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OF THE

REPUBLIC OF SOUTH AFRICA

**ANNOUNCEMENTS,
TABLINGS AND
COMMITTEE REPORTS**

THURSDAY, 27 FEBRUARY 2025

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National Assembly and National Council of Provinces

1. The Minister of Electricity and Energy

- (a) Amended Annual Performance Plan of the National Energy Regulator of South Africa (NERSA) for 2024/25 – 2026/27.

2. The Speaker and the Chairperson

- (a) Draft Amended Regulations, made in terms of section 113(5)(a) of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013).
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COMMITTEE REPORTS

National Assembly

[The following report replaces the Report of the Portfolio Committee on Basic Education, which was published on page 17 of the Announcements, Tablings and Committee Reports, dated 05 February 2025]

1. Report of the Portfolio Committee on Basic Education on an oversight visit by the Chairperson to the Setotolwane LSEN Secondary School, Mankweng, Limpopo Province dated, 4 February 2025.

The Chairperson of the Portfolio Committee on Basic Education, having undertaken an oversight visit to the Setotolwane LSEN Secondary School in Mankweng, Polokwane, reports as follows:

1. Introduction and Background

- 1.1 The Chairperson of the Portfolio Committee on Basic Education, Hon K J Maimela MP (ANC) conducted an oversight visit to the Setotolwane LSEN Secondary School in Mankweng, Polokwane on Tuesday, 21 January 2025.
- 1.2 The special school was located in Newlands and in 2015, the Portfolio Committee instructed the Limpopo Department of Education to relocate Setotolwane after assessing the bad learning conditions of the Blind and Deaf learners - and the school infrastructure at Newlands. The mandate was to ensure that the Department renovates the premises in Newlands or builds a new school. But now, since 2016 they have been waiting for over 7 years to be moved to a new school building.
- 1.3 The primary purpose of the oversight was to assess the state-of-schooling and school readiness at Setotolwane LSEN Secondary school for the 2025 Academic Year. It has come to the attention of the Chairperson that the conditions were allegedly not conducive for learning and teaching. Further to this, that it is alleged that classes have been suspended as the renovations to the school had not been completed. The school also had challenges in respect of the following:
 - No isolation rooms for sick learners.
 - Grade 8 learners would only commence classes when mobile classrooms become available.
 - Mobile classrooms being over 5-years old (are dilapidated with holes in flooring)

- There is no access to water (*the school depends on water refilled in tanks due to taps having run dry. Sometimes when the water tankers do not come to refill the tanks, they have to use water from the graveyard to drink and bath*).
- The toilets get clogged with faeces and the Blind learners end up having their hands soiled with faeces.

- 1.4 The focus areas formed part of key interventions and priorities set out in major government plans to ensure that enabling conditions for quality teaching and learning were established. As part of its oversight, the Committee had a constitutional responsibility to ensure that these priorities were implemented, particularly since they are linked to the improvement of quality basic education as Government's Priority Outcome 1.
- 1.5 The oversight visits to the school afforded the Chairperson an opportunity to conduct a follow-up visit to the school to receive an update on the province's progress in addressing the Committee's recommendations in respect of the 2015 oversight visit to the school.
- 1.6 As part of the oversight, the Portfolio Committee received briefings from the Setotolwane LSEN Secondary School Management Team (SMT), School Governing Body (SGB) and officials from the Limpopo Department of Education. Prior to this engagement, the Chairperson also conducted an in-loco site visit to the school premises.
- 1.7 This report provides a summary of the key issues that emerged from the interaction with stakeholders, officials of the national and provincial departments as well as the deliberations, observations and recommendations.

2. Delegations

- 2.1 **Portfolio Committee on Basic Education:** Hon K J Maimela MP (ANC) Chairperson) and Mr L A Brown (Committee Secretary)
- 2.2 **National Department of Basic Education:** J Ngcobo (Director), L Mahada (Director), B Moja (Communications) and A Hlatshwayo (Parliamentary Liaison Officer: Deputy Minister)
- 2.3 **Limpopo Department of Education:** K Mashaba (Acting Head-of-Department), M Simelane (Acting Deputy-Director General), M Rambau (Director: Infrastructure), S Malato (Chief Director), D Mashamaite (District Official), T G Kganyago (Circuit Manager), M

Kgatla (District Director), M Maseema (District Official), S Lephale (Communications) and M Kgopa (District Official)

2.4 **Setotlwane LSEN Secondary School:** M Rambau (Principal), N S Ndzimande (Deputy Principal), T Nlazana (SGB Chairperson), K Mpyana (SGB Deputy Chairperson), M Shilajoe (Departmental Head), L Mothiba (Departmental Head), J S Ramonya (SGB Member), R M Pholepo (Principal), M Maesela (SGB Member), E Makhubela (Departmental Head), S Sekwane (SGB Secretary), T Molepo (Assistant Director) and R Matlakala (School Management Team)

3. **Introductory Remarks, Hon K J Maimela** – The visit to the schools was prompted by several media inquiries into the dire situation in respect of infrastructure and other challenges faced at the school. These include, amongst others, the following:

- Suspended classes for Grade 8 learners due to unfinished classroom renovations.
- Value for money for the current renovations at school
- Status of relocation of the school
- Dilapidated school Infrastructure
- Access to water and sanitation
- Deplorable condition of boarding facilities
- Mobile Classes older than 5-years
- Clogged ablution facilities
- No isolation rooms.

It was noted that there had been a visit to the school by the previous Committee which made certain recommendations in their report to Parliament – the report has been located within parliamentary archives.

4. **In-loco Site Visit of School Precinct (Walk-about)** – The Chairperson was allowed a walk-about to do an in-loco site inspection of the school precinct and buildings. These included inspection of, amongst others, the following:

- Boys boarding facility bedrooms, bathrooms and laundry.
- Girls boarding facility bedrooms, bathrooms and laundry.
- Classrooms (permanent and mobile).
- NSNP kitchen, storage facilities and walk-in freezer; and
- Ablution/sanitation facilities.

Some observations during the school precinct walk-about included:

- Boarding room facilities are in a deplorable state.
- Bathrooms/ablution facilities dilapidated.
- Ceilings require maintenance.
- Boarding facility room doors without adequate latches/locks.
- Mobile classrooms with sinking floors/holes in floors.
- Windows without proper hinges for opening.
- Active construction-work by contractors during school hours.
- Water-damaged furniture requiring refurbishment; and
- Learners being idle without any teaching and learning.

5. Formal Engagement Setotlwane LSEN Secondary School (including the Limpopo Department of Education)

The Acting Principal proceeded with an overview of the school profile indicating the school was a Special School for Learners with Special Education Needs (LSEN), located in the Maraba Circuit in the Capricorn South District, Mankweng, Polokwane. The current staff establishment has 24 educators and 39 support staff. Learner numbers stood at 353 learners from Grade 8 – 12. The school had two (2) sections i.e. Blind and Deaf. The current learner/teacher ratios were 1:15 – ideally the ratios needed to be 1:5. Some immediate needs identified included:

- Additional 6 mobile classrooms
- Additional SASL Laboratories
- Additional 9 hostel rooms
- Additional 72 hostel bed

Learners received their LTSM supply in full, and meals were served four times daily. With the school offering boarding facilities, there was no scholar transport provided. The school also gave a detailed breakdown of their budget and finances for the 2025 financial year (incl. expected income and expenditure items)

The school currently had a peculiar arrangement where they employed both the original principal and a new Acting Principal – due to the ill-health of the principal, the Acting Principal was seconded from her own school to stand-in for a short period. However, this stand-in arrangement was now much longer than initially anticipated – it has now reached 3-years. The Acting HOD elaborated on and explained some of the reasons for the extended stay of the Acting Principal and how this was being addressed by the Provincial Department. As a department, having resolved matters of frozen promotional posts, they were able to start appointing principals. It was noted that the Acting

Principal had much more experience with LSEN learners and Special Schools – the principal, however had moved from a main-stream school to a special school.

The Acting Principal further detailed some of the following challenges:

- Insufficient support staff e.g. kitchen staff who have to rotate, this situation compels hostel staff to assist with manual cooking of meals
- Insufficient Hostel staff and needed to request ground staff to assist in the hostel creating a shortage of grounds man
- Insufficient grounds man and the SGB had to appointed 2 extra grounds man.
- The school should have two sections (academic and skills) but due to challenges with space and resources learners progressing after Grade 9 leave to FET Institutions to follow their skills curriculum
- The schools suffer from occasional water shortages and have engaged the local municipality for assistance with water provisioning to the school. The school was also in the process of preparing a borehole for an alternative water source. In the interim the school was approaching another service provider to assist with water provisioning.
- With electricity, the school had to pay exorbitant amounts for electricity billing. When the school is unable to pay for the electricity, they are cut off. The school share the premises with two (2) other schools – but was obliged pay 50 percent of the billing which was unfair. When the school was without electricity, the Department was able to intervene and assist with payment to be reconnected. The dispute over the payment proportion for the three schools on the premises remained unresolved to date.
- The school was paying exorbitant amounts for learner LTSM e.g. specialized calculators and Braille writers were too expensive and the budget was insufficient.

The District Director also highlighted some of the interventions with the local municipality in respect of the water and electricity challenges of the school – with engagement between the District, Circuit, SGB, SMT and local municipality to find solutions. The arrangement remained that the school be supplied with municipal water till such time the borehole was completed and connected. The Department needed to consider having separate water and electricity meters for separate and accurate billing per school. The Provincial Department agree this matter be dealt with at a provincial level for speedy resolution to the problem.

Infrastructure Report – the province had around 35 Special School where there were major infrastructure projects was happening. With possible deterioration of school infrastructure, the Department started an assessment of all special schools in respect of infrastructure and maintenance.

This has been completed, and a detailed report was available. Regarding Setotlwane LSEN Secondary School, there were new infrastructure needs and new facilities needed for the school. Due to construction time, the current infrastructure of the school was assessed, and a new location able to ensure a conducive learning and teaching environment had been identified. In the interim, the Department had a project to address the immediate infrastructure challenges of the school e.g. water, plumbing, doors, mobiles maintenance etc. The Department also shared some of the details on the scope of the project for the school and the assessment of critical repairs e.g. user-friendly showers, running water, blockages etc. The Department also conducted a survey of the reticulation pipes and main sewer pipes to curb overflowing. The Department identified some areas that could be addressed by the appointment of a contractor – but was held in abeyance until after the examinations. The projects are expected to be completed by 31 January 2025. The project for the construction of the new schools continues with the identification of the new site completed. The Acting Head of Department alluded to the plans for moving the school. Due to budget constraints, the Department had considered building a Mega-School to accommodate multiple disabilities, but it was advised that they could not merge various disabilities in one facility. The Department therefore disengaged Setotlwane LSEN Secondary School from that project and continued with the new school building project. The assessment of all Special Schools has been completed - to ensure all Special Schools were brought to a similar level. The project may take around three years to complete and there was a need to ensure the current school was habitable and safe.

Stability and Leadership – The Department had an informal engagement with District Directors to address the issues of the two Principals at same school. There was a consideration that the Acting Principal be asked to return to her own school as soon as possible. This would allow for the reappointment of the current Principal. The Department will submit a detailed report on the matter and outcomes to the Chairperson in due course. With the conditions of the boarding facilities, the Acting HOD also indicated that they were blind-sided as this was the responsibility of the SGB, except for Special Schools where the Department had the necessary norms and standards for building boarding facilities that complied with the Norms and Standards guidelines and policies. The intervention of the Department was to ensure the school was functional with access to quality education. The Department would address the matters of the hostel infrastructure to ensure they are properly maintained for learner's safety and comfort. To this end the Department was benchmarking to ensure all amenities are included in the newly built hostel facilities – following the national guidelines and specification for norms and standards for schools and hostel infrastructure. The current boarding facilities were not built with special learner specifications.

6. Observations

- Where there was any instability at a school, it negatively affected the day-to-day running and administration of the school. Although it was noted that there were mentoring interventions for the principal – there was a need for clarity on the duties, responsibilities and roles of the two principals at the school.
- Clarity was sort on some of the following:
 - A summary of the Curriculum and Streams
 - A report on LTSM procurement and delivery
 - The types of phyco-social support available to learners.
 - A report on the provision of NSNP and the model utilised
 - Provisioning of sanitary towels
 - Educator/learner ratio
- The Chairperson noted, with disappointment, the challenges of electricity and water faced by the school – and queried whether the Department had adequate monitoring systems in place able to give a pulse of school and understand the conditions of schools in the various circuits and districts. Principals needed to submit monthly/weekly reports on monitoring such challenges – these were day-to-day operational issues. It was reported that Special Schools reported directly to the Provincial Department – by-passing the circuit and district – these were gaps that needed to be rectified. The Chairperson was of the view that a better/improved oversight and monitoring tool/mechanism was created in schools, circuits and districts.
- The Chairperson also requested the Department to submit a report on the terms of the contract for use of the premises as well as the contribution amongst the three schools on the premises – and the sharing/splitting of the payment for services (electricity and water).
- The Department was requested to also give a report on reasons for suspending classroom activities as learners had missed out on valuable teaching and learning time for the last four days. The report to highlight the plans of the Department, SGB and SMT to intervene with catch-up programmes. Schools needed to ensure their plans for the year-end and start of the academic year were adequate to ensure teaching and learning from school-day 1. The Department knew in advance that the school would not be able to reopen due to challenges, yet nothing was done to assist the situation – the HOD committed that someone would be held accountable and face consequence management. The Chairperson will wait for a report on the matter from the Department.
- Clarity was sought on the issues of the length of time before the response from the Department – a critical challenge which started in February 2024 and only activated in November of 2024. What consequence management would be administered.

- It needs to be noted that the SGB indicate their unhappiness with the refurbishments by the current contractor. Critically, the borehole needed to be completed and connected as a matter of urgency.
- The Department was cautioned to ensure boarding facilities met the required Norms and Standards guidelines and policies. The Department was requested to submit a comprehensive response on the plans for boarding facilities to be built to Norms and Standards specification for special learners. This should be a wholistic approach to ensure learners are comfortable and be provided with quality services.
- The Department was required to assist the school with comprehensive infrastructure maintenance and budgeting plans in collaboration with the necessary professionals in the field of maintenance. The Department needed to ensure the old mobile structures were replaced with new mobiles or permanent structures.
- The Department was required to consider an assessment of the school's current allocated budget (costs per learner) for budgeting for the schooling and hostel facilities. The Department to submit the schools audit outcomes for the past five years. From an initial glance, the Chairperson was of the view that the current budget may be adequate.
- The Chairperson also requested that the Department consider procurement of laptops as per the school's request – to ensure ICT integration is realised.
- The SGB needed to be adequately trained and developed for matters pertaining to the school functionality and administration.
- All commitments from the Department are to be submitted in writing with a view to revisiting the school to ensure they have been realised.

7. Recommendations/Resolutions

The Committee, in light of the oversight visits by the Chairperson to Setotolwane LSEN Secondary School, Mankweng, Limpopo Province, and with the endorsement and adoption of the report by the Committee, requests that the Minister of Basic Education ensure that the Limpopo Department of Education consider the following recommendations.

- Ensure the school receives additional mobile classrooms, SASL Laboratories, hostel rooms and beds. Furthermore, that the school receives additional support staff (kitchen staff, hostel staff, grounds man)
- Ensure water and electricity challenges are addressed in collaboration with the local municipality in respect of water provisioning and electricity billing. The ongoing dispute in respect of separate billing meters for the three schools on the premises is amicably resolved. The Chairperson also requested the Department to submit a report on the terms of the

contract for use of the premises as well as the contribution amongst the three schools on the premises – and the sharing/splitting of the payment for services (electricity and water).

- An adequate monitoring system should be put in place to gauge the pulse of schools and understand the conditions of schools in the various circuits and districts – and gaps identified to be addressed. An improved oversight and monitoring tool/mechanism should be created for schools, circuits and districts in this regard.
- Assist the school with additional funding for purchasing specialized LTSM (calculators and Braille writers)
- Issues pertaining to the Principal and Acting Principal be addressed to ensure stability at the school.
- Submit a written report on the following:
 - A report on LTSM procurement and delivery processes
 - A report on NSNP procurement and delivery processes – and model utilised
 - A report on the terms of the contract for use of the premises as well as the contribution amongst the three schools on the premises – and the sharing/splitting of the payment for services (electricity and water).
 - A report on reasons for suspending classroom activities as learners had missed out on valuable teaching and learning time for the last four days. The report to highlight the plans of the Department, SGB and SMT to intervene with catch-up programmes.
 - A report on consequence management against officials held accountable for the following:
 - allowing the school to suspend classes at the start of the academic year with no departmental intervention
 - delay in response to the water challenges reported by the school in February 2024 – when action was only taken in November 2024
 - A comprehensive response is submitted on plans for boarding facilities to be built to Norms and Standards specification for special learners.
- Ensure the borehole is completed and connected as a matter of urgency.
- Support and assist the school with developing comprehensive infrastructure maintenance and budgeting plan in collaboration with the necessary professionals in the field of maintenance.
- Ensure the school is supplied with adequate laptops as per the school's request – to ensure ICT integration is realised.
- Ensure the SGB is adequately trained and developed on matters pertaining to the school functionality and administration.

8. Closing Remarks

The Chairperson took the opportunity to thank the school and Department for their willingness to engage the Chairperson on the matters at very short notice. She thanks all for their valued insightful engagements and deliberations. A detailed report will be submitted to Parliament for consideration and the implementation of recommendations emanating from the visit. The information gained would also allow for meaningful responses to the various media inquiries pertaining to the school.

Report to be considered.

National Council of Provinces

1. Report of the Select Committee on Public Infrastructure and Minister in the Presidency on the Protocol to amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft, dated 26 February 2025:

The Select Committee on Public Infrastructure and Minister in the Presidency (“the Select Committee”) received a briefing from the Department of Transport on the provisions and objectives of the “Protocol to amend the Convention on Offences and Certain other Acts Committed on Board Aircraft” (“the Montreal Protocol”) on 26 February 2025.

The Montreal Protocol introduces amendments to the “Convention on Offences and Certain Other Acts Committed on Board Aircraft” (the latter is commonly referred to as the “Tokyo Convention”). South Africa ratified the Tokyo Convention on 26 May 1972 and signed the Montreal Protocol on 25 September 2019. The Montreal Protocol entered into force on 1 January 2020, following the ratification by 22 Member States.

The Montreal Protocol addresses weaknesses and loopholes in the Tokyo Convention that made it possible for unruly passengers on board aircraft to escape prosecution because of jurisdictional limitations. The Protocol extends the jurisdiction over offences and acts committed on board aircraft beyond the State of Registration of the aircraft to include the State of landing and State of the operator. In this manner the jurisdictional gap created by the Tokyo Convention is closed and will ensure that unruly passengers do not escape prosecution because of a lack of jurisdiction.

Having considered the request for approval by Parliament of the “Protocol to Amend the Convention on Offences and Certain other Acts Committed on Board Aircraft”, referred to it, the Select Committee recommends that the National Council of Province, in terms of section 231(2) of the Constitution of the Republic of South Africa, 1996, approve the said Protocol.

Report to be considered.

2. Report of the Select Committee on Public Infrastructure and Minister in the Presidency on the International Convention on the Civil Liability for Bunker Oil Pollution Damage, dated 26 February 2025:

The Select Committee on Public Infrastructure and Minister in the Presidency (“the Select Committee”) received a briefing from the Department of Transport on the provisions and objectives of the “International Convention on the Civil Liability for Bunker Oil Pollution Damage” (“the Convention”) on 26 February 2025.

The “International Convention on the Civil Liability for Bunker Oil Pollution Damage”, 2001 (hereinafter the “Bunker Convention” was adopted by the International Maritime Organisation to ensure that adequate, prompt, and effective compensation is available to parties who suffer damage caused by oil spills emanating from fuel carried as a ships’ bunker. The Bunker Convention came into force internationally on 18 November 2008.

Strict liability for pollution from oil tankers was established by the “International Convention on Civil Liability for Oil Pollution Damage”, 1992 (“the CLC”) to which South Africa is party. The CLC however does not cover pollution emanating from fuel for a ships’ own use and the Bunker Convention was promulgated to fill this void in the legal framework.

Having considered the request for approval by Parliament of the “International Convention on the Civil Liability for Bunker Oil Pollution Damage”, referred to it, the Select Committee recommends that the National Council of Province, in terms of section 231(2) of the Constitution of the Republic of South Africa, 1996, approve the said Convention.

Report to be considered.