**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 3 MAY 2023**

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

The Council met at 14:03

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

# ANNOUNCEMENTS

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): Good

afternoon hon members. Before we proceed I would like remind delegates of the Rules relating to virtual hybrid and meetings and sittings, particularly in parts 21, 22 and 23 of Rule 103 which provides as follows: The hybrid sitting constitutes a sitting of the National Council of Provinces. Delegates in the hybrid sitting enjoy the same powers and privileges that apply in a sitting of the National Council of Provinces. For purposes of the quorum, all delegates who are logged onto the virtual platform shall be considered present. Delegates must

please switch on their videos if they want to speak and they should ensure that the microphones on their gadgets are muted and must always remain muted. All delegates in the Chamber must connect to the virtual platform as well as insert their cards to register on the Chamber’s system. Delegates who are physically in the Chamber must use the floor microphones. All delegates may participate in the discussions through the chatroom. In addition, I would like to remind delegates that interpretation facility is active, or should be active. Let me rather put it like that because we sometimes experience problems.

Permanent delegates, members of the executive, special delegates and Salga representatives on the virtual platform are requested to ensure that the interpretation facility on their gadgets are properly activated to facilitate access to the interpretation services. Permanent delegates, special delegates, Salga representatives and members of the executive in the Chamber should use these interpretation gadgets on their desks to access the facilities.

Hon delegates, if the House is in order, we will now allow an opportunity to delegates to give notices of motion. I don’t

want to repeat that we have 20 minutes for notices of motion. I don’t want to repeat that we have 20 minutes because we sing it every time and then we pass that 20 minutes. So I will start with Fanie Du Toit. Just let me just make a short list of those that have now indicated before other can. Maleka, Lehihi, Shaik, and brother... what is your surname again? [Laughter.] Its fine, thank you. We will start with notices of motion and we will allow hon Du Toit. He will be the first one.

# NOTICES OF MOTION

Mr S F DU TOIT: Chair, I hereby give notice that on the next sitting day of the House I shall move on behalf of the FF Plus:

That the Council—

debates the shortage of PPE, first aid kits, and fire protection equipment in the public order police deployments is an unfortunate reality, and the shortages of these equipments endangers the lives of the brave men and women that are on the front line of fighting crime

and crime prevention. The shortage of sufficient service vehicle and specialised vehicles hampers the operational effectiveness of these units.

I so move.

Ms A D MALEKA: Chair, I hereby give notice that on the next sitting day of the House I shall move on behalf of the ANC:

That the Council—

discuss that the Department of International Relations and Cooperation should have a program that is intended to educate South Africans on what they should do when they visit foreign countries. This will help South Africans in an event they find themselves in the same situation like what happened in Sudan.

I so move.

Ms S B LEHIHI: Chair, I hereby give notice that on the next sitting day of the House I shall move on behalf of the EFF:

That the Council-

debates the issue of incomplete RDP or low-cost houses, which are left incomplete often at foundation phase. Yet, contractors that are supposed to do the work are paid running away with tax payers money.

Thank you.

Ms S SHAIKH: Chair, I hereby give notice that on the next sitting day of the House I shall move on behalf of the ANC:

That the Council-

discuss the spate of armed robberies and aggravated robberies that affect students around campuses and off- campus on a daily basis.

I so move.

Mr K MOTSAMAI: Chair, I hereby give notice that on the next sitting day of the House I shall move on behalf of the EFF:

That the Council-

debates the important role played by Community Police Forum, that work hand in hand with the police, an example of which being Thatha-Zonke Forum, which assisted to confiscate firearms and stolen goods used in the murder of an EFF councillor, Koketso Mojatau.

I so move.

Ms M O MOKAUSE: Chair, I hereby give notice that on the next sitting day of the House I shall move on behalf of the EFF:

That the Council-

debates and find solution on the lack of water infrastructure in the Free State Province, particularly in black townships.

I so move.

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): Hon

delegates, we will now continue and I will now allow

opportunity to delegates who wish to move motions without notice. Hon Nhanha, are you raising your hand? No, its fine. I am making my list. Hon Nhanha, Chief Whip, let me just make a short list. I will make a longer list. Hon ... you want to ... are you indicating? Ndongeni ... I am making my short list.

Okay, I am trying to make a short list. As you know, let me tell you before someone start to fight with me again. I am trying to give parties like this so that no one says that I didn’t give them. Askies! Askies! ... [Inaudible.] For now, I stop with Boshoff. ... [Inaudible.] ... and Dlamini, you are not on the list for now. You will come as soon as I finish with the one that I am having. I cannot make too much of a long list. I am making a short list. I am also going to the platform to see who wants to speak there so that we can try to accommodate in the 20 minutes available many as possible. We will start with you, hon Nhanha.

# EASTERN CAPE HIGH COURT TO MOVE FROM MAKHANDA TO BHISHO

(Draft Resolution)

Mr M NHANHA: Deputy Chairperson, I hereby move without notice, on behalf of the DA:

That the Council -

1. notes with alarm a recommendation by the Committee on the Rationalisation of Areas under the Jurisdiction of the Divisions of the High Court, also referred to as the Moseneke Commission, chaired by retired Deputy Chief Justice Dikgang Moseneke;
2. notes that the Moseneke Commission has recommended that the seat of the Eastern Cape High Court be moved from Makhanda to Bhisho at a cost of

R1 billion, money that can be spent in upgrading and improving courts in poor state across the country;

1. also notes that Makhanda has been the seat of the High Court for the last 158 years, with immense spin offs to the economy of this small town;
2. again notes that the High Court in Makhanda is the 3rd largest employer in the town;
3. further notes that moving the High Court from Makhanda will lead to a loss of about 5000 jobs,

weaken a local economy which is already in dire straits; and

1. lastly, I call on the Minister of Justice to continue engaging with the all stakeholders in Makhanda and eventually reverse or not implement this devastating recommendation.

Not agreed to.

# UNIVERSITY OF FORT HARE BODYGUARD DIES

(Draft Resolution)

Ms N NDONGENI: Deputy Chair, I hereby move without notice, on behalf of the ANC:

That the House –

1. notes with sadness and concern the death of Mr Msingathi Langa, the body guard of Professor Buhlungu of the University of Fort Hare;
2. also note that Mr Langa is said to have been a crucial witness in the upcoming trial of Prof Buhlungu’s first bodyguard;
3. further note that the University of Fort Hare is concerned about the lack of basic and fundamental procedural forensic protocols on the crime scene;
4. the university was also concerned because the suspect was only arrested on Tuesday although he was delivered to the police through a civil arrest on Sunday;
5. therefore, we call on the police to leave no stone unturned in investigating what has happened in this accident; and
6. send our deepest condolences to the family and friends of Mr Langa.

Agreed to.

# EFF WINS BY-ELECTION

(Draft resolution)

Mr M S MOLETSANE: Chairperson, I hereby move without notice, on behalf of the EFF:

That the Council -

* 1. notes that the EFF emerged victorious in the by- elections held last week, in Ward 17 Paul Roux, in the Dihlabeng Municipality, in the Free State province;
  2. further note, that the EFF secured 56,94% of the votes compared to 39,69% in the 2021 municipal elections;
  3. acknowledge that the ANC previously held this ward in the 2021 local government elections and it became vacant as a result of a councillor’s death;
  4. further acknowledge that this is the first time the ANC lost power in Paul Roux;
  5. recognise that this victory is the beginning of a change in the political landscape in the Free State and across the country; and
  6. the EFF would therefore, like to thank the people of Paul Roux for voting for the EFF and we promise to provide services and change the lives of our people.

Not agreed to.

# DA WIN BY-ELECTION

(Draft Resolution)

Mr F J BADENHORST: Chair, I hereby move without notice, on behalf of the DA:

That the House -

1. congratulates the residents of Ward 5, Zwelihle in Hermanus, that decided that a responsive ward councillor focussed on community needs and service delivery is more important than empty promises and

cadre deployed ward councillors that are so often deployed by the ANC;

1. notes in the recent by-election in Ward 5 that the DA support more than doubled in this former ANC stronghold in the Overstrand Municipality. The DA grew from 12% to 29% while the ANC support plummeted from 56% to 37%; and
2. lastly, congratulate the entire Democratic Alliance team in the Overstrand constituency for their continued dedication to take the DA difference to residents of all communities.

Not agreed to.

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): Hon

members, can we, please, try to not be so loud. My ears are not well. So, I am asking you, please.

# ILLICIT CIGARETTES IMPORTED

(Draft Resolution)

Mr M DANGOR: Chairperson, I hereby move without notice, on behalf of the ANC:

That the House –

1. notes that law enforcement teams impounded a truck carrying 1000 master cases of illicit cigarettes with a tax value of more than R20 million in Bronkhorstspruit;
2. also note that the illicit cigarettes were imported through the Beit Bridge border post where they were falsely declared as tea leaves;
3. further note that the driver of the truck fled the scene when approached by the law enforcement officers; and
4. therefore, call on the police to hunt and find the culprit so that they can face the full might of the law.

Not agreed to.

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): There being an objection and I hope the people are listening when somebody is objecting to things of crime prevention.

Ms M O MOKAUSE: The ANC objects to issues of service delivery. That is a nonsensical motion that was passed now.

# TIEGO MOSENEKE UNTIMELY PASSING

(Draft Resolution)

Mr M E NCHABELENG: Deputy Chair, I hereby move without notice, on behalf of the ANC:

That the Council –

1. notes with deep sense of loss the untimely passing away of Mr Tiego Moseneke, a legal practitioner and a businessman;
2. Tiego Moseneke was a member of the Congress of South African Students and later a student leader at Wits

University and a member of the African National Congress in his own rights;

1. his death comes at the time when his energy and services were needed most by the African National Congress; and
2. we therefore express our heartfelt condolences to his family, friends and comrades.

Not agreed to.

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): Who is

objecting to a motion of sympathy? Who is that? Who is that to a motion of sympathy? Who is that that is objecting? You have the right to object but it is very insensitive to the family and to everyone. Don’t just hear ANC listen to the content of the motion. ... [Interjections.] ... No you don’t have. Then state your reason if you have one. However, that reason will never be acceptable to me. So, this will become a notice of a motion.

The CHIEF WHIP OF THE NCOP (Mr S J Mohai): I just want to ... [Inaudible.] ... there was no objection I think. Let’s be clear so that we deal with other issues separately from matters that will make our House not dignified. I take it as such because the problem I think arose was when the EFF motion

... correctly the EFF has won the by-election in the Free State at Paul Roux. When members ... [Interjections.] ...

Ms M O MOKAUSE: ... in your province, say so!

The CHIEF WHIP OF THE NCOP (Mr S J Mohai): In the province of the Free State, yes, in Paul Roux the EFF has rightly won free and fair election, that by-election. However, we must make a distinction when members argue around issues of service delivery thereafter. It is a separate matter. Hon Mokause made a motion, it was not objected for record. To say issues of infrastructure in black townships in the Free State should be debated.

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): Exactly!

The CHIEF WHIP OF THE NCOP (Mr S J Mohai): For record it was not objected.

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): It was not.

The CHIEF WHIP OF THE NCOP (Mr S J Mohai): Let’s be clear about that thing. It was allowed for a discussion in the future. So, it was not objected. The matter that we were dealing with, I fully agree with you without even mentioning it. It is a matter that can make our House not dignified if we are not ... [Interjections.] ...

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): ... very

insensitive ...

The CHIEF WHIP OF THE NCOP (Mr S J Mohai): ... and I take it that there was no objection in that regard. Thank you.

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): Thank you.

And I think we agree with that. Sorry, hon Du Toit, you may continue. It can’t be that someone in the NCOP would say, no we cannot extend our sympathy to a family who lost a loved one. Hon Du Toit.

Agreed to.

Mr S F DU TOIT: I move, on behalf of the FF-Plus, without notice:

That the House-

1. notes that the felt Fire season has started;
2. notes that agricultural sector that includes substance farmers, small scale farmers and commercial farmers are affected negatively by these fires;
3. notes that food security and employment are affected negatively by these fires; and
4. further notes that the local and district municipalities are urged to support and co-operate with entities, like *Working On Fire*, agricultural unions and private sector, to ensure that the lives and livelihoods are protected by acting in a proactive manner in preventing fires that might start.

I so move!

The motion is agreed to in terms of section 65 of the Constitution.

Ms M O MOKAUSE: Deputy chairperson, we hereby rise as the EFF, today:

That House-

1. note the overwhelming supports in the recent by- elections throughout the country, where the EFF has actually doubled its support in a lot of wards, that include the Dihlabeng, Fateng tse Ntsho, Ward 17;
2. acknowledges that this township is one of the many townships that has been neglected by the ruling party;
3. further acknowledge that the victory of the EFF comes at a time where the organisation is gearing up to take power in the 2024 General Elections;
4. further notes that the EFF will demonstrate in this ward, of Ward 17 Dihlabeng, that we are indeed ready to govern;
5. accept that the EFF is going to provide the long outstanding services which were supposed to be provided by the ruling party for the people of Ward 17 in Dihlabeng; and
6. amongst others, further accept that the EFF is going to move a motion in Dihlabeng Local Municipality, to provide an uninterrupted electricity supply.

I so move!

The motion was objected to. There being an objection, the motion will not be proceeded with. It will become a Notice of a Motion.

Ms L C BEBEE: I hereby move without notice on behalf of the ANC:

That the House-

1. notes that Mr Jean Solomons was sentenced to 80 years’ imprisonment, in the High Court sitting in Beaufort West, for viciously assaulting his two-year old son, resulting in his murder;
2. also notes that the victim had multiple blunt injuries to the head, trunk, and limbs upon admission to the hospital and after investigation it was discovered that the victim was brutally assaulted and sexually violated by his father;
3. further notes that he was linked to an unresolved gang-related murder that was committed in Atlantis in November 2016;
4. acknowledges that he was linked through forensic evidence and CCTV footage that led to him being convicted on this case as well; and
5. therefore, commend the police and the NPA for a job well done.

I so move.

Agreed to.

Ms H S BOSHOFF: On behalf of the DA, I hereby move without notice:

That this Council-

1. notes that Kirsten Neuschäfer, a South African from Gqeberha has become the first woman to win the prestigious Globe round-the-world race;
2. further notes that this race is considered one of the greatest challenges, as one sails around the world alone, with no assistance and without the use of modern technology to battle high winds and rough seas;
3. again notes that Kirsten is a role model and an example for every South African of what one can achieve with the necessary skill, willpower and effort;
4. requests that this House sends her a letter congratulating her on her extraordinary achievement

and furthermore encourage her to share her experiences with all South Africans; and

1. finally, notes that she is saluted by all because she is a true South African champion.

I so move!

The motion is agreed to in terms of section 65 of the Constitution.

Ms M DLAMINI: I hereby rise on behalf of the EFF:

That the Council-

1. notes with concern, that convicted and awaiting trial prisoners are escaping from correctional facilities around the country every year;
2. further note, that according to the Department of Correctional Services annual report, in the 2020/2021 financial year, a total of 117 inmates escaped, while 34 inmates broke out of correctional facilities the financial year before;
3. acknowledge that most of these escapes have gone unreported and swept under the carpet;
4. further acknowledge, that the department of Correctional Services has shown its incompetence and complete disregard for the safety of South Africans;
5. recognise that the security measures in our prisons are weak and wardens are aiding and abetting prison escapes;
6. further recognise that prisons are overcrowded and that there will always be escapes when there is overcrowding;
7. calls for the removal of the Minister of Justice who is incompetent and has put the department on auto pilot.

I so move.

The motion was objected to. There being an objection, the motion will not be proceeded with. It will become a Notice of a Motion.

Ms M O MOKAUSE: Let’s hear which criminal is objecting to that! It is only criminals who can object to such motions! [Interjections.]

Mr T S C DODOVU: On a point of order, hon Deputy Chair. Hon Chair, on a point of order!

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): Hon Dodovu,

can we have order from your side and from hon Mokause. Order!

Mr T S C DODOVU: I was making a point of order, hon Chair!

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): I don’t

hear you!

Mr T S C DODOVU: I am rising on a point of order, and please allow me to do so.

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): Yes, you

may proceed!

Mr T S C DODOVU: An hon member has objected to the motion that was put forward, rightly so, and you have understood that and

agreed on that. However, hon Mokause says that member is a criminal, which means that a member who exercises his right to object to a motion is a criminal. That is totally unacceptable, auspicious and therefore it must be dealt with accordingly.

Ms M O MOKAUSE: Are you a criminal?

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): The point

of order is sustained! Let’s move on with our programme. Hon Maleka, you can continue with your motion.

Ms A D MALEKA: I hereby move without notice on behalf of the ANC:

That the House–

1. notes that the suspect accused of raping a Grade 9 high- school learner who was walking to school, was denied bail by the Bellville Magistrate’s court;
2. also notes that in the case of the rape and robbery, the accused was remanded to 30 May 2023;
3. further note that footage of the incident was handed over to the police for further investigations; and
4. therefore, call on the police and National Prosecuting Authority to thoroughly investigate and make sure that the perpetrator is brought to book.

I so move.

The motion is agreed to in terms of section 65 of the Constitution.

Ms C VISSER: Hon Deputy Chairperson, on behalf of the DA, I hereby move without notice:

That this Council-

1. notes the concerns of the Biesiesvlei and Itekeng communities in the Ditsobotla Local Municipality where a temporary permit issued in 2016-17, to open the Lichtenburg Waste Tyre Depot within a residential area, exceeding the regulations of the Waste Tyre Regulations, with Section 24 of the Constitution providing everyone

has the right to an environment that is not detrimental to his or her health or wellbeing, the National Environment Management Act and the National Water Act;

1. further notes that an area exceeding 1 000 x 100 meter, stacked 2 meter+ in height, in tall grass, running down to the banks of the already polluted Hartsriver and within the seasonal flood lines of the river;
2. acknowledges that this river feeds into the Barberspan Ramsar Wetland, the Wentzel and the Taung Dams where water is extracted for human consumption;
3. also notes that in the case of fire scrap tyre piles break down into hazardous compounds including gases, heavy metals and oil will impact the health risk of all those that are living and breathing there, since decomposing tyres emit harmful chemicals into the atmosphere, soil and water which affects the environment; and
4. lastly, notes that the safety of all the people of Biesiesvlei and Itekeng comes first, in that:
   1. the issuing of a temporary permit of such a nature within a residential area with a risk of recurrent fire and flooding deems to be investigated and acted upon;
   2. it is a travesty as no oversight from the North West Provincial Department of Economic Development, Environment and Tourism or the Ngaka Modiri Molema Disaster Management has been conducted for seven years, to ensure compliance of regulations and/or legislation.

I so move!

The motion is agreed to in terms of section 65 of the Constitution.

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): I really

allowed you were almost the last, but you were way over your time. However, I have allowed you.

Ms M O MOKAUSE: You only allowed her because she is a DA delegate!

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): Hon

Mokause, you must in any case please withdraw the statement that you made about criminals. So, can you please allow us to continue in peace. The hon Chief Whip of the NCOP!

Mr I NTSUBE: Hon Deputy Chairperson, I move on behalf of the ANC ... [Interjections.]

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): Hon Ntsube,

just a moment! I just took it there is no objection to that motion because it is an environmental issue. So, I just took it there is no objection. I am sorry that I didn’t follow the procedure, but I just took it like that.

Ms M O MOKAUSE: Your favouritism is noted in this House! How you favour other people!

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): I hope you

will attend in future, physically

Mr D R RYDER: Come to the House if you want to shout!

Mr I NTSUBE: Well, thank you very much, hon Deputy Chair of the Council. I hereby move on behalf of the ANC:

That the council-

1. notes with profound sadness and grief, the death of a former Premier of the Free State, MS Beatrice Marshoff, who passed on last month;
2. further notes that Premier Marshoff was a humble and dedicated servant who served the people of the Free State between 2004 and 2009;
3. further notes that Premier Marshoff has left a footprint as a founding member of Nehawu, a dedicated professional nurse and committed activist up until her last breath;
4. acknowledges that the death of Comrade Beatrice Marshoff has robbed us of a strong and courageous leader who served the people of Free State and South Africa with profound humility, grace and dedication;
5. takes this opportunity to convey condolences to the family of the former Premier Beatrice Marshoff; and
6. expresses appreciation for sharing her with the rest of us as South Africa.

I so move!

The motion is agreed to in terms of section 65 of the Constitution.

Agreed to.

# CONSIDERATION OF REPORT OF SELECT COMMITTEE ON CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS, WATER, SANITATION AND HUMAN SETTLEMENTS - FORENSIC INVESTIGATIONS CONDUCTED IN MPUMALANGA LOCAL MUNICIPALITIES IN TERMS OF SECTION 106 OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT OF 2000

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS, WATER, SANITATION AND HUMAN SETTLEMENTS PRO-ACTIVE OVERSIGHT VISIT TO MALUTI - A PHOFUNG LOCAL MUNICIPALITY**

Mr T S C DODOVU: Deputy Chairperson and members of the NCOP. I have the honour to present the CONSOLIDATED STATEMENT ON THE FORENSIC INVESTIGATIONS CONDUCTED IN TERMS OF SECTION 106 OF THE MUNICIPAL SYSTEMS ACT OF 2000 IN MPUMALANGA LOCAL MUNICIPALITIES.

The section 106 of this legislation, requires that if the Member of Executive Council, MEC, has reason to believe that a municipality in the province cannot or does not fulfil a statutory obligation binding on that municipality or that maladministration, fraud, corruption and any other serious malpractice has occurred, he has a right to invoke this particular of legislation.

As part of performing parliamentary oversight on corruption, fraud and maladministration in local municipalities, a multiparty delegation of our committee had physical engagement sessions from the 25th and the 26th of October 2022 with the MEC of the Department of Cooperative Government and Traditional Affairs, CoGTA, provincial heads of the National Prosecuting Authority, the HAWKS , the Special Investigating Unit, the mayors and municipal managers of Dr Pixley Isaka

Seme, Govan Mbeki, Lekwa, Dr J S Moroka and Dipaleseng Local Municipalities.

Our primary oversight objectives of having engagement sessions with ... [Inaudible.] ... was to afford them the opportunity to brief us in terms of their work to ensure accountability on the progress made in respect of section 106 findings, recommendations on cases of corruption and the prosecutions related to the forensic investigations conducted in the affected municipalities.

Our secondary objective was to accord platforms to the mayors and municipal managers and all and sundry in the affected municipalities to table their municipal action plans to the delegation of the NCOP.

During our engagement hon Deputy Chair, with all the stakeholders, both internal and external in the aforementioned municipalities. We have noted; that in terms of the evidence provide by the department, the reports on section 106 forensic investigations were shared with the respective municipalities in order to develop municipal action plans to deal with findings and recommendations.

We have however noted with serious concerns that one ... [Inaudible.] ... that have not been tabled to Nkomazi and Ehlanzeni municipalities and the department, could not finalized investigations in Bushbuckridge Local Municipality.

We therefore call upon the department, the HAWKS, the SIU and the NPA to urgently develop a coordinated and joint approach to ensure the finalization of section 106 investigation in the Bushbuckridge Local Municipality and take appropriate action in respect to all other municipalities that we have mentioned above.

In terms of the report presented by the NPA hon Deputy Chair, is important to sketch out that with repulsion that the modus operandi of procurement fraud, corruption and maladministration in most of these municipalities is the same. Is perpetuated by senior managers, by senior politicians who collaborate and connive with service providers to siphon millions from the state coffers and that is not acceptable.

Some of these municipalities have failed to implement consequence management against those who are responsible in

terms of wrong doing in order to recoup the required funds as such.

And as part of our recommendations hon Deputy Chair, we are calling for the establishment of the municipal disciplinary board to deal with the aforesaid mentioned.

As the Select Committee on CoGTA, we reaffirm our commitment to intensify our oversight programme in fighting corruption in all these municipalities and this year we are going to ensure that our annual performance plan and the quarterly programmes focus among others on section 106 interventions in those particular municipalities.

As you indicated hon Deputy Chair, I have the honour also to present a report of our committee in respect of the proactive oversight visit to Maluti-A-Phofung Local Municipality.

The select committee visited this municipality and conducted active oversight visit on the 16th of August 2022 to Maluti-A- Phofung Local Municipality in the Free State Province.

The objectives of this oversight visit was to assess the state of the local municipality in terms of its municipal transformation and organisational development; service delivery; municipal financial viability as well as public participation. We engaged different players both internal and external together with the municipality.

And having conducted proactive oversight visit to Maluti-A- Phofung Local Municipality, we present the following recommendations for consideration:

The joint support should focus ... must be developed in terms of making sure that the municipalities is continued in terms of giving support to that municipality.

The joint support should focus but not limited to strengthening the capacity of the local municipality in order to perform its functions.

The local municipality should fast track the process of the Smart City plan and the local economic development strategy to the council for adoption and implementation.

The municipal manager in that municipality should implement the resolutions of Local Labour Forum, LLF, in line with the approved organisational structure of the municipal, to ensure that competency requirements and grading systems is fast tracked.

The Local Municipality should develop time frames that fasts track the process of handing over of 300 title deeds in the QwaQwa area to residents.

As part of dealing with electricity crisis and Eskom historic debt hon Deputy Chair, of R6,6 billion, the Free State Department of CoGTA should fast track the process of submitting the proposed Eskom’s Partnership Agreement Model to the National Treasury for consideration.

The Free State MEC for CoGTA should investigate the allegations of corruption and stealing of municipal properties by the officials, and table the report with findings, go to the NCOP and the provincial legislature.

Lastly, hon Deputy Chairperson, the MEC should notifying the NCOP and the provincial legislature about the invocation of

section 139(5) of the Constitution in the municipality, and provide quarterly reports. As well as ensuring that upon the tabling of such reports, those particular reports are tabled before the NCOP and the NCOP should ensure that it followed up all the necessary issues as tabled in the reports.

Thank you very much hon Deputy Chairperson. Here I table those particular reports for your consideration. Thank you very much.

Debate concluded.

Question put in respect of the First Order: That the Report be adopted.

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

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

Debate concluded.

Question put in respect of the Second Order: That the Report be adopted.

Declarations of votes made on behalf of the Western Cape.

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

AGAINST: Western Cape.

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

*Declaration of vote*: on Second Order:

Ms C LABUSCHAGNE: Chair, our Deputy Chair, Maluti-a Phofung was put under administration in 2018 due to the following reasons, a series of unrest, administrative and service delivery challenges, rising Eskom debts and no payments to third parties.

When the municipality was starting to show signs of improvement in some areas the department decided to leave the intervention stating all its powers. The select committee went

to see for themselves on 16 August 2022. Several presentations on the day they are a clear picture that the lifting of the interventions was premature. It was clear that Maluti-a- Phofung still continues to face a number of governance challenges that impact on its ability to effectively dispenses its constitutional duties. The entire community is suffering a huge deprivation as a result of lack of water and electricity. Factories and businesses are closing on a daily basis with increase job losses. There is still no proper billing system and they still owe creditors billions, including Eskom.

Recently, hon Ryder, spoke about some reasons why interventions are lifted due to political pressure from different factions. Currently, 400 000 residents in Maluti-a- Phofung continues to suffer while we again use in credentials as a political tool. The Western Cape does not agree with the decision to lift the intervention. I Thank you.

Question Put. That the Report be Agreed to.

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

Against: Western Cape.

Report accordingly agreed to 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 MPUMALANGA FROM 31 OCTOBER TO 4 NOVEMBER 2022

Ms T C MODISE: Deputy Chairperson, good afternoon to all my colleagues here. Hon Chair, allow me to summarise the report because is 36 pages. So, I will start with the objectives of oversight.

The Select Committee on Land Reform, Environment, Mineral Resources and Energy visited Mpumalanga on 29 October to 4 November 2022.

The background or the objectives. The Committee has prioritised the oversight over the challenges of poor air quality in provinces responsible for the power generation, challenges experienced by the local government in monitoring air quality, as well as the challenges experienced by the Department of

Mineral and Energy to deal with the challenges of ageing infrastructure and the need to generate sufficient electricity for the country. Further, the committee has as part of its core oversight focus “waste management in the part of local government readiness to implement climate change mitigation and adaptation.” These oversight priorities of the committee form the core of the proposed oversight in Mpumalanga province.

I will go straight to the recommendations of the committee as I said. The delegation noted with concern that the budget allocation for both district and local municipalities appeared to be insufficient to allow for the appointment of sufficient environmental specialists or to perform the tasks required of this month municipal function.

The budget constraints also extend to the required equipment and IT resources required to perform specific duties within the air quality monitoring and enforcement sphere. One area where this comes to the fore is the fact that the municipalities rely on Eskom air quality data for some of its reporting. While the delegation is not assuming that the data is unreliable, it is problematic that the industry monitored for compliance is the one supplying the evidence for this enforcement. The committee

recommends that during its engagements with the relevant parliamentary committees, Co-operative Governance and Traditional Affairs and Treasury, the challenges the municipalities are facing in terms of budget allocations for local government competencies such as air quality management and enforcement is highlighted.

The reports of non-compliance towards air quality regulations experienced in the district municipality was a concern to the delegation. The municipality is located within the Highveld Priority Area, and as such, the enforcement of air quality regulations is of critical importance. The committee recommends that, after the municipality is requested to provide details on the polluting industries, the national department is engaged in order to determine how the local sphere of government can be assisted to improve enforcement.

The delegation requested further details regarding the decommissioning of the Komati power plant, details requested include the public participation process followed during the SIA, the EIA performed and a full review of the process followed to implement the repurposing programme that will be implemented at Komati.

There is a need for a greater understanding of the energy generation cost implications of complying with commitments made towards implementing the Paris Agreement. It is also important to develop a detailed understanding of the interactions between the Department of Forestry, Fisheries and the Environment and the Department of Mineral Resources and Energy on the topic. Even considering the fact that Eskom could have applied more foresight towards the midlife refurbishment of some of its power plants, it would appear as if the need to comply with stricter minimum emissions standards was always going to result in either significant costs or loss of generating capacity. The JET appears to have extremely tight timelines attached to it, or alternatively, the Department of Mineral Resources and Energy did not commit fully to its undertakings from the onset, creating the potential energy challenge that would result in the forced shutdown of older power stations without alternative plants in operation. The committee resolves to engage both departments on this matter.

The committee was informed that the maintenance of older power stations cannot be justified. The only option with older power plants that will allow these to operate within stricter emission standards is the retro-fitting of more modern CO2 capture

capacity, which Eskom states is simply too expensive to implement. Eskom remains challenged with completing new generating units and being unable to comply with stricter emissions standards. It is difficult to comprehend that this situation had not been predictable, with timeous adjustments made to the IRP in order to compensate for the approaching bottleneck. The committee resolves to engage the Department of Mineral Resources and Energy and relevant stakeholders on the topic in order to generate a better understanding of the matter.

The committee resolves to assist in co-ordinating meetings between Emalahleni municipal leadership and the Department of Mineral Resources and Energy to improve transparency related to the authorisation of mining activity within or close to residential zones. There is also a need for engagement between the community and the municipality in order to explain roles and responsibilities during authorisation. It is the further the opinion of the committee that mining licenses should not be issued if the human impact is not properly investigated, and there is a need to engage with the Department of Mineral Resources and Energy to determine what checks and balances is in place to ensure detailed engagement with affected parties.

The committee is concerned about the fact that a large proportion of pollution risk is reported to be caused by illegal mining activities and informal settlements within river drainage areas. The committee resolves to engage with the relevant departments and NCOP committees in order to seek a more effective solution for the situation.

The committee is of the opinion that greater clarity should be sought regarding the potential pollution risks associated with the activities of Manganese Metal Company and Delta EMD. On this matter, the CMA also reported that they will always respond to complaints received about pollution incidents, but do not have the capacity to monitor the entire Crocodile River in order to detect problems. The committee is concerned about the fact that neither the CMA nor the municipal leadership appear to have detailed knowledge of past complaints about the risk of pollution from this facility, and resolves to request greater details about the matter from all role-players.

In conclusion, as with the earlier engagements with local government on their air quality management and enforcement mandate, the committee is concerned that Mbombela Municipality stated that plant maintenance is a challenge. Urban settlements

are growing, while wastewater treatment facilities are ageing and in need of upgrading and maintenance. The committee recommends that during its engagements with the relevant parliamentary committees, Co-operative Governance and Traditional Affairs and Treasury, the challenges that municipalities are facing in terms of budget allocations for local government competencies such as wastewater treatment and water quality monitoring is discussed. This is the recommendations made by the committee, hon Chair. Thank you very much.

Question Put. That the Report be Agreed to.

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

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

# CONSIDERATION OF REPORT OF SELECT COMMITTEE ON TRADE AND INDUSTRY, ECONOMIC DEVELOPMENT, SMALL BUSINESS DEVELOPMENT, TOURISM, EMPLOYMENT AND LABOUR, JOINTLY WITH SELECT COMMITTEE ON PUBLIC SERVICE AND ADMINISTRATION AND PUBLIC WORKS AND

**INFRASTRUCTURE ON OVERSIGHT VISIT TO THE NORTHERN CAPE 16-19 AUGUST 2022**

Mr K M MMOIEMANG: Deputy Chairperson, greetings to you and the leadership of this esteemed House, and special word of greetings to the esteemed members of this House. The Select Committees on Trade, Economic Development, Employment and Labour, Small Business and Tourism, Transport, Public Works and Infrastructure and Public Service and Administration embarked on an oversight visit to the Northern Cape province from 15 to 19 August 2022 with a special focus on the two districts, John Taolo Gaetsewe District Municipality and Francis Baard District Municipality to oversee implementation of the funded programmes by the national departments and their entities, paying more attention to Trade and Industry and also infrastructure and Transport, not excluding Tourism. This included an assessment of how the three spheres of government work together in implementing national priorities in terms of job creation with a view to spur change of the economic structure, and foster economic transformation in line with the aspirations of the District Development Model (DDM).

The purpose of this visit was to also oversee the implementation of various policies and legislation aimed at enhancing infrastructure development, industrialisation, manufacturing and small business development towards employment creation. This indeed was in line with keeping the implementation of the economic policies such as the National Development Plan, the Economic Reconstruction and Recovery Plan, Re-imagined Industrial Strategy Policy Action Plan, New Growth Path and National Infrastructure Development Plan for the advancement of an inclusive economic growth and development. Having identified key areas from the visit, the committee makes the following orientated recommendations. Over the 2023 medium term, the national Ministers responsible for transport, roads, public enterprises, energy, trade and investment including small businesses and the member of the executive council together with the leadership of both district identified the need to develop an integrated plan to operationalise the Strategic Integrated Project 5, popularly known as Sip5, which is the Saldanha–Northern Cape development corridor including Khathu Industrial Park. The plan should be submitted to the Select Committees on Trade, Economic Development, Employment and Labour, Small Business and Tourism and Transport, Public Works and Infrastructure and Public

Service and Administration, before the end of the 2023-24 financial year.

Secondly, over the 2023 medium term, the Ministers for Co- operative Governance and Traditional Affairs and Trade, Industry, and Competition should engage the Minister of Finance to consider of establishing Regional Economic Development Fund to support local government authorities to fund and finance local economic development initiatives, and establish capacity and capability to manage local economic development.

Furthermore, the Minister of Tourism, the Minister of Sport, Arts and Culture and the Minister of Environmental Affairs must develop integrated plan to support local government to fund development programmes that seek to spur growth of the creative economy, tourism and sport. The Ministers responsible for these sectors must engage the Minister of Finance to consider funding for these development initiatives. Local government authorities need to prioritise and fund tourism development initiatives.

Furthermore, the tourism industry remains a critical strategic industry that needs cross-sector support ranging from roads infrastructure investment including water and sanitation, energy, information and technology. Therefore, over the 2023 medium term, the Minister of Tourism must engage these identified Ministers responsible to work together with the member of the executive council responsible for economic development, transport and roads including the John Taolo Gaetsewe and Frances Baard districts to develop a plan that will support tourism development initiatives, and submit such a plan to the to the two select committees before the end of the 2023-24 financial year.

Moreso, the visit in the Northern Cape emphasised the need for the government to reset the economy, tackle cost of living, create employment opportunities, but also that the policy decision to go big so that we are able to lay a solid foundation for long-term growth - not just growth but sustainable economic growth and development. It is important that bold initiatives to increasing employment must be embarked upon so that it certainly raises living standards, and more than that also support to businesses must be able to help businesses to grow and create needed jobs, hence tourism

remains an important player in terms of the overall economy and employment creation.

Our spending must be directional to grow our economy. We need to build provincial economies that are not entirely depended on public spending, but rather public spending should be leveraged to crowd-in private sector investments. We need also to double our efforts to invest, and grow the share of the private sector’s activities in our provincial economies, so that we are able to ensure that we deepen the growth of the private sector. The role of the private sector in the economic growth would require better economic governance and management at local government with the view to ensure that we also ensure that infrastructure spending is utilised to boost economic activity and investment.

Lastly, there has to be co-ordinated efforts throughout the three spheres of government, including the development agencies, working in collaboration with the private sector such that we are able to accelerate the economic growth and create jobs. I therefore recommend that the esteemed members of this House adopt the report. Thank you, Deputy Chair.

Question put.

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

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

# CONSIDERATION OF REPORT OF JOINT STANDING COMMITTEE ON THE FINANCIAL MANAGEMENT OF PARLIAMENT ON THE PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA’S 2020-21 ANNUAL REPORT, DATED 2 DECEMBER 2022

Ms D G MAHLANGU: Hon Chairperson of the National Council of Provinces, hon Deputy Chairperson, the Chief Whip of the National Council of Provinces hon members ...

*IsiNdebele*:

... maSewula Afrika, lotjhani.

*English*:

I stand before you to present the Joint Standing Committee on the Financial Management of Parliament’s report on this

institution’s performance in the 2021-22 financial year. The committee considered the report in accordance with section 4 of the Financial Management of Parliament and Provincial Legislatures Act, Act 10 of 2009, which mandates the committee to amongst others consider Parliament’s annual report. At the outset I wish to congratulate Parliament on receiving yet another unqualified outcome, with no material findings on performance information and compliance with laws and regulations.

Hon Deputy Chairperson and hon members**,** as you are aware the Sixth Parliament identified two strategic priorities. Firstly, to strengthen oversight. Secondly, to enhance public involvement in Parliament’s activities. To this end, Parliament has committed to improve committee oversight work in relation to the budget cycle in particular, through allowing more time in the parliamentary programme for oversight activities and encouraging committees to undertake joint oversight activities, and to improve the effectiveness of public hearings through greater public participation.

In the 2021-22 financial year, Parliament received an appropriated budget amounting to R2,144 billion. That is

R187,3 million less than in the previous financial year. The statutory appropriation amounted to R471,7 million, also reflecting a reduction of R69,3 million on the previous year’s allocation. This means that in the 2021 financial year, the institution’s overall budget was R256,7 million less than the previous financial year. As per the statement of comprehensive income, Parliament underspent its budget by R223,2 million by the end of the 2021-22 financial year. This under expenditure is of concern to the committee and I think it should to all the members.

Hon members**,** the Parliamentary Services provides the support services required by Parliament and its members to effectively fulfil their constitutional functions and obligations. The Parliamentary Services must provide these key inputs in order for the institution to be effective, efficient, and to achieve its stated outcomes. I am pleased to report that the institution succeeded in meeting and exceeding all targets related to the 12 performance indicators that were measured in 2021-22 financial year.

The institution continued to measure performance via quarterly client satisfaction surveys, that allow members to rate the

parliamentary administration services along five dimensions most statistically correlated to client satisfaction. Each indicator is measured along the dimension of usefulness, reliability, timelines, ease of access and for core business services and fairness. The final results are an average of the responses received from members. Hon members are encouraged to participate on these surveys to ensure reliable results as we rely on them to get a feedback in as the performance of the institution.

The administration programme consolidates the three programmes that were formerly alone standing. That is strategic leadership and governance, administration, and support services. The most notable development in respect of this programme include that, the developments in respect of digital technology continued to fundamentally transform how Parliament operates. It should be noted that, although the back end broadcasting and related information and communications technology, ICT infrastructure was damaged during the devastating fire on 2 January 2022. The fire had minimal impact on the availability of critical technical systems.

The second of Parliament’s three programmes provides for support services for the effective functioning of the National Assembly, the National Council of Provinces and their committees. In the 2021-22 financial year, Parliament implemented a new programming framework with a shift towards dedicated constituency, committee and plenary weeks. The new framework is intended to allow for the scheduling of joint committees and joint intersectoral work.

To expand public participation, the institution implemented amongst others, interventions focussing on public education and information, mobilising public stakeholders, the use of digital and preferred platforms, with virtual public meetings, e-hearings and e-petitioning. Despite the fire that took place in January 2022, committees continued to adapt to the new technology-based way of operating that was first introduced during the COVID-19 lockdown. The fire had minimal impact on the functioning of the committees. Physical oversight visits, public hearings, committee meetings and certain ad hoc committee meetings of Parliament increased in the period under review compared to the previous year. Parliament’s swift adoption of technology during the COVID-19 lockdown, has

provided the public with greater access to information and livestreaming of proceedings of committees and the Houses.

The Audit Committee made several observations which the Executive Authority was encouraged to attend to. This included the need to improve risk governance processes, in particular the functioning of the Risk Management Committee, and deciding on the best resourcing model for Parliament’s governance, risk management and compliance functions. Furthermore, the number of positions in the Internal Audit Unit that have been frozen has an impact on the unit’s performance and ability to deliver on its mandate. The Joint Standing Committee shares these concerns.

Hon Deputy Chairperson, the Joint Standing Committee having considered the annual report which reiterated many of the recommendations it has made in the past, most notably that the concerns raised by the Audit Committee be addressed urgently and that the Joint Standing Committee through the quarterly progress reports. Amongst other recommendations is that, the posts of chief financial officer and Head of Parliamentary Protection Services, be filled as a matter of urgency because the continued lack of leadership and stability in these two

areas had an adverse effect on the institution’s overall performance. Lastly, amongst the recommendations is that, discussions around how to resolve the Parmed concerns be expedited to ensure that an alternative vehicle for this liability is found.

Let me conclude by saying, importantly, especially in light of the Zondo Commission’s findings in respect of parliamentary oversight, the Executive Authority and the Minister of Finance must as a matter of urgency find a constructive resolution to Parliament’s budgetary challenges. Financial constraints will have a negative impact on Parliament’s ability to deliver on its constitutional mandate, and to meet the objectives set for the Sixth Parliament.

Hon Chairperson and hon members ...

*IsiNdebele:*

... angithathe ithuba leli ngithokoze amalunga weziNdlu ezimbili abahlanganyela ku ...

*English:*

... the Joint Standing Committee on Financial Management of Parliament.

*IsiNdebele:*

Ngithokoze godu nabasebenzi bePalamende abasiza amalunga ahloniphekileko. Ngiyathokoza.

Question put.

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

Report adopted in terms of section 65 of the Constitution.

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): Let me just before we conclude the business of the day, thank everyone that participated today and thank you for your patience with my coughing, but I am sure that I will be much better tomorrow. That concludes the business of the day. I would like to thank everyone, the permanent delegates, MECs that we saw on the platform and special delegates. I also saw one of the Minister’s officers was on the platform. We want to thank you

for availing yourselves. The House stands adjourned. Thank you very much.

The Council rose at 15:34.