REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL COUNCIL OF PROVINCES

WEDNESDAY, 9 NOVEMBER 2022

1. The Council met at 14:03.

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

3. The Deputy Chairperson announced that the virtual sitting constituted a Sitting of the National Council of Provinces.

4. [14:10] Notices of motion.

5. [14:15] Ms C Visser moved without notice: That the Council –

   (1) notes that 44 police officers in the North West have been identified to have aided the escape of criminal detainees in order to evade justice;

   (2) also notes that 206 detainees escaped from police custody while awaiting trial or sentencing since 2019 of which 144 detainees have been apprehended to date while 62 suspects are still on the run;

   (3) further notes that these suspects managed to escape from holding cells, during transit in between court appearances or while being admitted to hospital;

   (4) also notes that the detainees are alleged to have committed a variety of heinous crimes ranging from murder and attempted murder, to the illegal possession of firearms; and

   (5) welcomes that the provincial police commissioner, Lt- Gen Kwena will

lay criminal charges against the 44 police officers alleged to have aided the escaped detainees.

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

6. [14:16] Ms AD Maleka moved without notice: That the Council –

(1) notes with great sadness the death of a family of six, consisting of three children, who were killed in a horrific truck accident on the N4, on 6 November 2022;

(2) also notes the horrific collision involving a heavy coal truck and a family sedan that occurred near Elandshoek in Mbombela;

(3) further notes that this is the second major crash that recently occurred in the province, with the previous accident having occurred on the R544 between Verena and Emalahleni, which claimed the lives of five; and

(4) calls on motorists to always be cautious and observe road safety regulations in order to avoid further loss of life; and

(5) conveys our heartfelt condolences to the families and relatives of the deceased, and wishes the driver a speedy recovery.

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

7. [14:17] Ms SH Boshoff moved without notice: That the Council –

(1) notes that the DA in the Thaba Chweu Municipality has written to the PSA to investigate all the officials implicated in the transgression of the Municipal Finance Management Act;

(2) also notes that a whistle-blower released a report to the oversight committee detailing how senior officials received kickbacks after they influenced the awarding of certain tenders;

(3) further notes that this whistle-blower has been victimized and has received death threats;

(4) notes that there is no communication from the municipality regarding its stance on the report and no investigation has been initiated;

(5) also notes that Ms Matsi, the former municipal manager is said to be at the centre of the tender fiascos and it is common knowledge that her inefficiency has cost the municipality millions in wasteful expenditure and is denying residents accountable governance;

(6) further notes that Ms Matsi was irregularly appointed in 2019 on a five-year contract, defying numerous Council resolutions which called for her to vacate her position as accounting officer and notes that when the DA escalated this matter to the Department of Cogta, the department concurred with the DA to have her removed;

(7) acknowledges that the Hawks in Mpumalanga have started fighting the rot which has arisen in the licensing department, by arresting those implicated in corruption; and

(8) acknowledges that the DA will continue to monitor the appointment of a new municipal manager to ensure that all legislation is upheld when selecting a suitable candidate for this position, and to ensure that all officials involved are also investigated.

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

8. [14:21] Ms L Mamaregane moved without notice: That the Council –

(1) notes with great shock the discovery of the body of a 21-month toddler, Motheo Rashilo, near Malatane in Lebowakgomo on Wednesday, 02 November 2022;

(2) also notes that the child was reported missing on 28 October 2022, when the mother allegedly left her at her friend's home while she ran errands and upon return was informed that the child had disappeared; and

(3) welcomes the opening an inquest docket by the Limpopo police to ascertain the cause of her death and appeals to the community members with information to work with law enforcement agencies by providing information to assist the investigation.

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

9. [14:22] Mr R Jankielsohn moved without notice: That the Council –

(1) notes with concern that most towns and communities in the Free State do not have functional sewage systems;

(2) also notes that many towns and communities in the Free State do not have access to reliable and safe water in their taps;

(3) recognizes that this has an impact on the dignity of residents and impacts on their constitutional right of access to water and a healthy environment;

(4) acknowledges that urgent intervention is needed that will require co-operation between national, provincial and local governments, and

(5) resolves that the water and sanitation situation be regarded as a provincial disaster in terms of the Disaster Management Act (Act No. 57 of 2002) in order to allow urgent intervention in a co-ordinated manner that includes the allocations of the necessary resources to mitigate this constant threat to the lives and livelihoods of residents.

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

10. [14:22] Ms DG Mahlangu moved without notice: That the Council –

(1) notes the decision of the University of Rhodes to confer an honorary Doctorate of Law to the Hon. Ambassador Thenjiwe Mthintsho in recognition of her immense and incalculable sacrifice in the fight for human rights culture in this country;

(2) notes that Miss Mthintsho was born in an African working class family, is a former student at Rhodes University, a former commander of the people's army Umkhonto We Sizwe, a former Member of Parliament in the National Assembly, the first ANC female Deputy Secretary- General from 2007 and now the Ambassador of South Africa in Malawi;

(3) further notes that Ambassador Mthintsho's life will go down the annals of history as an embodiment of the collective heritage of struggles of the people of South Africa against racism, gender and class oppression; and

(4) expresses a profound sense of appreciation to the Council of the Rhodes University for their bold and courageous decision, and congratulates Ambassador Mthintsho on her recognition by Rhodes University.

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

11. [14:28] Mr G Michalakis moved without notice: That the Council –

(1) notes SANRAL's willingness to assume maintenance of the life threatening R708 road between Winburg and Theunissen in the Free State; the only requirement is for the Premier to write a letter to this effect to the Minister of Transport;

(2) also notes given that such a request would take pressure off the provincial department and save lives by preventing accidents, the Huse strongly encourages the Premier to make such a request without delay;

(3) further notes, that the S234 gravel road falls under municipal jurisdiction and its current conditions after the rain is hampering the economic and agricultural activities in the Tswelopele and Tokologo regions of the province;

(4) notes that the District Council has confirmed that a brand new grader is in its possession, but is not being used; and

(5) calls upon the district municipality and the provincial government to urgently do everything in its power to assist with the grading of the road to prevent further damage to the local economy and agricultural sector.

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

12. [14:30] Ms M Gillion moved without notice: That the Council –

(1) welcomes the sentencing of a pastor to 54 years' imprisonment after being found guilty of raping two girls and possessing child pornography;

(2) notes that the Oudtshoorn Regional Court on Monday, 07 November 2022 sentenced the pastor, after he was convicted on three counts of rape, three counts of indecent assault, one of sexual assault and 26 counts of child pornography;

(3) also notes that the pastor had indecently assaulted and raped a 13-year-old in 2003 at his house, office and church;

(4) recalls that the pastor also sexually assaulted and raped his 14-year-old adopted daughter;

(5) condemns any form of violence against women and children and hope that this sentence will send a stern warning to other would- be rapists and abusers of children that the courts will do everything in their power to jail them for a very long time.

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

13. [14:34] Mr SF Du Toit moved without notice: That the Council –

(1) notes that Mr. Shabalala, a Sherriff appointed in Secunda, serves as a board member on the South African Board for Sheriffs;

(2) also notes that Mr. Shabalala is also the chairperson of the South African Board for Sheriffs' HR and Social and Ethics Committee and serves on the Complaints committee;

(3) further notes that the South African Board for sheriffs refused to issue a Fidelity Fund Certificate for the sheriff, Mr. Van Wyk, in Potchefstroom and Mr. Shabalala has subsequently been appointed as the sheriff in Potchefstroom;

(4) notes that Mr. Shabalala has a conflict of interest, in serving on the board, and availing himself to act as sherriff in Potchefstroom, and being complicit in refusing to issue Mr. Van Wyk's Fidelity Fund Certificate in order to enable Mr. Van Wyk to service Potchefstroom;

(5) also notes that since Mr. Shabalala's appointment in the Potchefstroom office, the offices have not yet been fully furnished and service to attorneys and the community of Potchefstroom is of a poor standard; and

(6) requests the Minister of Justice and Correctional to intervene and rectify the matter as soon as possible, since the current appointment is not in the best interest of justice and good practice.

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

14. [14:34] Ms LC Bebee moved without notice: That the Council –

(1) Notes with great shock the killing of six people in a shack in Claremont, after unknown gunmen opened fire on them, on Friday, 04 November 2022;

(2) also notes that the men were murdered in a one-room shack in the settlement, and one man survived the ordeal;

(3) further recalls that these killings occurred after the Police Minister, Mr Bheki Cele recently visited Claremont Township, where he hosted an imbizo geared at tackling the high crime rate in that community.

(4) appeals to citizens to work with investigators to bring the perpetrators to book and trusts that the police will do everything in their ability to find the perpetrators.

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

15. [14:37] Mr JJ Londt moved without notice: That the Council –

(1) congratulates the town of Mossel Bay for successfully hosting the first ever Iron Man, in this beautiful coastal town on Sunday, 6 November 2022;

(2) notes that the Isuzu Ironman 70.3 Mossel Bay includes a 1.9km swim which starts on the historic Santos Beach followed by a 90km cycling event that turns into the Gouritz River Valley and concludes with a 21.1km run with the finish line under the watchful eye of the St Blaize lighthouse at The Point;

(3) notes and appreciates that such a successful event is only possible through partnerships across the government and private sector, taking hands and ensuring that athletes and spectators alike had an experience to remember and cherish;

(4) takes this opportunity to convey a special word of thanks and appreciation to the following role-players for going above and beyond in guaranteeing the success of the race namely:

a. from the Sponsors at Isuzu, Mr Celestin Ndhlovu the Vice President for Strategy, Planning and Marketing as well as Mr Chule Qalase the senior Manager for CSR and Sustainability,

b. from Ironman itself, The Managing Director Mr Keith Bowler and Jody Veress-Bowler, thank you for bringing this event to the Southern Cape and long may it continue,

c. from the Municipality, Mayor Ald Dirk Kotze, the Municipal Manager, Mr Colin Puren, Director Elize Nel, Mr Abri Nel as well as their dedicated teams showing what servant leadership in local government means, and

d. from Mossel Bay Tourism, the COO Lieschke Stevens-Jennings and Cllr Mark Furness.

(5) congratulates the overall winners in both the categories, Mr Bradley Weiss and Ms Emma Pallant-Browne, who ensured that many thousands along the route and following the race online were inspired –you will forever be known as the inaugural ISUZU IRONMAN 70.3 MOSSEL BAY winners.

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

16. [14:40] Mr I Ntsube moved without notice: That the Council –

(1) welcomes the Department of Health’s completion of the process of allocating all eligible medical interns and community service applicants to the Internship and Community Service Programme;

(2) notes that the next annual intake is scheduled to commence in January 2023;

(3) also notes that the department has placed all 9 647 eligible South African citizens and permanent residents;

(4) further notes that of the 9 647 applicants, 2 402 will occupy medical internship opportunities, while 7 245 were allocated to community service to enhance the public health sector, as part of the last phase of their academic programme, and

(5) notes that 74% of applicants were allocated to health facilities based in rural and semi-rural areas, as part of government efforts to prioritize rural and under-served areas in the country.

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

17. [14:46] Ms E Nkosi moved without notice: That the Council –

(1) commends the bravery of a group of senior citizens who nabbed two armed robbers who held up a post office in Lamontville in Durban, on Wednesday, 2 November 2022;

(2) also notes that three armed men entered a post office in Lamontville at 10am and held the staff at gunpoint and forced the manager and staff to open the safe and stole two bags containing cash in the midst of approximately 200 elderly people who were waiting patiently for their pension pay-outs;

(3) further notes that the senior citizens chased the suspects and managed to apprehend two of the three men; the third suspect who carried the cash and a firearm managed to flee;

(4) also notes that the two men will appear in the Durban Magistrate's Court on charges of business robbery;

(5) congratulates these law abiding citizens for their bravery and courage to act against crime; and

(6) calls upon SASSA and SAPS to increase security at pay out points.

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

18. [14:47] Ms S Luthuli moved without notice: That the Council –

(1) notes the passing of Mthethwa Mbongiseni, Ngcobo Langelihle, Ngcobo Lungelo, Ngcobo Nkosikhona and Cele Mthobisi;

(2) also notes that the five males, aged between 21 and 43 years of age, all passed on as a result of a shooting incident in Ward 18 in Ndwedwe, this past Saturday, when unknown gunmen opened fire on a group of patrons who were drinking at a spaza shop;

(3) acknowledges the rising number of mass shootings in KwaZulu-Natal province as this is the third shooting within a space of just two month;

(4) further acknowledges that the safety and security of our people is currently under threat, as mass shootings continue unabated inflicting fear and shock in our townships, and

(5) sends our heartfelt condolences to the families of the five men.

May their souls rest in peace.

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

19. [14:48] Mr ME Nchabeleng moved without notice: That the Council –

(1) notes the persistent media reports about the deepening crisis of governance at one of the premier institutions of our higher learning, the University of Cape Town;

(2) also notes that the crisis, if not averted, does not only damage the international reputation of this premier institution of higher learning, but may polarise the entire university community and threaten the culture of effective learning;

(3) further notes whilst we recognize and respect the academic freedom and the institutional autonomy of the university to manage and resolve its own governance and administrative challenge, it is equally our view that, in the public interest, the Minister of Higher Education, Innovation and Science and Technology must intervene in order to avert any possible crisis, and

(4) calls on Dr Emmanuel Bonginkosi Nzimande, the Minister of Higher Education to intervene in this crisis and report to this House at the earliest convenience.

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

20. [14:51] FIRST ORDER

Consideration of Report of Select Committee on Finance (Announcements, Tablings and Committee Reports, 8 November 2022) **2022 Revised Fiscal Framework and Revenue Proposals**.

Debate concluded.

Question put: That the Report be adopted.

Declarations of vote made on behalf of the Western Cape and KwaZulu-Natal.

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.

21. [15:12] SECOND ORDER

Consideration of Report of Select Committee on Appropriations (Announcements, Tablings and Committee Reports, 12 October 2022, p 113) **Expenditure and performance of the Early Childhood Development Grant as at the end of the Fourth Quarter of the 2021/22 Financial Year, dated 12 October 2022**.

Debate concluded.

Question put: That the Report be adopted.

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

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

22. [15:21] THIRD ORDER

Consideration of Report of Select Committee on Appropriations (Announcements, Tablings and Committee Reports, 12 October 2022, p 123) **Expenditure and performance of the Informal Settlements Upgrading Partnership Grant for provinces in the First Quarter of the 2022/23 Financial Year, dated 12 October 2022**.

Debate concluded.

Question put: That the Report be adopted.

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

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

23. [15:32] FOURTH ORDER

Consideration of Report of Select Committee on Appropriations (Announcements, Tablings and Committee Reports, 12 October 2022, p 133) **Expenditure and performance of the Land Care Programme Grant as at the end of the Fourth Quarter of the 2021/22 Financial Year and the First Quarter of the 2022/23 Financial Year, dated 12 October 2022**.

Debate concluded.

Question put: That the Report be adopted.

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

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

24. [15:44] FIFTH ORDER

Consideration of Report of Select Committee on Appropriations (Announcements, Tablings and Committee Reports, 12 October 2022, p 142) **Expenditure and performance of the Learners with Profound Intellectual Disabilities and Maths, Science and Technology Grants as at the end of the Fourth Quarter of the 2021/22 Financial Year and the First Quarter of the 2022/23 Financial Year, dated 12 October 2022.**

Debate concluded.

Question put: That the Report be adopted.

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

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

25. [15:52] SIXTH ORDER

Consideration of Report of Select Committee on Security and Justice (Announcements, Tablings and Committee Reports, 2 November 2022, p 118) **Interim Critical Infrastructure Protection Regulations in terms of section 27 of the Critical Infrastructure Protection Act, 2019 (Act No. 8 of 2019**), **dated 2 November 2022**.

Debate concluded.

Question put: That the Report be adopted.

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

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

26. [15:59] SEVENTH ORDER

Consideration of Report of Select Committee on Security and Justice (Announcements, Tablings and Committee Reports, 13 October 2022, p 94) **International Convention on the Suppression and Punishment of the Crime of Apartheid: Adopted by the General Assembly of the United Nations on 30 November 1973, tabled in terms of section 231(2) of the Constitution, 1996, and the Explanatory Memorandum to the International Convention on the Suppression and Punishment of the Crime of Apartheid: Adopted by the**

General Assembly of the United Nations on 30 November 1973, dated 12 October 2022.

Debate concluded.

Question put: That the Report be adopted.

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

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

27. [16:08] EIGHTH ORDER

Consideration of Report of Select Committee on Security and Justice (Announcements, Tablings and Committee Reports, 13 October 2022, p 96) **International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), tabled in terms of section 231(2) of the Constitution, 1996, and the Explanatory Memorandum to the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), dated 12 October 2022**.

Debate concluded.

Question put: That the Report be adopted.

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

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

28. [16:18] The Council debated the following subject: **Cross border and transnational crime: Waging a concerted battle against cross border and transnational crime**.

Debate concluded.

29. The Council adjourned at 19:09.

X C GEORGE
Secretary to Parliament