

TUESDAY, 29 OCTOBER 2019

PROCEEDINGS OF NATIONAL COUNCIL OF PROVINCES

The Council met at 14:08.

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

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS - see col 000.

NO NOTICES OF MOTION OR MOTIONS WITHOUT NOTICE

(Announcement)

The CHAIRPERSON OF THE NCOP: Hon members, in accordance with Council Rule 247(1), there will be no Notices of Motion or Motions Without Notice, except the Motion on the Order Paper. Can the secretary please read the Order Paper? We will refer to the Chief Whip.

**CONSIDERATION OF REPORTS OF SELECT COMMITTEE ON CO-OPERATIVE
GOVERNANCE AND TRADITIONAL AFFAIRS, WATER AND SANITATION, AND HUMAN
SETTLEMENTS AFTER MINISTERS' RESPONSES TO QUESTIONS**

(Draft Resolution)

The Chief Whip of the Council moved: That, notwithstanding Rule 247(1), which provides that a sitting of the Council will be dedicated for Oral Questions, the Council considers reports of Select Committee on Co-operative Governance and Traditional Affairs, Water and Sanitation and Human Settlements immediately after the Ministers' Responses to Questions.

Question put: That the Motion on the Order Paper be agreed to.

The CHAIRPERSON OF THE NCOP: Hon members, as there is no Speaker's List, we shall now move over to the questions. Members will remember what has been said, that we should deal with these matters in a slightly different way. Now that we are done with the motion, we will now move over to questions. Remember, we said that we are going to deal with the motion, Oral Questions and then reports, instead of doing it the other way round.

So, we will move onto the Oral Questions. Members should remember that in dealing with the questions, we have to remind members that as we do so, we must just please remember that the supplementary question asked will have to relate to original question. There are four supplementary questions per question. So, the first question is Question 167 from Ms T C Modise and it is directed to the Minister

of Agriculture, Land Reform and Rural Development. Minister!

[Interjections.]

Ms C LABUSCHAGNE: Chair, on a point of order! Sorry, I just want to rise on a point of order regarding Questions 140 and 164, which bear Mr Smit's name, as indicated in stars. It is not him that raised the questions but me. Thank you.

The CHAIRPERSON OF THE NCOP: Thank you very much. Let us just note it. I am sure one can say this in advance: That Question 140 will be put by Mr Smit; and Question 142 by hon Labuschagne.

Ms C LABUSCHAGNE: Pleasure, thank you!

QUESTIONS FOR ORAL REPLY

ECONOMICS - CLUSTER 4A

MINISTERS:

Land disposal plans

167. Ms T C Modise (North West: ANC) asked the Minister of Agriculture, Land Reform and Rural Development:

Whether the Government has any plans to dispose land for commercial and residential purposes as part of land redistribution; if not, why not; if so, what are the relevant details?

C0379E

The MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT:
Chairperson and hon members, hon Modise, indeed in terms of your question, there are plans by government to dispose of land for commercial and residential purposes as part of land redistribution. Land reform is not only about agricultural development, but also relates to urban land reform that would deal with issues of human settlements, as well as industrial development.

You will note that President Ramaphosa, in his state of the nation address in June this year, indicated that government will speedily release land that it holds in its assets for agriculture as well as human settlements. So, that work is being undertaken. Soon the Interministerial Committee on Land Reform, IMC on Land Reform, chaired by the Deputy President, will make such announcements.

It is also necessary to indicate that some of the land that is well located for urban development - either for industry - will equally be made available for those purposes, in order to also ensure that we support industrial development and at the same time change our spatial pattern development. We do have a State Land Lease and

Disposal Policy which outlines how the state undertakes disposal where necessary. Thank you very much.

Ms T C MODISE: Hon Minister, I just want to check with you: Are there any future plans on alignment and integration of land use management between the spheres of government? If yes, where are they; and if no, what are the relevant details of that? Thank you.

The MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT:
Thank you very much, hon Modise. Although this is actually a new question, I would assist in answering it. We do have the Spatial Planning and Land Use Management Act, as you know it. We have also as Cabinet approved the spatial development framework, SDF, which actually gives indication to all spheres of government on how our spatial development should be undertaken in the country.

In terms of the Spatial Planning and Land Use Management Act, that development framework must actually be released for comments within 60 days. That is what we had already done. So, we are waiting for comments from citizens in terms of spatial development framework, after which we will then bring it to Cabinet for finalisation. Thank you very much.

Mr C F B SMIT: Hon chair, it is hon Smit. Hon Minister, will you commit to transferring these pieces of land together with their title deeds to the relevant individual beneficiaries; and by when?

The MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT: Hon member, at the moment, the way in which government does release land for agricultural development in particular is through the leasehold of 30 years, with an option to buy. That is done primarily to ensure that different beneficiaries who receive such land can put it to good use so that in a period of at least five years, the state can monitor, support where necessary and ensure that indeed this individual can use this land productively. That has been borne out of an experience over the years where we found people who have been assisted by the state, where land has been transferred and titled, but some of them sold that land within a year.

It does, therefore, not assist in terms of your distribution. It is also necessary for me to indicate that actually, when you look at freehold tenure, it is not only in title: You can have user rights; and you can have leasehold, which is an acceptable tenure system in our country and actually anywhere else globally.

If you have got a 30-year lease tenure, you can actually undertake any development that you want. It is not only that you must have a title in order to even get credit on the land that you want to use. Thank you very much.

Ms M O MOKAUSE: Minister, the land reform approach from 1994 onwards has been focused on developing a class-on-black commercial farmers. This has obviously not worked because that was not a backed-up plan

by a solid programme of support from government. As a result, many emerging black farmers find themselves locked up in an agrarian value chain that marginalised all of them. Have you considered introducing a new land and agricultural strategy, whose foundation is to promote and support smallholder agricultural farmers?

The MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT:

Thank you very much, hon Mokaase, for your question. It is necessary for me to indicate that from 1994, there have been various forms of addressing the needs for agriculture as well as human settlements. You would recall that certain interventions, starting from 1994 were through the Settlement and Production Land Acquisition Grant, Splug, assisted people who wanted to acquire land for whatever purposes, even for livelihoods, to do so.

We then had the land reform for agrarian development, where people would actually make their own contribution and get loan agreements. But, you are right: There had been weaknesses that we had never targeted farmer settlement support to those people who want to become commercially viable as a state in a concerted way. Those are the issues that we are reviewing.

We are building on some of the interventions that had been made to ensure that we don't just give people land without adequate support for them to become fully-fledged commercial farmers, even though they are operating as smallholders. You can be commercial, whether

smallholder, medium or large scale, depending on the enterprise that you have chosen, but also on the agro-ecological zone where you are farming.

In the Northern Cape, 1 000 hectares can be smallholder because of the ecological zone of that area - it is drier. Therefore, the carrying capacity of the land - particularly if you do a livestock - can never be the same with somebody who is farming 250 hectares in the Eastern Cape, where the vegetation as well as water resources is better than in the Northern Cape.

So, for me, what is important in the question that you are raising is that as government, when we undertake land reform, we must put targeted support until those individuals can be able to stand on their own. Thank you very much.

Mr D R RYDER: Minister, thank you for your answers. I did note however that the original question relates specifically to land for commercial and residential purposes, but you chose to answer hon Smit in relation to agriculture. I will be glad if you can answer my question relating specifically to the original question. What I would like to say is that we have seen ANC membership cards and proximity to power, and even financial transactions being used as part of the criteria for land reform up until now. What will the criteria be into the future; and will the process be transparent?

The MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT: Hon member, I wouldn't want to enter into the debate on the observations that you are making. We have actually developed beneficiary selection policy, which will be made public, so that all of us would know if you were applying for land: What is the criterion that is being looked at when an assessment is made for you to be considered for any form of assistance by the state. You are correct, as I said earlier, that some of the follow-up questions are really new questions, but I have been very generous to answer them.

The issue is about state land disposal and the question was whether government has plans to do so. I said yes! What I tried to clarify was that land redistribution is not just about agriculture; it is also about human settlements; and it is also about industrial development. The reality is that in our country, I think the focus - both in terms of beneficiaries, but also even in the psyche of the society - has been about agriculture.

This may be true because large-scale landownership is in the hands of those who are farmers and producers. Probably that is the reason why the focus has been around that land, but it doesn't mean land reform is only about agriculture. It is about reforming our landownership patterns, which include economic activity and residential land. Thank you. [Applause.]

Withdrawal of appeal

140. Ms C Labuschagne (Western Cape: DA) asked the Minister of Agriculture, Land Reform and Rural Development:

What informed her department's decision to withdraw the appeal against the court judgment regarding a certain person (name furnished) who wanted to own the land on which he has been farming for the past 27 years?

C0352E

The MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT:

Thank you very much, hon Smit. This relates to the matter of David Rakgase. The question as indicated is, why - if I may look at it correctly - have we taken the decision to withdraw the appeal against the court? It is important for me to say that it was proper for government not to pursue that matter. First and foremost, the matter of Rakgase relates to state land that was in the former homelands under the SA Development Trust. That land was known as fallow land in terms of the Agricultural Credit Board, in particular.

What has then happened at the time when we looked at the various communities, particularly farmers who were allocated that land to use on a lease basis, it was in the areas of the then Bophuthatswana, Limpopo, KwaZulu-Natal, Makhathini Flats, Port St Johns and many others. The view of the government at the time was that these people have been locked for many years in a system where they could never be able to make meaningful investments in

continuing with their agricultural development. So, a decision was taken that this land must be disposed to those individuals and they must be given the first right of refusal, particularly, those who were working the land.

So, the category of Rakgase falls in that system. The land size that was being used at the time, not only by Rakgase, was about 3 000 plus hectares. When that offer was made, an objection came from some of the farmers in that area who said that it was not only Rakgase who was using the entirety of the land but he was using, yes, the majority. Therefore, they felt that the whole portion can't be sold to one individual. It was an issue that the department considered. Therefore, in the offer to purchase to Rakgase, the hectares were not the whole of the 3 000. That is where the contest became, hence the process was never concluded. We appreciate that being the case. We said when the matter had served in court, and the court had ruled in the manner in which they had, we will abide by the court decision and that is the stand. That is why we have decided not to pursue that matter. Thank you. [Applause.]

Mr C F B SMIT: Thank you, hon Chair. Just for correction, I am not mme Smith, I am Mr Smit. [Laughter.]

The CHAIRPERSON OF THE NCOP: In case someone had a doubt, yeah. [Laughter.]

Mr C F B SMIT: Hon Minister, I hear what you are saying but there is a section that you have left out. It is that, there was an option that was originally given to Mr Rakgase to purchase the land and then it changed to a lease agreement, which is the case with many others. However, hon Minister, today it is your opportunity to apologise to not only Mr David Rakgase, but also to all the other farmers like him, who have been cheated by your department and this government from not being able to own the land they worked on. Will you commit that all similar cases will be finalised and the land be transferred to the farmers for full ownership? Again, please provide us with a timeline within which this land will be transferred to the rightful owners. Thank you.

The MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT:

Thank you very much, hon member. I really would like us to respond to the question that you asked. The question was; why has the government not appealed? We have explained. In this matter, the Ministry as well as the department publicly indicated that it is unfortunate that there might have been an impression created that the state would oppose the matter or rather appeal. So, we did that. I don't think it will be necessary for us to harp on that matter because that should inform all of us on how best we resolve issues where there are problems. So, the judgement in our view is instructive on how we should deal with other matters that are similar to that of Rakgase. Thank you very much. [Applause.]

An HON MEMBER: Chair, there are members this side as well.

The CHAIRPERSON OF THE NCOP: [Laughter.] Yeah, noted.

Mr W A S AUCAMP: Through you, Chair, hon Minister, considering the continuous withholding of full ownership of land from farmers who were cheated into long-term lease agreements by your predecessors, do you agree and share the same sentiments of your Deputy Minister, Skwatsha and predecessor Minister Nkwinti, who blatantly said - at various occasions - that black South Africans cannot be trusted to own land, and therefore, the state should hold their land and manage it on their behalf? [Interjections.] If you do not agree with that, please, indicate your action plan to transfer all land held by government on behalf of the black South Africans to them individually. It is a shame that that has been said.

The MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT:
Thank you very much, hon member. Indeed, that is a new question in respect of the Rakgase matter. I think it is important for us as South Africans to reflect on our tenuous system as it pertains today. We have multiple tenure systems in South Africa, not one. You have your freehold which is narrowly limited to title and we have the majority of the South Africans who happen to have been put on 30% of land, whose rights on land are not even recorded, and it is actually under the Ministry of land as a custodian. These are the matters in South Africa that in my view we need to deal with when we

look at what should be our tenure system. My view is that South Africa must accept that it would have a multiple tenure system, which will include title, collective ownership either on a lease hold, user fright and so on. Again, this is not peculiar to South Africa. If you go to the United Kingdom, for instance, they have user fright rights on the Queen's land. That tenure system is able to ensure that people can invest on that land either commercially or otherwise. It is not new and I think we shouldn't be merry to force ourselves as a country to say that the only tenure system that is available or should be available to South Africans is title.

I am saying so because leasehold - am repeating myself once again - is a tenure system that you can utilise for credit acquisition for investments of any sorts. The black South Africans in particular in this country have been on 99-year leasehold, particularly in the black townships. They never owned land and property but that never stopped them from actually investing and improving those hectares of land. It is not cheating; it might be your view that it must be titled but that is not the view of everybody and we must allow that debate in this country to finalise what our tenure policy should be. Thank you very much. [Applause.]

The CHAIRPERSON OF THE NCOP: Hon Gillion ...

Ms M N GILLION: ... there is a caucus in front ... [Inaudible.]

The CHAIRPERSON OF THE NCOP: Hon member, if you can just have a bit of order there. Please, proceed.

Ms M N GILLION: Thank you, Chairperson and thank you, hon Minister, for the way that you handled this question. From my side, I just need to know; Has the court judgement in question made any significant contribution towards the reinterpretation of the law and land ownership and redistribution in our country? If not, why not? If so, what are the relevant details?

The MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT: Chairperson, I would not be in a position - since I am not a lawyer - to say whether the judgement has made any contribution in terms of our legal jurisprudence. However, what that judgement has done - in my view - was to indicate that, where there is a change of policy on decisions that have been made before, and where certain commitments have been made by whichever administration at a particular time, it cannot just be changed without looking at what commitments were made to people at that time. So, whether that offers new jurisprudence, I don't know. Thank you. [Applause.]

Mr M NHANHA: Chairperson, in displaying true teamwork in the DA caucus, I am pleased that hon Aucamp has covered my question. That is teamwork, Chair. Thank you very much, Chairperson.

Illegal occupation of land

149. Mr S F du Toit (North West: FF Plus) asked the Minister of Agriculture, Land Reform and Rural Development:

(a) What steps have been taken to prevent illegal occupation of land with no infrastructure and (b) what is the estimated rand value of damages to the economy as a result of service delivery protests which emanated from the failed rural development from 1 January 2017 up to the latest specified date for which information is available?

CO361E

The MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT:

Thank you very much, hon member, and thanks hon Du Toit for the question you have posed. I am sure you would know that we do have legislation that prevents illegal occupation of land and property. It's not only on land without infrastructure, but also on any land. So, that provision is there - that legal statute is there. I would not be in a position to quantify how much, you know, costs can be attached to service delivery in respect of what the hon member says has failed rural development because he or she did not provide me with what the programme was, which has failed in order to enable quantification. Thank you very much.

Mr S F DU TOIT: Thank you, Chair. Hon Minister, it is common knowledge that the country has an unprecedented high unemployment rate which relates to the economy. It is not conducive to the environment that stimulates entrepreneurship and even the survival

of small businesses and farmers that rely on safe distribution routes and the constitutional right to freedom of movement.

Furthermore, in 2015, the SA Police Service requested all municipalities in North West to apply for a pre-approved interdict for the removal of trespasses on land where they are not supposed to be, but none of these municipalities reacted. Isn't it true Minister that, since the majority of these municipalities are governed by the ANC and none of them acted beforehand, they might be complicit in contributing to job losses and insecurity as a result of service delivery protests emanating from the removal of people occupying land, and thereby closing access routes in those areas?

The MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT:

Thank you, hon member. I was trying to follow the question. I think the preamble to the question talks about an issue that all of us as South Africans are concerned about, which is unemployment; the issue of the slow economic activity in our country, which all of us must be concerned about.

With regard to the decision that was made in the North West about what municipalities must do and whether they did or did not do, I am hearing from the hon member. I cannot vouch for that. But I don't think it would be correct to say, by not doing certain things which unfortunately I can't even verify, therefore, there was complicity. If you look at the original question, it was asking whether

government has measures to deal with illegal invasion of land without infrastructure.

The second question was whether or not government can quantify the cost of service delivery protests as a result of failed rural development. I think I have answered that question because the hon member who raised the question did not indicate to me what those failed rural development programmes are since 2017, which are linked to service delivery protests so that we can be able to answer.

Actually, if you look at that question, there were two questions in one, but I was generous enough to answer. To you, hon member, I wouldn't actually say it's because of complicity of anybody. Land invasion is a challenge that we must address. Where constituencies are raising serious challenges about issues as members of the community, those must be addressed. But all of us, I think, are concerned that, where some of these service delivery protests happen, they become violent and therefore impact even on the infrastructure that all of us need. This is one thing that, as a country, we cannot applaud. That, we can agree on.

But on the blame about who hasn't done what, no, I cannot comment on that. Thank you. [Applause.]

Mr M S MOLETSANE: Thank you, Chairperson. Hon Minister, the community-led programmes of land repossession across the country are

products of the failure or delay of the government to transfer land back to the rightful owners. What you ought to be doing as government is to support these community-led struggles and put in services on land that has been occupied. If the expropriation of land without compensation constitutional amendment fails to deliver land back to the people, what measures do you have in place to support the inevitable occupation of land by the dispossessed owners? Thank you.

The MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT: Hon member, thank you. You have a new question. You are actually saying there is a programme of land repossession. I don't know which one is that, which makes people not to follow legal processes that have been put in place and allow them to invade land. I don't think that would be an acceptable process, nor can they be justified or blessed if I were to call it that way. However, where people have land needs, there are processes on how those must be followed and the government will address. Where there are weaknesses in our programmes and system, as identified by the High Level Panel, that's what the government has to do and we are addressing that. Thank you very much.

Mr C F B SMIT: Thank you, hon Chairperson. Hon Minister, part of the problem with illegal occupation lies with politicians who try to score cheap political points and buy votes. [Interjections.] One of these acts are reckless relocation of landless people into land with

no municipal services available, as was done by your Deputy Minister, Skwatsha, here in the Western Cape. Do you condone his reckless behaviour?

The MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT: I think, hon member, through you Chair, and through the Chairperson of the Select Committee on Agriculture, Land Reform and Rural Development, maybe we should have a debate on the issues of landlessness in South Africa, evictions and land invasion.

If you look at what happened in the incident you are mentioning in the Western Cape, it was as a result of farm evictions. It was an instance where people, for a weekend, particularly children and the elderly were on the side of the road. As the government, we had to intervene. When we approached our provincial offices to see where those people could be put, there was land that was identified and that's where people were put temporarily until we find a mechanism.

We have been working with the department here in the Western Cape; we have been working with the province, and Social Development, including the municipal area concerned to find a lasting solution to this issue. I want to say the challenge of land eviction in our country is a problem that we all must address. How do we ensure that we manage disputes in a manner that does not render others landless? How do we assist those people with secure tenure system, whose livelihood have actually been to work on farms for many years? This

is a matter - in my view - that we must address, emotions aside, because it's a challenge.

Unfortunately, the height of land evictions in this country is in the Western Cape. We must face it. [Interjections.] Maybe, let's understand what the problem is so that we look at it and address the problems without - as I agree with you - scoring cheap political points. [Interjections.] Thank you. [Applause.]

Mr M NHANHA: Thank you, hon Chair. Minister, what is your response to farmers on that occupied land reform farms, who sit with illegal occupiers on that land, but cannot get a court order to evict them?

The MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT: Hon member ...

The CHAIRPERSON OF THE NCOP: What is your point of order?

Mr C F B SMIT: Yes, I am just waiting for my microphone. Hon Chairperson, the hon member from the EFF shouted here that the hon Nhanha is being used and he is a coco head. [Interjections.]

The CHAIRPERSON OF THE NCOP: Hon member, have you said that hon Nhanha is a coconut? [Interjections.] Did you say that?

[Interjections.] Okay, we will check Hansard and we will come back and make a ruling. [Interjections.] Lets avoid ...

Mr M NHANHA: Point of order, Chair.

The CHAIRPERSON OF THE NCOP: Yes.

Mr M NHANHA: I accept your ruling, Chair. But just for the record Chair, some of these members from the EFF must know that we were in the struggle long before they were. So, I am not a coconut, and they must know. [Interjections.]

The CHAIRPERSON OF THE NCOP: That's not a point of order. Hon members, lets proceed, please.

The MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT:
Thank you very much, hon member. The member has asked a very general question, but also made such an observation which I cannot prove. Maybe, he can give us relevant information. I am not sure that when people apply for a court order for eviction, they have not been able to get any response from the justice system. It may either be given or not given. So, if there are certain cases that he knows that he can make available to us, I will appreciate that and share it with my colleague, the Minister of Justice. Thank you very much.

The CHAIRPERSON OF THE NCOP: Hon Nhanha, we are done with you.

Mr M NHANHA: We will do so, Chair.

The CHAIRPERSON OF THE NCOP: Okay.

Land owned by foreign nationals

166. Mr A J Nyambi (Mpumalanga: ANC) asked the Minister of Agriculture, Land Reform and Rural Development:

- (1) Whether the Government has a register of any land that is owned by foreign nationals; if not, why not; if so, what are the relevant details;
- (2) what is the Government's policy on unused land that is owned by foreign nationals, given the high demand for land ownership by South Africans?

CO378E

INDVUNA YETEKULIMA, KUTFUTFUKISWA KWETINDZAWO TASEMAPHANDLENI
NETINGCUCUKO KUTEMHLABA: Ngiyabonga Sihlalo weNdlu, ngibonge futsi
kuMalunga lahloniphekile ikakhulukati Umnu. Nyambi. Ngiyabonga
ngalombuto losibute wona, wena wekunene ngitsi-ke asengisho kutsi
kute kwanyalo luhla hulumende lanalo, lwekutsi laba bekuhamba sibati
kutsi bobani labanemihlaba kulelive lakitsi. Loko kwentiwa-ke kutsi
njenganyalo umtsetfo lomayelana nekubhaliswa kwekutsi ngubani
lophetse umhlaba pheceleti [Deeds Registries Act of 1937], awusho
kutsi uma bantfu batewubhalisela kutsi lendlu yami uma kwentiwa
indzawo yekuhlala, abatichaze kutsi bangene nini, bakuphi bona.
Loko-ke kwenta kutsi singabi naloluhla lesingakwati kutsi sitsi

kulo, lona wekuhamba lophetse lomhlaba lona nalona, noma umtsetfo logunyata kuphatsa indzawo yalomunye nome yenkampani, lelana yekuhamba njalonjalo.

Ase ngisho-ke wena Lunga lelihloniphekile kutsi njengenyalo siyasenta lesichibelo kulomtsetfo kute sitewukwati kutsi umuntfu nanome ngabe ngumuphi, walapha ekhaya noma weKuhamba, atisho, loko lesikubita ngekutsi pheceleti [disclosure], kudzalula, kodvwa-ke sitawutsi uma senta leso sichibelo, sibuka sibe sisebentisana neNdvuna Yetekulungiswa Nekucondziswa Kwetimilo kutsi ngabe asimoshi yini, umtsetfo welive, Umtsetfosisekelo. Ngingasho-ke babe kutsi mayelane naloko, lombuto lowubute kwesibili, impela-ke kusho kutsi uyawa-nje ngoba sengiwuphendvulile lona wekucala. Ngiyabonga

SIHLALO WENDLU: Ikomidi (Mr A J NYAMBI): Angibonge Ndvuna yelitiko ngemphendvulo yakho leyinkhombandlela. Mhlawumbe, umbuto wami lenginawo kutsi; lokuchibela kwalowomtsetfo lotawukhona kutsi uyise live laseNingizimu Afrika phambili, utawutsatsa sikhatsi lesingakanani ngobe uyabona kutsi kuleNdlu uma sikhuluma ngendzaba yemhlaba, kuyabonakala kutsi kunguloku labatiko umhlaba walaba labasishiya labanengi kakhulu, labambalwa labaphilako namuhla nalabanengi kakhulu labasatawutalwa, ngako-ke ingabe lesikhatsi ngulesingakanani kute singuleNdlu sitewukhona kutsi sikubuke sikulandzelele kutsi impela kuyenteka kutsi kuchitjelwe lomtsetfo lotawulungisa lenkinga lesibukene nayo njengeNingizimu Afrika. Ngiyabonga Sihlalo. (*Translation of Siswati paragraphs follows.*)

[The MINISTER OF AGRICULTURE, RURAL DEVELOPMENT AND LAND REFORM:
Thank you Chairperson of the House, and to you hon members,
especially hon Nyambi. Thank you for the question you have posed to
us. As government, we currently do not have a list which indicates
who are the foreigners who own land in our country. That is because
the Deeds Registry Act of 1937 does not stipulate that those who
register their houses must explain when they entered the country and
who they are. And because of this, we do not have a list that shows
us the foreigners who own land, or an Act that permits one to own
somebody's land or to tell whether it is a foreign company, etc.

Let me say, hon member that, as of now, we are amending this Act so
that whosoever owns land must disclose whether she is a foreigner or
not. We will do that in consultation with the Minister of Justice
and Constitutional Development to make sure that we do not violate
the country's Constitution. I hope I have answered your second
question and even the first one. Thank you.

The HOUSE CHAIRPERSON: COMMITTEES (Mr A J Nyambi): Thank you
Minister for your guiding response. Perhaps, my question should be;
how long will the amendment of this Act take, a law that will take
South Africa forward? Because as you can see, in this House when we
speak about the land issue, it is apparent that the land belongs to
those who know about the land, and the majority of them has passed
on. So, in respect of the few who are still alive today, and those
still to be born, I wonder how long it will take this House to look

into and monitor it to ensure that the Act that will correct this situation in South Africa is really amended. I thank you, Chairperson.]

The MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT:

Thank you very much, hon Nyambi. I am going to answer you in English because I am not sure that the translation would capture it correctly. It is our hope that by 2020 we would be able to conclude on this legislation. I must indicate that the deeds amendment seeks to address two things. Firstly, it is the disclosure, so that we know whether you are a South African or a non-South African that has ownership of a particular land. Secondly, it is to address the recordal of rights in the former homelands.

As you know that currently, the Deeds Registry Act only records those rights of people who are living in the areas that were not part of your homeland, the so-called 13% of land as a result of the Land Act of 1913. Those are some of the things that we want to do because the nonrecordal of rights is what has made communal land not to have value. We want to redress that issue through that amendment and I hope that Members of Parliament, both here in the NCOP and National Assembly, will support the department in the amendment of that legislation. Thank you very much.

Mr S ZANDAMELA: Hon Minister, firstly when you responded to the question you said you do not have the register. We accept that but

the register of the land that is owned by foreigners and all those things. I want to start here; we must abolish the ownership of land by foreigners. We cannot allow that we, as South Africans, do not own land but foreigners have land in our country.

The second question is this, hon Minister, When are you going to discontinue the ownership of land by few individuals, because the South African land must be owned by all South Africans? It is actually two questions in one; the first is about foreigners and individuals who own land. [Laughter.]

The MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT:

Thank you very much, hon member. I think the decision on whether or not we abolish the fact that individuals must own land is not a decision ... no, I am starting with the second one. It is not the decision of an individual Minister. It would have to be the legislature that decides in terms of law. You are in a better position as you are sitting in the ad hoc committee that is looking at the amendment of section 25. So, you can propose that amendment. Section 25 allows every one of us to actually have a right in ownership of land as being one asset and property.

If you seek to change that dispensation, you will have to do it through the amendment of the Constitution. I think you can convince your colleagues who are part of that committee as well as the two Houses to understand your position as to why you believe the

ownership must be in the hands of the state. That is the answer; I cannot give you a timeline because that is not dependant on me.

Secondly, abolishing the ownership of land by foreigners, again it can never be the decision of a Minister. It would be a decision of the legislature, and so, you can propose that, as the EFF, you actually think that this should be the dispensation that is followed and convince other parties as well to see whether or not they would agree with you, and if there is a need for the amendment of a legislation, that should be done. Thank you very much.

Mr C F B SMIT: Hon Minister, as South Africa, we are desperately looking for foreign investment for growth. How will the contradicting policy of the ANC as it was specifically said by your predecessor that foreign nationals should have lease agreement only in South Africa, encourage foreign investment in the current unemployment crisis which we saw today is at 29,1%?

The MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT: Hon member, I have just answered the question even though I was not answering you about our view on the treatment of land ownership by foreign nationals; I have answered that. I am saying it will depend on this Parliament what they would want to do. You say my predecessor made a proposal to the effect that foreign nationals must only have a lease hold. That is not in law, but it was a proposal and that is not in policy; it was a proposal. For anything

to have an effect, it would have to be policy supported by legislation. Until such is done, there is nothing. In my own view, there is no policy contradiction as we speak here today on that matter and I do not think foreign investors at the moment do not find South Africa's dispensation for foreign investment adverse in any way. Thank you very much.

Mr M NHANHA: Thank you hon Chair. Minister ...

... inxalenye yalo mbuzo sele uwuphendule. Ezolimo lelinye lamashishini elidala amathuba emisebenzi nengqesho kweli lizwe. Xa abatyalali zimali bangaphandle sizakubaqeshisela umhlaba, hayi ubunini bomhlaba, uthi ngubani ozakufaka imali yakhe kuloo meko? Amathuba emisebenzi azakuba phi ke wona? Enkosi Sihlalo.

UMPHATHISWA WEZOLIMO, UHLENGAHLENGISO LWEZOMHLABA NOPHUHLISO

LWAMAPHANDLE: Lungu elihloniphekileyo, umntakwenu ugqiba ukundibuza lo mbuzo ngqo, ndamphendula. Mandikuphendule ke ngesiXhosa sam ndithi: Akukho mthetho okwangoku kungekho kwankqubo ethi abemi bamangaphandle bazakuba nezivumelwano zokuqesha umhlaba hayi ubunini ukuze batyale imali, akukho nto injalo. Umntu ofuna ukutyala imali emhlabeni uyayenza loo nto. Lo mbuzo ke mntakwethu ndiyathemba ukuba sivene ngawo. Ukuba nifuna ukwenza isihlomelo sokuba kubekho umthetho othetha ngqo ngabantu abangengabo abemi beli lizwe mayelana nobunini bomhlaba, loo nto izakwenziwa nini nilelibhunga laMaphondo

leSizwe. Enkosi lungu elihloniphekileyo. (*Translation of isiXhosa paragraphs follows.*)

[... you have already answered part of this question. Agriculture is a business that creates job opportunities and employment in this country. When foreign investors rent land from us, not ownership of land, who will invest money in that case? Where will there be job opportunities? Thank you, hon Chairperson.

The MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT: Hon member, your brother just asked me that question directly, and I answered. Let me answer you in my isiXhosa and say: There is no law for now and there is no process that says foreigners will have an agreement to rent land not ownership in order to invest money; there is no such. When someone wants to invest in land, he does so. I hope now we heard each other about this question. If you want to make an amendment so that there is law which deals directly with foreign ownership, that will be done by you as the National Council of Provinces. Thank you, hon member.]

Challenges arising from climate changes

155. Mr S E Mfayela (KwaZulu-Natal: IFP) asked the Minister of Agriculture, Land Reform and Rural Development:

What action her department has taken since her appointment in an effort to combat challenges that are arising from climate changes which directly affect rural women when natural resources and agriculture are threatened (details furnished)?

C0367E

UNGQONGQOSHE WEZOLIMO NOKUTHUTHUKISWA KWEZINDAWO ZASEMAKHAYA

NEZINGUQUKO ZOMHLABA: Ngiyabonga Mphathi sihlalo ngibonge nakulungu elihloniphekile uMnumzane Mfayela ukuthi ngabe yini uhlelo uMnyango onalo uma ngiwubambe kahle lo mbuzo ukwenza ukuthi sibhekane nalenkinga yokuguguguka kwesimo sezulu okuba nomthelela omkhulu ikakhulukazi komama abasemakhaya kanye nakusizinda kumbe indlela isimo somhlaba esime ngayo kanye nakwezolimo.

Ngingasho ke lungu elihloniphekile ngihleli eduze kukazakwethu ophethe uMnyango Wezemvelo ukuthi siyabhekana namaqhinga amaningi ukuthi sizawubhekana kanjani nalenkinga esikuyo. Sibonile lapha eKapa ukuthi manje kungajwayelekile sebenezimvula ezifika ehlobo. Uma ubheka ezindaweni la izimvula khona kufanele zibe khona ehlobo sekuba nesomiso esingajwayelekile neziphepho njalonjalo.

Ezinye zezinto esizenzayo ukuthi sibheke ukuthi ingabe amanzi ikakhulukazi emithonjeni siwavikela kanjani siwagcine. Sibheke futhi nanokuthi yiziphi izitshalo ezifanele nalesi simo esikuso. Ngamanye amazwi kusho ukuthi ukuhlengahlengiswa kokulima sekuzofuneka sibheka ukushintsha kwesimo sezulu okuzokwenza kube nokushintsha kwezindawo

nezinto esingazitshala kulezo zindawo. Ngingenza nje umzekelo ukuthi uma sibheka namhlanje ikakhulukazi la endaweni yaseNtshonalanga Kapa ezinye zezitshalo ezifana namagilebhisi ngokuya ngokuhamba kwesikhathi zingabe zingasamili ngendlela ebesiyijwayele ngaphandle kokuba senze ubuchwepheshe nobuncwaningo obuzothi singalungisa kanjani izinhlelo ezizokwenza ukuthi bakwazi kutshala lezo zitshalo.

Kanti futhi uma ubheka ezinye izindawo ezifana njengasoKhahlamba laphaya eMangwaneni ezinye zezindawo manje ongatshala khona amagilebhisi okwakungesiyona indawo yokutshala ngaphambili. Ziningana izindlela esizibhekayo zokuthi zilekelele abantu bakithi ukuthi babhekane nalesi simo. Okunye okuyokubaluleka ukuthi nathi thina maLungu ePhalamende sikhulume emiphakathini ngokubayala abantu ukuthi lesi simo sokushintsha kwezulu phecelezi climate change akusiwo amamphunge, kuyiyo ngempela into eyenzekayo njengoba sesibonile nje. Ngiyabonga. [Ihlombe.]

Mnu S E MFAYELA: Sihlalo ngiyathokoza ukuthola leli thuba, Nqongqoshe ngiyathokoza ukuthi utshengise ukuthi umthetho wakho uphuma khona ezindaweni zasemakhaya. Ikapa lingakuthatha nje kodwa ungowasemakhaya wena ngiyakubona. Ngiyafisa Ngqongqoshe ukuba ngiqhubeke ngithi lezi zinhlelo okhuluma ngazo zibukeka zizinhle futhi zingabasiza abantu basemakhaya. Kodwa manje uvalo nje olukubantu bonke abasemakhaya ukuthi lezinhlelo uma siza lezi okhuluma ngazo bagcina bengakwazanga ukuzuza kuzona ngenxa yokuthi inkohlakalo idla lubi. Ngiyafisa ukuzwa kuwena Ngqongqoshe ukuthi

usukhulumile ngazo lezinhlelo unahlelo luni lokuvimba ukuthi isaka lingadliwa amagundane uma usuyisa lezinhlelo emakhaya?

UNGQONGQOSHE WEZOLIMO NOKUTHUTHUKISWA KWEZINDAWO ZASEMAKHAYA

NEZINGUQUKO ZOMHLABA: Ngibonge kakhulu lungu elihloniphekile ukuze phela isaka lingadliwa amagundane kuyofuneka ukuthi nani nibe yizinhloli, nibe ngamehlo futhi nibe ngamadlebe kahulumeni ukuthi uma niwabona amagundane shonini ukuthi nali ibuzi, nali igundane elincane, nali selingena ukuze nami ngingafuniseli nje. Ngazi ukuthi likuphi lona leligundane elingenayo. Kodwa ke mangisho ukuthi ezinye zalezi zinhlelo ngempela azidingi imali kudingeka ulwazi. Uyabona njengasezindaweni zasemakhaya uma ngingabalula laphaya ngasendaweni yalapho mina nawe siphuma khona lunga elihloniphekile, uma indawo ibitshalwe amadumbe ngaphambili ngokushintsha kwalesi simo kubonakale ukuthi manje sesingatshala umjumbulo. Yizona zinto ekufuneka sibasize abantu babone ukuthi cha, sisengaqhubeka nokutshala la kodwa asisezukutshala loku ngoba akusamili. Uma sithatha ke sibheka indawo kashukela lapha eMount Edgecombe ...

(Translation of isiZulu paragraphs follows.)

[The MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT:

Thank you, Chairperson. I would also like to thank hon Mfayela, for asking about the plan that the department has to deal with the problem of climate change which has a big impact, especially on women in the rural areas and the effect global warming has on agriculture.

I can say, hon member, I'm sitting next to my colleague, who is in charge of the Department of Environmental Affairs, that we have many plans on how to deal with the problems we are facing. We have seen that in Cape Town they now have rain in summer, which is unusual. If you look at places where summer rain is expected, you now see that they experience unusual drought, storms and so on.

Some of the things we do, is to look at how we protect water, especially from wells. We also look at which plants are suitable in the current situation. In other words, it means that the rearrangement of farming will be necessary, which will lead us to change the planting of crops in certain areas. For example, in an area like the Western Cape, plants such as grapes, over time may no longer grow the way they used to, unless we do research and use technology that will inform us about the suitable programmes that will enable us to grow these plants.

If you look at places like uKhahlamba in Emangwaneni - now you can grow grapes there, something which was not possible before. We are exploring several ways to help our people face this situation. What will also be important will be for the Members of Parliament to speak to communities and tell people that this climate change is not a hoax. It is really happening as we have just witnessed. Thank you.
[Applause.]

Mr S E MFAYELA: Chairperson, I am happy to have this opportunity. Minister, I'm glad that you have shown that you are from the rural areas. Cape Town can have you, but you are from the rural areas. Minister, I wish to continue saying that these programmes you are talking about look good and can help the rural people. But now the only fear experienced by the people in the rural areas is that the programmes you are talking about will not benefit them because corruption is rampant. I wish to hear from the Minister, after having said all that about these plans, what plan do you have to prevent corruption when you take these plans to the rural areas?

The MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT:

Thank you very much, hon member. In order to prevent corruption, it will be necessary for you to be spies. In other words to be the eyes and ears of the government so that when you see corruption taking place, you report it. This would help us not to guess where corruption is happening. I should know where such activity is happening. However, I must say that some of these programmes really don't need money. They just need knowledge. In the rural areas, if I can mention the places where you and I come from, hon member, if amadumbe (taro) were previously planted in that area, with the climate change setting in, umjumbulo (taro) could be planted. These are the things that we need to help our people with. They can continue to plant but will not plant what we are used to planting anymore because it will no longer grow.

If we take a look at the sugar estate in Mount Edgecombe ...]

... Mount Edgecombe used to be one of those plantations of the sugar association but because of the acid nature of the soil, they had to convert to property development not because they just wanted to change from agriculture. It was after thorough assessment that, that land can never be utilised again for agricultural development.

So, there are many factors that sometimes make decision-making to be appropriate when people are given proper information. For me, what is important is also to use the language that people understand.

Awukwazi ukufika komama balaphaya eMthonjeni uzokhuluma nabo ngokuthi amadumbe asisezukuwatshala la, ufike ukukhulume ngolukaGeorge uthi ... (*Translation of isiZulu paragraph follows.*)

[You can't go to the women of Mthonjaneni and tell them that they will not plant amadumbe (taro) there anymore and addressing them in English and say ...]

... you see, you cannot do this ...

Batawovelaphi bangakayi esikolweni. Kutawufuneka ukhulume- nje ngalendlela labatayiva, bayati futsi kutsi umjumbula utjalwa kanjani, atawubabonisa uma bangati kutsi uwutjala ushone kangaka, mhlawumbe usebentise lomunwe losekhatsi nome lomunwe wekukhomba

kutsi inhlanyelo yakho ikwati kukhula kahle. Kuya ngekutsi emalunga, tisebenti tahulumende sitisebentisa kanjani kutsi tati uma tisebenta nebantfu kufanele abacatfutise, atsatsa loko labakwatiko akukhulise. Angitsatse njengembuti-nje, imbuti kute umuti ebantfwini labamphisholo emakhaya lote imbuti, kodvwa abayati labanyenti kutsi imbuti iyimali, bati-nje kutsi hawu uma siyokwenta umsebenti, sihlaba imbuti, uma sifuna kukhuluma nalabadzala sibeka imbuti lapha siyente idatha yekuchumana nalabangasekho, kodvwa uma umfundzisa umuntfu utsi uyabona uma uyikhulisa lembuti yakho, uyiphatsa kahle lembuti yakho ingabi, nemazenze ibe kahle boya bayo ubugadze, ungayenta imali la. Ngeke kodvwa utfole R1000 wekutsengisa, kodvwa ungatsengisa boya utfole imali lengaka. Sikhumba sayo uma sewuyihlabile, usilungise, utfunge ticatfulo 'laboshuba du' bebentfwana, wente imicamelonjalo ... abone umuntfu kutsi habe yenabakitsi ikhona lemali! Nanoma-nje ungasakwentanga loko, utse-nje uyabona lembuti yakho bayayifuna le eKhatsi Nemphumalanga ngoba bayitsandza kabi lembuti. Singakulungisela singuhulumende, sibuke kutsi ite tifo, ukwati kuyitfumela eKhatsi Nemphumalanga, kulo R1000 sewutfole R5000. Bangaki-ke bantfu labangeke bakhulise timbuti, banyenti ngoba sebayati manje kutsi lembuti le inelinani lelikhulu. (*Translation of Siswati paragraphs follows.*)

[Where are they going to come from if they have not been to school? You must speak in a way that they will understand. They know how to grow cassava; they will show them how deep it should be planted; perhaps you should use the middle finger or the index finger so that

your seed grows well. It depends on how we utilise the members or the government servants so that they know how to work with people and how to guide them through the process; let them take what they know and grow them. Let me use the example of a goat. There are no households among the blacks in the rural areas who do not have a goat. The majority do not know how much a goat costs, but they know that they will slaughter a goat if they have a function. If they want to appease the ancestors, they use a goat to communicate with the ancestral spirits. When you teach a person how to treat their goat well, how to clean it and rid it from fleas and treat its hair well, you can make money from it. You will not get only R1 000, you can also sell its hair and get so much more. You may use its skin after having slaughtered it, to make shoes for kids and pillows, etc. The person will realize that indeed there is money here! Even if he has not done that, tell him that they want his goat in the Middle East because they like goats there; from a R1 000 he gets R5 000. How many people would want to rear goats? Many people, because now they have the knowledge that a goat's value is very high.]

So, it is how we communicate as extension officers with our people so that they can change their farming patterns if they are given adequate knowledge on climate change. Thank you very much.

[Applause.]

Mr G MICHALAKIS: Thank very much hon Chairperson. Hon Minister, you have rightly said that climate change affects everyone, including our agricultural sector. One of the consequences of this is drought.

My constituency is in the western Free State, which has experienced one of the worst droughts in many years. This past weekend, one farmer, a 58-year-old Mr Viljoen, committed suicide because of the state of his finances and the consequences of the drought in that area; it is believed. There are other farmers who are also emotionally not in a very good space. They go to the banks for loans and they get told that they can't be given any loans because of the uncertainty that the whole issue around section 25 has created. They currently in many places rely on private help. Charity and goodwill can only go so far.

Premier Ntombela was there just before the elections and consulted with them and made some undertakings but we haven't seen anything resulting from that.

So, what I would like to know, hon Minister, is that there is some help in other provinces that was given but in this specific area we haven't seen any help going to the farmers. Will you please make an undertaking to help them urgently in any way that you can and in what way would that be? Thank you very much.

The MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT:

Thank you very much, hon member. The question that you are asking is new. It links with another question that I am sure will come on the Order Paper relating to drought assistance. Maybe, one of the things that we must appreciate as a country is that we are in an arid zone and therefore, the way in which we undertake our farming systems should factor that into our planning and operation. This is part of the work - as I indicated earlier, working with my colleague, hon Barbara Creecy - of looking at how we can be climate smart with regards to our agriculture and also look at different adaptation mechanisms.

We are also going to look at various options working with our Agricultural Research Council, ARC, and others to look at how we ensure that our agriculture takes into consideration the reality of climate change.

You would know that as a Department of Agriculture, Land Reform and Rural Development both nationally and provincially, the function of disaster management lies with the Department of Co-operative Governance and Traditional Affairs. Various municipalities as well as provinces do have some limited assistance on disaster management. Nationally as well, there are particular procedures that have to be followed on the declaration of the disaster but there are other mechanisms, in my view, that we could look at into the future as to how we can ensure that we have insurance products for agriculture,

which would ameliorate the problems, as we do when we put aside money for insurance for our cars and property so that on rainy days when we have challenges, we claim for them.

With respect to the specific matter of the western Free State that you have indicated, I hope that we will be able to talk to the MEC for Agriculture in the province to better understand what it is that they are doing and you can assist me with the name of the district which I can forward to my MEC so that she can visit and work with the farmers on how they can be assisted going forward. Thank you.

[Applause.]

Mr C F B SMIT: Hon Chairperson, our country is in the midst of a massive drought and climate change is having a huge impact. How is it possible that the department has underspent with a R100 million on the budget for forestry and natural resources? This amount was budgeted for drought relief.

The MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT: Hon member, I may not be able to answer your question specifically because I am not even sure whether that allocation you are referring to, was for drought relief and if it was for drought relief, it wasn't for farmers who are in the forestry industry. So, I would have to investigate. I wouldn't be able to give you the answer in that regard. Thank you.

Ms N NDONGENI: Thank you, Chairperson. Minister, is there any integrated government strategy to mitigate the effect of natural disaster drought and storms to productive farming? If not, why? If so, what are the relevant details? Thank you, Chair.

The MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT: Hon Ndongeni, thank you very much. It goes back to the issue that I answered hon Mfayela on when I said that we have been working on different approaches that we could put in place to respond to the climate issue in particular, which will cover issues of drought as well as the floods. I indicated that we are working with the Ministry of Environment, Forestry and Fisheries because, as you know, in the past, each department would have particular interventions. The way in which the current administration seeks to work is in a co-ordinated way because the issue of drought as well as floods or any form of natural disasters doesn't only have a bearing on agriculture but runs across. There might be specific interventions on agriculture like in other sectors, but it is important that when we look at our adaptation strategy, we do it in an integrated form. Thank you very much.

Aid to mitigate drought effects

147. Mr W A S Aucamp (Northern Cape: DA) asked the Minister of Agriculture, Land Reform and Rural Development:

With reference to the prolonged drought in the Northern Cape (details furnished), (a) how much total aid is required over the next three years to mitigate the effects of the drought on a long-term basis, (b) when will the Northern Cape be declared a drought disaster area and (c) what mechanisms will her department implement to ensure that (i) any drought relief monies are distributed fairly amongst all the relevant farmers in the Northern Cape and (ii) there is no corruption in the distribution of the funds?

CO359E

The MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT:
Chairperson, the question by hon Aucamp relates specifically on the matter of the Northern Cape. One cannot be able to quantify and indicate in the coming three years how much resources will be spent by government to deal with the issue of drought relief.

However, the department continues to provide the farming communities in the Northern Cape, those who are affected by drought, with risk-reduction support including early warning information to mitigate the impacts of natural hazards including drought.

We must also indicate that we have given drought assistance to the amount of R30 million - as it was announced by the Deputy President - and together with the province and the farming community, we agreed on the method in which such assistance will be given, particularly on issues of fodder for the animals.

So, in respect of that, one of the things we have done was to make available few farms and use those as fodder banks so that we can produce fodder, particularly in those areas closer to the Orange River, where we can irrigate in order to assist farmers with the feed.

In point (b), the question related to when will the Northern Cape be declared a disaster area? Again, this is a matter that is the competence of the Department of Co-operative Governance and Traditional Affairs, Cogta. What we have done as the national department working with the province, was to give the necessary information on the assessment that we have done particularly in the five districts that have been affected by drought. We have given that information to the relevant department and we are hopeful that sooner we will get an indication of whether or not the province, particularly the five districts, will be declared as a disaster area. Thank you very much, hon member.

Mr W A S AUCAMP: Hon Minister, with all due respect, the R30 million that was provided to the farmers in the Northern Cape is the small portion of the R640 million that your department said is required. Your department is like an ambulance arriving at the accident scene seven days after the accident occurred. [Interjections.] It is too late, and too little. My question to you, hon Minister, is: Since your government has taken too long to react to this drought, breeding herds not only in the Northern Cape but several other

provinces, have been depleted. It has taken a long time to build up those herds. Due to this drought, those herds have now been depleted; grazing has been trampled to such an extent that it will take much longer than in the past for those grazing to recover. We are all aware of the effects that global climate change have and that we are a water-scarce country. What will your department do to ensure in future you have a faster response time to disasters such as this drought and other disasters in order to mitigate them for our farmers? Our farmers - who by the way - are the foundation of food security in this country. Thank you, Minister.

The MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT: Hon Aucamp, I must say that I applaud and appreciate hon Groenewald who is in the NA; his attitude in addressing this matter was very positive. He actually appreciated that government doesn't have all the resources to assist in this regard. He invited the Deputy President and me, visited the Northern Cape, met with the farmers, indicated to the farmers what government was doing and the commitment that government was going to put.

You are correct, the analysis of the Department of Agriculture, Land Reform and Rural Development in terms of what would be required to mitigate the problems that the farmers in the five districts are facing, was indeed R600 million. But what we could give from the Department of Agriculture, Land Reform and Rural Development not disaster management, which is the function of Cogta, was

R30 million, which had actually been made upfront. And farmers, contrary to the way in which you are responding, were very positive; they appreciated, and even advised us what would be the better mechanism to deliver fodder utilising that resource.

Farmers in the Northern Cape offered to government that they would work with smallholder farmers if government were to provide land where they can plant fodder that would continuously assist.

So, the attitude of farmers on the ground is very different than the way in which you are portraying government's intervention. They actually appreciated it.

If government was like an ambulance that comes later, surely that R30 million would not have been expanded. And remember that this is the sixth year in the Northern Cape that they have been experiencing drought. From year one the government has been giving resources to assist in the Northern Cape.

You can shake your head, good. It may not be enough but remember what I said. Going forward, firstly, we need to ensure that the strategies used to respond to the drought in the region in which we belong as the country, would require different farming system that we must employ. Secondly, farmers must provide to actually mitigate when there are challenges like any of you and me included in terms of your car insurance and other insurances. And that is the issue

that also our financial institutions must be alive to, that financial services including insurance for agriculture should actually be considered not as an incidental issue, but as a norm.

And I think we must appreciate what the government has been doing and it's important to remember that, as opposed to the past, you have many farmers that this government must support. You also have many other areas of need which this government must respond to.

Some of the earlier questions that have been asked in this House do indicate the many needs of resources from government that must be expanded to. So, I don't really think, at times when we deal with issues like this, we must take the posture that we do because we are dealing with a natural disaster that has really had serious negative consequences. Some of the farmers have taken their own lives because they couldn't cope. So, I don't think it could be a matter of politicking in the manner in which we deal with it. And we must be appreciative of what is being done.

Hon Aucamp, thank you very much. [Applause.]

Mr C F B SMIT: Hon Minister, as you just said, there are not enough funds available. But then, your government is bailing out state-owned entities, SOEs, such as Eskom, SA Express and the SA Broadcasting Corporation, SABC, from the contingency reserve fund, which is available for unforeseen circumstances. Now, these SOEs are

in the position that they are because of mismanagement. Why are we not spending this on the farmers and making sure that we support them because that is not their own making?

Your government claims that we need these SOEs to remain afloat. Let me tell you something, Minister, we also need our farmers. Why has no money been allocated to farmers from the contingency reserve?

Thank you.

The MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT:

Thank you, hon member. And I'm sure this government is your government too. You may not be in the ruling party, but once a government is elected, it is a government for all of us.

And I don't think the comparisons that are being made are actually justifiable. And it is not true that government is not looking at supporting the farmers because it does. [Interjections.] Well, I appreciate that it is not enough and I said so. Government will never have enough when there are fewer taxpayers than the needs of the country. Those are the balances we have to make. And I'm sure when Cogta approaches the Ministry of Finance on these matters of drought, surely it will look at whatever resources that are there to support.

The R30 million intervention was to immediately respond while all other processes are undertaken. It doesn't mean that's the end and

be all. And I think it's important for us to really appreciate what is being done; and I would again repeat, farmers of this country are producers that we all need. And in all their permutations none of us own them, but collectively, these are the producers of this country who ensure our household food security, national food security, and they can contribute to the economy through trade.

So, as the Minister of Agriculture, Land Reform and Rural Development, that is why I took my time to go to Namaqualand; that is why I've been to various areas of our country where farmers are in order to engage with them; that is why I've been to farmers' meetings to explore what it is that we need to do to deal with the matters that affect farmers, be they small at one hectare, big or medium because all of them produce for their families so that they cannot be hungry.

And I think we need to look at how we approach that constituency; we shouldn't make it sectarian as though it's them and us who care about them fully. Thank you. [Applause.]

Mnr A ARNOLDS: Op 'n punt van orde. [Onhoorbaar.] ... was voor die lid se hand op. Daar was net ... [Tussenwerpsels.] Voorsitter, u kan vir die Tafel vra. Vra vir die tafelpersoneel daar. My hand was voor almal se hande op. *(Translation of Afrikaans paragraph follows.)*

[Mr A ARNOLDS: On a point of order. [Inaudible.] ... was raised before the member's hand. There was only ... [Interjections.] Chairperson, you could ask the Table. Ask the Table staff there. My hand was raised before anyone else's.]

The CHAIRPERSON OF THE NCOP: Please sit, hon member.

Mnr A ARNOLDS: Wat is die rede hoekom u my ondermyn? My hand was voor sy hand op en voor die ander se hande. (*Translation of Afrikaans paragraph follows.*)

[Mr A ARNOLDS: What is your reason for undermining me? My hand was raised before his hand and before anyone else's.]

The CHAIRPERSON OF THE NCOP: Please sit. It's not a point of order. And I think there's something you are missing as well.

[Interjections.]

Mnr A ARNOLDS: Dit is 'n punt van orde, Voorsitter. Dit is onregverdig. (*Translation of Afrikaans paragraph follows.*)

[Mr A ARNOLDS: This is a point of order, Chairperson. It is unfair.]

The CHAIRPERSON OF THE NCOP: You were noted but you are not the person to speak now. [Interjections.]

Mr A ARNOLDS: [Inaudible.] ... not noted. It's unfair, Chairperson.

Ms M O MOKAUSE: Chairperson, the member of the EFF rose on a point of order and you keep on ignoring his point. We've made certain observations, even previously, that when you are sitting on that chair and presiding over this House, you tend to ignore all four corners of this House and it's extremely unfair. The member of the EFF raised the hand before the member of the DA. So, we don't know what criteria you are using. If we raise first, why can't you recognise us?

The CHAIRPERSON OF THE NCOP: In fact, I can correct you, hon member by simply stating the following: that the hands that shot up on my left, right at the back there, were not two but three, hon member. [Interjections.] The member there and the two who are now standing.

Please sit, hon member. [Interjections.]

Sit maar, asseblief, agbare lid. (*Translation of Afrikaans sentence follows.*)

[Please sit down, hon member.]

Mnr A ARNOLDS: Hy wil nie vra vir die tafelpersoneel daar dat my hand was eerste op. (*Translation of Afrikaans sentence follows.*)

[Mr A ARNOLDS: He does not want to ask the Table staff over there, that my hand was up first.]

Mr E J NJANDU: Hon Minister, my question is: What has been the audit outcomes of the funds distributed for drought relief over the last three financial years? And what risk mitigation measures are there to ensure that funds are not directed to purposes they are not intended for?

The MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT: Hon member, that's a new question. It is a new question, hon member, and I appreciate it. If you don't mind, you can put it on a written form and I will look at the audit outcomes and give you the necessary response that you want. Thank you.

Mr A ARNOLDS: Minister, can you make use of the interpreting services? I'm going to ask in Afrikaans.

Minister, ek dink dat u met die EFF sal saamstem dat die aangehoue droogte situasie wat ons in die land het 'n langtermyn strategie nodig het om basies met die droogte te handel. Ons weet natuurlik dat die droogte 'n negatiewe impak op produksie, op die ekonomie en dan ook op werkskepping het. Onlangs het die Departement van Waterwese juis 'n verslag uitgebring en ondersoek ingestel, en gevind dat in 12 maande se tyd daar 'n afname in ons damme was van

omtrent 10% van water wat verdywn, en dit benodig 'n omdraaistrategie.

My vraag aan u is soos volg. Is u as die Minister, in samewerking met die Minister van Waterwese, in interaksie met mekaar om seker te maak dat daar proaktiewe maatreëls in plek is, om seker te maak dat ons op die langtermyn nie opeindig soos wat ons amper hier in Kaapstad en in die Weskaap opgeëindig het nie; waar daar 'n droogte tyd was en waar daar gesê was ... dag zero? Dat ons nie so 'n dag het nie. Is u en die Minister in interaksie om seker te maak dat daardie plan uitgevoer word? Baie, baie dankie. (*Translation of Afrikaans paragraphs follows.*)

[Minister, I think that you will agree with the EFF that the continued drought situation we are experiencing in the country is in need of a long-term strategy in order to basically deal with the said drought. We are aware, of course, that the drought has a negative impact on production, the economy and also job creation. Indeed, the Department of Water Affairs has released an investigation report recently and has found that, over a period of 12 months, there was a decrease amounting to about 10% of the water in our dams, water that simply disappears, and this needs a turnaround strategy.

My question to you is as follows: Are you, as the Minister, in collaboration with the Minister of Water Affairs, interacting with

each other in order to ensure that proactive measures are in place, in order to ensure that, in the long term, we do not end up as we almost did here in Cape Town and in the Western Cape, where there was a drought and it was said ... Day Zero? Are you and the Minister interacting in order to ensure that said plan is implemented? Thank you very, very much.]

The MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT:

Thank you, hon member Arnolds. You know it's a new question but I will answer it. [Laughter.] [Interjections.] Yes. You have put it through the window. But indeed, the Minister of Human Settlements, Water and Sanitation is working together with me and other Ministers on that water master plan, which seeks to look at the current situation we have as a country, but also in the long term in the future and what strategies need to be developed. That would also require particular irrigation systems that the agricultural sector must put in place. It would also ensure that we can look at drought-resistant crops in certain instances. So, we are working together. As you know, that, apart from water from our own resources in the country, we also get water from our neighbouring countries such as Lesotho. So, it's important how we work on conservation of water strategies to prepare for the future. So, indeed, we are working together. Thank you very much.

Women/youth who benefited from procurement/job creation

163. Ms L C Bebee (KwaZulu-Natal: ANC) asked the Minister of Environmental Affairs, Forestry and Fisheries:

During his state-of-the-nation-address, the President said the Government will ensure that women and youth are given priority in government procurement and job creation, (a) what is the percentage of women and youth who benefited from procurement in her department and (b) how does her department intend to increase their participation in the sector?

CO375E

The MINISTER OF ENVIRONMENT, FORESTRY AND FISHERIES: Thank you very much, hon Chair and hon members. The overall spent on procurement to black-owned companies by the department is 74% and amounts to approximately R415 million; 29% is spent on women and youth-owned companies and it amounts to R121 million. The department has also initiated workshops with small enterprises on a by-annual basis that specifically target black women and youth with the object of encouraging their registration as prospective suppliers and service providers to the department.

From a job-creation perspective, the department has implemented a number of empowerment initiatives that support women and youth from previously disadvantaged communities. The Recycling Enterprise Support programme which awards grants to waste management and recycling small, medium and micro-enterprises, smmes, primarily owned by youth and women has generated the following spend over the

period of R400 million or 14% going to women-owned enterprise, and 11% or R3,4 million going to youth-owned enterprises.

Further, the Recycling Enterprise Support programme is supported through an Expanded Public Works Programmes, EPWP, and has created a total of 28 000 Public Works opportunities, of which 14 000 or 52% go to women and 20 000 or 70% of the opportunities go to youth. The department continues to expand the EPWP to ensure the designated groups and that will include women, youth and people with disabilities are prioritised. As part of the Biodiversity Economy programme, a total of 540 youth are receiving accredited training in game meat processing through a partnership between the department and Shoprite Checkers, and through the Environment Learnership programme, the department recruits 100 youth every year from universities. These students are then placed in work-integrated learning and they are also allocated mentors and coaches who make sure that the year is fruitful and supportive of them. Thank you very much.

Ms L C BEBEE: Thank you very much, Minister, for your detailed answer. Minister, as we know, the Environmental Affairs, Forestry and Fisheries sector is one of the most untransformed sectors. What progress has the department made in terms of ensuring that these historical legacies are transformed and further ensure the benefits derived in these sectors are enjoyed by all? Thank you so much, Chair.

The MINISTER OF ENVIRONMENT, FORESTRY AND FISHERIES: I think it's a new question, but I can answer you, hon member. In fisheries, we are currently in the process of allocating 15-year fishing rights to 10 000 small fisher persons who are organised in co-operative societies along all of our coastal communities. I began the programme two weeks ago in the Ugu District in KwaZulu-Natal. In the month of November, we will be dealing with fishing rights of small communities in the Eastern Cape and in December, we hope to address the same issues in the Western Cape. Obviously, many of these small fisher persons are women and they would also be young people who would be involved in these programmes.

With regard to forestry, this is an area that we are currently working on. We believe that there are opportunities to hand out land to historically disadvantaged communities in the forestry sector. We also see that there are opportunities to have partnerships with the major forestry companies that would further beneficiate women, youth and other people from historically disadvantaged communities. Thank you.

Man B T MATHEVULA: Ndza khensa, Mutshamaxitulu. Holobye, hi ku ya hi nhlamulo ya n'wina, ndzi twa yi nga khumbi helo ku hlohletela vamanana na vantshwa va le matikoxikaya. Ndzi lava ku tiva leswaku eka ndzawulo ya n'wina, xana hi tihi tiphurogireme leti mi ti endlaka ku hlohletela vamanana na vantshwa lava kumekaka

ematikoxikaya leswaku va kota ku teka xiave eka phurogireme leyi.
Ndza khensa. (*Translation of Xitsonga paragraph follows.*)

[Ms B T MATHEVULA: Thank you, Chairperson. Minister, with regard to your response, I have noted that it does not say anything regarding the empowerment of women and the youth in the rural areas. I would like to know what programmes your department has initiated to empower women and the youth in rural areas so that they can participate in this programme. I thank you.]

The MINISTER OF ENVIRONMENT, FORESTRY AND FISHERIES: Thank you very much, hon member, for the question. Most of the programmes that we have under Working for Water and Working on Fire are programmes that specifically target women and youth. Again, they are poverty-alleviation initiatives, but there are also programmes in those rural areas that would include the recycling initiatives that I spoke about earlier, as well as other initiatives. These initiatives that I was speaking about in the forestry sector will primarily be targeted at women, youth and other people from historically disadvantaged communities in rural areas.

Ms C LABUSCHAGNE: Thank you, Chair. Hon Minister, whilst it is wonderful that these many women and youth, as you have described to us, benefited from procurement in your department and that you intend to increase participation for these groups, your department is struggling to solve procurement irregularities at the moment. One

of the most recent investigations was launched by the Public Service Commission appointing a high-profile investigating team to look into allegations of tender fraud and factional wars in that department. What steps is your department taking to eliminate procurement irregularities and can you guarantee this House that the opportunities created for women and youth are not, in fact, hampered by corruption?

The MINISTER OF ENVIRONMENT, FORESTRY AND FISHERIES: Thank you very much, hon member. In fact, when we presented our audit outcomes before the portfolio committee in the National Assembly, I made an undertaking that all irregular expenditure will be investigated by Independent Forensic Auditors, and I have already issued instructions to all of the branches and all of our entities that, that need to take place. There can be absolutely no space in our department for those who would want to prevent anyone but in particular people from historically disadvantaged communities from benefitting from the opportunities that are available. Corruption is not a victimless crime; corruption is a crime that affects those who live under conditions of poverty the most.

The CHAIRPERSON OF THE NCOP: Thank you very much, hon Minister. I am now in a difficulty I have a note for me that says the next speaker is supposed to be hon Mthethwa and Mthethwa is not in the House. So now, I must look for his look alike. Hon Mfayela, is it you? Do you want to speak?

Mr S E MFAYELA: No, hon Chairperson.

The CHAIRPERSON OF THE NCOP: Mthethwa is not in the House. We are moving on.

Anti-Abalone poaching plans

142. Mr C F B Smit (Limpopo: DA) asked the Minister of Environmental Affairs, Forestry and Fisheries:

- (1) Whether her department has any plans to combat *Haliotis midae* (abalone) poaching; if not, why not; if so, (a) what plans and (b) what are the further relevant details;
- (2) whether her department has the necessary resources to implement such plans; if not, why not; if so, what are the relevant details?

CO354E

The MINISTER OF ENVIRONMENT, FORESTRY AND FISHERIES: Thank you very much, hon member. Yes, the department has plans to combat abalone poaching. These interventions are planned and implemented as part of the enhanced Co-ordinated Compliance and Enforcement programme of Initiative 5 of Operation Phakisa.

Integrated teams at national and provincial levels, as well as local law enforcement, are deployed under the National Joint Operational

and Intelligence Structure, Natjoints, to combat abalone poaching which is a threat in a number of coastal regions, particularly in the Western Cape.

During Phakisa Initiative 5 operations in 2018-19, confiscations were made of abalone worth R21,3 million, as well as equipment worth more than R5 million used in illegal activities. In the first six months of the current financial year, confiscations of abalone and equipment associated with poaching and trafficking were made to the value of R3,6 million.

The most recent deployment of the integrated Phakisa teams is to the Overberg region which began towards the end of September. As a result of these interventions, there has been a noticeable reduction in illegal harvesting activities. A number of arrests have been made, as well as confiscations of vehicles, equipment, vessels and abalone. Deployment in this area will continue in line with the proactive and reactive strategies set out in the operational plan.

With regard to Question 2, the implementation of plans aimed at combating poaching remains structured under the enhanced and coordinated compliance and enforcement programme, as I explained earlier, which is an initiative of Operation Phakisa under the Natjoints.

As Initiative 5 focuses on joint operations in the maritime environment with multiple role-players with different jurisdictions, the Natjoints is used to execute proactive and reactive operations, thereby acting as a force multiplier for the department's own resources. [Applause.]

Ms C LABUSCHAGNE: Thank you very much, Minister. I think you are well aware of the fact that, when Initiative 5 and Natjoints operations become effective in one area, crime moves on to another area. Therefore, I just want to say – and I think you know this – that research indicated that illegal abalone trade is 4,5 times more than rhino horn trade and 3,2 times more than ivory trade. An average of 2 174 tons per year over the past 17 years with an average value of R628 million a year is being poached. These devastating figures can be attributed to ongoing organised crime.

Minister, will you as the lead department or agency please undertake and support the following in our effort to address this absolute maritime crisis: Firstly, to pursue in Cabinet that abalone poaching be recognised as a priority crime as well as categorised as an organised crime to ensure maximum sentences;

Secondly, to advocate that abalone is classified as a protected species under the National Environmental Management: Biodiversity Act of 2004; and

Thirdly, include abalone under the Convention on International Trade in Endangered Species of Wild Fauna and Flora, Cites?

We as parliamentarians will do our due to contribute to the amendment of these Acts if we have your support.

The MINISTER OF ENVIRONMENT, FORESTRY AND FISHERIES: Thank you very much, hon Labuschagne. Together with the national department of safety, we have developed a wildlife crime strategy. That strategy has not yet been brought before Cabinet. I had a meeting with Minister Bheki Cele about two weeks ago to request him – because his department is responsible – to bring that particular memorandum before Cabinet, because in that memorandum one of the species that would be identified as a priority-crime species would be abalone. You would know that at the moment rhino poaching is identified as a priority crime.

I think that one of the things that we are going to do is to set up a special team of experts to look at the whole issue of the abalone fishery. You would understand that, if we make it a protected species and put it under Cites, it de facto will close the fishery.

I think one of the things we always have to think about is that, if you don't find legal ways for people to engage in the harvesting of abalone, they might then find illegal ways of doing that, which as we know, they have already done.

Part of the reason for putting up that task team is so that they can give me overall advice as to how we are going to deal with the impact that illegal harvesting has had on the fish stocks and what measures we should be taking to ensure that there is a recovery of those fish stocks.

Ms M N GILLION: Hon Minister, coming from the Western Cape – also not from the DA – and also from the Overberg region where abalone poaching has become such a thing where people only look at the high level of poaching; however, in these communities small fishermen who don't have another source of income are also doing it to put food on the table.

I fully agree with the high-level plans of the department. However, the small-scale fishermen don't have anything to put on the table. Minister, can you just tell us how the implementation of the small-scale policy in the industry will also assist the small-scale fishermen whose eyes were also on poaching. How will that assist the department to, at a lower level, scale down abalone poaching? Thank you.

The MINISTER OF ENVIRONMENT, FORESTRY AND FISHERIES: Through you, hon Chairperson, I think that is a very important question. I explained to the hon member in a previous question that we are in the process of starting to give out 15-year rights to small-scale fisherpersons. I think what we need to understand is that these

small-scale fishing people have never had legitimate legal rights and the consequence of that is that when people can't get through the front door they are going to climb through the windows. I think that many activities which are regarded as so-called poaching can be the activities of individuals who legitimately need to feed their families and who legitimately need to be creating a livelihood for themselves. That is why over the last four months we have prioritised the sorting out of the issue of rights for small-scale fishing people. Unless we do that, we will never solve the problem of so-called poaching in Western Cape communities.

There is a basket of species that we are putting on the table for small-scale fishing people. It includes finfish, oysters, mussels, octopus, prawns, limpets, abalone and lobster, and I think the intention is to try and give individuals a legitimate way of feeding their families. However, we are also organising these small fishing communities into co-operatives and the idea is that, through their involvement in these co-operatives, they should also be able to create a commercial livelihood for people who are members of the co-operative. Until we do that, we are never going to get a proper handle on this thing called poaching.

Mr S F DU TOIT: Thank you, Chair. Minister, I want to know if you can perhaps tell us how many officials or inspectors are being investigated or have been arrested as a result of these investigations that you have lodged ... that might have failed to

act in the prevention of abalone poaching or might have been complicit in these illegal activities.

The MINISTER OF ENVIRONMENT, FORESTRY AND FISHERIES: Thank you, hon member. I don't think it's a secret that the branch of Fisheries that we are inheriting as the Department of Environment has not been a well-run branch. There are several officials who are facing disciplinary charges for a range of, can I call them, illicit activities. Some of those officials are currently in disciplinary proceedings.

Where it comes to light that other officials that are supposed to be monitoring and acting as referees have in fact become players for the other team, we will take action just as we have taken action against those whom we currently have evidence against.

Mna K MOTSAMAI: Modulasetulo, ke re go Tona ... (*Translation of Sepedi sentence follows.*)

[Mr K MOTSAMAI: Hon Chairperson, I am saying to the Minister that ...]

... the problem of poaching must be tackled systematically where there are multinational criminals illegally exploiting our marine resources. There are also South Africans from fishing communities across the country who have been denied opportunities to make a

living from marine resources. What plans do you have in place to ensure that the exploitation of our marine resources is being done in a manner that is inclusive of communities that have been deprived of fishing for generations?

The MINISTER OF ENVIRONMENT, FORESTRY AND FISHERIES: Thank you very much, hon member. I think, first of all, you are absolutely right. One needs to make a distinction between those aspects of poaching that involve syndicated crime ... We know that, with regard to abalone poaching, there is definitely involvement of gangs and of syndicated crime, and there are definite reports that abalone poaching is linked to the narcotics trade.

We would also agree with you, and I think this relates to the answer that I gave to hon Maurencia, that part of the reason why you have so-called poaching is because, for generations, people who live in coastal communities have been denied their legitimate right to harvest food and commercial value from the sea. That is precisely why, over the last four months, we have prioritised the giving of rights to 10 000 small fisherpersons.

As I've already explained, the process in KwaZulu-Natal, the Northern Cape and the Eastern Cape is well underway. In the Western Cape I have visited fishing communities throughout the province and one of the issues that they have brought to my attention is that they do not feel that the process of registering them has been fair

and transparent because the percentage of people who failed to be registered is considerably higher than those who succeeded in being registered. As a result of that, we have put in an independent audit so that we can make sure that where people have been excluded from the registration process, there are good reasons and that it isn't being done for nepotistic reasons.

However, it is our intention that those in the Western Cape who have already qualified should be given their rights in December, because what we understand is that the fishing season for these fishing people is a summer season and we would not want to delay the opportunity for them to fish in the current summer season.

Improvement on waste management

164. Ms W Ngwenya (Gauteng: ANC) asked the Minister of Environmental Affairs, Forestry and Fisheries:

Whether any mechanisms are in place to cooperate with local government to improve on waste management for the sustainable use of the resources (details furnished); if not, why not; if so, what are the relevant details?

CO376E

The MINISTER OF ENVIRONMENT, FORESTRY AND FISHERIES: Chairperson, the support to local government for waste management matters aims to respond to the following problems: one, the lack of infrastructure

and equipment; two, large service backlogs; three, inadequate planning for waste services; four, poor integration of industry waste management plans in the IDPs of municipalities; five, the profile of waste management is lower than the provision of other basic services; six, bylaws are not developed; and seven, there is an absence of appropriate and audited data.

Intergovernmental structures have been set up to ensure that co-operative governance mechanisms are implemented to support local government, in order to improve waste management for the sustainable use of resources. These intergovernmental structures cover national, provincial, local and district level and give direct support to local government, where we have placed officials in all 44 district municipalities, to support both the district and the local municipalities.

In addition to that, we have undertaken the following interventions. Firstly, we are in the process of amending the MIG policy framework and these amendments should be tabled by March 2020. This will allow a situation where money that is allocated for the MIG is also used for the provision of waste services and not just for the provision of landfills and other infrastructure.

Secondly, we are assisting municipalities to develop and review their integrated waste management plans. We are providing annual

capacity-building to municipal officials and councillors on various waste topics, depending on the training needs of each municipality.

Thirdly, we have also developed model waste bylaws so that municipalities can take those model bylaws and amend them for their own situations. We are helping them to implement the Good Green Deeds programme, which was launched by President Ramaphosa in March and the idea of the Good Green Deeds Programme is, where we have huge build-ups and backlogs in waste collection, to conduct regular clean-up campaigns.

Furthermore, municipalities have also been assisted with the licensing of 328 unlicensed landfill sites, to develop a framework for compliance, and lastly, we have developed standard designs for material recovery facilities. The idea of these material recovery facilities is that these would be the buy-back centres where we would be encouraging members of the community to bring things like glass, plastic paper, and so on. Thank you.

Ms N NDONGENI: Minister, inadequate waste services led to unpleasant living conditions and contamination of the environment. What processes are in place to address the historical backlog of waste services between urban areas and rural areas? Thank you.

The MINISTER OF ENVIRONMENT, FORESTRY AND FISHERIES: Hon member, I think this is a very important question. What we know in our country

is that, at the moment, only 65% of households have regular weekly collection of their waste. If you look at the 35% where there is not regular collection of waste, almost 100% of that is in rural areas. And areas such as the Eastern Cape, the far northern parts of KwaZulu-Natal, in particular, have a very extreme situation with regard to no-waste collection.

However, from the kind of work that we are doing to support municipalities, you would see, another problem is that communities have to dispose of their own waste, but there are no licensed areas that can receive that waste. The consequence of that is widespread dumping.

The reason why we are working with local government on amending the MIG policy is because in many instances, municipalities do not have the budget to effect regular waste services. While services such as electricity and water are subsidised through the free basic service mechanism, there is no mechanism currently to subsidise waste collection. We are working on this particular amendment because we think that it will assist municipalities that are in distress.

However, you would understand that this is an extremely complicated process, because it relates to the weaknesses of municipalities, lack of revenue streams of those municipalities and also the lack of infrastructure.

This is why we are also looking at establishing buy-back centres for waste, so that we put a monetary value to waste. If people can start to see various waste streams as income streams and revenue streams, there might be a greater willingness to return those particular waste streams that are causing major problems in the environment. They can return plastic to the buy-back centres, so that we can divert it from other landfills or environmental degradation. Thank you very much.

Ms C LABUSCHAGNE: Minister, you have touched on the monetary value of waste and I would like to say that the current narrow approach to cost-effectiveness in waste management focuses on the monetary values of the service. However, we might need a broader approach. Considering the South African socioeconomic challenges, equity policy, the Bill of Rights, environmental costs - as you have referred to in a way - which result in significant costs and a huge impact on waste management that are not accounted for in the current financial accounting systems in most municipalities, has the department ever performed a full cost-accounting exercise for waste management and if so, what was the outcome of such a study and what would be the implications for municipal waste management; and if not, do you think it would be worthwhile to do so?

The MINISTER OF ENVIRONMENT, FORESTRY AND FISHERIES: Hon member, I am sure you agree that it is a new question. If you give it to me in writing, I will find out for you. Where we agree with you, however,

is that if - as I was saying to the previous hon member - we are serious about introducing this concept of the circular economy where every product, when it has fulfilled its current life, is the raw material for another product, instead of it being a product that is discarded, we have to introduce that concept properly and think about how we minimise waste on the one side, but on the other, we have to think about the issue of the extended producer responsibility.

So, when we look at issues such as plastic bags and tires, both of those commodities have a tax on them, which is paid by the consumer. The idea of that tax is that, that tax money must be used for the life cycle of that particular product.

We can debate here whether that has been effectively done, but in my view, that is really where we have to go with waste. I don't think that we have enough space in our country for landfills with our growing population and all of the waste it will produce. We have to, on a much more serious basis, start to address the question of the circular economy and reuse of commodities. Thank you.

Mr T S C DODOVU: Hon Minister, thank you very much for your responses, especially when you are dealing with the challenges that are facing municipalities around financing waste management as well as the technology thereof. One of the biggest problems is the lack of public awareness on the part of the communities, especially

around the issues of sanitary improvements. Does the department have a plan of working with municipalities to attend to that particular area of public awareness? Thank you.

The MINISTER OF ENVIRONMENT, FORESTRY AND FISHERIES: That is a really important question, hon member. You would be aware that over many, many years, there have been a lot of public awareness campaigns around littering. The question that we have to ask is: Why have they not changed behaviour? One of the issues that we are currently researching as a department is whether we can do a baseline study on citizen understanding of environmental question and one of those questions would obviously be the issue of why it is that you should not through waste into the environment. We want to do that because we don't think that it is productive to spend more money on so-called citizen-awareness campaigns, unless we understand how we will measure the success - against what will we measure the success of those particular campaigns.

So, we have a lot of outreach programmes that are working in schools. We have the Good Green Deeds. We do community awareness, but immediately after you leave that community, people go back to disposing of waste in ways that we would not prefer.

So, we want to do the baseline study. Let us also look at how to disaggregate the public when we do the public-awareness campaigns, because the public is not just one amorphous mass. The reasons that

people litter is not the same, particularly given the fact that you could have people who think that it is wrong to throw their rubbish on the side of the road, but they don't have an alternative.

So, if we are going to raise citizen awareness about where you should not through your rubbish, you also have to be in a position to tell them where they can throw it. From the work that we have been doing, I don't think we can answer that question in all municipalities. Thank you very much.

Mr A ARNOLDS: Minister, ons weet dat ons Grondwet, wanneer dit by die omgewing kom, die versekering aan ons burgers gee dat hulle, volgens afdeling 24 van die Grondwet en die seksie wat oor die omgewing handel, afdeling 2, die reg het tot 'n omgewing wat nie skadelik is vir hul gesondheid nie. U het nou oor die departement se betrokkeheid by plaaslike regering se geïntegreerde afvalbestuurplan gepraat. My vraag aan u is: Daar is baie stortingsterreine wat naby informele nedersettings is, wat 'n negatiewe impak op die gemeenskap en veral die kinders het, wat is die Minister van plan om daaraan te doen? Ons weet dat afvalbestuur die plaaslike regering se mandaat is, maar wat is die Minister van plan om te doen in terme van dit, aangesien u ook ondersteuning daar bied? Dankie. (*Translation of Afrikaans paragraph follows.*)

[Mr A ARNOLDS: Minister, we know that our Constitution, when it comes to the environment, gives the assurance to our citizens that,

according to section 24 of the Constitution and the section dealing with the environment, section 2, they have the right to an environment that is not harmful to their health. You have now spoken about the department's involvement in the local government's Integrated Waste Management Plan. My question to you is: Many landfills are close to informal settlements, which have a negative impact on the community and especially the children; what does the Minister intend to do about it? We know that waste management is local government's mandate, but what does the Minister intend to do in terms of that, as you also provide support there? Thank you.]

The MINISTER OF ENVIRONMENT, FORESTRY AND FISHERIES: Hon member, I have explained that there are at least seven or eight different ways in which we support municipalities. However, if you are talking about how one must make sure that you remove the refuse that is on the outskirts of informal settlements, which I think is the fundamental objective that we want to achieve, there would be two things that we are doing.

In terms of solving the long-term problem, what I explained is that we are trying to amend the regulatory environment around the MIG so that municipalities can utilise the grant for the purchasing of refuse trucks and for the actual process of waste collection. So, that is the long-term solution that we are trying to effect.

In terms of solving the short-term problem, it is exactly those kinds of dumpsites that we would be targeting with our Good Green Deeds programme, so that we make sure that, on an ad hoc basis, we are cleaning up and removing that refuse, while we are implementing the longer-term programme. Thank you very much.

The DEPUTY CHAIRPERSON OF THE NCOP: Hon Minister, before we continue, let me remind members that you only have two minutes for a follow-up question.

Benefits of Declaration of Intent

145. Ms C Labuschagne (Western Cape: DA) asked the Minister of Environmental Affairs, Forestry and Fisheries:

What would be the benefits for South Africa from the Declaration of Intent between South Africa and the Kingdom of Denmark in the fields of (a) green transition, (b) sustainable development and (c) climate change adaptations that she signed on 25 September 2019?

CO357E

The MINISTER OF ENVIRONMENT, FORESTRY AND FISHERIES: Hon member, prior to this declaration of intent being signed, there was no specific co-operation on environmental issues with the Kingdom of Denmark. Both parties agreed that it would be beneficial to

formalise our co-operation on environmental issues given the global environmental challenges being faced currently.

The Declaration of Intent is nonbinding and its primary objective is to provide an overarching framework for co-operation between South Africa and the Kingdom of Denmark on the following areas: The circular economy and industrial symbiosis, environmental monitoring, compliance and enforcement, sustainable consumption and cleaner production, greening of the economy and climate change adaptation.

Furthermore, the declaration creates the opportunities for South Africa and Danish stakeholders both public and private to foster partnerships particularly in the field of the green transition sustainable development and climate change adaptation. It also creates an enabling environment to stimulate mutually beneficial exchanges of information, best practice and lessons learnt as well as joint projects and initiatives.

Furthermore, the declaration will also create an opportunity for organising technical training seminars, study groups and so on.

South Africa has already joined the Partnering for Green Growth, P4G, and the Global Goals 2030 initiative as part of our collaboration with the Danish government.

The P4G programme aims at addressing and advancing innovative solutions both with start-up and scale-up funding support options within the thematic areas inclusive of cities renewable energy, water, food and agriculture and other areas that would be aligned to government's programme of action.

The next phase of our discussions will focus on developing and implementing the plan for the Declaration of Intent which will identify more specific areas of collaboration.

Ms C LABUSCHAGNE: Hon Minister, thank you very much for the comprehensive answer. As you have mentioned that there would be a start-up funding on green energy and projects as one of the things, it is obvious then that signing this intent, any financial assistance or co-operation will be contingent on us using it to either mitigate and or adapt to climate change.

A huge impediment for us here in our country is the disproportionate amount of power that unions like the Congress of SA Trade Unions, Cosatu, will have in derailing policies that are not in their interest when we are trying to address these things.

Does your department intend to stand up to the unions in order to enact the needed green transitions as described in this intent?

Thank you.

The MINISTER OF ENVIRONMENT, FORESTRY AND FISHERIES: Well, I do not know the hon Labuschagne gets her information from, but my own interaction with the union movement does not indicate to me that there is an allergy there to renewable energy.

I am sure that you are aware that my counterpart, the Minister of Mineral Resources and Energy has recently announced an integrated resource plan. I think we are extremely happy as the Department of Environment, Forestry and Fisheries with that integrated resource plan because what you would know is, it would increase the component of renewables to 34%.

So, I think that government's intentions in this regard are clear. Thank you.

Mr M DANGOR: Hon Minister, your department needs to be congratulated for partnering with the Green Growth and Global Goals 2030 with the Danish government. Please inform this House of some of the other international agreements regarding this matter.

The MINISTER OF ENVIRONMENT, FORESTRY AND FISHERIES: Hon Dangor, I do not have with me available in this session all of our agreements, but I can tell you that we have agreements across the globe with countries as diverse as Canada, Ruanda, Germany and Sweden. So, there are many different agreements and if you give me a written

question in this regard, I will give you a full list of them, but they are many. Thank you. [Interjections.]

Mr M I RAYI: Hon Deputy Chairperson and hon Minister, I just want to find out why we do not rather have an agreement that is ratified by Parliament instead of having this Declaration of Intent which is not binding. Why shouldn't we rather have an agreement in a form of a bilateral with the Kingdom of Denmark that is binding and ratified by Parliament? Thanks.

The MINISTER OF ENVIRONMENT, FORESTRY AND FISHERIES: Hon member, I suppose the reason is that we would want to explore the effectiveness of the partnership and the appetite from both parties. Once one is assured that this is a long-term relationship, I think that then one would be looking at formalising it a bit more. I suppose you do not really want to enter into a marriage until you know that this is somebody you want to be with for the rest of your life. [Laughter.]

Transfer of portfolios/budget

165. Ms T C Modise (North West: ANC) asked the Minister of Environmental Affairs, Forestry and Fisheries:

Whether, with reference to the Forestry and Fisheries portfolios and the budgets which were still with the Department

of Agriculture, any transition has taken place in this regard (details furnished); if not, why not; if so, (a) when and (b) what are the further relevant details? C0377E

The MINISTER OF ENVIRONMENT, FORESTRY AND FISHERIES: Deputy Chairperson, with reference to the Forestry and Fisheries portfolios and the budgets which are still with the Department of Agriculture, Land Reform and Rural Development, the transition has not yet taken place, but it is in progress in line with the national macro-organisational governance process. The national macro-organisational governance, NMOG, is a process and it is in progress and we are currently submitting the departmental structure to the Department of Public Service and Administration for approval. After the approval has been received from the Department of Public Service and Administration, DPSA, as mentioned above, the National Treasury's approval is needed to change the Appropriation Bill to include the new structure in the Budget process which we hope will take place in November or December 2019.

The agreed-upon figures are then transferred and incorporated in the estimates of the national expenditure for 2020. Finalisation and agreement on these figures ought to take place by 24 October, which has already come and gone. The estimates of the national expenditure for 2020 are then tabled in Parliament in February 2020, and from 01 April 2020, the newly established department will operate including the newly transferred functions.

What is currently happening is that we have an agreement together with the Department of Agriculture that we take joint decisions on all major matters so that we are both aware of everything that is happening in the department. Thank you very much.

Ms T C MODISE: Minister, given the physical consolidation framework and poor performance of our economy, what are the departmental programmes most likely to be affected by the budget cuts or shortfalls; and how does the department intend to remedy the situation, hon Minister? Thank you.

THE DEPUTY CHAIRPERSON OF THE NCOP: It is a new question, but if you have any response you can grant.

The MINISTER OF ENVIRONMENT, FORESTRY AND FISHERIES: Well, it is a new question, but I guess the answer is generic. The answer is that you have to make do within the fiscal envelope. What you have to do is to look at where the areas of underperformance in the department are, where has there been underperformance in the department historically, do we find areas where a particular branch is meeting its targets but not spending its budget, in which case, maybe it has too much. And then you'll have to make adjustments amongst branches so that you give everybody a fair chance to enable them to undertake their operations. Thank you.

Mr M S MOLETSANE: Hon Minister ...

... mane Zastron ho ile ha qalwa projeke ya ditlhapi mme e putlame, ebile moaho wa teng o fetohile lehaha la mashodu hobane ha ba fumane thuso. (*Translation of Sesotho paragraph follows.*)

[... in Zastron a fisheries project was started but it collapsed, and its building has been turned into a haven for criminals because they do not get assistance.]

What action will be taken against the departmental officials who misdirected the budget from what it was meant for? Thank you.

The MINISTER OF ENVIRONMENT, FORESTRY AND FISHERIES: Hon member, I don't have details of that particular project, but if you can give them to me I will investigate. I assume it could be an aquaculture project if it is an inland fishing project. I will be very pleased to receive those details and I will investigate. Thank you very much.

Ms C LABUSCHAGNE: Thank you, Deputy Chairperson and thank you Minister. The Department of Environmental Affairs opposed some of the policy positions the fishery portfolio is about to inherit. Examples include the small-scale fisheries identified in conservation priority areas such as St Lucia and the sites selected for coastal marine aquaculture development associated with Operation Phakisa in Algoa Bay and Langebaan. Minister, how do you foresee

resolving these challenges when fisheries, aquaculture and all those become part your department?

The DEPUTY CHAIRPERSON OF THE NCOP: Once again, Minister, let me remind you that although it seems to be in line with this question, but it is definitely new information. So, you can either respond or decide how to deal with it.

The MINISTER OF ENVIRONMENT, FORESTRY AND FISHERIES: Hon member, I think that we will have to sit down as a department, and we are already doing that in this process of looking at what would be the regulatory functions of the current Department of Environment, Forestry and Fisheries. Those regulatory functions would currently be happening in the oceans and coasts branch. Then we will need to look at where would a potential conflict of interests be and we will have to look at how we manage that.

One can understand that there could be similar issues around Forestry and both these branches have historically been in this department and they were moved out. I think that if you want a chapter and verse on our approach on this, I suggest that you submit a written question because it is a matter that we'll be addressing ourselves to.

146. Ms C Labuschagne (Western Cape: DA) asked the Minister of Environmental Affairs, Forestry and Fisheries:

With reference to the Intergovernmental Panel on Climate Change's Special Report on Cryogenic and Oceanic Environments (details furnished), what action is her department taking to stop the run of pesticides and deadly environmental contaminants from entering into the rivers and killing marine life?

CO358E

The MINISTER OF ENVIRONMENT, FORESTRY AND FISHERIES: Chair, I have the answer to this question but anyway, I think I have it as Question 144. A number of prominent South African scientists made key contributions to the Intergovernmental Panel on Climate Change 2018 Report. South Africa expressed to other parties at the 24th Conference of the Parties, Cop 24, that it welcomes the 1,5 degrees Celsius report and regards it as a valuable and timely contribution to the global effort to address climate change. The report highlights that we are currently already experiencing climate change, especially in Africa, and the global efforts to meet the Paris Agreement temperature goals are extremely important.

South Africa is considering the complex implications of this report for our National Climate Change Response Policy. President Ramaphosa, in his statement to the United Nations, UN, Secretary-General's Climate Action Summit on 23 September made, clear our intention to revise our Nationally Determined Contributions, NDCs,

to take into account the latest signs as reflected in the report. The Nationally Determined Contributions contains both adaptation and mitigation components, both of which will be updated to reflect the signs. Updating our NDCs presents an opportunity to facilitate clarity on the means of implementation, transparency and understanding of future NDCs as well as on the NDC accounting, adaptation components, and the enhanced transparency framework.

In the case of South Africa, this will be done within the context of sustainable development. The estimated period for submitting enhanced NDCs to the United Nations Framework Convention is in the third quarter of 2020 and implementation for the Nationally Determined Contributions should commence by the end of 2020. At the same time, on a national level, our Climate Change Bill would provide a national league or framework for climate action, including regular consideration of the latest signs. Thank you.

The DEPUTY CHAIRPERSON OF THE NCOP: Thank you, hon Minister. What is your follow-up question, Labuschagne?

Agb Labuschagne, ons sal jou mos darem nie vergeet nie. Hoekom is jy dan al op jou voete? (*Translation of Afrikaans paragraph follows.*)

[Hon Labuschagne, we really won't forget about you. Why are you already on your feet?]

Ms C LABUSCHAGNE: Thank you very much, Deputy Chairperson. Thank you Minister; you are quite right. You answered Question 144; it is referred to as a question in excess. So, something happened in the office that deals with questions - something that is not your fault or my fault - because the question that is on the Order Paper here was on the prevention of pesticide pollution and other pollutants in the rivers. That was Question 146. So, there is a little bit of a mix-up.

The DEPUTY CHAIRPERSON OF THE NCOP: Hon Labuschagne? Are you calling order?

Ms C LABUSCHAGNE: Yes.

The DEPUTY CHAIRPERSON OF THE NCOP: You cannot address the Chair if you are calling order. Because I had to call hon Minister, I didn't really attend to it. What is the issue? But in any case, the Minister said that she is ready with the response. In fact, it seems as if she didn't respond to the question. If you allow her, she can respond now.

The MINISTER OF ENVIRONMENT, FORESTRY AND FISHERIES: My apologies, hon member. On 10 September 2019, the Department of Environment, Forestry and Fisheries published regulations that phased out and banned certain persistent organic pollutants to protect human health and the environment, keeping in line with the Stockholm Convention

on Persistent Organic Pollutants to which South Africa is a member. These regulations prescribe the requirements for the phase-out of the used production distribution import and export as well as setting out specific timeframes during which all listed substances must be completely phased out. These substances include - there is a long list here of - five substances. Hon member, I think you probably have a written version and you won't test my Greek and Latin by making me read them out. Thank you.

Mr C LABUSCHAGNE: Thank you, Deputy Chairperson and thank you, Minister. Minister, considering the fact that these regulations have been published even before the regulations regarding certain environmental laws that prohibit the pollution of rivers were published, we are all aware of the excessively large environmental disaster that have occurred in the Dusi River. Drinking water was made completely unusable for the local communities and cleanup efforts to mitigate the effects of this disaster are going to take years. Does your department intend to criminally charge the CEO and all companies or any other liable person who were criminally negligent in allowing this disaster to occur?

The MINISTER OF ENVIRONMENT, FORESTRY AND FISHERIES: Hon member, at this stage, I cannot answer that question. We sent officials to that area of contamination and we have been working together with officials from the province and also the municipality. I am not in the position to tell you the exact outcome and direction of that

investigation in this sitting. That is the specifics that you can write to me about, and I can answer it. But I think what is important to say is that I visited the City of eThekweni ...

The DEPUTY CHAIRPERSON OF THE NCOP: Order, hon members. Please, order. [Interjections.] Can there be order in this House. You may continue, Minister.

The MINISTER OF ENVIRONMENT, FORESTRY AND FISHERIES: I visited the City of eThekweni at the same time President Ramaphosa's was visiting the district. The week before last, I took that opportunity to have a meeting with my counterparts in the province as well as the manager of the city. We have set up a task team to look at the question of many matters relating to enforcement and a whole range of spills that have recently occurred in that area - both in the rivers and also in the harbour. We looked at how we will co-ordinate more effectively and work together to prevent those incidents from happening in the first place and also to take better remedial action when and if they occur. Thank you.

Mr S ZANDAMELA: Minister, we welcome the new regulations. We just want to find out why the department took so long to penalise those who were applying the pesticides and other contaminants. What will be the consequences when people have defaulted on the regulations, moving forward? Thank you.

The MINISTER OF ENVIRONMENT, FORESTRY AND FISHERIES: Thank you very much, hon member. I think that what is important for the hon member to understand is that the environment is a competence which is shared among national, provincial and local governments.

Particularly in the metros, the enforcement officials are at local government level. One of the reasons we have set up this particular task team in the City of eThekweni is to understand why these officers are not carrying out their enforcement functions and to understand how we can strengthen them when they are doing that.

We have our Green Scorpions whom we send to situations like that but you would understand that, as a national department, we really require the municipalities to be regularly monitoring what effluent is being placed in rivers by industries which they have licensed and from whom they received money.

Obviously, in issuing those licences, they would also be taking into account the fact that they would need to be monitoring what those industries do. Part of the reason we set up that particular task team is to try and understand why this enforcement role - which is primarily a municipal role in this instance - is not happening properly and how do we strengthen it and enable it to happen properly. Thank you.

Mr D R RYDER: Thank you, Minister. Minister, I think you will be the first to acknowledge that your department and the compliance office

can't be everywhere they would like to be. The big challenge we are facing is lack of awareness of who to approach when these things go wrong. I think the public is faced with this challenge where they spot dumping in the rivers or spot something like that and they often are not aware of who to contact and where to go. Obviously, that means that some marketing needs to be done. There is also some co-operation between departments. Therefore, I would like to ask you Minister if there is an agreement between your department and the Department of Police - which most people would see as their first line of contact for some sort of compliance - to train and make police officers aware of environmental laws and let them know who they can speak to and ensure that they are equipped in opening and investigating cases where environmental laws have been violated.

Thank you.

The MINISTER OF ENVIRONMENT, FORESTRY AND FISHERIES: As I was explaining to the previous hon member who was speaking, I don't think that this enforcement function is primarily the responsibility of the police. Yes, there are instances where they are environmental crimes and where we would need either as the national, provincial or local government to report those crimes to the police. In this particular instance, such as the spill we were talking about, the police were on site. But I think the key is that there are enforcement officers at every level of government and those enforcement officers are not doing their work. Part of what we would need to think about and look into is to ask ourselves how the

hotline system works because in each municipality there would be numbers that people would be phoning for a range of issues pertaining to municipalities but perhaps we need to look at whether there is an integrated environment hotline. Thank you very much.

The DEPUTY CHAIRPERSON OF THE NCOP: Hon Smit ...

... jy hoef nie te sit en vloek nie. Ek gee jou nou die beurt.

(Translation of Afrikaans sentence follows.)

[... you don't have to swear. I'm giving you your turn to speak now.]

Mnr C F B SMIT: Baie dankie, agb Adjunkvoorsitter *(Translation of Afrikaans paragraphs follows.)*

[Mr C F B SMIT: Thank you very much, hon Deputy Chairperson.]

Hon Minister, you answered the hon Ryder's question around spills and you also said that it is basically at municipality level where enforcement is supposed to take place. My question is with regard to cases where municipalities themselves are in contravention of the *National Environmental Management Act* and the *Water Act* and so forth. Cases are opened at the police station where they don't have knowledge of such issues. I had a similar case; I opened a case against the municipal manager of Mogalakwena Local Municipality, but

unfortunately it was an acting manager because they have this constant rotating of acting ...

The DEPUTY CHAIRPERSON OF THE NCOP: Ask your question because your two minutes is about to expire. [Interjections.]

Mr C F B SMIT: ... that the police didn't even know how to open the case. I had to make copies of the Act to give them and explain to them. They kept on coming back to me and asking me what damage to the property that I have is. The more I explained to them in terms of the Act it is a contradiction. [Interjections.] Can I be protected, Deputy Chair? [Interjections.] Can I be protected? [Interjections.] Can I be protected? Thank you. How do we ensure that municipalities are also held accountable in the same way that industries are held accountable? Thank you.

The DEPUTY CHAIRPERSON OF THE NCOP: Thank you, hon Smit. Hon Nhanha, the hon Smit doesn't need you to defend him. Hon Minister?

The MINISTER OF ENVIRONMENT, FORESTRY AND FISHERIES: Thank you very much, hon Deputy Chairperson. Hon member, this is where the issue of the concomitant powers comes in because if a municipality is not carrying out its enforcement roles or if the municipality itself is breaching the act, then we need to be bringing in the province or we need to be bringing in national government. So, I think that you are looking at the remedy for the problem. I don't think that it is

necessarily appropriate to bring in the police. You need to be bringing in the province to look at this problem or you can report the problem to us so that we can see what remedial action needs to be taken.

The DEPUTY CHAIRPERSON OF THE NCOP: Thank you very much, hon Minister of Environment, Forestry and Fisheries.

Julle is saam by die Kabinetsvergadering; julle kan mekaar daar ontmoet. (*Translation of Afrikaans sentence follows.*)

[You will both be at the Cabinet meeting; you can meet each other there.]

Thank you very much for the responses that deal with the questions that were posed particularly to you. We will now continue and welcome the Minister of Mineral Resources and Energy and request that he starts to respond to Question 139.

Compliance with environmental system

139. Mr C F B Smit (Limpopo: DA) asked the Minister of Mineral Resources and Energy:

- (1) What measures are in place to ensure compliance with environmental laws by the mining companies before the issuing of prospecting and mining rights;
- (2) whether there is collaboration with the Department of Environmental Affairs, Forestry and Fisheries to ensure compliance with environmental laws; if not, why not; if so, (a) how and (b) what are the further relevant details?

CO351E

The MINISTER OF MINERAL RESOURCES AND ENERGY: Question 139 from hon Smit ... [Interjections.] ... is in two parts; Firstly, when an application for prospecting rights or mining rights is lodged, the applicant is required to simultaneously lodge an application for an environmental authorisation. Depending on the activities to be undertaken, the applicant will be required to submit either the basic assessment report or the full scope and Environmental Impact Assessment, EIA, as per listing notices in as far as the application of environmental is concerned.

The document or applicable report shall be compiled as prescribed by EIA regulations. The decision on environmental authorisation application precedes the actual granting and subsequent issuing of prospecting or mining right. When the due process has been followed, the environmental authorisation, EA, application, the granting of the prospecting or mining right will be considered taking into

account and into consideration the outcome of such application as per the criteria. Where necessary, the pre-inspection is also arranged. The provision of both National Environmental Management Act and EIA regulations are duly followed in this regard.

Secondly, the Department of Mineral Resources and Energy works very closely with the Department of Environment, Forestry and Fisheries. It is imperative to firstly indicate that the One Environmental System was established to ensure that these departments can work closely in ensuring that environmental sustainability is fully considered as part of any development especially relating to mining.

To this end, as part of environmental authorisation applications, if any interested or affected party seeks to appeal, the decision made by the Department of Mineral Resources, the Minister of Environment, Forestry and Fisheries is the appeal authority.

Furthermore, the departments are working closely together on a number of task teams formulated under the Interdevelopmental Project Implementation Committee. These task teams are tasked to deal with, amongst others, all aspects relating to environmental authorisation application process.

The formulation and alignment of legislation, regulations and guidelines as well as formulation of mechanism to deal with the compliance and enforcement aspects by the environmental management

inspectors and environmental mineral resource inspectors; continuous meetings are held in this regard. That is the answer to Question 139. [Applause.]

Mr C F B SMIT: Thank you, hon Deputy Chairperson. Hon Minister, can you then please explain to us: How did it happen that prospecting rights were issued in the ecological, sensitive and protected Nylsvley for the Volspruit mine in Limpopo as well as prospecting rights awarded to Mazolwandle on the southern border of Marloth Park and Lionspruit at the Kruger National Park in Mpumalanga, which is a world heritage site? How will you ensure that this is stopped now and not repeated ever again?

The MINISTER OF MINERAL RESOURCES AND ENERGY: People apply and follow all the processes in the Department of Mineral Resources and Energy and the environmental aspects are done jointly with the Department of Environment, Forestry and Fisheries. If there is unhappiness about the outcome, the Ministry of Environment, Forestry and Fisheries is the appeal body. Everybody has the right to appeal to the relevant Ministry.

We have never had a conflict over those appeals. If the appeal overturns the decision of the Department of Mineral Resources and Energy, the department does comply. In future, we will comply. There are a few cases where we were forced to comply particularly in Mpumalanga, and so we did. [Applause.]

Ms H S BOSHOFF: Minister, my concern in this regard with Mazolwandle is that these mining rights were given even though this company committed plagiarism by copying verbatim an environmental impact assessment from a Limpopo coal mine. My question to you is: How is it possible that your department was not able to detect this blatant attempt at plagiarism and what will your department in future to prevent any plagiarism happening with any other applications that will be sent through? Thank you.

The MINISTER OF MINERAL RESOURCES AND ENERGY: All I am bringing to the attention of the member is that we have 16 official offices countrywide that co-operate. I don't know at what point it becomes plagiarism or sharing of information because if I am processing a particular application, there is another department in another province that is experienced, I do refer to that province for reference. If there is plagiarism and unhappiness ... as I said ... any affected party can appeal that decision. If the decision is overturned, we will comply. [Applause.]

Mnu T APLENI: Enkosi kakhulu Sekela Sihlalo. Mphathiswa ...

(Translation of isiXhosa sentence follows.)

[Mr T APLENI: Thank you very much, hon Deputy Chairperson. Hon Minister ...]

... does your department have the capacity and willingness to hold mining companies that flout environmental laws accountable? I am asking this because we know that mining companies are never held responsible for acid mine drainage in Mpumalanga and that mining companies have left the coast of Namaqualand damaged forever and have done nothing to rehabilitate that landscape, "Tiger".

[Laughter.]

The DEPUTY CHAIRPERSON OF THE NCOP: Hon member, can you sit down and put off the mic, please? Hon Minister, you may respond.

The MINISTER OF MINERAL RESOURCES AND ENERGY: Let me repeat this, the law has been changed to provide for the appeal system and the reason for that is that, if there are shortcomings in the decision-making of a department, the other department has the authority as an appeal body to deal with and overrule the other department. Capacity is something relative because you may have a number of people but the skills in those departments isn't the same because you can't multiply the same individual. There are many other factors that come into effect in this ... the actual human element where people are forced to do things in particular way because of pressures and corruption. These are the issues we are looking at. That is why we are appealing to society to appeal if they are not happy with a decision.

Mr S ZANDAMELA: Minister, the question was about the compliance from mining companies. I just want to ask the Minister: There are mines especially in different parts of Mpumalanga where the miners left and there is no rehabilitation that has been done. I heard you earlier saying you are working closely with the Department of Environment, Forestry and Fisheries. Some of these mines are causing very serious health hazards to the communities. What is the department doing with those mining companies that mined and left without rehabilitating the landscape? Some of them are probably no longer in the country. Thank you.

The MINISTER OF MINERAL RESOURCES AND ENERGY: Every mining company is required to put upfront provision for rehabilitation during the lifespan of a mine. Many of the mines are falling under the category of derelict and ownerless mines. About 6 000 of those mines ... last year; we rehabilitated 167 of those mines. That programme continues because the reserves for rehabilitation as accumulated during the mining life are used.

I don't know when you say in Mpumalanga since the behaviour of mining companies is the same everywhere. Whether it is in Gauteng or Mpumalanga or North West, the rules must be the same. Companies are expected to make provision for rehabilitation upfront and during the mining life.

The DEPUTY CHAIRPERSON OF THE NCOP: Thank you very much, hon Minister. Hon Bebee, you don't have a follow-up question on this one. Hon Mokause, can you just relax. [Interjections.]

Ms M O MOKAUSE: Your problem is that you don't want to listen. That is your main problem.

The DEPUTY CHAIRPERSON OF THE NCOP: Your problem is that you speak without indicating that you are rising on a point of order. [Interjections.]

Ms M O MOKAUSE: But your problem is that you are chairing yourself.

The DEPUTY CHAIRPERSON OF THE NCOP: Can you say what your point of order is, "sisi" [sister]?

Ms M O MOKAUSE: I am rising on a point of order, Chairperson. Firstly, you cannot chair yourself; you are chairing a House and you must forever recognise and listen to us; secondly ...

The DEPUTY CHAIRPERSON OF THE NCOP: It is not a point of order. What is the point of order?

Ms M O MOKAUSE: Deputy Chairperson, the member of the EFF rose on a follow-up question. It is extremely unacceptable for a Minister to just run over the question and downplay the question like he did. He

did not answer what the EFF member asked. The member of the EFF asked: What if these mining companies are not complying? What is your department doing in relation to that?

The DEPUTY CHAIRPERSON OF THE NCOP: Hon Minister, there is no follow-up question from the hon Zandamela because he was following up on a question from another member. If he has a question, let him send it to you as a written question and you'll respond to it. Can you continue to respond to Question 153. [Interjections.]

Ms B T MATHEVULA: On a point of order!

The DEPUTY CHAIRPERSON OF THE NCOP: Your point of order is?

Ms B T MATHEVULA: Okay, Deputy Chairperson, you addressed hon Mokause as "sisi" in the House and it is not allowed.

The DEPUTY CHAIRPERSON OF THE NCOP: Hon Mokause, I apologise. Can you please continue, hon Minister?

Positive inputs/commitments

153. Ms L C Bebee (KwaZulu-Natal: ANC) asked the Minister of Mineral Resources and Energy:

What (a) positive inputs and (b) commitments were made by various stakeholders in the discussions with the Government which was represented by the Ministries of Mineral Resources and Energy, Public Enterprises and Trade and Industry on the (i) state of the economy and (ii) role of electricity in contributing to economic growth?

CO365E

The MINISTER OF MINERAL RESOURCES AND ENERGY: With regard to Question 153, we have started a process as the three departments – Mineral Resources and Energy, Public Enterprises, and Trade, Industry and Competition – to engage stakeholders that are providing primary feedstock to Eskom's power stations. We had a meeting with coal companies. We are negotiating there and saying that there must be a ceiling on the price of coal that goes to Eskom, otherwise ... We have discovered that there are a number of mines that make over 100% profit, whilst others make 70% and 50% profit. We are saying that we must have a ceiling on the price. That proposal is with the coal mining companies.

The DEPUTY CHAIRPERSON OF THE NCOP: ... [Inaudible.] ... the correct response?

The MINISTER OF MINERAL RESOURCES AND ENERGY: Yes.

The DEPUTY CHAIRPERSON OF THE NCOP: Okay.

The MINISTER OF MINERAL RESOURCES AND ENERGY: It is the commitment by various stakeholders ...

The DEPUTY CHAIRPERSON OF THE NCOP: Okay.

The MINISTER OF MINERAL RESOURCES AND ENERGY: ... in the discussions.

The second group that we have met are Window 1, 2 and 3 of renewable energy. To them we are saying that the prices of those are too high for Eskom. We have met twice. We are following on that. Only when we have completed that process will we then talk about administered prices and the possibility of reducing the electricity price, particularly for industrialisation and industrial development.

At this point in time, we haven't seen any negativity in the reaction of the stakeholders. They have all been co-operative and they have committed to the process, but the process is not completed.

Mr S F DU TOIT: I think the Minister might have the questions and answers mixed up. He answered on Question 150 instead of on Question 153.

The DEPUTY CHAIRPERSON OF THE NCOP: Hon Du Toit, I asked the hon Bebee if it is the response to the question that she asked and she

agreed. I am still the Chairperson, even if Mokause doesn't feel like that. I have made sure that it is the correct response to the question. Hon Bebee, your follow-up. [Interjections.]

Ms L C BEBEE: Okay, thank you very much, Deputy Chair and thank you very much, hon Minister for the detailed answer.

Hon Minister, in light of the President's call in his inaugural state of the nation address in February 2018 that mining must once again be seen as a sunrise industry, what are the initiatives that the department has taken thus far to achieve this objective as pronounced to the nation by the President?

The MINISTER OF MINERAL RESOURCES AND ENERGY: Although it's not related to the original question, I will answer it.

We have been working with the mining industry in various aspects. I don't know if you noticed that in the first-quarter decline, mining contributed the biggest share of that decline – 0,8% of the decline.

We engaged the industry. There was a lack of stability. In the second quarter, mining made the biggest positive contribution, which was 1% of the 3,1%.

Due to production and the management of companies not being in a straight line, it is a function of ongoing engagement which is

happening in the industry. At the end of the day, it is the mining companies that must turn the industry around and make it a reliable source of income for the country.

Mnr A ARNOLDS: Adjunkvoorsitter, baie, baie dankie. My vraag gaan basies oor die rol van elektrisiteit in die ekonomie. Dit is die vraag hier.

Die Minister het erken dat die regering gefaal het om seker te maak dat daar genoegsame elektrisiteit ... die bou van kragstasies ... dat daar genoegsame elektrisiteit is. Hy het ook by tye genoem dat die regering gewaarsku was dat hulle in 'n sekere jaar, 2007, die kapasiteit van kragvoorsiening gaan bereik ... dat daar 'n tekort gaan wees.

My vraag wat ek wil vra is ... want iemand moet verantwoordelikheid vat vir die feit dat die ekonomie in hierdie toestand is wat dit is en dat die burgers van die land in duisternis gedompel is.

Nou, my vraag aan die Minister is soos volg: Sal u vir die burgers van die land sê dat die ANC regering die citizens [burgers] van die land gefaal het?

Die ADJUNKVOORSITTER VAN DIE NRVP: Agb Minister, u hoef nie die vraag te beantwoord ... [Tussenwerpsels.] ... as u nie so voel nie. U hoef nie die vraag te beantwoord as u voel dit is ... want dit is

nie deel van die vraag nie. Maar, ons laat dit aan u eie oordeel oor.

Die MINISTER VAN MINERALE HULPBRONNE EN ENERGIE: Ek verstaan. Ek verstaan daardie feit. [Tussenwerpsels.] (*Translation of Afrikaans paragraphs follows.*)

[Mr A ARNOLDS: Deputy Chairperson, thank you very, very much. My question is basically about the role of electricity in the economy. That is the question here.

The Minister admitted that the government has failed to make sure that there is enough electricity ... the building of power stations ... that there is enough electricity. He also mentioned at times that the government had been warned that in a certain year, 2007, they would reach the capacity of power supply ... that there would be a shortage of electricity.

My question that I want to ask is ... because somebody has to take responsibility for the fact that the economy is in the state it is in and that the citizens of the country are plunged into darkness.

Now, my question to the Minister is as follows: Will you tell the citizens of the country that the ANC-led government has failed the citizens of the country?

The DEPUTY CHAIRPERSON OF THE NCOP: Hon Minister, you don't have to answer the question ... [Interjections.] ... if you don't feel like it. You don't have to answer the question if you feel it is ... because it is not part of the question ... But, we'll leave it to your own discretion.

The MINISTER OF MINERAL RESOURCES AND ENERGY: I understand. I understand that fact. [Interjections.]

The answer is as follows. I agree with you that electricity in particular and energy in general are a catalyst for economic performance in a country. I also agree with you that, as we sit here today, the price of electricity is too high and it is not contributing positively to economic performance.

So, what should we do? The reason why we took this initiative of meeting with these stakeholders is to try and manage the price of electricity downwards. If we can do that the economy will perform. Thank you. [Applause.]

Coal used at Eskom power plants

150. Mr S F du Toit (North West: FF Plus) asked the Minister of Mineral Resources and Energy:

(a) What is the current standard price per tonnage for coal that is used at Eskom power plants, (b) for how much is this coal currently being supplied to Eskom and (c) what plans does his department have to generate alternative energy since Eskom is currently not a reliable energy supplier as a result of old and deteriorating infrastructure?

CO362E

The MINISTER OF MINERAL RESOURCES AND ENERGY: Hon Deputy Chairperson, actually the question should be directed to the Minister of Public Enterprises, where Eskom falls in terms of jurisdiction as we sit here today. However, what I can also confirm is that the Integrated Resources Plan, IRP, has now been gazetted. It is published and it gives the framework for sources of electricity generation. [Applause.]

The DEPUTY CHAIRPERSON OF THE NCOP: Hon members, yes, before that, all of you just really put your hands down. Before that let us allow the hon Du Toit, because it is his question. The Minister was actually correct to redirect the question to the correct Ministry. However ... May I please, but the hon Du Toit we will allow you in terms of our procedure to ask your follow-up question and then we will come to you.

Mr S F DU TOIT: Hon Deputy Chair and hon Minister, since you mentioned that the question was posed to the incorrect department, I have the figures here. According to the *Mail & Guardian* ...

The DEPUTY CHAIRPERSON OF THE NCOP: The hon Du Toit, really.

Mr S F DU TOIT: Hon Deputy Chairperson, I have two minutes.

The DEPUTY CHAIRPERSON OF THE NCOP: If you have the ... You have your two minutes, but if you have the response then why did you ask the question? Do not be like that. Come now.

Mr S F DU TOIT: Deputy Chairperson, could you please just turn the clock back to give me my two minutes! Please be fair in this House! Thank you very much, hon Deputy Chairperson. Minister, according to the article in the *Mail & Guardian* dated 05 April 2019, there were losses of about R1,4 billion on two contracts alone at that time, as Eskom at that time paid one supplier, Glencore, double the price. It paid another smaller supplier R263 for the same quality coal. There was R343,41 difference between Glencore's price of R607 per ton of coal, and that of the smaller and cheapest supplier.

Now, according to the *Mail & Guardian*, up to R10 billion could have been saved if there were no ceiling price on coal, and if there was no corruption in the tender procedures and the allocation of these tenders.

My question is: Why didn't the Ministry act timeously since this has been brought to the attention at the beginning of the year already, but up to now, none of these contracts have been rescinded?

The DEPUTY CHAIRPERSON OF THE NCOP: Hon Minister, like I said, here you respond to questions that are applicable to you and not to new information. You do not have to.

The MINISTER OF MINERAL RESOURCES AND ENERGY: Yes. No, because it is also important to share information in the House. The hon member must remember, Deputy Chairperson, that I am in the Portfolio of Mineral Resources and Energy for five months now, but I do not renege the responsibility taken by my predecessors.

The reason that we are engaging coal mining companies and the renewable companies about the prices that go to Eskom is because we want to deal with that issue. If we succeed in dealing with that matter the picture will change. So, we are dealing with the matter and that is how far we have gone.

Nksz N NDONGENI: Sekela Sihlalo ohloniphekileyo. Kufuneka siwafundise amalungu emibutho ephikisayo ngomsebenzi weSebe leziMbiwa nezaMandla kunye neSebe lezaMashishini kaRhulumente, elinoxanduva lokusoloko lijonge ukuba ingaba isebe lenza kakuhle kusini na kwaye nemali isetyenziswa ngendlela efanelekileyo kwa-Eskom. Imibuzo ngo-Eskom necontract unit costs malunga nezibhambathiso mayithunyelwe kwisebe lezaMashishini kaRhulumente.

Umbuzo uthi: Mphathiswa, ingaba ilizwe lomZantsi Afrika likulungele kusini na ... *(Translation of isiXhosa paragraphs follows.)*

[Ms N NDONGENI: Hon Deputy Chair, we need to teach the members of the opposition parties about the work of the Department of Mineral Resources and Energy and that of the Department of the Public Enterprises, whose mandate is to ensure that Eskom is operationally robust and also financially sustainable. Therefore, any questions about Eskom and unit costs related to the coal contracts should be directed to the Department of Public Enterprises.]

is the question is: Hon Minister, is South Africa ready ...]

... to use coal cliff from tight mines?

Ingaba ayizukuba neziphumo ezibi kwabo baxhomekeke kumalahle ukwenza ingeniso? Enkosi, Sekela Sihlalo. (*Translation of isiXhosa paragraph follows.*)

[Will that not have detrimental effect to those who trade in coal for income? Thank you, hon Deputy Chair.]

The MINISTER OF MINERAL RESOURCES AND ENERGY: Hon Deputy Chairperson and hon member, no, decisions that are taken cannot only consider communities just around the coal mines. We take decisions that talk to the needs of the country, our commitments particularly the Paris Agreement and all those issues, and we use those to take balanced decisions. That is why we subscribe to the Just Transition so that we do not move like a pendulum from one extreme to the other. In

implementing the Just Transition, we are going to be able to manage our movement from high emissions to low emissions.

So, communities that are surrounding the mines are taken into account in discussing the Just Transition. [Applause.]

Mr C F B SMIT: Hon Deputy Chairperson and hon Minister, with the government's continuous investment in coal-based electricity generation like the investment in Kusile and Medupi Power Stations, will you please today acknowledge that there is no current technology available to either reduce or eliminate carbon emissions from coal-based electricity generation and that there is no such thing as previously spoken of cleaner coal and by virtue of that, that this government has not been committed to the Paris Agreement.

The DEPUTY CHAIRPERSON OF THE NCOP: Again Minister, it is not in your question, but you can respond to it if you want to.

The MINISTER OF MINERAL RESOURCES AND ENERGY: No. The problem is that when you tell the untruths with a straight face people believe you. There are technologies for cleaner coal and we are going to pursue them and test them. Already, we have a pilot study on carbon capture and deposit in the Northern KwaZulu-Natal. We are going to open a second pilot study in another second site. Once we have proven that it works, we will report to government and see if we can use it widely.

We are also going to look into coal gas degasification and see what impact it will have on the quality of coal and the quality of emissions of coal. So, we need to all the time think, experiment and leave it if it does not work, but not just because you say so, therefore there is no such a thing. I met it in the portfolio committee. I think it is the position of the DA that, that is a myth. We want to test that myth and demystify it. [Applause.]

Mr T S C DODOVU: Thank you very much, hon Minister, for your response. In the last few months the government has taken a firm view to stabilise the energy supply industry in terms of the Independent Power Producers, IPPs, in terms of the coal industry itself and in terms of bailing out Eskom. Are you quite confident that all these measures will lead us into the stability within the sector and if not, why don't we look at it from another point of view?

The MINISTER OF MINERAL RESOURCES AND ENERGY: Hon Deputy Chairperson and hon member, that question takes us to the next question about the IRP. Actually the IRP has now been published and gazetted. Now, once it has been published and gazetted, it provides us with the framework, but implementation will take its own time. As we test it, we will see if it stabilises the economic supply. However, our commitment is on security of energy supply.

Announcement of Integrated Resource Plan

141. Mr C F B Smit (Limpopo: DA) asked the Minister of Mineral Resources and Energy:

When will his department announce the Integrated Resource Plan?

CO353E

The MINISTER OF MINERAL RESOURCES AND ENERGY: For Question 141, the answer is simple, and it's that the question has become redundant in that the Integrated Resource Plan, IRP, was approved by Cabinet on the 16th and gazetted on the 18th.

The DEPUTY CHAIRPERSON OF THE NCOP: Hon Smit, do you want to make a follow-up question?

Mr C F B SMIT: Hon Deputy Chairperson, at the time I submitted this question it was not yet released, but thank you, Minister, at long last for releasing the correct IRP for that matter. How will the IRP contribute to your commitment to the Paris Agreement towards reducing our carbon footprint, which has 45% by 2015?

I also propose, hon Minister, that while the Minister of Environmental Affairs is sitting next to you, I think he should take further advice from you. He actually said in our Portfolio Committee on Environmental Affairs that there is no such thing as clean coal, and that carbon cannot be eliminated, catch it might be - but then,

where is it going, underground or into our water system or wherever you want to send it to? Thank you.

The MINISTER OF MINERAL RESOURCES AND ENERGY: We'll take the advice. We do take it all the time by the way.

The DEPUTY CHAIRPERSON OF THE NCOP: Hon members, the question was: When will the IRP be announced? It is announced and it has been published. So, there cannot be follow-ups because that was the question. Let us now attend to Question 159.

Cancellation of Bid Window contracts

159. Mr A Arnolds (Western Cape: EFF) asked the Minister of Mineral Resources and Energy:

Whether it is prudent for the Government to consider cancelling all Bid Window contracts that have been signed with Independent Power Producers of renewable energy until Eskom is financially stable; if not, what is the position in this regard; if so, (a) what processes will the Government follow to cancel such contracts and (b) what are the further relevant details? c0371E

The MINISTER OF MINERAL RESOURCES AND ENERGY: The question is: Whether it is prudent for the government to consider cancelling all Bid Window contracts? You don't deal with contracts that way. Once

you sign a contract, that contract is valid, and you deal with your partner in a contract with respect. That's why I explained earlier that, what we are busy with is not cancellation of the Bid Window contracts. It's about talking to them to reduce the price so that the impacts will be on the ultimate Eskom price.

You see, all the time we have been told that on the average, renewables is R220. But on telling the actual figures, we discovered that actually, from photovoltaic, PV, Window 1 is at R4,25c a unit, and it goes on because they signed an agreement at this point and got guaranteed consumer price index, CPI, increase on the price. That's why we are talking to them. We are not forcing them or imposing condition on them. Instead, we are asking them if, we can find a formula for reducing that uptake price?

So, that's what we are doing. Therefore, cancelling the contract is not on the table for now.

Mnr A ARNOLDS: Adjunkvoorsitter, ek neem kennis van wat die Minister sê oor die vraag. Ek dink die Minister sal saamstem dat die prys van krag te is hoog en dat dit nodig is vir 'n ingryping. Die regering en u sê altyd dat die regering aan die praat is, dat die regering in gesprekvoering is, en besig is om te praat. Maar ek dink die tyd van praat is verby.

In hul gesprekke sê hierdie onafhanklike kragprodusente dat hulle wil hê hierdie kontrakte met nog 10 jaar langer verleng moet word.

My vraag aan die Minister is, stem u saam dat daardie kontrakte nog verleng word? Ons wil graag hê daardie kontrakte moet verbreek word. Dankie. *(Translation of Afrikaans paragraphs follows.)*

[Mr A ARNOLDS: Deputy Chairperson, I note what the Minister says about the question. I think the Minister will agree that the price of electricity is too high and that there is a necessity for an intervention. The government and you always say that the government is busy talking, that the government is in conversation, and busy talking. But I think the time for talking is over.

In their discussions, these independent power producers say they want these contracts to be extended for another 10 years.

My question to the Minister is, do you agree that those contracts should be extended? We would like those contracts to be terminated. Thank you.]

The MINISTER OF MINERAL RESOURCES AND ENERGY: The discussions with ...

... onafhanklike kragvoorsieners ... *(Translation of Afrikaans sentence follows.)*

[... independent power producers ...]

... is about the prices of Window 1, 2 and 3. We agree that they are expensive, and that's why we are negotiating with them. But if you look into the projection for Window 4, already the range is very close to being reasonable because on PV, it's around R1,08c and on Wind, it is at 87c. So, it's coming down.

Therefore, all we are saying is that: Let's talk to them because renewables are not emergency energy suppliers, but they must be part of the system all the time. That's why they should be considered within the context of energy and the economy. So, the engagement with them is about that. Again, if you talk about cancellation of contracts, at this point in time, they are supplying about 4,5% of energy.

Once Window 4 gets into the stream which has already been signed, it will increase. We are projecting about 18% from renewables by 2030 in the IRP. So, we are not only looking at the price, but we are also looking at the security of supply.

Me D G MAHLANGU: Adjunkvoorsitter ... (*Translation of Afrikaans sentence follows.*)

[Ms D G MAHLANGU: Deputy Chairperson ...]

Ndiyabulele Mphathiswa ... (*Translation of isiXhosa sentence follows.*)

[Thank you, hon Minister ...]

Considering that the cost of renewable energy has declined dramatically in the last decade, the renewables form a key element of non-grid connection to rural areas. What is government's long-term strategy to procure renewable energy in order to ultimately lower the price of electricity and achieve the NDP target of full electrification by 2030?

The MINISTER OF MINERAL RESOURCES AND ENERGY: Firstly, you must remember, as we seat here today, that renewables do not have the baseline capacity. They don't have it. They give you energy on availability. What is thought to be a solution to that, but not immediately, is the development of the battery storage technology. Once you have it, you will go a long way in addressing the base-load problem.

Now, as I said earlier, some people are always shouting at me about when do I declare Bid Window 5, but I say, I don't want Bid Window 5, but I want renewables to be part of the system in the long term. I also tell them to be ready for Bid Window 27 if need be. But the most important thing is that, the reason we give you an energy mix proposal is that we don't want to have a total fail option because

we are not like Germany which has France as a neighbour. Where they don't have the baseline, they can get it from the nuclear energy in France.

We don't have that neighbour. That is why we should move correctly ...

... sihambe kakuhle... *(Translation of isiXhosa sentence follows.)*

[... and carefully...]

... and actually be systematic in movement from high emissions to low emissions. That is our approach to this matter.

Mr C F B SMIT: Minister, do you support the cheaper Energy Bill in concept that will see energy security and price relief to the already strained and struggling South Africans who can't afford another electricity price hike?

The MINISTER OF MINERAL RESOURCES AND ENERGY: I normally explain this concept to people like hon Smit that, lowest cost doesn't mean cheapest. Okay? It means the net impact of the cost overall, including opportunity costs and other things. For example, when you burn diesel during peak hours, it is very expensive, but in terms of availability, it is the lowest-cost option at your disposal.

So, I understand that concept in broad terms than narrowly cheap as in rands and cents. I look into opportunity cost. That's why, for example, when I argue with many people who are very fundamental in discussing this issue, I normally tell them that, if you look into nuclear power from Koeberg today, it is at 40c per unit to Eskom. It is the lowest, most reliable and most efficient.

But, if you want to assess the cost, you must build in the commissioning cost which is higher, and the decommissioning cost which is also higher. So, the cost should be covering all aspects of the life of a facility. That is why that question was posed. We have energy mix in the IRP so that we can have options in dealing with this matter.

Mr Y I CARRIM: Through you Chairperson, Minister, apart from all the very sound reasons you have given why we shouldn't annul these contracts legally, would it not also pose financial problems for Eskom, should they choose that route?

The MINISTER OF MINERAL RESOURCES AND ENERGY: Deputy Chairperson, it would in a way because if you breach a contract, you are subjecting yourself to penalties. That's why it is always not advisable to be delinquent in dealing with partners in any relationship. Thank you.

Local community trust

162. Mr K M Mmoiemang (Northern Cape: ANC) asked the Minister of Mineral Resources and Energy:

- (1) Which trusts hold the equity on behalf of the local community as all the mining companies operating with the Gamagara Corridor and the Kalahari basin in the Northern Cape are required to do (details furnished);
- (2) whether the trustees of such communities are mainly from the local communities; if not, (a) why not and (b) when will this be done; if so, what are the relevant details;
- (3) whether an audit has been undertaken on the work of the community (details furnished); if not, (a) why not and (b) when will the (i) evaluation and (ii) audit of the community trust be undertaken; if so, what are the relevant details?

C0374E

The MINISTER OF MINERAL RESOURCES AND ENERGY: The Sishen Iron Ore Company, SIOC, Community Development Trust owns three per cent Sishen Iron Ore Company Proprietary Limited. Other companies in the area will be expected to comply with the 2018 Mining Charter when they renew or cede their mining rights. The board of trustees is comprised of a number of members. We have listed the names from Nelson Mosiapo, Vusi Malie, Cynthia Mogodi, Conny Molusi, Derek van Staden, Willem van Heerden, Sechaba Thole, Amanda Dippennar, Apheous

Pole, Yvonne Mofolo and the trust gets audited by an independent auditor on an annual basis. So, every year you get audited financial statement of the trust and the trust is involved in many activities in Kuruman, Kathu, Postmasburg area and the broader Northern Cape. As of today, the trust is worth R6 billion net asset value and among others, owns a 30% stake in SA Airlink. When you get into a SA Airlink plane, you must know that 30% belongs to the trust, which is worth R400 million and the trust also owns a stake in Khathu Solar Park. So, it's an active trust that is not waiting for dividends, it is also involved in many other activities to improve its capacity.

Mr K M MMOIEMANG: Thank you, Deputy Chairperson. Allow me to appreciate the input made by the Minister on the question that I posed, though the question was necessarily confined to SIOC and mining companies also in the Kalahari Basin, including both Assmang, South32 and other black emerging manganese players. However, I will use the information that is provided to a follow-up question, hon Minister. Hon Minister, in the information that you have provided, clearly the domination by the company's trustees, which is four and the two independent trustees appointed also by the founder, creates an imbalanced composition of this board of trustees. This clearly says that the decisions in terms of this trust will always be skewed in favour of the mining company. Therefore, one critical element that I want to request the Minister to do is: Will the Minister engage the mining company with regard to the independent trustee and the chairperson of this board because the term has expired? For us,

as an ANC-led government, we exercise control over these entities that are supposed to be owned by the communities. It is important that we have control. Therefore, will the Minister engage the mining company to ensure that he is consulted on the appointment of the chairperson and the independent trustees, and also the reduction of the mining company's trustees on that board? Thank you, hon Minister.

The MINISTER OF MINERAL RESOURCES AND ENERGY: Thank you, Deputy Chairperson. You are right in principle, but the other side you should look at is whether the trust is performing - to me that is the test. It is not who is in it because you can put the right people - we know of trusts like that where you have all the right people but the money disappears. You can't account for it; you can't account for its investment and you can't locate the value. There are such trusts. So, in whatever we do with that trust, we should assess its performance and whether it is doing what is expected of it to do. Then, we correct areas where there are weaknesses. That is what I agree to. For me, I don't think the issue is the part of appointing the chairperson; but it is whether that chairperson of the trust together with the trustees are doing what is expected of them and the trust is also performing. Not unless we say it is not developing the area to the extent it expected to. However, opening it up for the sake of opening it up may bring in other operational and financial risks to the trust itself.

The DEPUTY CHAIRPERSON OF THE NCOP: If I was not chairing, I would have said something, but let me ... eat my piece. [Laughter.]

The MINISTER OF MINERAL RESOURCES AND ENERGY: You can say.

The DEPUTY CHAIRPERSON OF THE NCOP: No, I will say it afterwards.

Mr W A S AUCAMP: Thank you Deputy Chair and the Minister. I have been covered in a certain sense by hon Mmoiemang. I just want clarity, hon Minister. Are these trustees getting any education or help from your department? If not, are you willing to assist them so that we can uplift them as trustees of the day in those boards or trusts where they are members? Can they really fulfil the jobs they are supposed to do, to the best of their abilities and to the advantage of those communities they are serving? Thank you.

The MINISTER OF MINERAL RESOURCES AND ENERGY: And not specifically but we can advise, because the trust has the resources. It can send its trustees for training. That can be taken on, but if you need our advice, we can advise that trust. One of the issues that we have avoided even in the new Mining Charter is to create clauses that put our fingers in the till. We are not children of shopkeepers. We can't keep our fingers in the till, and we must stay away. We can advise the trust but we must keep a healthy distance between the trust and the department. Next time when we come here, we will be

asked questions about a departmental official X, Y and Z who has done this and that, and we must be careful of that, as a department.

Ms M O MOKAUSE: Thank you, Deputy Chairperson. Minister, calling for nominations of this particular trust and appointment of these trustees, the majority of times, it is done in an extremely skewed and favourable way to the ruling party. Members who are appointed belong to the ruling party and they account to the ruling party. As a result, when development or any other tenders are advertised, they benefit the ruling party and those who are in charge of the trust. The community suffers because those who are in the trust belong to the ruling party. We want to see participation across the board irrespective of your political affiliation, but that is not happening. What is your intervention in this regard, as a Minister of Mineral Resources?

The MINISTER OF MINERAL RESOURCES AND ENERGY: I don't know how trustees are appointed in terms of political affiliation. I do not know that. [Interjections.] No, you asked a question.

[Interjections.] Don't shout and point fingers. Listen, listen! Listen, I am giving you an answer Mokause. [Interjections.] Hon Mokause, I am giving you an answer to your question. Yes, hon Mokause.

One of the things that is always confusing people is, if for example, in a particular area the footprint of a particular party is

big, it will be big in that community. Therefore, it is easy to see the fingerprints of that party in any structure in that community. However, normally it is dependent on the activities of the individual members in that community to be nominated and elected as trustee. I know of many trusts that are chaired by non-ANC members, and they are doing well, but in the board you will find a number of ANC members because of the demographics of the area and the footprint of the ANC.

Now, if development is in the community, it can benefit a particular party. A development in a community benefits community members irrespective of affiliation. Not unless, there is a dishing out of money, then it is dished out to the ANC member. [Interjections]. Okay, don't generalise, talk about this trust. This trust is one of the performing trusts, but we'll talk to Ntate Mmoiemang to hear details of the proposal he is making on how to strengthen it because it is working.

Ms M O MOKAUSE: [Inaudible.]

The MINISTER OF MINERAL RESOURCES AND ENERGY: For me, I would enjoy that.

The DEPUTY CHAIRPERSON OF THE NCOP: Hon Mokause, show respect. Don't be like that. Don't put our House in disrepute.

Mr A B GOYIYA: Chair, I would have thought that the hon Minister wouldn't stoop so low and just respond to vague and false accusations. However, I appreciate the way you responded, hon Minister. Indeed, you can't be crucified for the size of your organisation. The issue that I wanted to raise is that we have a number of mining companies in the Northern Cape in particular that consistently failed to comply with the prescribed legislation. We have inspectors in the department who have a responsibility of ensuring that they monitor and enforce compliance. Now, I want to check with the Minister regarding the relation to these trusts and how they plough back to the communities, because the Mining Charter and the Mineral and Petroleum Resources Development Act prescribed that they should plough back. So, I just wanted to check at the level of the Ministry what monitoring mechanism is done to ensure that those officials who are responsible to do that particular work do it diligently and they don't fall prey to these big companies in terms of monies and ensuring that communities benefit directly from these trusts. Thank you.

The MINISTER OF MINERAL RESOURCES AND ENERGY: We made an observation earlier and there are areas in the department where there are weaknesses. One of those is monitoring and evaluation and section 2 is community outreach. We are working on that to set out more structured units in the department to do that work. More importantly, if you look into our audit reports by the Auditor-General, you will find that the area responsible for that area

scored lowest in the department. All our branches scored eight and above and regulations scored 67. We looked into the weaknesses in the branch and one of those areas is this one: enforcement of monitoring and evaluation. It's a pity that Comrade Bavelile passed on prematurely. May her soul rest in peace because we gave that responsibility to her, but specifically to chase monitoring and evaluation? So, we are paying attention to that issue - it is one of the weaknesses in the department.

Coal mining activities

4. Ms H S Boshoff (Mpumalanga: DA) asked the Minister of Mineral Resources and Energy: [Written Question No 62]

- (1) Whether (a) he approved the coal mining activities of a certain company (name furnished) that are taking place in the preserved area of Lakenvlei in Mpumalanga and (b) this development is (i) sustainable and (ii) of national interest; if not, what is the position in this regard; if so, what are the relevant details;

- (2) whether the said company is in possession of a rezoning certificate for mining land as this area is zoned as agricultural land; if not, what is the position in this regard; if so, what are the relevant details;

- (3) whether he, the Minister of Human Settlements, Water and Sanitation and the Minister of Environmental Affairs, Forestry and Fisheries have had any discussions on the impact the mine (i) will have and/or (ii) is having on the Elands River, the Crocodile River and the Oliphants River; if not, why not; if so, what are the relevant details;
- (4) whether he has requested the Minister of Human Settlements, Water and Sanitation to provide him with the latest water tests; if not, why not; if so, what are the relevant details;
- (5) whether he has been supplied with a report of the Environmental Impact Assessment study that was conducted by the Department of Environmental Affairs, Forestry and Fisheries; if not, what is the position in this regard; if so, what are the relevant details?

CW110E

The MINISTER OF MINERAL RESOURCES AND ENERGY: The question is by hon Boshoff of Mpumalanga. [Interjections.]

Ms H S BOSHOFF: Hello!

The MINISTER OF MINERAL RESOURCES AND ENERGY: Hello, hello, hello Boshoff, hello. Yes, the Minister confirms that a mining right and environmental management programme are issued to William Patrick

Bower (Pty) Ltd, in respect of Portion 6 and Portion 23 of Groenvlei farm and Portion 12 of Lakkavalli farm 322 JS situated in the magisterial district of Belfast in Mpumalanga province. It was issued on 09 November 2016.

The mining development was granted considering that it complied with the principles of integrated environmental management as prescribed in section 38(1) of the Mineral and Petroleum Resources Development Act, MPRDA. The Minister was satisfied that the development will achieve the said principles and give effect to Chapter 5 of the National Environmental Management Act, Act 107 of 1998. A local municipality has a mandate of considering and issuing rezoning to any land parcel falling within its jurisdiction. In that regard, they will have knowledge of the land parcels that are subject to rezoning applications and or where rezoning has been granted.

In other words, the rezoning part of any parcel of land in any municipality is not the responsibility of the department but it is the responsibility of the municipality. I would imagine that, that is the planning section of the municipality that does rezoning. At the time of the consideration of the mining right application, the Environmental Impact Assessment and the Environmental Management Programme lodged in terms of section 39 of the Act, the Minister did consult in terms of section 40 of the Mineral and Petroleum Resources Development Act, Act 28 of 2002 and the state department

with the role in administering any laws relating to matters affecting the environment.

No, the Minister has not requested the water test from the Minister of Human Settlements, Water and Sanitation. The requirement to provide water samples and tests is a condition of water use licence and falls within the competence of the Minister of Human Settlements, Water and Sanitation in terms of the National Water Act, Act 36 of 1998. The Minister has not been supplied with the report of the Environmental Impact Assessment studies that was conducted by the Department of Environmental Affairs, Forestry and Fisheries and is not aware of its content.

Therefore, that shows the complexity of that space that, when you issue a mining licence, you must comply with the requirements that are located in two other departments. I am sure that in the Bill that is in the pipeline they will add agriculture. It is quite a complex exercise, as we fulfil our part but other departments have also a responsibility over aspects of the legislation and of the work.

Ms H S BOSHOFF: Thank you very much, Deputy Chair. Minister, even though the Mpumalanga Tourism and Parks Agency together with the Mpumalanga government were opposed to this mining that is taking place, your department went ahead and issued the relevant mining licence. What I would like to know from you is whether the mining is

still going on today as we speak or it has been halted. If it has not been halted because it is a protected environmental area, would you today undertake that all future mining applications in declared protected areas will not take place without the relevant licences and certificates across all the departments as you have just indicated? Thank you.

The MINISTER OF MINERAL RESOURCES AND ENERGY: Deputy Chair, no, that is the practice even today. That is why in addition to work with all the departments we respect the Department of Environmental Affairs, Forestry and Fisheries as an appeal body so that if there is a mistake in the assessment, it can be repealed by the appeal body which is the Department of Environmental Affairs, Forestry and Fisheries. It is not just the Department of Mineral Resources and Energy. Actually, granting a mining licence is one of the most complex things. At one point I was saying to my colleagues in the Cabinet that if things go the way they are, in few years' time mining will be banned in South Africa. My own view is that ... I want you to listen ... whether it is mining today, I can go and check that as I don't want to guess and just give you a two-way answer. I will check if it is operational.

As you would see, the granting of that licence precedes my term. However, I take responsibility for it. I can go and follow it up and check it.

Ms A D MALEKA: Thank you, Deputy Chairperson. Hon Minister, I want to ask, did the coal mining activities have any economic spinoffs and job opportunities for the people of the surrounding area?

The MINISTER OF MINERAL RESOURCES AND ENERGY: Actually, leave the fact that everybody thinks that coal mining is dirty, as it is the biggest generator of revenue in mining today. Coal mining is the biggest generator of revenue in South African mining today. That is what it is. It exports coal and supplies Eskom because sometimes when we talk of coal, we just think of the picture of coal to Eskom. It is a big generator of revenue. It does benefit communities around them and also the reason that there is this complex relationship with the environmental assessment and all that is because mining sometimes pollutes in the majority of places and therefore, it needs to be regulated tightly to minimise the negative impact of mining. However, it is an economic activity. It is a very viable economic activity and it employs many workers. [Applause.]

Mr C F B SMIT: Hon Deputy Chair, it is very interesting that the Minister says that coal mining sometimes pollute. Minister, as this was actually a written question that was transferred to oral questions, can you please commit to this House that you will actually answer written questions in the prescribed time so that you don't need to answer that in the House?

The DEPUTY CHAIRPERSON OF THE NCOP: Hon Minister, that is not a question. Can we then request hon Bebee. You took someone's question now, hon Smit. Hon Bebee.

Ms L C BEBEE: Hon Deputy Chairperson, I just want to check with the hon Minister if he is compelled to get a report of the Environmental Impact Assessment study before issuing the mining rights. Thank you, Minister.

The MINISTER OF MINERAL RESOURCES AND ENERGY: It is a requirement. It is a requirement that I do get the environmental certificate, and the water, and I am sure it will now be extended to agriculture and land use.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon members, on behalf of the leadership of the NCOP, let me take this opportunity to thank the Minister for availing himself to take questions in the NCOP. Thank you, hon Minister. [Applause.]

See also **QUESTIONS AND REPLIES**.

Question put: That the Motion on the Order Paper be agreed to.

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.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon members, I have been informed that the committee has agreed not to proceed with Order Six, as printed in the Order Paper. The secretary will read the First, Second, Third, Fourth, Fifth and Seventh Orders of the day.

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON CO-OPERATIVE
GOVERNANCE AND TRADITIONAL AFFAIRS, WATER AND SANITATION AND HUMAN
SETTLEMENTS – INSPECTION IN LOCO ON NOTICE OF INTERVENTION ISSUED IN
TERMS OF SECTION 139(1) (B) OF THE CONSTITUTION, 1996 IN J B MARKS
LOCAL MUNICIPALITY, NORTH WEST PROVINCE**

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON CO-OPERATIVE
GOVERNANCE AND TRADITIONAL AFFAIRS, WATER AND SANITATION AND HUMAN
SETTLEMENTS – INSPECTION IN LOCO ON NOTICE OF INTERVENTION ISSUED IN
TERMS OF SECTION 139(1) (B) OF THE CONSTITUTION, 1996 TSWAING LOCAL
MUNICIPALITY, NORTH WEST PROVINCE**

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON CO-OPERATIVE
GOVERNANCE AND TRADITIONAL AFFAIRS, WATER AND SANITATION AND HUMAN
SETTLEMENTS – INSPECTION IN LOCO ON NOTICE OF INTERVENTION ISSUED IN
TERMS OF SECTION 139(1) (B) OF THE CONSTITUTION, 1996 IN LEKWA-
TEEMANE LOCAL MUNICIPALITY, NORTH WEST PROVINCE**

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON CO-OPERATIVE
GOVERNANCE AND TRADITIONAL AFFAIRS, WATER AND SANITATION AND HUMAN
SETTLEMENTS – INSPECTION IN LOCO ON NOTICE OF INTERVENTION ISSUED IN
TERMS OF SECTION 139(1)(B) OF THE CONSTITUTION, 1996 IN RATLOU LOCAL
MUNICIPALITY, NORTH WEST PROVINCE**

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON CO-OPERATIVE
GOVERNANCE AND TRADITIONAL AFFAIRS, WATER AND SANITATION AND HUMAN
SETTLEMENTS – INSPECTION IN LOCO ON NOTICE OF INTERVENTION ISSUED IN
TERMS OF SECTION 139(1)(B) OF THE CONSTITUTION, 1996 IN MADIBENG
LOCAL MUNICIPALITY, NORTH WEST PROVINCE**

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON CO-OPERATIVE
GOVERNANCE AND TRADITIONAL AFFAIRS, WATER AND SANITATION AND HUMAN
SETTLEMENTS – INSPECTION IN LOCO ON NOTICE OF INTERVENTION ISSUED IN
TERMS OF SECTION 139(1)(B) OF THE CONSTITUTION, 1996 IN NALEDI LOCAL
MUNICIPALITY, NORTH WEST PROVINCE**

Mr T S C DODOVU: Hon House Chairperson and hon members, as you indicated, I am going to present a consolidated report of the six municipalities in the North West province.

During the period of April 2019, the North West Provincial Executive Council resolved to invoke interventions measures in terms of section 139(1)(b) of the Constitution in Naledi, Tswaing, Madibeng, JB Marks, Ratlou, Mamusa and Lekwa-Teemane local municipalities.

Subsequent to the tabling of notices of interventions by the MEC for Co-operative Governance and Traditional Affairs, Cogta, in the North West, the office of the Chairperson of the NCOP referred, in terms of Rule 101 of the NCOP, the notices of interventions to the select committee for consideration and reporting.

As part of the public participation process, the select committee conducted in loco inspections to the above-mentioned municipalities from 27 to 29 August 2019.

The objective of the in loco inspections to all the respective municipalities was to interact with the internal and external stakeholders of the municipalities in order to solicit their opinions and views on the constitutional, procedural and substantive matters related to the invocation of section 139(1)(b) of the Constitution in all these municipalities.

During the entire period of interaction with the various stakeholders as well as the local structures of political parties within the respective municipal areas, the decision to invoke section 139(1)(b) of the Constitution of the Republic was endorsed, with beneficiary local communities advocating for change and improvement in the manner in which municipal government and administration is being handled so as to enhance the institutional capacity of each municipality to execute its respective role and mandate in the delivery of services.

As a result of the highest number of municipalities falling under section 139(1) (b) of the Constitution in the North West province, a decision was taken to progressively address the endemic dysfunctions and challenges that impinge upon the ability of these institutions to perform and discharge their executive obligations in line with the Constitution as well as policy and legislative prescripts.

Hon House Chair, generally speaking, the collapse of service delivery, deficiencies and instability in good governance and administration, as well as distress in their financial management capability has been noted with serious concern by the NCOP select committee.

The committee observed widespread political factionalism; ill-discipline amongst councillors; appointment of unqualified municipal officials; noncompliance with the existing legislation; and general lack of consequence management and capacity of municipal leadership to ensure smooth, efficient, effective and people-centred local government. All of these are the major causes for the collapse of the municipalities and their dysfunctionality, hence the invocation of section 139 of the Constitution.

Section 152(1) (b) of the Constitution provides that a municipality must ensure the provision of services to communities in a sustainable manner, and section 152(1) (d) of the Constitution provides that a municipality must promote a safe and healthy

environment. Therefore, the select committee is of the opinion that the service delivery failures of the municipalities in the North West have triggered the invocation of section 139(1)(b) of the Constitution.

In general terms, the select committee is of the opinion that the instability related to good governance as captured in the notices tabled to the NCOP, the Minister of Cogta and the presentation made by the MEC in all respects ...

Based on the above situation, we are briefly going to tackle each municipality with regard to the recommendations that we place before the House.

Having conducted the oversight visit to Naledi Local Municipality and interacted with everybody, as I stipulated, we made the following recommendations: The select committee notes the intervention, in terms of section 139 of the Constitution, expired on 30 September 2019. Further notes that in terms of section 139(1)(b)(ii) of the Constitution, the intervention must end if the Council disapproves of it within a period of 180 days after the intervention began or by the end of that period, if the intervention has not been approved.

Based on the above, as the intervention has expired by operation of the law, if the North West Provincial Executive Council sees the

need to intervene, it should re-table the notice of intervention to the NCOP. In essence, we mean that we are not approving this intervention because of the reasons provided.

In respect of Lekwa-Teemane Local Municipality, the select committee recommends as follows: Having conducted the oversight visit to Lekwa-Teemane Local Municipality and interacted with everybody, we recommend that the NCOP approves the intervention in Lekwa-Teemane Local Municipality.

The administrator should develop measurable municipal turnaround strategy aligned with his terms of reference and provide the MEC for Local Government and Human Settlements and the municipal council with regular reports on the implementation of the intervention. The administrator must ensure investigation and implementation of consequence management.

The Department of Co-operative Governance and Traditional Affairs in the North West province must ensure security and safety of all appointed administrators in collaboration with the relevant state security agencies because the situation is cantankerous. The administrator should ensure that the developed turnaround strategy, amongst others, focuses on plans to comply with the legislative requirements.

The North West MEC for Local Government and Human Settlements, in collaboration with the national Minister, should in terms of section 154 of the Constitution and other relevant legislative prescripts, provide continuous support and monitoring to the municipality.

The MEC for Local Government must provide the NCOP and the North West provincial legislature with quarterly reports on the progress made in respect of the implementation of intervention.

With regard to Tswaing Local Municipality, the select committee found that there is indeed a compelling case for the invocation of section 139 of the Constitution, and therefore places the following recommendations: The NCOP approves the intervention in Tswaing Local Municipality.

The administrator should implement consequence management with regard to the noncompliance of the requirements of the Preferential Procurement Policy Framework and its regulations. The administrator should develop and implement a post-audit action plan to address previous audit queries and qualification.

There should be mechanisms and systems in place to strengthen internal controls and implement revenue enhancement strategy for the municipality. The MEC, in respect of Tswaing as well, must provide support and strengthen capacity of the municipality in terms of section 154 of the Constitution and other legislative prescripts.

The MEC must in the same vein produce and submit quarterly reports to the NCOP as well as the relevant provincial legislature's select committee. The MEC for local government should table the termination or exit report on the intervention in the municipality to the NCOP.

With regard to the JB Marks Local Municipality, we must point out that there were no interactions with the external and internal stakeholders. There was a lot of confusion within the municipality with the municipality prevaricating on the need and the purpose of the visit of the NCOP. That in itself was demonstrable evidence that the municipality is unstable and warrants an intervention and the invocation of section 139 of the Constitution as it was invoked by the provincial government.

Having noted the above, we placed the following recommendations: The NCOP approves the intervention in the municipality in terms of section 139(1)(b) of the Constitution. The North West MEC for Local Government should, after the adoption of this report of the select committee, table quarterly progress reports on the implementation of the intervention.

The select committee, in co-operation with the relevant portfolio committee in the North West, should, after termination of the intervention, conduct a follow-up oversight visit to the municipality in order to evaluate the impact of the intervention in accordance with the terms of reference of the administrator.

With regard to the Madibeng Local Municipality, we place the following recommendations for consideration: The NCOP approves the intervention in Madibeng Local Municipality. The relevant MEC should table the departmental investigation report, implementation plan and the forensic investigation report in terms of section 106 of the Municipal System Act to the NCOP, after tabling it to the municipal council of Madibeng.

The administrator should fast-track the process of investigating the irregular appointment of contractors within the municipality, and table quarterly preliminary reports to the NCOP for our consideration.

The MEC for Local Government in the province should put in place monitoring mechanisms on forensic investigations and follow up all those recommendations by the administrator. This committee, together with relevant the portfolio committee, should also equally conduct a follow-up to ensure aftercare for whatever was done.

Lastly, having noted the situation in the Ratlou Local Municipality, the committee recommends as follows: The NCOP approves the intervention in Ratlou Local Municipality in terms of section 139(1) (b) of the Constitution.

The administrator should conduct an investigation into the unauthorised, irregular and fruitless and wasteful expenditures

incurred in prior years, to determine if any person was liable for the expenditure as required by section 32(2)(a) and (b) of the Municipal Finance Management Act. The administrator should revise the draft turnaround strategy in order to also focus on consequence management, filling of critical vacant positions and the payment of third parties.

The North West provincial government and its department, should, in collaboration with the Minister, provide support to the Ratlou Local Municipality in terms of section 154 of the Constitution and other legislative prescripts. The MEC should table quarterly reports to the NCOP in respect of this matter. The MEC should also table a termination or exit report to the NCOP on the implementation of the intervention in the municipality.

This select committee, in co-operation with the relevant portfolio committee in North West, should, after termination of the intervention, conduct a follow-up oversight visit to the municipality in order to evaluate the impact of the intervention in accordance with the terms of reference of the administrator. That is a consolidated report that I place before this House for consideration. Thank you very much, hon House Chairperson.

[Applause.]

Debate concluded.

Ms C LABUSCHAGNE: Chairperson, on a point of order before I read the declaration: I haven't seen any speaker's list with the name China on it. The member has just read a report without the speaker's list. Just a report in any case. Hon Chairperson ...

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Labuschagne, we do have the speaker's list.

Ms C LABUSCHAGNE: With names?

The HOUSE CHAIRPERSON (Mr A J Nyambi): Yes.

Ms C LABUSCHAGNE: Okay.

Declaration of vote:

Ms C LABUSCHAGNE: The Western Cape does not approve this intervention due to constitutional processes and procedures that were not followed for years.

Evidently through the records of provincial section 193 interventions, there is no legislation or institutional improvement in this action since there is no enforcement of the Municipal Finance Management Act, MFMA, section 32 transgressions or application of any form of consequential management.

In terms of section 152 of the Constitution, JB Marks Municipality did not comply with its constitutional obligations.

The North West Provincial Government and the Department of Co-operative Governance and Traditional Affairs did not comply with the constitutional section 154 in their failure by legislative and other matters in their oversight capacities to support this municipality.

Interventions within the political composition of a municipality will not ensure sound financial management.

The financial mismanagement, fraud and corrupt activities, and cadre deployment of unskilled employees will remain the status quo of management causing the collapse of municipalities. Therefore, the NCOP cannot be used to rubberstamp for the sake of compliance when there is an increase in irregular, unauthorised and wasteful expenditures of billions of rand. Therefore, the Western Cape will not support this intervention.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Before I can entertain any province, it will be in order to indicate that when we started, we started by voting for the motion that was presented by the Chief Whip of the NCOP. All provinces voted in favour. That motion was to allow us to have the Chairperson of the Select Committee on Co-operative Governance and Traditional Affairs, Water and Sanitation and Human Settlements, hon Dodovu, to present the report as agreed

by the House in terms of our Rules. So, that was attended to accordingly in terms of our Rules.

Question put: That the Report on the Intervention in J B Marks Local Municipality 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.

Debate concluded.

Question put: That the Report on the Intervention in Tswaing Local Municipality 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.

Debate concluded.

Declaration of vote:

Ms C LABUSCHAGNE: Chairperson, I just want to repeat that the declaration I made on the first vote is applicable until vote six. Thank you.

Question put: That the Report on the Intervention in Lekwa-Teemane Local Municipality 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.

Debate concluded.

Question put: That the Report on the Intervention in Ratlou Local Municipality 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.

Debate concluded.

Question put: That the Report on the Intervention in Madibeng Local Municipality 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.

Debate concluded.

Question put: That the Report on the Intervention in Naledi Local Municipality be noted.

Report accordingly noted.

The Council adjourned at 18:30.

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

Please click on the following link to access the relevant Announcements, Tablings and Committee Reports for this day.

[https://www.parliament.gov.za/parliamentary-papers?sorts\[date\]=-1](https://www.parliament.gov.za/parliamentary-papers?sorts[date]=-1)