

THURSDAY, 3 SEPTEMBER 2015

PROCEEDINGS OF THE NATIONAL COUNCIL OF PROVINCES

The Council met at 14:06.

The Deputy Chairperson (Mr R J Tau) took the Chair and requested members to observe a moment of silence for prayers or meditation.

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS - see col 000.

NOTICES OF MOTION

Ms E C VAN LINGEN: Hon Deputy Chairperson, I give notice that on the next sitting day of the Council, I shall move on behalf of the DA:

That the Council—

- (1) debates the financial sustainability and viability of local municipalities; and
- (2) adopts a resolution on the stage of administrative failure of the respective local municipalities before invoking a section 139 intervention.

Mr M KHAWULA: Hon Deputy Chairperson, I give notice that on the next sitting day of the Council, I shall move on behalf of the IFP:

That the Council—

- (1) debates the role of the position of the Deputy Chairperson of the NCOP;
- (2) notes that, of late, the NCOP has experienced a flight of postponements and/or withdrawal of items based on the nonavailability of the Chairperson of the NCOP whilst the Deputy Chairperson of the NCOP was around;
- (3) also notes that Rule 10(1) of the NCOP Rules states that the Deputy Chairperson of the NCOP performs the functions of the Chairperson of the NCOP in the absence of the Chairperson of the NCOP; and
- (4) acknowledges that the position of the Deputy Chairperson of the NCOP has, of late, been reduced to the running of noneffective errands.

Mr C F B SMIT: Hon Deputy Chairperson, I give notice that on the next sitting day of the Council, I shall move on behalf of the DA:

That the Council debates the current confusion that exists regarding the cross-cutting responsibilities for maintaining South African roads.

Mr W F FABER: Hon Deputy Chairperson, I give notice that on the next sitting day of the Council, I shall move on behalf of the DA:

That the Council—

- (1) notes that today the Passenger Rail Agency of South Africa, Prasa, board chairperson, Popo Molefe, briefed the media in Pretoria on the outcomes of Public Protector Thuli Madonsela's report on the alleged maladministration at the agency;
- (2) further notes that the report detailed 32 complaints against Prasa, most of them involving maladministration relating to tenders totalling R2,8 billion, with 19 being substantiated;
- (3) also notes that axed Prasa chief executive officer Lucky Montana was also widely implicated in this report, that Mr Molefe reported that the Public Protector's report is a concern to the board and of public interest, and that he is compelled to take measures against these irregularities; and

- (4) acknowledges that Prasa's Popo Molefe now believes his life is in danger, and it relates to the tender probes.

We believe that if you cannot take the heat, you should please get out of the kitchen and that the sooner a DA-led government takes over the better before there is nothing left to save of this beloved country of ours.

Mr T C MOTLASHUPING: Hon Deputy Chairperson, I give notice that on the next sitting day of the Council, I shall move on behalf of the ANC:

That the Council—

- (1) notes the arrest of 13 learners for the possession of dagga and dangerous weapons such as knives in schools in Limpopo and the arrest of six members, mostly learners, belonging to the Dickies Lovers and Dog for Money gangs; and
- (2) debates the proliferation of gangs, that in most cases are at the centre of the peddling of drugs and violence in our schools, in schools in South Africa and the need to look at developing a multidisciplinary gangs and drugs operational plan for schools to curb the proliferation of gang violence in our schools.

Ms T G MPAMBO-SIBHUKWANA: Hon Deputy Chairperson, I give notice that on the next sitting day of the Council, I shall move on behalf of the DA:

The Council debates the wasting of water in the Eastern Cape in three municipalities, namely the Nelson Mandela Bay Metropolitan, the King Sabata Dalindyebo Local Municipality, and the Buffalo City Metropolitan.

Ms E PRINS: Hon Deputy Chairperson, I give notice that on the next sitting day of the Council, I shall move on behalf of the ANC:

The Council—

- (1) notes the arrest of four people for possession and distribution of child pornography in Hercules in Pretoria and in Fish Hoek in Cape Town;
- (2) further notes that the arrests followed an investigation by specialised detectives from the Family Violence, Child Protection and Sexual Offences unit from Gauteng, as well as police in Antwerp, Belgium; and
- (3) debates the proliferation of child pornography in South Africa and its impact in our communities.

Ms Z B NCITHA: Hon Deputy Chairperson, I give notice that on the next sitting day of the Council, I shall move on behalf of the ANC:

The Council—

- (1) notes and congratulates Durban, the SA Sports Confederation and Olympic Committee, Sascoc, and the South African nation for winning the bid to host the 2022 Commonwealth Games;
- (2) also notes that the announcement was made in Auckland, New Zealand on Wednesday, 1 September 2015;
- (3) further notes that it will be the first time that the Commonwealth Games are held on South African soil and that it will not only benefit South Africans, but Africa at large;
- (4) acknowledges that South Africa has successfully hosted the three biggest single-sport events – the Cricket World Cup, the Rugby World Cup, and the Soccer World Cup – and therefore South Africa can put on a show that will do the Commonwealth Games very proud; and
- (5) further acknowledges that we pride ourselves on the hard work done by all parties involved in the bid to ensure the event starts on the birthday of our icon and former President, Tata

Nelson Mandela, and terminates at the end of his birthday month, thus running from 18 to 30 July 2022.

PASSING AWAY OF DA MEMBER OF PARLIAMENT KENNETH MUBU

(Draft Resolution)

Mr G MICHALAKIS: Hon Deputy Chairperson, I move without notice:

That the Council-

- (1) notes with great sadness the passing of our friend, brother, and Shadow Minister of Public Works, Kenneth Mubu, Member of Parliament;
- (2) further notes that before joining the DA parliamentary caucus, the hon Mubu served as the Director for Africa at the International Relations and Partnership Directorate at the University of Pretoria;
- (3) acknowledges that the hon Mubu was born in Lusaka, Zambia, held a BA in Education from the University of Zambia, a MA in Journalism and Public Relations from Ball State University, and a Postgraduate Diploma in Management from Leicester University, as well as a Certificate in Public Relations

Management from the Public Relations Institute of Southern Africa;

(4) further acknowledges the hon Mubu's contribution to building South Africa's constitutional democracy through the various roles he held in his lifetime and the DA's presence in the greater Pretoria region will never be forgotten and will be built upon by generations to come; and

(5) extends its condolences to his family, especially his wife, Nombulelo, and children, Kenneth Junior, and Tari.

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

GENERATING UNIT OPENED AT MEDUPI POWER STATION

(Draft Resolution)

Mr E MAKUE: Hon Deputy Chairperson, I move without notice:

That the Council-

(1) notes and welcomes the official opening of one of six generating units at Medupi Power Station in Lephalale, Limpopo, by President Jacob Zuma last Sunday;

- (2) further notes that the power station has officially brought on Unit 6 commercially, which will add 800MW to the country's strained electricity grid;
- (3) also notes that, when complete in 2019, the Medupi Power Station will add 4 764MW to Eskom's grid and will bring its total capacity from its current 41 194MW to 45 958MW;
- (4) recognises that the unveiling of Unit 6 shows that there is light at the end of the tunnel; and
- (5) welcomes the addition of the new generation capacity that is so critical to growing our economy at a time of increased energy scarcity.

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

**INFLAMMATORY REMARKS AGAINST LGBTI COMMUNITY BY MAYOR OF UMZINYATHI
DISTRICT MUNICIPALITY**

(Draft Resolution)

Mr M CHETTY: Hon Deputy Chairperson, I move without notice:

That the Council-

- (1) condemns the Mayor of Umzinyathi District Municipality, Cllr James Mthethwa, who made statements that were derogatory and amounted to hate speech against the lesbian, gay, bisexual, transgender, and intersex, LGBTI, community at the launch of the Umzinyathi community health work training project in Dundee last week, blaming gay people for the spread of HIV/Aids;
- (2) resolves to put an end to such statements, as it is in conflict with our human rights as contained in the Bill of Rights of the Constitution;
- (3) acknowledges that elected leadership should not make assertions that promote violence towards any person, that are factually incorrect, and that breed hatred towards LGBTI persons;
- (4) further acknowledges the municipality's statement on the mayor's behalf stating that Cllr Mthethwa wishes to apologise and retract all statements to those who were offended directly or indirectly; and
- (5) condemns this statement as an inadequate apology and demands that Cllr Mthethwa publicly withdraws these statements.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Is there any objection to the motion?

An HON MEMBER: Yes!

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): There being an objection, the motion without notice becomes a notice of motion on the Order Paper.

MURDER OF CAMPERDOWN MAN

(Draft Resolution)

Mr S G MTHIMUNYE: Hon Deputy Chairperson, I move without notice:

That the Council-

- (1) notes with disgust that a Camperdown father was shot and killed in the early hours of Tuesday morning in Durban while his wife and two sons watched in horror;
- (2) further notes that this happened after seven men stormed into the house and then ransacked it while holding the family at gunpoint, after which they allegedly shot and killed the 50-year-old man and fled with two cellphones;

- (3) condemns in the strongest terms this incident and calls on the law enforcement authorities to leave no stone unturned to ensure the perpetrators face the full might of the law; and
- (4) extends its deepest sympathy and condolences to the family during this time of pain and trauma.

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

PASSING AWAY OF ROLAND MQWEBU

(Draft Resolution)

Ms T K MAMPURU: Hon Deputy Chairperson, I move without notice:

That the Council-

- (1) notes with sadness that Mr Roland Mqwebu, Baba Mkhize, passed away on Friday, 28 August 2015, at the age of 74 years;
- (2) further notes that Baba Mkhize, as he was known on the sitcom *Emzini Wezinsizwa*, died at eThekweni Hospital after a long illness;

(3) also notes that he had been an entertainer and a darling of the nation and that his passing on has left a void in both the entertainment industry and many homes; and

(4) extends its deepest condolences to his family and friends.

May his soul rest in peace.

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

ESCALATING LEVELS OF CRIME PERPETRATED AGAINST SCHOOLCHILDREN

(Draft Resolution)

Ms L C DLAMINI: Hon Deputy Chairperson, I move without notice:

That the Council-

(1) notes with profound sadness the brutal killing of a student from Mondale High School in Mitchells Plain;

(2) further notes that the student was robbed of his cellphone and schoolbag before he was stabbed to death;

- (3) also notes that a study by the Centre for Justice and Crime Prevention has revealed that about 27% of young people in South Africa fall victim to crime or violence on a daily basis;
- (4) acknowledges that 47% of crime victimisation against young people in South Africa happens at school or close to school premises; and
- (5) debates crime against learners in South Africa and mechanisms to protect them from ruthless and heartless criminals who continue to prey on them as soft targets.

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

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON CO-OPERATIVE
GOVERNANCE AND TRADITIONAL AFFAIRS - NOTICE OF INTERVENTION
ISSUED IN TERMS OF SECTION 139(1)(b) OF THE CONSTITUTION,
1996, IN MAKANA LOCAL MUNICIPALITY**

Mr M J MOHAPI: Deputy Chairperson, Chief Whip and hon members, this is a report presented before the NCOP, a report that was discussed by the members of the select committee.

On 10 September 2014, the provincial executive council of the Eastern Cape province resolved to invoke section 139(1)(b) of the Constitution in the Makana Local Municipality. This was done in response to a request on 28 August 2014 by the municipality to the MEC for local government and traditional affairs. An administrator was then appointed on contract for a period of six months, subject to a review, with effect from 6 October 2014 to assume responsibility, perform duties, and obligations disregarded, some of which included financial challenges facing the municipality that resulted in the collapse of basic service delivery, leaving residents without water for weeks.

The provisions of section 139(2)(a)(ii) of the Constitution were not fully complied with by the provincial executive council in that the NCOP only received the written notice of intervention on 22 October 2014, which is 18 days, well above the 14 days prescribed by the Constitution. As a consequence, the select committee was unable to come to a determination based on the procedural defects from the side of the provincial executive council. It was therefore resolved by the NCOP that the MEC for local government and traditional affairs in the Eastern Cape should urgently embark on measures to regularise the intervention in accordance with the legislative prescripts.

In terms of the current intervention, the decision to intervene was taken on 17 March 2015, and the NCOP was informed on 19 March 2015,

two days after the decision was taken in order to comply with the requirements as set out in terms of section 139(2)(a)(ii) of the Constitution.

The municipality is specifically challenged in the following areas: infrastructure reflecting on water and electricity, poor infrastructure operations and management, dilapidated roads, housing backlogs, and poor waste management. Under governance, there are issues of compliance challenges, lack of political oversight, noneffective performance management, allegations of corruption and nepotism, and a lack of compliance with the prescripts of the law. No service delivery and budget implementation plan has been adopted and aligned to combat community protests. Institutional challenges include a skills and capacity gap, a dysfunctional Local Level Forum, LLF, council committees and management structures reportedly not meeting regularly and often being shifted, and a lack of public participation.

Under financial challenges, the following has been observed. The municipality is not able to meet its current and statutory obligations and expenditure far exceeds revenue collected, resulting in rising levels of unpaid creditors. It has high expenditure levels in paid overtime and litigation of creditors but declining audit outcomes. The municipality has had four disclaimers by the Auditor-General, inadequate internal controls, nonadherence to policies and

procedures, overreliance on grant funding, inadequate systems and processes, and poor and weak supply chain and contract management.

The terms of reference of the administrator were the following: assuming executive obligation for infrastructure, corporate services and finance, implementation of the previous administrator's recommendations, implementation of financial recovery plan, and facilitation on the appointment of the chief financial officer, the technical director, and the municipal manager.

Progress has been made terms of revenue collection and debt collection. RevCo, a service provider, was appointed to assist with revenue collection, and this yielded an increase in revenue collection from an average of 66% to 83% currently.

PricewaterhouseCoopers, funded by the provincial department of co-operative governance and traditional affairs, was appointed to assist with further revenue-enhancement strategies. Such a strategy was subsequently approved and is being implemented. In improving the supply chain management of the municipality, a senior manager was seconded by the province from the department of co-operative governance and traditional affairs.

Creditors Eskom, the Auditor-General, and Aragon Property Development were engaged, and payment plans were arranged with the municipality. These creditors are at a litigation stage. The provincial department of co-operative governance and traditional

affairs has made available an amount of R26 million to assist in resolving creditor issues. Of this amount, R18 million was used to pay Eskom debt. The post of the legal manager was filled on 1 July 2015, and this increased the municipality's capacity to handle issues of litigation. In many instances, the municipality did not defend itself despite the delivery of summonses to the high-level officials. The human resources manager was appointed in May 2015, and the provincial department of co-operative governance and traditional affairs has also seconded a senior official in July 2015. Work on accelerating recruitment processes, human resources policies, the development of an employment equity plan, and ensuring compliance with prescripts has commenced. Engagement with the LLF for the establishing of the bargaining environment is still a challenge in this municipality, as its meetings were often postponed.

Chairperson, the select committee during its deliberations, observed the following. It has been observed that the MEC for local government and traditional affairs has regularised intervention and complied accordingly with all the legislative prescripts as recommended by the NCOP. Notwithstanding the measures taken to regularise the intervention, this municipality's compliance with the financial management systems and processes is still a challenge. For the past four years, the municipality has annually received a disclaimer audit opinion. This was also exacerbated by critical skills shortages, especially at the management level. The view of

the select committee is that poor financial management and the lack of adequate controls and accountability systems impact negatively on service delivery processes.

There have been claims by organised labour that nepotism and favouritism resulted in irregular appointments and promotions in the municipality. Cases have been cited where posts are filled without being advertised. The select committee wishes to point out that the appropriate recruitment and selection processes should be considered consistently. Section 66(3) of the Local Government: Municipal Systems Act provides that no person may be employed in a municipality unless the post to which he or she is appointed is provided for in the staff establishment of the municipality, as approved by the council.

Considering the challenges and the progress made by the Makana Local Municipality, the select committee recommends the following for the municipality. The NCOP approves the intervention in Makana Local Municipality in terms of section 139(1)(b) of the Constitution. The administrator should fast-track the processes of appointing skilled personnel in order to facilitate the transfer of skills and ensure continuity and stability in the municipality. The administrator should resuscitate and encourage public participation in the municipal decision-making processes. Lastly, the Eastern Cape MEC for local government and traditional affairs should table quarterly progress reports to the NCOP and the provincial legislature on the

status of intervention in the municipality, including the termination of intervention report.

I move that the report be adopted by the NCOP. Thank you very much.

Debate concluded.

Declarations of vote:

Ms C LABUSCHAGNE: Deputy Chairperson, considering the proposed intervention for Makana Local Municipality by invoking section 139 of the Constitution, the Western Cape would like to record the following declaration.

The DA has continuously highlighted the plight and critical situation of the people of Makana and called the need for intervention in the Makana Local Municipality to the attention of the provincial MEC, the Minister of Co-operative Governance and Traditional Affairs, and the NCOP. This municipality is plagued by irregular appointments and incompetent cadre deployees. This includes the appointment of the former administrator, Pam Yaku, at an exorbitant salary, the appointment, shrouded in controversy, of the new administrator, and the mayor's election, which was not in compliance with the Local Government: Municipal Structures Act. With both these appointments being challenged legally, the recent reshuffling of the political leadership at Makana is further

evidence that drastic action steps need to be taken to rectify the current chaos that is taking place in this municipality.

Makana's last four audit reports from the Auditor-General were disclaimed, indicating the accounts do not contain sufficient information to form an opinion on the municipality's financial viability. The highly secretive Kabuso report the Select Committee on Co-operative Governance and Traditional Affairs requested to be made public still has neither been made public nor submitted to the House. In Makana, we have only seen political instability that has led to administrative collapse, rendering little or no service delivery. Interventions are a serious issue, and it demands full-time supervision and oversight of the daily running of the municipality, for which the provincial MEC must take full responsibility. We request that the Minister seriously considers taking drastic action against those responsible for the continued collapse of Makana and dissolving the municipality in accordance with section 139(1)(c) of the Constitution. Thank you.

Mr M RAYI: Deputy Chair, the province is acting to address the situation in the Makana Local Municipality. The MEC has seconded an administrator to address the challenges facing the municipality of Makana. Already, government structures have been put in place in the municipality, and a financial recovery plan is in place to address some of the points that were raised as the recommendations by the report. What the municipality is also doing now is addressing issues

of vacancies. In particular, critical posts in the municipality are being filled.

Also, a diagnosis of the municipality has been conducted in line with the Back to Basics programme. A project plan has been developed to address issues that are highlighted in the Back to Basics framework. Various strategies are being implemented or developed. In particular, a local economic development strategy is being developed with the assistance of the Eastern Cape Socioeconomic Consultative Council, as well as Rhodes University. It is also worth noting that the province has made changes with regard to the political leadership, and there is now a new mayor in the municipality. Thank you.

Mr L P M NZIMANDE: Deputy Chair, we note with comfort the initiative taken by the political leadership of the municipality as reported - that they put forth a request for an intervention by the government when, in their view, they needed support, and they needed an intervention. We think it is good leadership. When you realise there are mistakes and problems, you should seek assistance. We note the need for intervention. The running of the municipalities cannot just be made into political expedience calls, as made by the Western Cape. The full responsibility lies with all those who lead at that local level.

We further note the positive progress made in municipalities where interventions have been made. In such municipalities, the municipality is set firmly on a path of growth and of better managing the affairs of the local people. Indeed, better commitment should be made to good governance. That is seen through the Auditor-General's report. Thank you. [Time expired.]

Question put: That the Report be adopted.

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.

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON CO-OPERATIVE
GOVERNANCE AND TRADITIONAL AFFAIRS - NOTICE OF INTERVENTION ISSUED
IN TERMS OF SECTION 139(1) (b) OF THE CONSTITUTION, 1996, IN
VENTERSDORP LOCAL MUNICIPALITY**

Mr M J MOHAPI: Deputy Chairperson, may I place on record the Select Committee on Co-operative Governance and Traditional Affairs strongly believes that the measure of intervention should not be

punitive but must ensure that we restore the stability in the municipality.

The North West provincial executive council resolved in its meeting on 29 April 2015 to intervene in the Ventersdorp Local Municipality in terms of section 139(1)(b) of the Constitution. Their reasons for placing the municipality under administration include the failure of the council to provide leadership and exercise oversight, neither taking ownership nor acting on the irregularities in the administration of the municipality, and the lack of public participation.

The municipality is in serious financial distress, a situation which contributes to poor delivery of services. There has been a number of service delivery protests by the communities for the past 10 years as a result of lack of proper services rendered. The municipality also faces high service delivery backlogs; nonoperation and no maintenance of existing infrastructure; lack of technical capacity to plan, implement, and monitor projects; increasing illegal connections; poor financial management; the inability to service bulk services accounts; low revenue collection; and a lack of enforcement of credit control and debt collection policies, as well as outdated policies.

The provincial government has put several interventions and support programmes in the municipality in place in terms of section 154(1)

of the Constitution. In terms of the terms of reference of the administrator, the following has been identified: one, to improve service delivery in Ventersdorp, prioritising water and sanitation services, which will include facilitation of new projects, unblocking of old projects, maintenance of infrastructure and cleaning; two, to stabilise and improve administration within the municipality; three, to improve financial controls, expenditure management and procurement processes in respect to Local Government: Municipal Finance Management Act compliance; four, to analyse the implementation of past and current investigations and commissions of inquiry and forensic audits, including taking decisive actions against implicated individuals; five, to attend to labour matters and conclude the disciplinary cases of the previously reinstated managers; and, six, to investigate all recently awarded contracts to establish validity and legitimacy thereof and take action on any transgressions and contraventions in terms of the applicable legislation and regulations.

In terms of the achievements since the inception of the intervention, in respect of water and sanitation, leaking pipes and the sewer blockages are done by internal staff, with the intention to reduce the usage of service providers. In terms of the development of maintenance plans, water services development plans were an issue. As a result, the municipality has engaged the Development Bank of Southern Africa, DBSA, and the Municipal Infrastructure Support Agent, Misa, for assistance.

In terms of cleansing and waste collection, the situation has improved. The Ward committees have been resuscitated, and section 79 committees are now functional. Eskom has been paid R16 million from June to July. In terms of the agreement, this has been honoured. A policy on unauthorised, irregular, fruitless, and wasteful expenditure has been developed, and it will assist the Municipal Public Accounts Committee, MPAC, in attending to such cases. The top 30 businesses that owe the municipality for a period exceeding 30 days in the debtors' age analysis as of May 2015 were engaged in order to make the required arrangements in terms of credit control. A meeting was held with the SA Municipal Workers Union, Samwu, and the Independent Municipal and Allied Trade Union, Imatu, in order to revive the Local Labour Forum.

The select committee, in its deliberation, observed that the municipality has no credible and functional indigent register in respect of providing basic municipal services for the poor. It should be remembered that section 152 of the Constitution of the Republic of South Africa provides a legal basis for the provision of free basic services.

An observation was made on the nonfunctionality of Ward committees in Ventersdorp. However, it should be pointed out that Ward committees are a key institutional mechanism intended to contribute towards bringing about a people-centred, participatory, and democratic system for local governance. The rationale for Ward

committees is to supplement the role of elected councillors by establishing a link between communities and the political and administrative structures of municipalities.

There is low revenue collection in the municipality, a situation which makes it more difficult for the spending pattern of the municipality. Good governance is equally critical in this regard.

In terms of the recommendation of the committee, the following is recommended. One, the NCOP should approve the intervention in Ventersdorp Local Municipality, as issued by the North West provincial executive council in terms of section 139(1)(b) of the Constitution. Two, the administrator should verify and update the municipality's indigent register in order to ensure that the provision of basic services to the community is provided in a sustainable manner, within the financial and administrative capacity of the municipality. Three, the administrator should submit a report to the NCOP on how many Ward committees are functional, indicating the number of meetings that have been held and are scheduled for the current municipal financial year. Four, the North West MEC for local government and human settlements should table quarterly progress reports to the NCOP and the provincial legislature on the status of the intervention, including the termination of the intervention report. Five, the Select Committee on Co-operative Governance and Traditional Affairs also recommends that the MEC for local government and human settlements should ensure continuous

interaction and engagement with the SA Local Government Association, Salga, in their province.

The select committee further takes note of the outcome from the Municipal Demarcation Board around the amalgamation of Tlokwe and Ventersdorp Local Municipalities. Thank you very much.

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 CO-OPERATIVE
GOVERNANCE AND TRADITIONAL AFFAIRS - NOTICE OF INTERVENTION ISSUED
IN TERMS OF SECTION 139(1) (b) OF THE CONSTITUTION, 1996, IN TSWAING
LOCAL MUNICIPALITY**

Mr M J MOHAPI: Deputy Chair, the report has been tabled before the Select Committee on Co-operative Governance and Traditional Affairs. The first intervention in Tswaing Local Municipality was invoked in 2010 in terms of section 139(1) (b) of the Constitution.

The main issues identified by the executive provincial council for intervening in the affairs of the municipality are related to the poor management of the municipality, poor water and sanitation provision, the low standard of internal road infrastructure, uneven provision of services to the communities, and project delays owing to prolonged procurement processes, fraud, and corruption. Mr Tiro Mose was consequently deployed to Tswaing Local Municipality as an administrator for a period of six months.

A comprehensive assessment of the municipality by the department of local government and human settlements in the North West province identified Tswaing as one of the troubled municipalities. In its recommendations, the then NCOP approved the intervention as contemplated by the North West provincial executive council in terms of section 139(1)(b) of the Constitution.

With reference to the current intervention, in its meeting on 29 April 2015, the executive council resolved to invoke section 139(1)(b) of the Constitution to the municipality as a measure meant to address the governance and administrative problems. Their reasons for placing the municipality under administration include the following: lack of adequate service provision due to a lack of resources, staff shortages, institutional misalignment, lack of proper equipment, poor maintenance of services, aging infrastructure, poor cost recovery, and poor credit control. The council has not provided proper oversight and leadership to the

municipal administration. Allegations of fraud and nepotism have been levelled against the municipality by the members of the community, including councillors in that municipality. As a result of the municipality overgrading itself, councillors have been overpaid.

The Municipal Public Accounts Committee is unable to exercise its oversight over the municipality due to lack of administrative support from the municipal manager and political support from the council. The state of delivery of services to the communities is poor, and the municipality is not doing enough to collect and raise its revenue-generating capacity in order to fund service delivery projects and reduce dependency on grants.

In terms of the terms of reference of the administrator, the following has been recommended: improvement of service delivery in Tswaing; stabilising and improvement of administrative capacity; improvement of financial controls in the municipality; analysis and implementation of the past and current investigations, commissions of inquiry, and forensic audits; resolution of labour and outstanding disciplinary cases; improvement of the government function within the municipality, especially the role of the council and its relations with the administration; investigation into all recently awarded contracts to establish the legitimacy and validity thereof and termination of those that are not legitimate in terms of the applicable regulations; and investigation into and taking of

appropriate action on any transgressions and contraventions to applicable legislations and regulations.

With regard to the progress achieved to date, since the arrival of the administrator, the administration team has engaged National Treasury regarding the outstanding local government equitable share of R12,3 million which was paid to the municipality within a week. Importantly, Eskom was paid an amount of R7,4 million for bulk accounts, and R980 000 was paid to small accounts as per the payment agreement that was made in March 2015. Further, in an effort to improve revenue collection, the municipality has appointed a service provider to replace old meters with new prepaid meters.

National Treasury has intervened in the situation of the unfunded mandate between the municipality and the Ngaka Modiri Molema district. The district owes the municipality R90 million for water services rendered by Tswaing on its behalf. The Local Level Forum, LLF, has been resuscitated in terms of its functionality, and more than four meetings have been held to date.

Despite the progress that has been observed in the municipality, there are still challenges remaining, especially in the following. Within technical and engineering services, there's a need to address the aging electricity infrastructure as well as the timely completion of the Caputo project. In the finance section, there is a

lack of skilled personnel, as well as poor financial management, resulting in poor audit outcomes.

There is land invasion in Tswaing Local Municipality. The select committee, during its deliberations and opinions, observed the following. Our view with regard to the payment of Eskom is an important step in taking the municipality forward. The main reason why National Treasury has been withholding the equitable share allocation of the municipality is due to its failure to honour its financial commitment to pay Eskom in line with section 65(2) of the Local Government: Municipal Finance Management Act. Although the decision to withhold the equitable share of the municipality affected the municipality's ability to meet some of its financial obligations, financial mismanagement cannot be condoned under any circumstances.

The select committee applauds the action taken to address those who were illegally appointed in the municipality, including the referral of criminal cases to the SA Police Service. An effective and efficient local government can easily be undermined by poor ethics and corruption.

Through the interaction of the select committee with different stakeholders in Tswaing, it was observed that the municipality was not communicating and engaging sufficiently with the public. Even the Ward committees were dysfunctional. The biggest idea contained

in the notion of developmental local government is that of public participation in the municipal decision-making process. Legislation flowing from the 1998 Local Government White Paper requires municipalities to ensure participation in a wide range of planning and decision-making processes and to create a number of participation mechanisms such as Ward committees.

The select committee noted the concerns raised by the Ward committee members in respect of reimbursement of out-of-pocket expenses by the municipality. The National Youth Policy acknowledges the role of local government in youth development by encouraging local government to design mechanisms for the creation of youth development programmes, as well as identifying the needs and development opportunities of the youth. Equally, there's a need for the establishment of a Women's Desk in the municipality.

The select committee therefore recommends the following to the NCOP. Firstly, the NCOP should approve the intervention in Tswaing Local Municipality in terms of section 139(1)(b) of the Constitution. Secondly, the administrator should fast-track the processes of appointing skilled personnel in order to facilitate the transfer of skills and ensure continuity and stability in the municipality. Thirdly, an administrator should resuscitate and provide public participation mechanisms in the municipal decision-making processes. Fourthly, National Treasury together with the North West department of local government and human settlements should assist the

municipality in recovering the outstanding money owed to it by the Ngaka Modiri Molema District Municipality for services provided on their behalf.

The MEC for local government and human settlements should ensure continuous interaction and engage with the SA Local Government Association in the province. National and provincial departments of local government and human settlements should continuously provide section 154(1) support to the municipality. This support should be of a collaborative nature between the spheres of government. Lastly, the North West MEC for local government and human settlements should table quarterly reports to the NCOP and the provincial legislature on the status of the intervention in the municipality, including the termination report. Thank you very much.

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.

REFUGEES AMENDMENT BILL

(Consideration of Bill and of Report thereon)

Ms L C DLAMINI: Deputy Chair and hon members, I greet you. I just want to indicate that this report was tabled to the committee, and it was agreed to by all members.

Home Affairs plays a decisive role as the backbone of the developmental state and is central to enabling security and service delivery. It plays a crucial role in enabling all South Africans to proudly claim their citizenship, their identity, and their dignity. Noting the Freedom Charter, "South Africa belongs to all who live in it," it is important to ensure that all national groups are protected by law. The purpose of the Bill was to amend the Refugees Act, Act 130 of 1998, so as to confer a discretion upon the Refugee Appeal Authority to allow the public and media access to its proceedings in appropriate cases.

On 27 September 2013, the Constitutional Court in the *Mail and Guardian Media Limited and Others v Chipu, NO, Chairperson of the Refugee Appeal Board and Others*, commonly known as the "Chipu case", declared section 21(5) of the Refugees Act, Act 130 of 1998, inconsistent with the freedom of expression rights enshrined in section 16 of the Constitution, particularly section 16(1)(a) ...

The DEPUTY CHAIRPERSON OF THE NCOP: It's on.

Ms L C DLAMINI: ... section 16(1)(a), "freedom of the press and other media" and section 16(1)(b), "freedom to receive or impart information or ideas", to the extent that it precludes members of the public or media from attending proceedings of the Refugee Appeal Board in all cases and fails to confer a discretion on the Refugee Appeal Board to allow the public and media access to its proceedings in an appropriate case.

The declaration of invalidity was suspended for a period of two years from the date of the order to enable Parliament to correct the constitutional defect in section 21(5) of the Refugees Act, Act 130 of 1998. Pending the correction of the defect or the expiry of the two-year period, whichever occurs first, the Constitutional Court provided a temporary reading in order to amend section 21(5) of the Refugees Act, Act 130 of 1998, conferring a discretion on the Refugee Appeal Board on application and condition it deems fit to allow any person to attend or report on its hearings. The two-year period ends on 26 September 2015.

This Bill is addressing that judgment by amending section 21(5) of the Refugees Act, Act 130 of 1998, so as to confer the discretion on the Refugee Appeal Authority on applications and conditions it deems fit to allow any person, including the media, to attend or report on its hearings. The Bill further provides that this discretion conferred on the Refugee Appeal Authority is exercised with due regard to the relevant factors such as whether the asylumseeker

consents to such third-party attendance or access or whether it is in the public interest to allow such attendance or reporting, after taking into account all relevant factors.

In South Africa, the Constitution and society give the media extensive freedoms. In turn, media organisations have a responsibility to use this freedom sensibly and in accordance with the Constitution. Therefore, the policy seeks to balance the freedom of expression enshrined in section 16 of the Constitution and the protection of identity and dignity of refugees to ensure that there is balance in the application of the Constitution, more specifically where those who are easily marginalised are concerned, in order for all people in South Africa to feel safe.

The Portfolio Committee on Home Affairs adopted the Refugees Amendment Bill of 2015 on 4 August 2015. The technical amendments were referred to the Select Committee on Health and Social Services by the Portfolio Committee on Home Affairs. These technical amendments were initiated by the committee following its request to the National Assembly to initiate legislation as guided by Rule 238(1) of the National Assembly.

On 17 August 2015, the Select Committee on Health and Social Services received a briefing by the Department of Home Affairs and the Legal Services of Parliament. The committee is satisfied that it has managed to correct the mistakes and hopes that respective public

members will have access to the hearings on successful application once the two Houses have agreed to the Bill. The select committee deliberated, agreed, and adopted the Bill on 17 August 2015.

The Select Committee on Health and Social Services therefore moves for the support and adoption of the report. Thank you. [Applause.]

Debate concluded.

Declaration of vote:

Mr V E MTILENI: Deputy Chair, South Africa has a constitutionally enshrined commitment to the upholding of all human rights – the rights of those who are citizens or those who are in this country as a result of economic and political endeavours. South Africa has for a long time been a home to people from other parts of Southern Africa who came to this country to work, sometimes under extremely difficult conditions, in the white-owned mines and on farms.

The treatment of especially African asylumseekers in this country over the past 21 years has been both embarrassing and a betrayal of our own Africanness. This has led to the many incidences of Afrophobic attacks by black South Africans on other black African nationals. The Refugees Amendment Bill, which came about as a result of a Constitutional Court judgment requiring the Refugee Appeal Authority to allow members of the public and the media to have

access to its proceedings, is what is needed to ease the process of appeals by asylumseekers who need refugee status in the country.

It is meant to be a necessary mechanism to distinguish between authentic asylumseekers and chancers, but the reality is that this kind of thinking perpetuates the attitude that leads to Afrophobic attacks. It is the thinking that views African immigrants, in particular, as people who come to this country only to milk the resources that ought to be benefiting locals, instead of the wealth of human capacity they bring into the country. It is an attitude that is reserved only for African immigrants. White settlers, as the real perpetrators of economic crimes in this country, are not subjected to all the suspicion that African immigrants are subjected to.

This Bill therefore is not merely about giving powers to the Refugee Appeal Authority to use its discretion in granting access to its proceedings to the media and the public. It is essentially about entrenching a system of thinking that is anti-African. It seeks to limit prospective applicants' right to work and to create a lot of unnecessary limitations to asylumseekers' access to the refugee system.

Therefore, the EFF rejects the Bill. Thank you, Deputy Chairperson.

Question put: That the Bill be agreed to.

Bill accordingly agreed to in accordance with section 75 of the Constitution.

AGRÉMENT SOUTH AFRICA BILL

(Consideration of Bill and of Report thereon)

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON ECONOMIC AND BUSINESS
DEVELOPMENT - INTERNATIONAL CONVENTION ON STANDARD TRAINING,
CERTIFICATION AND WATCHKEEPING FOR FISHING VESSEL PERSONNEL,
1995 (STCW-F) WITH ITS EXPLANATORY MEMORANDUM**

Mr E MAKUE: Hon Chairperson, on behalf of the Select Committee on Economic and Business Development, we want to seek your permission to present both statements at the same time. That would be the statement on the Agrément South Africa Bill, as well as the International Convention on Standard Training, Certification and Watchkeeping for Fishing Vessel Personnel.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): You can, but then when it comes to the voting, we will then vote on them separately.

Mr E MAKUE: I will facilitate that, Deputy Chair, in my presentation.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): No, I'm the one who will be facilitating that.

Mr E MAKUE: Sorry, sorry. [Laughter.]

The Select Committee on Economic and Business Development received and studied the draft Bill and convention and received presentations from the Department of Public Works on 4 August 2015 and the Department of Transport on 23 June 2015, respectively. In both instances, we were also assisted by Parliament's legal staff.

We are presenting the Bill and convention for both for adoption in this House at a time when advanced and bigger global economies' economic flu affects our economy. The current global and our own economic situation pose a direct threat to government's policy outcomes. Government recognises that investment in infrastructure means economic growth, development, and wealth creation. The Agrément South Africa Bill seeks to establish Agrément South Africa as a juristic person and make the Public Finance Management Act, Act 1 of 1999, as amended, applicable to it.

After intensive review of the performance of the board of Agrément South Africa, it was revealed that its lack of legal status, as well as it reporting to two Ministries - Public Works, as well as Science and Technology - has negatively impacted on the effective discharge of the mandate of the board. The lack of legal status has also

created ongoing audit challenges regarding the classification of the financial transfers made to the board through the Department of Public Works. Due to the board's current lack of legal status, transfers made by the Department of Public Works to Agrément South Africa under transfers and subsidies are being classified by the Auditor-General as irregular. So, the passing of the Bill into law would enhance corporate governance and financial management of Agrément South Africa. It will further reposition the organisation as an internationally-acknowledged and independent South African centre, serving the building and engineering communities by providing assurance to specifiers and users through technical approvals of the fitness for purpose of such nonstandardised construction-related products and systems.

After deliberations in the select committee, we all agreed that Agrément South Africa is different to the SA Bureau of Standards, SABS, but both organisations play a complementary role in the various industries of the South African economy. In a nutshell, there are no duplications in the work of Agrément South Africa, the SA Bureau of Standards, or the Council for Scientific and Industrial Research. The following are some of the examples of products that initially had Agrément South Africa certificates and for which there are now SABS standard specifications: hard-drawn copper tubing, solar water heating systems, certain PVC pipes, and acrylic baths.

We were also impressed with the broader consultative process that the Department of Public Works has undertaken during the development of the Bill. The following stakeholders, amongst others, were consulted: The SA Bureau of Standards, the National Regulator of Compulsory Standards, the Department of Trade and Industry, the Council for the Built Environment, the Construction Industry Development Board, the National Home Builders Registration Council, the Department of Human Settlements, the SA Local Government Association, the Department of Co-operative Governance and Traditional Affairs, the Council for Scientific and Industrial Research, the Department of Science and Technology, the board of Agrément South Africa, the Technology Innovation Agency, the SA Revenue Service, and National Treasury.

This convinced us as members of the select committee that Agrément South Africa is one of the components that would support and promote reindustrialisation of the South African economy. Agrément South Africa supports and promotes the process of integrated socioeconomic development in South Africa as it relates to the construction industry by facilitating the introduction, application, and utilisation of satisfactory innovation and technology development. In this context, all the select committee members agreed to the adoption of the Agrément South Africa Bill and accordingly present it to this House. [Applause.]

The International Convention on Standard Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995, also referred to as STCW-F 1995, entered into force on 29 September 2012. The 1995 STCW-F Convention sets the certification and minimum training requirements for crews of seagoing fishing vessels of 24 metres in length and above. The convention consists of 15 articles and an annex containing technical regulations. The STCW-F convention is the first to establish basic requirements on training, certification, and watchkeeping for fishing vessel personnel on an international level. The convention prescribes minimum standards relating to training, certification, and watchkeeping for fishing vessel personnel, which countries are obliged to meet and, where possible, exceed. Presently, it is estimated that more than 24 000 lives are annually lost worldwide during fishing operations, which is a most deploring record indeed.

The International Maritime Organisation, IMO, recognises the need for a response to the safety crisis in the fishing industry and has a number of instruments addressing the issue. One of these instruments is the International Convention on Standard Training, Certification and Watchkeeping for Fishing Vessel Personnel, which was adopted by the IMO in 1995 and is expected to bring considerable benefits and advantages to the fishing industry - in other words, improving the quality of education and training provided to personnel employed on fishing vessels.

South Africa intends to become a party to this convention. This convention is the first attempt to establish international mandatory training standards for crew-operating fishing vessels, and we all hope that it will indeed have the desired impact and effect. The STCW-F convention is comparatively short and consists of 15 articles and an annex containing technical regulations in four chapters: Chapter 1 contains general provisions; Chapter 2 deals with certification of skippers, office bearers, engineers, and radio operators; Chapter 3 deals with basic safety training for all fishing vessel personnel; and Chapter 4 deals with watchkeeping.

After the select committee interrogated this, we today request this House to approve the accession to the convention. I thank all members of the select committee for their dedication and work that made this presentation and statement possible. Thank you, Deputy Chairperson, for creating this opportunity for us to present the two documents to members of the NCOP for adoption and approval.

[Applause.]

Debate concluded.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Thank you, hon Makue. That concludes both debates. I shall now put the question insofar as the Fifth Order is concerned. The question is that the Bill be agreed to. Before I do that, in accordance with Rule 63, I shall first allow political parties to make their declaration of

vote if they so wish. Is there any political party that wishes to make a declaration of vote? The EFF.

Declarations of vote:

Mr V E MTILENI: Deputy Chairperson, in our founding manifesto, we indicated from the beginning through our cardinal pillar 3, which calls for the building up of state capacity, that, for our country to develop, the state should build internal capacity to construct and maintain infrastructure such as roads, railways, and basic services such as schools, houses, hospitals, dams, and recreational facilities. We would have hoped, therefore, that the ANC would take this opportunity of reforming Agrément South Africa from just being a branch of the Council for Scientific and Industrial Research into being a juristic person ...

Mr E MAKUE: Chairperson, on a point of order: The person speaking doesn't know what the matters are that we have discussed in the select committee because he refers to the ANC. Never have we in the select committee referred to the ANC.

Secondly, the last point that he had just made about the Human Sciences Research Council has been made very clear - it is separate from Agrément South Africa. Therefore, the speaker is out of order.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Hon members, in making a ruling on the matter, the Rules allow for a political party

to make their declaration of vote. [Interjections.] Hon members, order! We are all from political parties. After the member has made his declaration of vote on behalf of his party, nothing stops you from raising your declaration as a political party. Can we allow the member, on behalf of his party, to make his declaration of vote?

Mr V E MTILENI: I don't have a declaration, so let me just continue. [Laughter.] [Interjections.] This it should have done by ensuring that the Bill does not just deal with the need for having Agrément South Africa as an independent agency with its own financial management and accountability structures but by also expanding its mandate to encompass the need for localised industrialisation through support for local innovation of nonstandardised construction products.

As is currently the case, the Bill opens up opportunities for certification of nonstandardised construction products across the board and does not specify the need for locally produced products. This means that the country can, in the near future, expect a flood of nonstandardised construction products from other countries which would then be certified by Agrément South Africa. This would be a death knell for innovation, research, and development in our own country, as was the case with the textile industry, which died as soon as we opened our borders to cheap imports from China.

The cement industry is already in trouble. Countries such as Vietnam and Pakistan already have a 7% share of the country's cement requirements, if you did not know, and they have been accused of dumping substandard cement on our shores. If Agrément South Africa is then mandated to even certify products from countries such as these, there will be serious implications for small players in the construction products manufacturing sector in this country.

[Interjections.]

The EFF therefore submits that Agrément South Africa has the potential to be transformed into a developmental agency focused primarily on building up the capacity of our own innovation in the construction industry. With strong government intervention and support and unequivocal protection of our construction manufacturing sector, we would be in a position to produce many of the products needed for our construction needs.

Agrément South Africa, therefore, should not be limited to just being a certification body for products - most of which will be originating from outside the country. It must be used as a vehicle for inward-looking development and industrialisation. This can be supported in the long term by creating a state-owned construction company. [Time expired.]

Mr E MAKUE: Deputy Chairperson, the ANC compels us as its members to be present in meetings of select committees so that we don't have to

come and pose for the camera in sittings of the NCOP but can deal with our matters through proper debates in the NCOP.

The ANC has also looked very carefully at the industrialisation and reindustrialisation requirements of South Africa, and we recognise that we operate within a global context where no country can ignore the importance of protecting its citizens. The construction industry is an industry that, all over the world, results in the death of innocent people both within the industry but also people who occupy structures built by the industry.

With that, we also know the importance of ensuring that when products are used in whatever sphere of the industry, it is important that those products should be tested properly and conform to a quality that qualifies on the fitness-for-purpose principle. Therefore, the ANC very strongly urges the House to support the findings of the select committee. Thank you.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): I now put the question. The question is that the Bill be agreed to. Voting is now open.

Bill accordingly agreed to in accordance with section 75 of the Constitution.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): That then brings us to the Sixth Order of the Day. I shall put the question. The question is that the report be agreed to. That is the Sixth Order, now, the report. This time around, in accordance with Rule 71, I shall allow provinces to make a declaration of vote if they so wish, not political parties. Is there any province that wishes to make a declaration of vote in terms of the Sixth Order? In the absence of any, we shall then proceed with the voting.

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

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

UNPARLIAMENTARY LANGUAGE

(Ruling)

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Hon members, before we get to the last item, you will remember that in the House sitting on 27 August 2015, I committed to come back to the House with a ruling on an utterance made here from the podium. It was during the time when we debated the local government week under the theme, "Building a capable and developmental state, entrenching co-

operative governance for people-centred development", a debate that took place on 27 August 2015.

During the debate on the outcomes of the local government week, the hon Mokgosi made a remark which I felt was a bit derogatory, and I undertook to check the Hansard. Having consulted the Hansard transcript, it recorded the hon Mokgosi as saying the following in Setswana.

Lo tlogele go naya basadi ditiro ka phenti. [Stop giving women job offers in return for sexual favours.]

Translated into English, it means the following: Stop awarding work to women in exchange for sexual favours. Hon members, the central objective of the debate is to deliberate and solicit views on the subject matter in question. In realising this objective, hon members should be at liberty to express their views, as permitted by the Constitution, in a manner they feel comfortable and not be confined, as that has the potential of stifling debate.

However, in exercising their right to freedom of expression, members should be cautious of the limitation clause as enshrined in the Constitution and the Rules of the National Council of Provinces. One of these Rules is Rule 46 that cautions members against the use of offensive or unbecoming language towards other members, commonly known as "unparliamentary language". The Rule is broadly framed to

allow the presiding officer to take into consideration, amongst other things, the context and tone of a particular remark or reference. The Rule has been elucidated by years of established practice and convention. However, one established practice also dictates that any statement or remark that impairs a member's dignity or affronts a member's honour must be curbed in terms of freedom of speech.

I therefore appeal to hon members to moderate their language and refrain from uttering disparaging remarks which could potentially let the House proceedings degenerate into chaos. Let's always uphold the standing of this august House.

I therefore, unfortunately, present this ruling as a precedent because ordinarily I would have requested the hon Mokgosi to withdraw the remark. Because of her absence and not having any guarantee of when she will be present in the House, I thought it necessary to present this ruling, precisely because the remark was made during August, which is also Women's Month, and because of the extent to which it tends to undermine the capacity of South African women and how they have been treated in the workplace and so forth. Therefore, I present this ruling to the House.

The Council adjourned at 15:32.

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