where schools were damaged get repaired and everything else that will ensure that there is stability for those particular people.

Going forward as I said and I said listen carefully, when I preface my contribution in this debate. In the next decade the problems of climate change must be taken serious and those who are in authority and in government, we must do everything in our power to attend to these issues especially issues of

emission in a way that will ensure that when these matters of disasters happen like they did in this particular provinces, we are able to respond accordingly to save lives, to save livelihoods and assist those who need the relief from all different perspectives.

For me this is quite important and if we do that we will achieve our objectives. At times such as this as a country, we need to come together and work together, forge ahead and ensure our South Africaness in terms of resolving the pertinent problems that affect our people. Fighting will never assist to build this country. Thank you hon Chair.

Mr A J NYAMBI: Thank you, House Chairperson, once again, let me take this opportunity and thank the members of the Ad hoc Committee and indeed, hon Dodovu, is quite correct, we will have our time for politics. I am really disappointed by hon Brauteseth and hob Du Toit. Hopefully, at the appropriate time I can avail myself. I will be accompanied by hon Bara because what was presented by hon Bara, hon Bebee, hon Dodovu, hon Hadebe, it’s a true reflection of what happened and what is in our report. I commend them for the job well done.

As of hon Brauteseth, I can report to this House that when we were in KZN, we adopted a programme as a committee. When we got to KZN just because he is a member from KZN, even when he persuaded to say let’s go to another place where people are affected, we decided to work beyond the normal working hours to go to those areas, because it was not about what we have decided as a committee and it was not about who said it. We were concerned about the people.

Standing here today, I am not going to use what happened in KZN and just play party politics. We have families to date who haven’t even closed their chapter because their loved ones have not yet been found. It’s a painful experience. So, you can’t come here and play a blame game. As a committee, House Chairperson, as a matter of fact, we have to put it on record. When we started this task, we indicated that there’s not even a single department or municipality that we are going to entertain without the political head being part of the meeting. We met with the leadership of all those departments without failure. That is why when we explained the issue of acting in finance, it was when the hon Minister was in Davos and he had to have somebody acting on his behalf. We said we are going to entertain you, but we want the Minister because

there are issues to be clarified by the Minister. And the Minister came to the committee to present his story.

Hon members, it was not the issue of floods. If you talk of KZN, it was floods - that’s number one. It was COVID-19 – that’s number two. It was July unrest – that’s number three. Those three things affected that province. The magnitude of the three things I’m mentioning has got some serious devastating effect to the people that we represent. So, my earnest appeal to hon Brautenseth and hon Du Toit let us not play with the emotions of our people, especially when they have got some serious challenges. We have got ample time to play our politics.

Sitting here, I know as a matter of fact, they are at each other’s throat in the House in the Western Cape but just because I am not here for that, I am here to present a report and present clear concrete proposal that is detailed in the report. That is why we are even very clear that just because we don’t want to lose momentum we want to sustain it. We are saying the extension till the end of financial year is going to assist us to assist those people. And we commend NGOs the role they’ve played. We will always give credit where is due. How I wish hon Luthuli because has been part of us throughout

to have even her voice, but I know because of connection problems. As a committee, we worked as a family. We were about the people that we represent.

Once again, allow me, Chair, to thank the Chief Whip for understanding the critical role from time to time when we wanted to get to the affected provinces. We were very clear that the magnitude of KZN is not the same as what happened in Port Shepstone, Eastern Cape, and the Deelpan in North West. It was the work that made us to spend much time in KZN. We invited the Auditor-General. She has assisted us a lot. Human Rights Commission that is why to date it is still doing interaction with all the relevant stakeholders. The issue of the council for geoscience – a very efficient body came to us to present the issue of climate change. Hon Dodovu, is 100 % correct. It means some other day if it is not raining, we are going to say the ANC has stopped the rain. What is that? It’s what they are doing. Disaster has got nothing to do with any political party, please hon members. Once again, I want to indicate what I have said.

We want to thank all executive authority members, the Ministers, the premiers, the executive mayors, for the manner in which they prepared for their engagements with us. Together

we can turn the situation around for the benefit of our people. We also rely on them to live up to the commitments that you made as anything short of that will be a total serious abdication of duty. I thank you, House Chairperson.

Debate concluded.

Question put: That the Report be adopted.

Voting:

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

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

# DEBATE ON CREATION OF PROVINCIAL AND MUNICIPAL OWNED- CONSTRUCTION COMPANIES TO ERADICATE INFRASTRUCTURE BACKLOG AND ABOLISH TENDERS

(Subject for discussion)

Ms M O MOKAUSE: Deputy Chairperson of the Council, today we stand here before the Council as the mighty Economic Freedom

Fighters to provide solutions to the everlasting problems of South Africa with the ruling party unable to grapple and find solutions to the problems facing this country.

In the EFF Founding Manifesto we outline that the only enduring vision for development, growth and elimination of poverty in this country can only come out of a very strong state, able to not only conceptualise development but lead in the implementation of projects. This is premised on our ideological and practical belief that there is no development that can be led by private entities without the central involvement of the state.

The need for infrastructure development must be premised on the understanding that only a capable state can deliver sustainable infrastructure even to the most remote areas in this country without considering profit as the primary driver of development. Yet, under the leadership of the ruling party there currently exists massive backlogs in infrastructure, which is a common theme across all municipalities in South Africa, undermining their ability to deliver on their developmental mandate.

Infrastructure development at a municipal level is plagued by insufficient planning, limited operating capacity, corruption and inadequate maintenance. Despite a clear acknowledgement of the problems that we citing, the ruling party has failed to give infrastructure development the attention it deserves in South Africa. Instead, we are subjected to numerous failures and weaknesses in government which are because of an absence of accountability from the sitting government, transparency and skills shortages.

While corruption has hindered the country’s ability to envision a more comprehensive development programme, the main problem is the insufficient capacity to fully appreciate the role of the state in development, particularly the state at a provincial and local level.

The country loses billion of litres of water every single year in areas controlled by municipalities. Instead of having internal capacity to detect and fix leaks, municipalities hire private companies at exorbitant prices. This contributes to the current problems we face in relation to water provision across the country. If municipalities have their own internal capacity to deal with the entire water value chain, citizens would be in a much better position in as far as their water

needs are concerned, and municipalities will be enabled to respond better and faster.

The same applies to issues of road maintenance. Roads across the country are potholed, simply because there is no capacity and political will to deal with the problem of road infrastructure in a way that would save costs and ensure a more sustained maintenance of road infrastructure.

The critical programme of building houses for the majority of our people is also constrained by the fixation with dishing out contracts to private companies too, which is also too costly to this government, and has largely contributed to the more than 2 million people on housing backlog today, and unfortunately those are black people without houses, without water, without proper roads. If you move into the urban areas and the white areas, all is well; there is water, proper housing, and proper roads infrastructure. Why is it that the leading government cannot prioritise a black person? Why can’t we be prioritised for water, basic human right? Why can’t we be prioritised for proper sanitation, a basic human right? Why can’t we be prioritised for housing? We are previously marginalised but yet today we are still not prioritised. It is

a shame today, 26 years into democracy, we still stand here and beg from the same government.

The country needs a centralised developmental planning process, which is state led, and which will be able to eliminate infrastructure backlogs faster and more efficiently. We called for the establishment of a state mining company to ensure that our minerals are mined and processed locally, as this would create local jobs for our local resources, and help propel the country into higher levels of development.

We called for the establishment of a state construction company to ensure that all construction projects in the country, including the building of millions of houses for those who are homeless today, is done by the state without prioritising profit, as is the case with the private sector.

We called for the establishment of a state company that would be responsible for the manufacturing of building materials, to ensure that the state does not pay excessively high prices for building material.

All this is common sense; China is doing it, Russia is doing it, and all countries that have shown development over the

past decade have been doing so because of the ability and strength of their central planning, which has state companies at the centre.

In this country, because of the preoccupation of the leeches now in power with corruption, municipalities rely heavily on tenders, appointing private companies to provide simple services such as construction, the general maintenance of water treatment plants, schools, clinics, hospitals and other related infrastructure. Municipalities appoint consultants to develop strategies and to write basic documents, reports and plans. Why are we paying those senior managers in those municipalities? It is because you have hired unqualified people who are currently occupying high positions, both in municipalities and provincial governments.

We therefore make a call for the abolishment of tenders so as to allow the government to employ and train thousands of people who are hired by private sector in government departments and provincial and municipal owned construction companies. We call on government to hire this category of people on a permanent base.

A tender system which has failed to address infrastructure backlog in a number of our communities, instead the system had benefited cronies of the ruling party so much so that our country faces serious water and sanitation infrastructure backlog in a number of communities, mainly in black rural communities, where people are forced to live with badly designed and aging infrastructure which leads to ineffective water supply systems in these areas.

Broken infrastructure disrupts the supply of water in our areas which take a long time to fix because there is no capacity both in the provincial and local government. And when that happens, communities have no option but to collect water from unprotected sources such as rivers and streams, and in many cases they are even forced to drink with animals.

Every day thousands of black children attend schools that are dilapidated where classrooms are crumbling and learners have to make use of dilapidated bathrooms with non-existent libraries and laboratories being the reality of the day.

School environments disempower rather than empower children to learn and succeed in South Africa. All of this is because of lack of planning and lack of proper skills within those

institutions that are tasked with the responsibility of development of this country.

In the healthcare sector, public healthcare facilities are in an extremely poor condition and suffer from chronic underdevelopment. There exists too few health facilities and the few that we have are damaged and lack the resources needed to fully function and provide adequate services to our people. Maintenance and equipment failures are the order of the day.

These health care services are expected to deliver new born babies under conditions with no water. They are expected to treat illnesses under conditions with no water and sanitation. How is that possible? The tender system needs to be removed and establish a state construction company. These are concrete solutions that we are providing to South Africans today. Thank you, Deputy Chair.

Ms H S BOSHOFF: Hon Deputy Chair, hon members and fellow South Africans, good day. Currently, the South African construction sector is very fragile and is being severely hampered by the lack of implementing the Infrastructure Delivery Plan by government which has led to the shrinking of this industry over the past two years. This is further exacerbated by poor economic growth and lack of skills development. For the past

five years, government has committed to invest in major projects in the infrastructure side, but there is nothing to show. An example is Avenge which was at its peak as a

R25 billion company by market capitalisation around 2008, but today it stands at barely a billion rand by market capitalisation. In 2008, the construction industry was standing strong at close to R80 billion, but today it barely touches the R15 billion mark.

In his state of the nation address in February this year, the President alluded to public sector projects which would be implemented to create jobs which, inter alia, include strategic infrastructure projects and also various other public-private partnership projects. These have yet to materialise. We are all in agreement that South Africa’s economic recovery needs to be structured around infrastructure spend to stimulate the country’s economy, but not through giving this sector to provincial and local governments to run. This is a disaster in the making.

The construction industry is pivotal to other industries that feed it, like the mining industry who need construction to enable it. Furthermore, the construction industry comprised various role-players. Firstly, we have the financial sector

that provides capital to the industry, then the socioeconomic players that commission construction but cannot be delivered by them, governments that want to build schools, hospitals, etc, the business sector that needs office space and ports and harbours that need to be built. This cannot be done by the state and the construction industry has to do that. This speaks to an ecosystem of providers that include but not limited to the material providers and the yellow equipment providers which all have an enormous role to play in the construction sector to make it work and to create the much- needed jobs.

Where will government find the finances for these expenditures? There is no way that this industry will flourish should government decide to put a stranglehold on them by taking away a job creating industry and running it themselves on a provincial and local level. This will add another failing state-owned enterprise, SOE, causing the sector to see a value chain of industries being negatively impacted. Don’t take my word for it, but take the Auditor-General’s AG, word, who in her 2020-21 municipal audit outcomes report released in June this year, stated that only 41 municipalities in South Africa received clean audits based on the financial statements of 230 municipalities and 18 municipal entities. The report goes on

to state that municipalities cannot operate and provide services if financial health concerns remain. The situation is so dire that there is significant doubt as to whether 28% of South African municipalities will be able to continue operating according to the AG’s office.

I would also like to quote the President of the SA Institution of Civil Engineering Prof Marianne Vanderschuren, and I quote:

Around half of South Africa’s pubic infrastructure has collapsed or is close to collapsing. Something has to be done or South Africa may become a failed state.

I do not see how combining failing municipalities with failing infrastructure can lead to a positive outcome.

Another worrisome factor is that presently the ANC government is adamant that cadre deployment will continue, going against a ruling following the DA’s application that cadre deployment is unlawful. Therefore, the creation of state-owned construction companies will only be the breeding ground for more of this deployment taking place. It is therefore no surprise that many of our municipalities and SOEs have collapsed when people with bookkeeping diplomas are put in

charge of a municipality’s financial management or a plumbing diploma will suffice for the position of a municipal engineer.

Furthermore, should this nonsensical idea of government to in- house the construction industry materialise it will force many current construction companies to scale down their operations or completely close down which will add to the already high unemployment rate. Many qualified civil engineers and other highly qualified persons with institutional knowledge in this industry will leave the industry completely and emigrate to other countries where their expertise will be welcomed. We could then also see additional interest-bearing debt increase as this will in all probability lead to another state-owned enterprise being bailed out. We have witnessed this for many years with the likes of Eskom, Denel and SA Airways to name but a few.

In closing, if this government is adamant about creating a state-owned construction industry, then they must seek funding for this idea, and not from the already overburdened taxpayers, but from those cronies that stole billions from our country at the behest of this government. I thank you.

Mr M I RAYI: Hon Deputy Chairperson, greetings to you, to the Chairperson of the NCOP, permanent and special delegates, MECs present. Chair, I just want to first quote the Constitution on the issues of tenders. if you want to do away with tenders you would have to first amend the Constitution. It says on procurement:

When an organ of state in the national, provincial or local sphere of government, or any other institution

identified in national legislation, contracts for goods or services, it must do so in accordance with a system

which is fair, equitable, transparent, competitive and cost-effective.

Hon Deputy Chair, it is important that the ANC government focus on infrastructure development as part of implantation of the Economic Reconstruction and Recovery Plan. The Economic Reconstruction and Recovery Plan was developed to respond to low economic growth and the economic effects of the COVID-19 pandemic. The plan is an infrastructure driven plan which focusses on the development of microeconomics through localisation and industrialisation. It seeks to develop SMMEs in local areas through industrial parks in urban areas and agri-processing in rural areas. The government has also

determined that local markets and development need to be linked through the implementation of the District Development Model.

Part of the infrastructure development is directly related to social service delivery in the form of water, electricity, human settlements, solar water, heating programmes and the development of schools, clinics and hospitals. The implementation of the programme is geared towards the inclusive economic development, economic growth and job creation. Transformation of South African society is the agenda of the ANC government.

Hon Deputy Chair, it is not possible to have a mature policy conversation on the implementation of the Economic Reconstruction and Recovery Plan on the EFF topic which is based on a narrow notion of merely creating provincial and municipal construction companies and through abolishing tenders.

Infrastructure development is critical to economic development in many different sectors of the economy and include social development in terms of attempting to implement a major economic plan based on infrastructure development. It is

imperative to understand the complexities and varied nature of infrastructure development which have equally many technical components and financial components and cannot merely be reduced to the development of provincial and local construction companies and scraping of tenders. This topic by the EFF is based on the politics and ideological framework of pole-vaulting into resolution without concrete plans.

The infrastructure development envisage by the Economic Reconstruction and Recovery Plan is complex and varied and would not be able to be carried out by a single provincial and local construction company. In other words, a public and private sector partnership is necessary for the construction of infrastructure. This means that the scraping of tenders in the construction sector or major economic sector is a myth and not practical if there is seriousness in terms of achieving infrastructure.

The topic proposed by the EFF is devoid of complexity of reconstruction of different types of infrastructure and skills and capability and experience required for that type of construction development of infrastructure. Moreover, the topic is design to stand on the sidelines and to decide the ANC government while not having a viable alternative solution

to resolve the critical issue of infrastructure development in the provinces and municipal districts.

So, it is imperative that we are able to move in this debate from the topic really address infrastructure development through implementation of District Development Model. The development of the micro economy through infrastructure development is crucial to ensure job creation through creating local economic opportunities for committees as well as linking communities to markets.

The District Development Model also seeks to ensure local economic development through linking different municipalities to market opportunities. Therefore, it is not a matter of construction or who owns the construction companies but one of economic planning as well as different types of construction on a variety of different kinds of infrastructure projects.

This requires varying expertise and conceptualisation and not merely construction. A critical conceptual part of infrastructure development is social delivery in terms of water, water infrastructure, electricity and transport infrastructure which are also key inputs for local economic development. Social housing development requires such infrastructure for its successful development. Moreover, the

development of social housing needs to reverse apartheid spatial planning and ensure local job creation. Apartheid colonialism created a global anomaly in relation to residential development as workers and poor communities were located far away from the major economic centres of the country and therefore, it will travel a long distance for employment.

While apartheid create a safer for the more affluent closer to economic hubs thereby subsidising their living standard and reinforcing inequality in the country. In other countries the working class reside close to their places and suburbs for the middle class and wealthy is further away from the economic hubs. Therefore, the government has introduced the Spatial Planning and Land Use Management Act, Spluma, to rest apartheid planning and ensure municipal infrastructure grants. Creating jobs through the reconstruction sector is crucial but the Economic Reconstruction and Recovery Plan seeks to create through other infrastructure development as well as to ensure a variety of economic opportunities are developed in different intra sector including the development of small harbours to ensure that coastal communities are able to access ocean economy as well. Beneficiation of raw material is important objective in as much as land reform to create small and medium

farmers to ensure agro-processing and food security. It is a known fact that it is a micro economy which create jobs and met a major impact on economic inclusive development to reduce poverty, inequality and unemployment.

Therefore, infrastructure development cannot be reduced to the development of provincial and local construction companies in the scraping of tenders. Scraping of tenders in construction or state ownership or state entities in all sectors is not a solution as it is important to recognise that funding infrastructure development and ensuring economic sustainability are critical factors in infrastructure development. This cannot be done solely from the fiscus and requires multiple funding modalities depending on the infrastructure and its revenue stream. This is an important consideration which is not within the limiting scope of thinking of the EFF. And therefore, not part of the topic.

Procurement through the tender process in construction or any other remains an important tool for ensuring that there is competitive pricing for this and that those prices are linked to the required specification for tenders. The government in all three spheres need to ensure that it is receiving the most competitive price. It is often raised that the government is

overcharged for goods and services such as construction and this need to be changed as South Africa is a country where capital for investment in infrastructure is a scarce resource and limited. This requires expertise from state entities in the build environment sector linked to public works to ensure that competitive pricing bends are developed with provincial and local government to ensure that construction of infrastructure is competitively priced.

Process to ensure that there is no procurement and tender irregularities is critical in this process to warrant that there are no delays in infrastructure development. Moreover, this does not occur the needs to be swift and effective consequences management and the law must take its course and in any event the Auditor-General in its audit finance does not fail to coin out such problems and therefore there is no basis to suggest that the tender process be scrapped. Tender fraud and corruption will be defeated by the ANC government in all provinces and local municipalities.

Critical to infrastructure development and implementation of the Economic Recovery and Reconstruction and Recovery Plan through the District Development Model is to reverse challenges of poverty, inequality, unemployment and historical

economic exclusion. Therefore, the District Development Model envisages integrated local economic planning and infrastructure development. This is based on both public and private sector participation whose success also depend on creating infrastructure projects which are key inputs for human settlements and economic development such as water, electricity and transport.

Addressing infrastructure backlog cannot simplistically be reduced to creating a single provincial and local construction company irrespective of local circumstances. Everything cannot be painted in the same colour with one brush. Therefore, imagining that infrastructure backlog can be wished into existence through a single state-owned provincial or local company is delusional myth. That is like getting to your destination and turning around and looking for the transport to get you there. It cannot be done that way.

Varied infrastructure development requires different skills capabilities and experience as well as different funding models. In the final analysis infrastructure cannot be reduced to a state–owned construction company at provincial and local level and scraping of tenders. I thank you.

Ms N NKOPANE (Eastern Cape): Deputy Chairperson, Ms Lucas, Chairperson of the NCOP, hon Ministers and Deputy Ministers, Salga president, House Chairperson, hon permanent delegates, hon special delegates, Secretary to Parliament, Secretary of the NCOP, guests in the gallery, viewers and the media platforms, ladies and gentlemen, good afternoon. I greet you Deputy Chair, and the House and bring you warm revolutionary greeting from the Eastern Cape Premier and the Eastern Cape provincial government.

We are very much grateful to be part of this very important debate on the topic presented by the EFF. In April 1997, it was two years in a democratic government, Minister of Finance Comrade Trevor Manuel and Minister of Public Works then, had issued notice 691 of 1997 Green Paper on Public Sector Procurement Reforms in South Africa. I so wish the EFF can go back to those documents and read. But when delving deeper on the Green Paper ... [Interjections.] ...

Ms B T MATHEVULA: There is not even guests in the gallery and you say we must go and read.

Ms N NKOPANE (Eastern Cape): As I delve deeper on the Green Paper Notice No 695 of 1997, the foundation was laid there. I

believe that foundation was good and solid. The idea of that Green Paper had attempted to address the reform of the procurement processes on a tendering system and also affirmative procurement policy, life cycle costing, value for money and mitigate on appropriate risk management strategies. This action indicated government’s commitment to the development of procurement systems that responds to the need of South African society.

As we debate on this topic today, it is important to remind ourselves of the reality that previously, the tendering system favoured the established and large businesses. It was always difficult for the newcomers to enter into the public sector procurement system. The existence and importance of small, medium macro enterprises have been ignored in the past – that is pre 1994. Since the dawn of democracy, strides have been made by the government of the ANC as it had realised the importance of the marginalized sector of society and has created platforms to use processes to be easily accessible for new upcoming businesses. To eliminate the injustices of the past, the government has done well in this regard, and we have a number of black-owned companies that had fared well in the industry since 1994.

It is also important that we should mention that some of the challenges we are facing at this time were actually inherited from our past regime. The reality is that previously, the tendering system, as I have mentioned, favoured those that were largely established companies and has always been very difficult for our people to access. Now we are saying, the existence of this government of the ANC, realised the importance of the marginalized societies so that they create platforms to allow the procurement system to ensure that – according to our Constitution – the procurement is fair, competitive, transparent and cost effective.

Public procurement operates in an environment of increasingly intense scrutiny driven by technology, programming reviews, and public and political expectations of service improvement. Hence, we have been hearing opposition parties like the EFF grandstanding and advocating for the abolishment of tenders

... [Interjections.]

AN HON MEMBER: Can you learn how to read before you make noise about the EFF?

Ms N NKOPANE (Eastern Cape): ... without even considering the constitutional imperative on procurement. In South Africa,

procurement is of a particular significance in the public sector and has always been used as a policy tool due to discriminatory and unfair practices during apartheid.

Procurement is central to the government service delivery system, and promotes aims which are arguable secondary to the primary aim of procurement such as using procurement to promote social, industrial and environmental policies.

In addressing the challenges of procurement and in the same breadth creating provincial and municipal owned construction companies to eradicate infrastructure backlog, it is important that the open tender system which was introduced around 2014 should be reviewed, promoted and encouraged. This open tender system when introduced, its aim was to prevent corruption by allowing the public and members of the media to view how companies get businesses from the provincial and municipal governments. So Deputy Chairperson, ...

*IsiXhosa*:

... akakho umntu oza kuthi ...

*English*:

... the tendering processes ...

*IsiXhosa*:

... zenzelwe ukuba kubekho urhwaphilizo kwaye kumiswe iinkonzo eziya eluntwini. Sithi iyahlolwa ...

*English*:

... and it is going to work as the ANC government is putting it. The independent probity auditors scrutinized every phase of the tender evaluation in that way transparency, fairness, competitiveness and cost effective is achieved, and those areas that haven’t yet achieved them, we are working towards that achievement.

As the Eastern Cape provincial government through the Department of Public Works and Infrastructure that I am leading, we have developed a policy document that seeks to address the development challenges facing a number of contractors in the construction industry and also seek to create provincial and municipal owned construction companies to eradicate infrastructure backlog without abolishing tendering systems and tenders. The policy seeks to intervene and disrupt the status quo by introducing a number of management interventions that will address the developmental challenges.

The Integrated Contractor Developmental Programme is a bold initiative of the Eastern Cape and it is led by Public Works and Infrastructure Department that is aimed at improving transparency in the construction industry by developing a pool of contracting capabilities and capacity of the existing companies from Grade 1 to 6 within the general building civil engineering and specialized categories in accordance with the construction industry requirements. It is the intention of the Eastern Cape government to transform the ownership patterns and development of crucial skills based on the Eastern Cape construction industry and the companies by ensuring the sustainable number companies are deliberately targeted for support and development in a manner that meets the five key constitutional pillars of procurement.

It is also the intention of the policy to foster the sustainable development of companies by identifying a number of contractors that will undergo a thorough structured training over a period of three years, and we call that our incubator programme. It is one of our flexi programmes that can compete and be best in the open market with limited or no support from the department after they have completed their three years. I hereby on behalf of the Eastern Cape government, invite the EFF to visit the Eastern Cape and see

the diversification of the government in action. We have the artisan centres in Joe Gqabi, Sarah Baartman, and the third one is under construction in OR Tambo.

The policy will be enforced by a number of legislative and policy mandates influencing the development of small and emerging enterprises that will look at the designated groups, women, youth, persons with disabilities and military veterans. The success of the policy will be reflected in a number of black contracting entities that will be able to participate at a higher Construction Industry Development Board, CIDB grading destination as prime contractors improved performance and also successful implementation of infrastructure projects. That will be done without abolishing tendering systems and tenders. Thank you, Deputy Chairperson.

Ms M DLAMINI: Deputy Chairperson, the EFF founding manifesto provides for a clear analysis on the role which the state should play in all sectors of the economy. That a successful state is one which seeks to drive real economic and industrial development and provide better services, an inspired, skilled, and well-compensated public service is required. The post-1994 government has weakened its capacity to drive economic growth and development, so much so, that all functions which are

supposed to be performed by the state, are being performed by the private sector, which often milk the state of the little resources that we have. Before we provide a clear decisive solution on how to properly manage state, as a solution-based government-in-waiting, let us outline the many infrastructure related failures which we have been subjected to under the leadership of the ANC government.

The ANC in the Eastern Cape cannot come here and take dance on our intelligence ... come to try and perceive a perfect picture of a government that is clearly corrupt to the core.

Earlier on this year in Enoch Mgijima Municipality,

R15 million was spent building a dodgy Lesseyton Stadium, which has no working toilets, electricity, with an athletic track marked with faded white paint. Again in the Eastern Cape, it was exposed that in Walter Sisulu Municipality, in Burgersdorp, just over R15 million was wasted on building a stadium which currently stands in ruin. The Gauteng government also wasted R140 million, building Tshwane’s H M Pitje Stadium, which was never used and will now cost R84 million to demolish.

Many years later, the Mpumalanga police have failed to make a breakthrough in the assassination of former City of Mbombela

Speaker, Jimmy Mohlala, who was shot dead in 2009, after he exposed graft in the construction of the R1,2 billion Mbombela 2010 Federation Internationale de Football Association, Fifa, World Cup stadium. The state’s dependence on tenders has had massive political implications and often reduced the quality of work provided because of corruption and the corruptibility that has been ingrate in the tendering system.

Deputy Chairperson, as the EFF, we propose that the provincial and local governments, and all state-owned companies must abolish tenders and eradicate infrastructure backlog. As in this country, we still have people who are without houses.

The national housing backlog sits at 2,6 million houses, which translates to 12 people waiting for housing. A problem which is worsened by lack of land. We are faced with challenges of unpaved roads, and an ANC which sets the bar on infrastructure so low, that they smile for cameras, celebrating official openings of gravel roads in Amathole District Municipality.

Villagers across provinces such as the Eastern Cape, KwaZulu- Natal and Limpopo, have been waiting since the dawn of democracy for their roads to be tarred. This one of several indicators that they have no capacity or plans in place to deal with infrastructure backlogs.

At the centre of a strong developmental state it should be a motivated, inspired and well-remunerated public service that shares in the developmental vision of this country. A strong developmental state should have political and technical capacity to give developmental mandates to state-owned companies. It can never be correct that the state operates only with the hope that the still colonial and foreign-owned, and thus unpatriotic, private sector, in particular, will voluntarily underwrite the developmental agenda and pursue an agenda of job creation, poverty reduction and sustainable development with the same vigour that should define the government.

Those who believe that the state must not be involved in the economy or the markets are misleading us. Provinces should employ engineers, quantity surveyors, project managers, and builders for sustainable tasks. Their responsibilities will include the construction of houses, roads, bridges, sports facilities, dams, sewerage systems and more. Not these tenderpreneurs who inflate prices and promote a system of corruption in procurement. These should be subjected to strict standards of quality assurance to ensure that, at all times, state constructed companies are of good quality. These provincially-owned companies will not be driven by principles

of profit maximisation, but by the need to provide cheap and affordable services to the people and the economy. The alignment of skills to industrial sectors should be done in a manner similar to the approach adopted by the developed economies, but in a more focused and properly resourced model.

The South African government, in collaboration with industrial and manufacturing investors and practitioners, should put in place industry linked training authorities, which will train, particularly, young people for various responsibilities in new industries and factories. Various sectors, including minerals beneficiation and industrialisation of diamond cutting and polishing are highly labour absorptive sectors and a training agency should be established for this sector to supply labour to the particular sector.

The EFF remains firmly committed to the abolishment of tenders and building internal state capacity which will lead to the insourcing of contract worker. We will continue to defend the poor and the vulnerable from the criminals such as those from the Eastern Cape who want to deny their criminal activities that are exploitative and hand over the duties of the government to tenderpreneurs so that instead of growing the economy, they are growing their bellies. The EFF is the only

party to effectively address this and to root out the ugly head of corruption. Thank you.

Dr N N G MAHLABA (KwaZulu-Natal): Deputy Chair, my apologies, I am technologically disadvantaged. So, I was trying to use my gadget here. Greetings to you and the hon members of the NCOP, as the government of the day, the African National Congress has numerously demonstrated its capabilities to both empowering the previously disenfranchised and levelled the playing field by crafting policies which would ultimately usher the country into an arena of equal opportunities.

However, it is worth noting that this characterization’s noble cause has been hijacked along the way by nefarious and unscrupulous individuals. Yes, unprincipled elements have propelled my party, the ANC to re-look at the pros and cons of the tendering system. Having realized the pros and cons, we have had to be cognizant that this system has ideally defrauded the participation of black-owned companies in the mainstream of the economy. But also, in hindsight, this is a system which has often found itself mired by corruption. At often times, this corruption has been committed by the collusion of some officials and business people in the main.

With that said, the ANC has often been on the receiving end and has borne the brunt, - I can unequivocally and unapologetically and coherently state that the ANC is not the face of corruption. Despite infinite times many have tried to label it otherwise, I can begin by stating that during the 2010 Fifa World Cup, the Competition Commission uncovered and unravelled that many companies who were found guilty of collusion and corruption had no links with the ANC, and were mostly white-owned companies.

Yet, despite this glaring findings, the government of the day find itself being chastised. We need not to ignore the mere fact that this government through its policies and an unwavering commitment has empowered black-owned companies to conduct infrastructure related business abroad. Notably, a black-owned company from our own shores constructed one of the previous World Cup stadiums in Brazil.

Having said that, the infrastructure investment has been identified as a key priority in both the National Development Plan, NDP, and the new KwaZulu-Natal Provincial Growth and Development Strategy for 2035. This speaks to strategic infrastructure that is able to provide for the social, economic and development needs of KZN. The majority of

infrastructure delivery departments in KZN are facing challenges of funding, shortfalls and inadequate maintenance, as you have also noticed during the period of floods.

Other challenges include the underutilization of internal professional staff, lack of capacity, necessary to meet the provincial expectation, spending above budget, insufficient planning, implementation, monitoring and reporting capabilities, inability to timely deliver infrastructure resulting from infrastructure backlogs and unutilized resources. The challenges mentioned above are not unique to the province nor to the continent. Infrastructure under- delivery is a worldwide phenomenon.

Traditionally, public sector procurement models have resulted in a number of limitations including a financing constraints in efficiencies, and lack of innovation. As the government, we know that the requirement of a developmental state is a demonstrable capacity to implement the planned projects in time within budget. The developmental state has a responsibility of ensuring a united focus in the achievement of the outcomes of the success of the country. This requires a state capable of uniting its effort and work in unison with

each player, working hard for the success of the whole and creating a winning outcome for all stakeholders.

In pursuance of a radical economic transformation, the KZN provincial executive committee resolved that the Department of Public Works and Infrastructure and Department of Transport must jointly establish a state-owned construction company which will set out to increase a state-led infrastructure investment aimed at stimulating economic growth, employment, reindustrialisation of the KZN economy in ... [Inaudible.] ... of the NDP.

A feasibility study was done and recommended the establishment of a strategic infrastructure development unit in the form of agency that has flexibility, autonomy and operating in business and commercial principles in the KZN province. The Strategic Infrastructure Development Agency, SIDA, will be the province’s infrastructure nerve centre. To date, work has been undertaken to operationalize SIDA under the Department of Public Works and Infrastructure and the following have become evident. The SIDA mandate is broader than a mere infrastructure. It responds to the provinces’ critical need of economic stimulation, poverty alleviation, job creation which is merely a means to that end, which is the only entity that

delivers strategic infrastructure in the province. This mandate responds to the outcome 4 of the provincial growth and development strategy which relates to economic development.

Flowing from the SIDA mandate, it will have savings offering of infrastructure planning co-ordination, bankable feasibility studies, project development, financing fees, project management and engineering consulting services, institutional support to municipalities construction, investment portfolio, strategic infrastructure and disaster response. As you noticed, when we were faced with the challenges of floods, there were many challenges that we had to deal with as the province. The SIDA operationalization process is at the stage of building the business case in accordance with the National Treasurer requirements in drafting enabling legislation.

Hon Chair, it must be reported that the Department of Public and Infrastructure does not have this capacity contrary to the Department of Economic Development, that has institutional capacity in terms of expertise and experience of managing establishment or specialized government owned entities as one of its mandates.

As I conclude, I want to say that as the government of the day, we are committed to making sure that we deliver credible processes and deliver infrastructure to our people. Contrary to what others are saying, our commitment is to make sure that we serve our people with dignity and pride. Thank you.

Mr D R RYDER: [No sound for over a minute.] ... with government’s blind pursuit of misguided, racially segregated criteria. And yet during last week’s debate the point became very clear that many municipalities and one province are navigating that space with tremendous success. These are

DA-led governments, where the people who are the beneficiaries of the projects are at the heart of each build. In ANC governments it is usually the people who are beneficiaries of the tenders that are prioritised.

I’d like to acknowledge, today, the Member of the Provincial Legislature, hon Nico de Jager, who I mentioned in last week’s speech. In his previous role as Member of the Mayoral Committee, MMC, in Johannesburg he oversaw numerous key and successful projects. Today he is here as a special delegate from Gauteng.

But honestly, members, even the most dedicated Marxist amongst us will admit that the cost of setting up engineering entities across the provinces and Metros is simply not affordable.

Consider a Caterpillar AP655 Asphalt Paver, retailing at about R6 million each. It may seem like a small amount to those that are used to counting their Bosasa packets, but to spend that kind of money on a machine that will only be needed to work a few days a month and stand idle for the rest, shows a distinct lack of priorities.

There is not enough money in our current budget to do the things that we already have in our departmental projects and programmes. This is why we, DA, has been pushing for a reassessment of every single line item in every department in government. We can no longer afford some of the nice to have projects and needless expenses. It makes no sense to buy a new frame every time the President announces a new Finance Minister. Just replace the picture. Print it on the office deskjet. Don’t worry if it fades quickly, there’ll be a new Minister ...

The DEPUTY CHAIRPERSON OF THE NCOP: As you conclude, hon member!

Mr D R RYDER: Thank you, Deputy Chair. Just replace the picture. Print it on the office deskjet and don’t worry if it fades quickly, there’ll be a new Minister pretty soon anyway.

Hon members, you may accuse me of being a little bit silly in today’s speech. It is after all the silly season coming up.

Perhaps that’s why we are having this debate. It’s simply as the silliest proposal yet to be discussed in this chamber.

Thank you.

Mr B MAKAMU (Limpopo): Deputy Chair of the National Council of Provinces, the Chairperson of the National Council of Provinces, House Chairpersons, Chief Whip of the National Council of Provinces, hon members, permanent delegates and special delegates, Portfolio Committee on Co-operative Governance and Traditional Affairs, CoGTA, select committee, other parliamentary oversight, fellow MECs who are here, ladies and gentlemen, good evening.

We meet in the backdrop of the launch of this year’s 16 Days of Activism against Gender-Based Violence, GBV, which runs from 25 November to 10 December annually, to highlight the scourge of gender-based violence and femicide, GBVF, affecting women and children in our country.

This year’s theme for the 16 Days of Activism against Gender- Based Violence is “Socioeconomic Rights and Empowerment to build Women’s Resilience against Gender-Based Violence and Femicide: Connect, Collaborate, Contract!”

According to the Constitution of the Republic of South Africa one of the objects of local government is to ensure the provision of services to its communities in a sustainable manner. In the execution of this mandate, municipalities employ both internal and external capacity to deliver to their communities.

Much of the infrastructure projects such as roads, water and electricity are outsourced to external service providers.

Procurement of goods and services takes place within an ambit of the Constitution and mirrored of legislation.

Section 2(17) of the Constitution articulates as follows, on procurement: When an organ of the state in the national, provincial or local sphere of government or any other institution identified in the national legislation, contracts for goods and services, it must do so in accordance with the

system which is fair, equitable, transparent, competitive and cost-effective.

Contracts for good and services by national, provincial or local government or any other institution of the state takes place within the constitutional prescripts and national legislation as envisaged by the Constitution.

The modality of service delivery has been riddled with challenges like poor workmanship and downright corruption to the point of general outcry for the abolishment of tenders and insourcing of all government services. You might have heard, hon ..., that whoever is opposing tendering system is not complaining that it’s not working, they only complain about corruption that accompanies it.

Contrary to the noble idea of contracting for goods and services, the practice of tenders becomes synonymous with acts of bribery, financial kickback which are serious forms of corruption.

As we all know, the current democratic dispensation ... [Inaudible.] ... with the mammoth task of rooting out corruption wherever rests its head. In this regard, the

corruption-fighting agencies such at the Directorate for Priority Crimes Investigation, otherwise known as the Hawks, as it is better known, and the National Prosecuting Authority, NPA, are under new leadership, their work is gaining public visibility.

The ANC has correction in every ... [Inaudible.] ... in its cross years for elimination.

When the work of corruption-fighting agencies of this government is done, our system will be immune of corruption and every cent will be accounted for.

The rationale for the current procurement regime is in its centrality in a socioeconomic development. Procurement or tendering has a role in the public service because it sustains small business that create jobs and advance local economic development.

The balancing act needs to be employed in engaging the procurement of goods and services between internal and external mechanism of infrastructure development.

The government has a dual role of delivering sustainable quality services for communities and to contribute to the socioeconomic development of the country by involving private sector in provisioning of goods and services to government.

The ANC as a responsible and a caring party in government cannot throw out a baby with the bath water; like some hon members seem to insinuate.

Through the Affirmative Action procurement policy, historically disadvantaged like black people, including women and the youth, have come into economic mainstream, which wouldn’t have been possible in the void that some honourable are advocating here.

As for municipal-owned entities, the law makes provision for their existence and there are municipalities who use their companies to deliver services.

The Municipal Systems Act section 8(6)*(b)* makes provision for the following municipal entities: A private company established by one or more municipalities in which one or more municipalities have acquired or hold interest, a service

utility, a multi-jurisdical service utility established by one or more municipalities.

The law, therefore, provides for municipalities to own companies and many municipalities’-owned entities, which they provide services to the communities.

Furthermore, section 76 of the Municipal Systems Act provides that a municipality may provide services, either through an internal mechanism or external mechanism.

The external mechanism approach involves entering a service delivery agreement with a municipal entity of other organs of state. These, as may be the case, in Constitution and in the law, municipalities are experiencing capacity and capability challenges in the efficient and effective development of infrastructure.

This is exacerbated by high lake of skilled personnel for planning, delivery and maintenance of infrastructure.

The Department of Water and Sanitation has construction units that also have capabilities to maintain infrastructure assets and also maintain minor repairs.

This is a timely debate that need to be tackled to its logical conclusion in the quest for exploring and exhausting all the option to eradicate and enhance service delivery to our communities in a sustainable manner.

The point of departure in this quest is to take stock of what capacities are already in existence in municipalities; national, provincial ... spheres of government.

Further that that, the stock taking of existing utilities need to be fully capacitated to maximise performance.

In the local government’s sphere of government, the entities such as Municipal Infrastructure Support Agent, MISA, which is already doing good work in support of municipalities in their quest to reserve the infrastructure backlogs, need to be capacitated to do more to help municipalities to build their own capacities.

This is not the end but the beginning of a debate to enhance infrastructure delivery to our communities without blaming the current external sourcing of goods and services in our country. As I thank you, Deputy Chairperson.

Mr M A P DE BRUYN: Hon Chair, providing sound infrastructure is crucial, not only for enhancing growth, but also for reducing poverty. Stats SA reported in the first quarter of 2020 that approximately 1,34 million people all over South Africa were in construction sectors and Stats SA also reported

118 job losses between the end of June 2017 and 2020. Although the Covid-19 pandemic contributed to this, the main reason for this is that numerous companies who relied on government tenders had to close their doors because of the unfairness of black economic empowerment, and in turn vastly contributed to unemployment.

*Afrikaans*:

Suid-Afrika se konstruksie en ingenieurswese het die afgelope dekade groot druk ondervind, met selfs die grootste ... [Onhoorbaar.] ... konstruksiegroepe wat ... [Onhoorbaar.] ... geval het weens die ... [Onhoorbaar.] ... aangaande instandhouding deur die regering, asook die swak ekonomie.

Vir ’n land ... [Onhoorbaar.] ... met ’n negatiewe ekonomie onder sy eie bevolkingsgroei uitgroei, moet die sluiting van enige bedryf ... [Onhoorbaar.] ... word. Dit gebeur in ’n bedryf wat histories ’n groot belegger in die kapitaal ... [Onhoorbaar.] ... en vaardigheidsontwikkeling is.

Die gedagte van ’n staatsbeheerde konstruksiemaatskappy is nie onrealisities of verregaande nie. In ’n funksionerende land, met die klem op funksionerend, en regoor die wêreld ... [Onhoorbaar.] ... hierdie konsep werk en waar die lande daaruit baat. Suid-Afrika is ongelukkig nie ’n funksionerende land nie.

Elke departement en entitieit van die staat word wanbestuur en gaan gebukkend onder korrupsie en kaderontplooiing.

Staatsbeheerde konstruksiemaatskappye sal geen uitsondering wees nie. Dit sal ’n ideale geleentheid wees vir die korrupte ANC-kaders om hulself nog net verder te verryk, ten koste van die land en die uitbou van Suid-Afrika.

*English*:

South Africa cannot afford to lose anymore ... [Inaudible.]

... in the construction industry. Losing this capacity will take years to rebuild. Gradually provincial and municipal construction companies will just increase unemployment. Taking away infrastructure capacity from the private sector will just increase the ... [Inaudible.] ... qualified, experienced ... [Inaudible.] ... skilled engineers, contractors, taxpaying citizens.

The problem with the construction is that the government has allowed corrupt politicians and cadres to become civil engineering contractors overnight to obtain tenders. This will not be ... [Inaudible.] ... state-owned construction companies. These people ... [Inaudible.] ... into positions that they aren’t qualified for and they will still continue with corruption.

Affirmative action and unemployment ... [Inaudible.] ...are already the causes of thousands of unfilled critical positions in municipalities. So, how will they cope with more departments and their staff? This will only increase the staffing profile of the executive and management positions, which are already overstaffed and underqualified and yet, ... [Inaudible.] ... And those are the people who are sucking the very life out of this country.

An open tender system is management ... [Inaudible.] ...can create thousands of job opportunities, but it will ensure economic growth and development. It will inspire our young entrepreneurs to join the world of world, encourage our youth to obtain qualifications in engineering for example.

As I said, this will only happen if managed properly. ...

[Inaudible.] ...regarding the tender processes are not to be based on the private sector. It is the corruption, the ANC and the cadres that are to blamed. They are the ones responsible for the thousands of unfinished projects all over South Africa. They are responsible for poor quality of the work being done by their unqualified construction companies and engineering companies.

The only way to save the infrastructure ... [Inaudible.] ...

is real education, real employment and production and self- sufficiency. Creating new state-owned companies will just enlarge the wallets of the already privileged and will only

... [Inaudible.] ... the poor even more.

Government must spend its time and energy to fight corruption, getting rid of ... [Inaudible.] ... in management positions in provincial departments and municipalities. We must stop race- based policies and hire the best qualified persons for the jobs. ... [Inaudible.] ... with BEE,m so that companies can compete fairly for tenders. Only then will we be in a position to safe the infrastructure and to move the South Africa of tomorrow ... [Inaudible.] ... Thank you.

Mr M MSIBI (Mpumalanga): Chairperson, let me greet you and observe all protocol, as the previous presenter has done. It gives us pleasure to take a part in this august House, to make contributions towards this important topic, which is aimed at looking at further alternatives available to us, in terms of the current legislation, to ensure proper service delivery to our communities.

Sufficient evidence has been reviewed in most municipalities that lacked technical capacity to operate and maintain infrastructure, for reliable service delivery requires that other measures must be taken to explore other avenues for credible, reliable and consistent service delivery, through resilient infrastructure with dedicated capacity to operate and maintain it.

The number of people in terms of population dynamics has been increasingly growing over the years, which has shot up the demand for consistent supply of services.

This, in some instances has not been met with the requisite capacity and capability at the technical units and the bulk infrastructure to meet such demands. Municipalities with a limited tax base and smaller in size have shown signs of

distress and an inability to cope with demand. Coupled with that, has been their continued inability to attract suitable qualified engineers and technicians to provide for the required technical capability to run with projects and programmes aimed at service delivery.

The assessment of performance, in terms of grants allocated such as MIG, Water Services Infrastructure Grant, Regional Bulk Infrastructure Grant, Integrated National Electrification Programme and others, are some of the allocated resources to municipalities that have suffered some level of strained performance, due to the lack of requisite capacity for timeous implementation.

As government, the District Development Model, DDM, which is partly providing a solution for this, and is already under implementation is a proper indicator for the possible sharing of resources. It is mobilising synergies and the economies of scale where a lump sum of resources may benefit more than one municipality at a go, through equitable distribution of capacities and resources allocated within the district area.

In this sense, the district becomes the anchor and the repository of capacity and resources that should be

distributed to all local municipalities under it, especially those with less capacity, yet struggling with huge demands for continued and reliable service delivery.

The legislation, to this end, provides us with options to look at by going back to the drawing board to consider the feasibility and viability for the implementation of these options.

Option one, which I will now table is stipulated in section 86 of the Municipal Systems Act, which reads as follows.

One, a municipality must develop and adopt a policy framework for the establishment, regulation and management of an internal municipal service district.

Two, such a policy framework must reflect at least the following: the development needs and priorities of designated parts of the municipality that must be balanced against that of the municipality as a whole; the extent to which the establishment of one or more internal municipal service districts, firstly, will promote the local economic development of the municipality as a whole; secondly, will contribute to enhancing the social, economic and spatial

integration of the municipality; and thirdly, may not entrench or contribute to further disparities in service provision.

Alternatively, option 2, as stipulated in section 87 of the said act is available to us and is stipulated as follows: The establishment of multijurisdictional municipal service districts with two or more municipalities, by written agreement, may establish their respective municipal areas or designated parts of their respective municipal areas as a multijurisdictional municipal service district to facilitate the provision of a municipal service in those municipal areas or those designated parts.

Surely, if we are to seriously consider measures of curbing the wastage of resources, and augmenting the technical capacity to deliver, whilst ensuring optimal and maximum utilization of the resources to benefit poor municipalities through timely delivery, such options may have to be considered to structure our technical units and provide them with dedicated focused capacity. It will occur through the creation of entities that will do nothing else but concentrate on the core mandate of service delivery, preferably at a district level through these multijurisdictional service delivery units.

These will be in line with the DDM approach of creating a district technical hub for a district wide support with adequate capacity to withstand the various challenges. I must however hasten to indicate that these options as presented are available in the legislation. However, they require extensive assessment and a thorough evaluation, so that it doesn’t just become a one size fits all.

A purposive differentiated approach may have to be adopted, which is grounded on merits and needs that may be identified for this approach to be applied. For instance, where within a district, a number of local municipalities are struggling with service delivery, one central strong technical hub may have to be established at a district level, in line with either section 86 above or 87 as have been indicated.

It must however be mentioned that whatever option is to be taken, municipalities are still required to undertake a thorough assessment of their capacity, expertise and resources to carry out their functions, using internal mechanisms in terms of Section 76 of the said Act. Furthermore, such options can be considered out of such assessment, which may reveal amongst others the bottle necks, the gaps and any other inherent constraints on expertise that may hinder the smooth

delivery of services through the existing and/or potential infrastructure that serves as the cornerstone for delivery for each of the local municipalities.

Having mentioned all the above, I now would like to turn over the discussion regarding municipal-owned companies and eradication of tenders. Whilst this may seem to be an attractive topic to discuss, it may also reveal some of its challenges. These challenges relate to the very objectives of providing services whilst promoting SMMEs, eradicating inequality, poverty and unemployment and ensuring that the state as the largest carrier of expenditure does benefit the emerging SMMEs, community-based organisations and eventually, the community, at large.

We therefore must be cautioned of the need for government to spend so that economic activities continue and there is equal upliftment of society through the intended resources allocated for the purposes of delivery, in general.

Whilst we do not support the scourge of performance failures in meeting performance deadlines and targets, noncompliance, corruption as well as the increasing outcry by the Auditor- General of unauthorized, irregular, fruitless and wasteful

expenditures, as it may have been recorded recently through the audit outcomes of the state-owned enterprises, the creation of municipal companies should be directed at ensuring that it averts by all means these prohibited outcomes that have been recorded with other state-owned enterprises.

If the creation of municipal companies is anything to go by, it would have to be established with stringent regulations, which must ensure we do not attract adverse reports and negative activities that would go against the very objectives of local government.

Whilst these companies may still have to observe the Municipal Finance Management Act and the supply chain management regulations, which bind both accounting officers of local governments and accounting authorities of municipal entities, again tight internal controls and prudent financial management are the key aspects that would help in properly managing the supply chain management, SCM, environment.

I therefore suggest that, with a much controlled environment through stringent SCM measures, proper monitoring and the exercise of effective leadership, these matters can successfully be managed, to overcome a number of challenges

that we understand and are not providing any trajectory of successes that we should be proud of today.

Clearly, if we establish the municipal companies, these will come with a precise terms of reference, which gives them their mandate, powers and functions and what they are authorized and not authorized to do, the municipal councils would also have to observe the delegation of powers and functions to these municipal companies. This is in terms of section 160(1), for any other power and function, except those that are stipulated in section 160(2) of the Constitution.

This therefore means whatever we opt to do, must follow compliance with the law and that any other restrictions that we may impose must be in line with the provisions of the Constitution, the Municipal Systems Act of 2000 and the Municipal Finance Management Act.

Drawing your attention to section 110(1)(d) of the Municipal Finance Management Act, the selection of external mechanisms referred to in section 80(1) of the Municipal Systems Act for the provision of municipal services in circumstances contemplated in section 83 of that Act must be complied with.

If a municipality decides to provide a municipal service through a service delivery agreement with a person referred to in section 80(1), it must select the service provider through selection processes which are competitive, fair, transparent, equitable and cost-effective; allow all prospective service providers to have equal and simultaneous access to information relevant to the bidding process; minimise the possibility of fraud and corruption.

In selecting a service provider, a municipality must apply the criteria listed in section 78 as well as any preference for categories of service providers referred to in subsection two of this section.

In conclusion, as indicated, going back to the drawing board, including processes of Parliament to adjust, amend our legislation where necessary, if it imposes some hindrances in bringing about the reforms necessary to bring about accelerated service delivery with fewer hurdles, it may have to be considered in the spirit of improving the quality of the lives of our people.

As highlighted, the current legislation does provide for the option of establishing municipal companies or entities, either

at local or district level, depending on the outcome of the assessment that may have been conducted in terms of section 76.

There does exist some limitation on the total eradication of the bids in terms of the MFMA and the current legislative framework, especially section 217 of the Constitution. This will have to be explored further through the total packaging of the local government reforms with its enabling legislation, if it was to be considered.

To this end, as a democratic government, we would welcome processes that will ensure that thorough scrutiny is applied for all such necessary reforms to be taken appropriately. I thank you.

Ms M L MAMAREGANE: Deputy Chairperson, as we continue to work our way out of our dark past of deliberate and institutionalized segregation, we need to keep cognisant that all social partners need to work together in order to build a brighter and better South Africa which we all envision for ourselves, our children and their offspring. We believe infrastructure will have a significant role in achieving this brighter and better South Africa.

Infrastructure development is one of the most key drivers for any economy to ensure inclusive economic development and growth.

Deputy Chairperson, infrastructure development has an impact on the economy through various demand and supply networks.

Investments in technology, energy, manufacturing, transport networks and telecommunications directly creates jobs for communities and impacts the growth of the economy, this also represents an essential input in any production of goods and services.

Infrastructure development plays an important role in the development of local economies found in historically financially isolated areas such as townships, informal settlements and rural areas.

Better Infrastructure development will assist these historically disadvantaged areas to access information, finance and markets. In order for township economies to grow, there needs to be a well-coordinated and planned system that allows for a simultaneous process of bottom-up and top-down approach.

The reason why this system needs to be well co-ordinated is to allow local business people to connect to the broad national strategic plans and objectives, and for capital to outflow to local businesses.

The President in his Sona speech of 2022 highlighted that infrastructure development will be imperative in assisting government to achieve its quest of economic reconstruction, revitalization and recovery.

The Sona articulated that through creative funding and improved capabilities government has prioritised infrastructure development through the Infrastructure Fund, the fund is predominantly focused on funding projects that focus on the energy, roads and water management.

A R100 billion which will be spread out from the fiscus is allocated to fund the Infrastructure Fund. The money was directed to the state entities to prepare them for the projects, the following are the financial plans a value of R96 billion in student accommodation, social housing, telecommunication, water, sanitation and transport.

The first edition of projects with the value of R21 billion were expected to commence this year. Of this, R2,6 billion comes from government and R18,4 billion comes from the private sector. Government has made an initial investment worth

R1,8 billion in bulk infrastructure, which has unlocked seven private sector projects to the value of R133 billion.

For many South Africans in townships, informal settlements and rural areas these projects have started to provide jobs as well as access to better roads, markets and social services.

Government has further gone on to make sure we establish the Wellisizwe Rural Bridges Programme which is dedicated to deliver more bridges to society.

Deputy Chairperson, infrastructure development is fundamental element that even the ANC’s January 8 of 2022 statement highlighted. In the January 8 statement we said we must mobilise social partners to urgently finalise a social compact to reduce unemployment, poverty and inequality in our country.

All municipalities working within the parameters of the District Development Model must develop clear local economic development plans that focus on competitive advantage and

different regions of our country in sectors such as mining, tourism, agriculture, manufacturing and agro-processing.

We have made a clarion call to all ANC members and society that they need to actively campaign against local forums that hold infrastructure and development projects to ransom for tenders and jobs.

Local employment and business set ups must be co-ordinated by local government in partnership with community structures and civil society to ensure that a fair and just distribution of possible employment opportunities and business opportunities.

As an organization we now more than ever dedicated to continue with important sectoral work and projects that ensure that the motive forces of change are organized and mobilised to take part in the transformation agenda to attain objectives set out in the National Development Plan.

Deputy Chairperson, the scrapping of tenders should not be the route we take as a country, especially in the infrastructure sector. The state at this current moment does not have the capacity for building all mega infrastructure projects in various sectors which vastly differs.

The partnership between the public sector and private sector remains one of co-operation as we have seen in recent times how the private sector and the Investment and Infrastructure Department in the Presidency are working together.

In 2021 the Investment and Infrastructure Department in the Presidency outlined the Sustainable Infrastructure Development Symposium. The aim of this SIDSSA was to ensure quality infrastructure for development, recovery and inclusive growth through seven parts.

These seven parts are:

Integrated Human Settlements; New Ways of Investing; Accelerating Investment into SA’s Student Housing Infrastructure Programme; Municipal Infrastructure Financing – Bulk Funding Solution; Digital Economy; The third Great Economic Revolution; Deep-Dive parallel sessions such as the Green Economy with South Africa being at the forefront for Green Energy and Industrialization through the revitalization of the manufacturing sector; and unveiling of the Infrastructure Fund Projects.

As the governing party we comprehend, acknowledge and appreciate the fact that the tender system is not immune from corruption in the procurement processes and procedures as well as the adequate distribution of the resources and money once the tender has been awarded.

We do not advocate for the complete scrapping of the tender system in the infrastructure sector. What we are calling for is better consequence management, intensification in the removal of ghost employees, implementation of disciplinary committees, decreasing fruitless and wasteful expenditure and better implementation of policy.

We call upon law enforcement agencies to intensify their investigative abilities, methods and we encourage them to bring any one who is found to be corrupt to book.

Deputy Chairperson, we reiterate our position that infrastructure development remains a key driver of economic growth, as it entails the manufacturing and industrial growth through the increased spending in infrastructure which produces increases in aggregate demand and subsequently a growth and development of the economy.

As government continues with its infrastructure development projects which are well captured in the Investment and Infrastructure Department in the Presidency’s plans - roads, telecommunication, railroads, irrigation, water supply sanitation, ports airports, warehousing facilities and power supply will play a vital role.

The rate of change in terms of change in the infrastructure and construction sector has not yet been as rapid as in some sectors, but government understands that in order for us to revitalise our industrialization, manufacturing and local economies infrastructure development needs to be at that heart of this revitalization.

Government commits to making sure that the change is ever made and hope that the change will be significant, sustainable and unstoppable.

It should be clear that the EFF position on creating provincial and local government construction companies through the scrapping of tenders is without foundation.

If we seriously want infrastructure development then the EFF proposal is not the development path to follow as it is a

blind alley which will not lead to local economic development, job creation and transformation.

The ANC’s path of infrastructure development through private and public partnerships is geared to reversing the effects of poverty, inequality, unemployment and historical economic exclusion. Thank you, Deputy Chairperson.

Mr T A SIMMERS (Western Cape): Hon House Deputy Chairperson, MECs who are in the Infrastructure Cluster, making changes to our people’s lives and a tangible change I must say, hon members of the NCOP, SA Local Government Association, Salga, representatives ... [Inaudible.] ... earlier attending this meeting, all citizens of South Africa following this very interesting topic for debate, it is said that there are 2,6 million, Micro, Small and Medium Enterprises, SMMEs, in South Africa. Many of them are in the construction companies.

The DEPUTY CHAIRPERSON OF THE NCOP: I am sorry, hon Simmers, can you just give me a moment. Hon Mdaka, I saw you raised your hand. Is there anything or area that you want me to attend to?

Mr F P MDAKA (Limpopo): Hon Deputy Chairperson, is just my gadget. I was clapping hands and I pressed the wrong button. Thank you.

The DEPUTY CHAIRPERSON OF THE NCOP: Thank you. I am sorry, hon Simmers. You may continue.

Mr J J LONDT: Hon Deputy Chairperson, it is the user’s error not the systems error.

*Afrikaans:*

Die ADJUNKVOORSITTER VAN DIE NRVP: Agb Londt, jy sal nie slae kry, as jy stil bly nie.

*English*:

Hon Simmers.

Mr T A SIMMERS (Western Cape): Thank you Deputy Chairperson, it is said that there are 2,6 million, Micro, Small and Medium Enterprises, SMMEs, in South Africa and many of whom are in construction companies. That is a significant figure, since our national unemployment rate as was announced today for the third quarter is at 32,9%, 1% less from the previous quarter. However, what stood out as part of today’s announcement was

that the construction sector created 46 000 jobs which is amongst highest contributors for the quarter under review.

These results however alarmingly indicate that our youth remains vulnerable in the labour market with unemployment rate of 45,5%.

How does that fit into the infrastructure discussion of today? Hon Deputy Chairperson and this I find very ironic about this debate. Yet, we are busy seeking to debate the abolishment of a key enabler in the economic emancipation of our youth as entrepreneurs in the infrastructure sector, or possibly for our youth who are job seekers, in the infrastructure sector.

We have just come out of the Zondo Commission and its findings. In its three years of proceedings, a glaring picture of the highest levels of corruption was shown to us and the rest of the world. Said indeed. To date, we have not seen any tangible prosecutorial convictions being made. Thus, highlighting the lack of accountability that exists in our state-owned entities, SOEs, and the national state level. It is not our policy and it is not our framework’s or regulations, it has to do with human behavior even in the supply chain processes at that level. It is this cultural

behavior that has seen our country mount up enormous debts with no end. Future generations either at the expense of future infrastructure having to suffer because of that.

Therefore, it is quite clear for everyone to see that creating state-owned construction companies is utterly ridiculous. It does not fit in the framework for what our country needs going into the future. In a country where only 16% of the 257 municipalities were given a clean audit, and the majority of them in the Western Cape, it is clear for us to see that where these clean audits were given, supply chain regulations and processes were followed, and fair bidding processes were allowed to ensure opportunities for all the people who were part of the process. Yet, the enthuses of that in the other 84% of local government, we see a total regression in financial management of which supply chain processes to intended processes are sadly part of that.

This is clearly another attempt by a party that sees itself as a ruling party that has no governance experience to try and stifle funds from hardworking citizens and enrich their elite few, while the rest are left as paupers, by even proposing to us to debate today, hon Deputy Chairperson.

Yes, the party who has tabled this have no governance experience. It is clear for all to see through today. I hope the citizens of our country take note of this. At the start of this dispensation, South Africans were baited on a promise of living a better and or dignified life. One that will see them have access to water and electricity. Core components of infrastructure for any community.

However, the reality is that 28-years later and I will use practical example. Just for this current calendar year, 2022, we have had not less than 2 881 hours of load shedding nationally. That is a loss of 120 days or a third of this year gone. Where ever we look at the key indicators of infrastructure to expand upon the people’s lives across this country, where we see dysfunctional infrastructure once again, not by processes and not by regulations, but by poor governance and oversight over this governance across our country. We have seen the dilapidation and regression of infrastructure. So, our citizens are really experiencing the opposite of what was promised to them 28-years ago. This is clearly not a better life for all our citizens in our country.

However, as the Western Cape government, we pride ourselves in being a government that is citizen-centric and innovative. You

can see this through our infrastructure departments. Human settlements and the Department of Transport and Public Works, together has spent close to 99% of their budget to ensure the emancipation empowerment of SMMEs. Yes, but also to ensure that our infrastructure creates the quality of life that our people in this province deserve. Also show the rest of the country that it is a possible where the competent state that respects the rule of law, dispassion processes and ensures opportunities are given in a fair and transparent manner to qualifying entities which seek to do business with us as the provincial government.

However, let us look towards the future. So, in the Western Cape, instead, of us waiting for the national government to one day, miraculously wake up and provide a solution to eradicate the infrastructure backlog, we actually doing something about that now as we speak, hon members of this House.

Through my Department of Infrastructure, we have started working on an Infrastructure Vision and Strategy, starting with a framework that will inform the plan and vision. What this plan and vision ensure that private sector and our

citizens are part of our journey of infrastructure changing sustainable way into the future.

Many of you might ask: What am I talking about? What is this infrastructure plan of the Western Cape? Our Framework looks at creating an Infrastructure Stakeholder Engagement and Partnership Model. The opposite of what has been proposed here this evening. This framework or model entails the following: Firstly, it seeks to co-ordinate planning and implementation across the three spheres of government in terms of infrastructure, but with private sector and broader citizenry participating in all our processes.

Secondly, it is aligned to the Western Cape government’s Growth for Jobs Strategic Framework to ensure that Infrastructure enables inclusive economic growth to create jobs for our citizens across the Western Cape. Infrastructure Department and policies and tenders does play a huge role in that.

Therefore, hon members, the Western Cape government through the Department of Infrastructure as the lead department will provide an enabling environment not fully for certain type of infrastructure, but including energy infrastructure which is

failing us dismally as we speak. Our Energy Infrastructure Guidelines will strategically position energy infrastructure in the Western Cape. It will ensure to unlock the job opportunities which our people deserve across our province. It will also ensure that there is a unified approach to energy infrastructure between all role-players in our province, both from a strategic content point of view and from a co-ordinated effort to achieve impactful results. This is the future and this is the government that govern in the interest of all of its people.

However, once again the enthuses is happening at the moment and I am now turning to another poor performing and state- owned entities, SOE, called SA National Road Agency Limited, Sanral. Earlier this month, hon members of this House, we learnt that it was awarded a R6,6 billion tenders to Chinese- led joint ventures, JVs. With four of the five tenders going to these JVs, surely this will have a negative impact on an already ailing economy and sector as a whole. This is once again a reminder of the little regard our national government and its SOEs have for our citizens.

So, in conclusion, hon Deputy Chairperson, the question that we need to ask ourselves this evening, pertaining to this debate: Is this proposal not just another attempt that will

capture the state and further bleed its organs dry? However, this, ironically is from a party whose policies are based not in reality, but in the ideology that has proven failure wherever it is implemented.

Last, but not least, my party that does not govern, it is easy to bring proposals that do not work, but must govern to ensure that they work. The DA-led Western Cape, if I must add, we have proven that through innovation, accountability and having an administration that is focused to the citizens. It can be done. We are doing it. Moving to the future, we will continue doing it.

So, it is time that we debunk all these ridiculous proposals on the table and start building our public service more accountable. But out in terms of the infrastructure, ensure that we do so by working together with the private sector, together to unlock not only jobs, but create our infrastructure into the future, to unlock for future generations opportunities. Sadly, for the last 28-years have gone amiss. In the Western Cape, we have proven that it is possible for anything if there is focus and law-abiding. Thank you, hon House Chairperson.

Mr N M HADEBE: Hon Deputy Jefferson, the inflation of invoices and irregular payments made to service providers, as well as fraudulent overdealing by subcontractors to repair and maintenance that is never done are things that South African citizens have become accustomed to hearing. as the media frequently reports on the prevalence of gender fraud in the country.

In 2021, the Minister of Public Works and infrastructure stated that South Africa had been left littered with unfinished projects because the construction sector was one of the most corrupt in the country. Sadly, various state-owned enterprises have been linked to issues of fraud and corruption, which directly impacts the lives of South African citizens.

Earlier this year, the Minister of Finance told to the National Assembly that more than R308 billion had been used to bail out failing state-owned enterprises, leading to a reduction of R257 billion in public funds available for frontline services and infrastructure. Furthermore, the minister announced that somewhere between R126 billion and R260 billion of Eskom’s on-balance sheet debt will be transferred from the entity’s balance sheet onto the national

balance sheet. As justification, the government argued that Eskom must be rescued or else our lights will go out permanently.

Enter the 2021 Sustainable Infrastructure Development Symposium for South Africa. The president stated that even if the government spends all it can on infrastructure development, the backlog remains so immense that it would take billions of rands and decades more to fill it without a contribution from the private sector. [Inaudible.]

The proposal for the creation of provincial and municipal- owned construction companies is exactly what the country needs. Provincial and local government is best situated to determine the infrastructure needs that exist in their areas, which means that all pending infrastructure projects will be prioritised in accordance to their respective agencies. And, not the total amount of kickbacks that can be derived from the projects.

However, the proposal for the creation of these construction companies needs to be approached with caution. We cannot simply ignore the fact that the misappropriation of provincial

and municipal funds is a reality across various provinces in our country.

Therefore, we need to first address the lack of accountability and consequence management regarding finances, at both provincial and local levels, before we embark on decentralising construction projects. I thank you, hon Deputy Chairperson.

Mr J J LONDT: Good afternoon members. I would have greeted Ministers and Deputy Ministers, but they are not here.

Colleagues, the single biggest crisis facing us as South Africans is the unacceptably high unemployment figures. With the Quarterly Labour Force Survey, the third one for 2022, released today. The number of unemployed people, and that includes the 3,5 million discouraged job seekers who now stand at 11,2 million.

There is a real concern and worry that colleagues in the ANC do not fully comprehend what this means. It is easy to say 11,2 million, but in real terms, it equates to every single person in Johannesburg, Pretoria and Durban, living without a job. It is more than the entire population of Limpopo and North West, together.

The first example of how the ANC just do not. Care about South Africans is that not a single member of the bloated Cabinet is here to participate. We pointed this out in the previous debate as well. There are members from the ANC that tried to defend them, but this Cabinet takes - what's the word you use

- collective responsibility, yet you disregard opposition party-sponsored debates, where not a single minute trying to attend. You could not find the time in your diary.

Hon members from the ANC, you might not like the fact that the opposition calls you out and put forward ideas, but that’s part of democracy, and you are supposed to respect our Constitution and the citizens of this country - something you don-t do, if we look at your actions. Hon Rayi, the district development model will not work.

It is just another example of the ANC moving the goal post; another catchphrase that you are forced to bring into your speeches, but when it comes to actual delivery, we get nothing from you apart from tender scandals. Then you say tender fraud and corruption will be defeated by the ANC. Hon Rayi, you are a decent human. So, when you say this, you must surely cringe in your heart, defending the indefensible.

Hon Mamaregane, I recently read a Report that 80% of children, kids, in Limpopo, cannot read for comprehension. That thought stuck in my head throughout your speech. Hon Nkopane you come from the province of scooter ambulances, proudly delivered by the ANC. Throughout your speech that... [Inaudible.] ... as a symbol of the respect you show voters - the voters that you are supposed to represent. Hon Mokause, if there was proof that you, as the EFF and the ANC are in the same WhatsApp group, it is your infatuation with Russia and how they do things.

That is then, also, a clear warning, that giving the EFF power, they wouldn’t think twice to trample on the human rights of those people within their own country or their neighbours. There’s one thing that we can, however, agree with the EFF, the FF-Plus and the IFP is that the ANC will be removed from Power 2024.

The real question is: Why would the EFF sponsor such a debate when they know, as hon Rider pointed it out, that multiple SOEs have failed and continue to fail, maybe have to do with the following: All, in all, the VBS managers and auditors and business people, as well as ANC politicians and EFF leaders, stole more than R2,7 billion from the bank.

These people stole the money and the future of vulnerable people trust who... [Interjections.]

Ms B T MATHEVULA: Who is in charge from the EFF?

Mr J J LONDT: These people from the EFF stole the money and the future of vulnerable people who trusted the VBS and the Mutual Bank. [Interjections.] They stole the education of young people, the pension of the old people and the lifeline of the poor people. We cannot risk another VBS!

We need to let the experts be experts. As hon minister Simmers indicated, we need to partner with the private sector. We do not need to partner with the Chinese. They are not the enemy of South Africans - the private sector. In fact, they employ most South Africans. The enemy is dressed in the yellow, green, and black – that has stolen billions that were meant for the poor. As you can see above, those wearing red over *Gucci*, *Fabiani* and *Louis Vuitton*.

Hon members, hon Chairperson, I really like the ending of hon Ryder’s speech. I want to honour that ending and give you an adapted Mark Twain quote, applicable to today's debate: Sometimes, I wonder whether the EFF is being run by smart

people who are putting us on; or by imbecile who really mean it. Thank you.

Mr M DANGOR: Chairperson, infrastructure represents the engine or rather the wheels of the economic activity in three complimentary ways. To state the obvious first, adequate and reliable infrastructure is the key factor in the ability of countries to compete in international trade and markets, for example, reliable transport network enables a country to export commodities and finished products in addition to importing household goods and businesses.

On the other hand, infrastructure is not only for direct consumption for raising productivity and diversifying the production, for example higher water quality and the ability of electricity unnecessary to shift production from raw agricultural and mineral commodities to process foods and goods.

More importantly, the infrastructure has a positive impact on improving the quality of life and reducing poverty considering the following illustrative examples, access to clean water and sanitation, reduces mortality and mobility rates among the

poor, while access to effective public transport is a key factor in the ability of the poor to obtain employment.

The abshort is that the investment in infrastructure is significantly correlated with the economic growth and the inclusive development.

Ironically, what is evident in South African is that infrastructure has weak links with economic growth and inclusive development because of three obstacles standing in the way of infrastructure’s higher potential pay offs in terms of economic growth and inclusive development.

The first obstacle is that the high ratio of public debt to GDP, gross domestic product, has often left to this proportion cut backs in infrastructure investment thereby undermining the infrastructure’s impetus to economic growth and inclusive development.

The second obstacle is that this proportionate cut back of infrastructure investment has result in massive backlogs in infrastructure development and maintenance thus leading to the failure of infrastructure to meet the economic growth and inclusive development goals.

The third obstacle is that according to the EFF, the tendering system that the government uses to supply infrastructure development the demands of household business and other uses deters the potential pay offs of infrastructure because it proliferates rent creation that only benefits a narrow interest at the expense of public interest.

This leaves negative impact for the society, as result, it is the third obstacle that the EFF makes a companion argument that ANC government should set up the state owned economic agri companies in the construction industry across different provinces.

Municipalities instead of relying on the private sector to address the massive backlogs in the infrastructure development and maintenance the underlying effective, the EFF’s argument is that the ANC government has not gained significant foot hold in the construction industry which is the economically more resilient than other industries. While containing elements of truth, the EFF’s argument is hazy, floored and unrealistic for several reasons.

Firstly, provinces and municipalities do not have the same effective demand for infrastructure to be sure. The population

density economic and development needs differ wildly across provinces and municipalities and therefore no socio economic case for setting up state owned companies in the construction industry and provinces with a lower demand for infrastructure coverage to achieve the desired economic growth and inclusive development goals.

Secondly, setting up state owned companies in the construction industry which is inherently complex and recruiting professional staff to oversee them are a lengthy process and are given that provinces and municipality face the capacity constraints that state owned companies are undesirable if not a bad starting point

Thirdly, a large portfolio of state owned companies causes much certainty and a general sense a lack of strategic focus thereby overlapping mandates between state owned companies for example, the proliferation of state owned companies in construction industry across provinces and municipalities to expand road coverage and clear backlogs in the road maintenance runs the risk of making Sanral’s role less clear.

The SOEs, state—owned enterprises designated for development management and maintenance of the country’s network finding

the ANC led government is facing fiscal constraints in some instances leading to under capitalization which differs SOEs’ ability to improve the existing weak links between the infrastructure and the economic growth.

The bottom line is that the EFF’s state fundamentalism is not well placed to clear backlogs in infrastructure and development. Maintenance in the country embarking and therefore tomorrow would barely generate economic growth and inclusive development.

On the contrary, the ANC led government remains committed to a mixed economy approach. The construction industry will build up the country’s potential and raise economic growth to expand inclusive development because recent experience revealed that Seta’s challenges regarding the blunt instruments of public ownerships and the financing infrastructure development as well as maintenance demands this presupposes that the setting up of state owned companies in the construction industry across certain provinces and municipalities does not demonstrate any advantage in eradicating backlogs and maintenance for numerous reasons.

To begin with, the construction and maintenance infrastructure especially in electricity, water, ports and road require sophisticated technologies and skills as well as equipment are in short supply at the moment.

Finally, and in conclusion Chairperson, let us say that the model that is being pursuit now of a mixed economy of getting both sides and getting all the stakeholders as partners to move South Africa forward to build a better Africa and to build a better world so that we can build an infrastructure that can reach into Africa. The infrastructure that can serve our export needs. With that, I thank you very much Chairperson.

Ms M O MOKAUSE: Chairperson, in closing, it is clear that the creation of provincial and municipal-owned construction companies will contribute positively to the eradication of infrastructure backlog in South Africa.

Although you are denying it, throughout its nine years of formation, the EFF has been clear on this stance of ownership, control and redistribution of the economy for the benefit of all South Africans irrespective of colour and race.

Infrastructure and economic development and sustainability depend on availability of funds and the ability to use it effectively, which requires good financial management, which we do not see with the sitting government.

The deliberate failings of state-owned companies in the recent past have left many to question whether the state should hold onto this, with suggestions made that this should be privatised. And today in this Council we have heard how privatization is justified, based on the belief that only private ownership and tenders can guarantee high efficiency.

Chairperson, however, in our view as the mighty EFF, the question has never been whether state-owned companies should exist or not. We have always advocated for the creation of a well-functioning state-owned companies and for the abolishment of tenders. This system has failed dismally.

What is needed, Chairperson, is leadership which shall ensure that this exists structures of accountability and oversight. And we shall provide that after the General Elections of 2024 when we take over government.

We demonstrated that over the years, some people, even seated here, do not know if tomorrow they will be governing some Metros of not. So, undermine us at your own peril.

Chairperson, for there are other factors that contribute to the failures of state-owned companies and this include the management teams that are appointed, the skills set of their boards and the set of the relationship between their boards appointed and the tender system in place. If missions are clearly defined and periodically evaluated, many of these challenges will not exist to the extent that they currently do.

Chair, there ought to be constant monitoring and evaluation of these entities with a focus on the manner of their operation, how they deploy capital and their development effectively.

Chairperson, we would like to place it on record that the EFF is ready to govern. We introduce such topics in this Council to highlight the fact that our policies will relieve South Africans from poverty. And today we have demonstrated how the tender system does not work, it is manipulated, populated with corruption, fuelled and has collapsed the state as a whole.

The state must employ its own engineers, quantity surveyors and builders for sustainable tasks. Their responsibilities will include the construction of the much-awaited houses, roads, bridges, sports facilities, sewerage systems with a goal of building a capable state.

Some of you will choose not to listen to this because you live in suburbs where there are houses, where there is proper sanitation, where there is proper water infrastructure while some of us still live skwallas and continue to struggle with water and sanitation.

We will, at some point, propose that we exchange, hon Dangor, for a moment, for a day or two with them, they know themselves, to come and live where we live, and see if they will survive. I can tell you they will never even survive for an hour. So, we are not expecting much from them.

With the provincial and municipal companies our people will have decent homes, black people in particular, and flushing toilets, which will restore the black dignity. And let me tell you, the only organization which will do that which can restore the dignity of a black child is the EFF.

Houses which will be built closer to schools and areas where our people work, not a segregated arrangement that we are seeing. From apartheid to democracy we are still segregated, black people are meant to live across the railway line, across the highway so that when they cross that road or the highway they die. And you think we come here and listen to you? you’ve got zero interest of a black life, black life doesn’t matter to you.

Our people will travel on decent roads and bridges which will not collapse at the face of a miner natural disaster, Chair. We must establish construction companies which will employ our people in their numbers and provide for much needed support for developing a national economy, national and stable economy.

We must establish mining companies where our people will benefit from mineral resources which are beneath the land, the land which was stolen from them by third class who comes here today and have a loud mouth about how black people must live. We want the same life with the same great infrastructure that you are having and we are going to continue to advocate for that.

We’re not surprised by the input that you made here as the DA because these construction companies are dominated by white people with absolutely no experience, employed foreman with no experience and qualifications having to supervise a black person, a highly qualified black person, and you still cannot transfer skills in this democratic South Africa. This shows how selfish you are, how selfish your government is, you’re continuing [Time expired.] to do it here in the Western Cape but we’re going to prevent you to spread in South Africa, we are going to show you that we’ll take over and we’ll restore the dignity of a black child. Thank you, Deputy Chair. [Applause.]

The DEPUTY CHAIRPERSON OF THE NCOP: Hon members, that concludes the debate. I would like to thank the MECs, the SA Local Government Association, SALGA, representatives, all permanent and special delegates for availing themselves for the debate.

Before we conclude the House and the business of the day let me just request members to stay on the platform and in the Chamber for the meeting that will take place immediately after we adjourned the House.

That concludes the business of the day, the House is adjourned.

Debate concluded.

The Council adjourned at 19:48.