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PROCEEDINGS OF THE NATIONAL COUNCIL OF PROVINCES

The House met at 14:01.

The Deputy Chairperson Mr P Govender took the Chair and requested members to observe a moment of silence for prayer or meditation.

ANNOUNCEMENTS

THE DEPUTY CHAIRPERSON OF THE NCOP (Mr P Govender): Good afternoon, hon delegates as well as greetings to the hon Minister, Majodina for joining us this afternoon. We welcome you into the NCOP. Hon delegates, I'd like to remind the delegates that the rules in particular Subrule 21, 22 and 23 of Rule 103 applies. Hon delegates, in accordance with Council Rule 229(1) there will be no notices of motions or motions without notice. Hon delegates, before we proceed.

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I would like to just announce that there has been a swap in terms of our programming in that we will be taking firstly the hon Minister of Water and Sanitation, and the hon Minister of Human Settlements will join us virtually afterwards.

Further, I'd like to welcome any Members of Executive Council, MECs, that might be present, as well as special delegates and South African Local Government Association, SALGA, representatives in the House.

I would like to remind delegates that in terms of Rule 229 of the Council Rules, the time for reply by Ministers to a question is five minutes. Only four supplementary questions are allowed per question. A member who has asked the initial question would be the first to be afforded an opportunity to ask a supplementary question. The time for asking a supplementary question is two minutes. The time for reply to a supplementary question is four minutes. The supplementary question must emanate from the initial question.

I now call upon the hon Minister of Water and Sanitation, to respond to Question 171, as asked by the hon DW Fienies, hon Minister.

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QUESTIONS - CLUSTER 2C: SOCIAL SERVICES

(WATER AND SANITATION)

Question 171:

THE MINISTER OF WATER AND SANITATION: Hon Deputy Chair of the NCOP, hon members of the NCOP, good afternoon. This is my maiden speech, and I must not be howled at, it's my maiden speech. To respond on the question as indicated on the on the Order Paper. At the end of August 2024, water boards were owed 22,9 billion, that is owed by the individual, municipalities to water boards.

According to analysis that has been conducted by the Department of Water and Sanitation, one water board does not have any arrear debt owed to municipalities, while water boards impacted by outstanding debt are categorized into three. The first one, are water boards facing imminent bankruptcy. They're facing imminent bankruptcy because they are not paid. They are owed huge sums of money by municipalities. Those are; Vaal Central Water and Magalis Water. That's the first category.

The second category is water boards experiencing cash flow challenges but not facing imminent bankruptcy, because certain

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municipalities, they pay on and off. Those are Amatola Water and Lipelle Northern Water. And the last category, is water boards experiencing declining payment level, that is Rand Water and Umgeni-Thukela Water. That is the response for the first question. Thank you.

THE DEPUTY CHAIRPERSON OF THE NCOP (Mr P Govender): Thank you very much, hon Minister, and I can assure you that we don't howl in this House. Our members are very disciplined, I must say. Now we'll move on to the follow up questions. Hon Fienies, do you have a follow-up question.

Ms D W FIENIES: Deputy Chairperson, I was covered. Thank you very much.

Dr I SCEURKOGEL: Deputy Chairperson, Minister, water boards around the country are turning into crime scenes. Just yesterday you were implicated in obstructing justice in a criminal case opening, opened regarding the Amatola Water Board in the Eastern Cape. Minister, water boards are unstable due to poor leadership structures, weak internal controls, non-financial compliance, inadequate procurement procedures and under resourced technical departments.

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Do you not agree, Minister, that the rampant corruption within water boards would be done away with if the authority of appointing water boards by the Minister should be taken away with such appointments, then be handled by independent panel to ensure competent and capable people are appointed, which will avoid situations like dismissed Chief Executive Officers, CEOs, allegedly secretly meeting with Deputy Minister Mahlobo to rigge tenders? Thank you.

The MINISTER OF WATER AND SANITATION: Thank you very much to hon the doctor. You are bringing serious allegations against the Deputy Minister Mahlobo. You are bringing the serious allegations that there is a criminal case that has been opened. If there is a criminal case opened, I cannot respond on that. It is sub judicare. So, I cannot respond on something that is with police or investigating officers.

At the same time on the issue of hon Mahlobo, still unable to respond on that until there's a tangible report on that. As far as I know, I've instructed the water board to investigate the claims that are there. The allegations that are there and should be it found that indeed something has happened. I will take the matter up to the Special Investigating Unit, SIU, because I don't have investigating authority as a Minister.

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You might be correct to think that the water boards are corrupt. That's another allegation because water boards, they get audited and unless you are basing your argument on the findings of the Auditor-General, then we can talk about that. But to bring untested allegations here and to insinuate that the Minister must not be involved, it must be an independent ... this is our entity. Unfortunately, this is our entity, and we have the mandate to appoint those. Appointing and corruption, those are two different things that you must try to separate, so that we deal with corruption. I'm not gonna defend any corruption, if there's corruption, but it must be put to test. Thank you very much.

Ms M SIWISA: Deputy Chair, Minister, water boards are on the verge of collapse due to non-payments by municipalities. And at some point, water boards will be dysfunctional which will lead to dry taps and no running water. This will lead to a situation where residents will be forced to drink polluted water or to have no water at all. I know that, Minister, you're going to say it's not your responsibility to provide for water. But in light of this crisis that municipalities are facing. Which measures is the Minister going to put in place to ensure that our people do continue to experience adequate running water in the comfort of their areas? Thank you.

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The MINISTER OF WATER AND SANITATION: Thank you very much, Deputy Chair, thank you very much hon Siwisa. The mandate of the department is that of management of the water resource, is that of ensuring that through the water boards, we supply bulk water.

The reticulation of water is the mandate, which is in the Constitution, section 27, that municipalities have a mandate of water provision, that is in the Constitution.

Unfortunately, we cannot take over their responsibility of municipality unless that municipality has collapsed, unless that municipality has come out to request for partnership.

We do assist municipalities in terms of municipal support, we give the Water Services Infrastructure Grant, WSIG, we give Regional Infrastructure Grant, RBIG, but at the end of the day, it is the responsibility of the municipality. We do take pain as well that water cannot come out of the tap to reach the beneficiaries. But it is the responsibility of the municipality. Thank you.

Ms T BREEDT: Deputy Chair, hon Minister welcome on your maiden visit to us. Minister, I would like to know, you say that we have municipalities or water boards, but to a large extent and

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I can speak from experience in the Free State. It is due to insufficient revenue collection and a large part of that is due to departments, provincial and national departments not paying municipalities.

Now, I know in a previous question, I asked you, you said you had a workshop and there's a standard operating procedure, SOP, to look at, the increase of revenue collection.

But my question is how you will assist, in ensuring that departments owing municipalities, which are the biggest problems, are actually going to pay and keep to their word, because if government can sort that out, it would be a very good day for us, if government can sort out government debt? Thank you, Deputy Chair.

The MINISTER OF WATER AND SANITATION: Thank you very much, hon Deputy Chair, thank you very much, hon Breedt. Indeed, it is the fact that most of municipalities are unable to collect revenue from departments, from big business, from household users, because the user pay is not usually adhered to. And municipalities might not have enough capacity to ensure that they do collection of their revenue.

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However, there is an Integrated marketing communication, IMC, led by the Minister of the Department of Cooperative Governance and Traditional Affairs, CoGTA. We are part of that IMC as Water and Sanitation because we are owed energy, and electricity is part of that, because they are also owned by municipalities. The National Treasurer is part of that.

What we are trying to do now, we're putting together proposals that are going to be approved by Cabinet in due course. The proposals are:

Firstly, municipalities must correct their billings systems. And municipalities must appoint data collectors and be able to reclaim their revenue from those who are paying. They must enforce bylaws. But at the same time, when departments are owing, our proposal that is in the pipeline, is that letting Treasury ensure that they withhold the money that is owed to departments. That money must be paid directly to municipalities.

So, municipalities must also, together with SALGA, try to come to the party and ensure that they bring proper debts that are owed per department. Departments have no right to owe municipalities, but when those municipalities are owed by

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national departments, that municipality will then owe us and at the end of the day who suffer, it will be the ordinary citizens. But municipalities must also up their game. Thank you.

Question 160:

The MINISTER OF WATER AND SANITATION: Thank you very much, hon member. On what I said earlier on, the business is also owing municipalities a lot of money. So, we are saying to municipalities they must go out and collect their money. On the question asked here, water moves through the landscape and, as such, it must be borne in minds that rainfall and runoff bring water in contact with agricultural lands, which then transport pesticides and fertilisers to our rivers and dams. Therefore, it means that the issue of pollution is not done by one or single entity, but it is multiple.

The first one is that of the rain. The second one comes to contact with roads transport, petrochemicals and litter to our rivers and dams. The third one is that it also flows through unserved or informal settlements, transporting human excreta and litter to our rivers and dams. On the fourth one, it flows through mining areas, transporting heavy metals and salts to our river and dams, which then pollute them. Therefore, there

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is required collaboration to implement the National Water Resource Strategy to safeguard all our water resources.

The National Water Act provides several enabling provisions to protect water resources through the setting of resource quality objectives with clear goals, which are water quantity, pattern, timing, water level and assurance of instream flow. The second one is water quality, including the physical, chemical and biological characteristics of the water.

The third one is a character or a condition of instream, which also affects banks of the rivers and depending on the habitat. That also is quite common across the rivers and dams. Any water use authorities and anyone that is authorised by the department must take resource quality objectives into account, and the department has to monitor compliance.

The Act enables the regulator - ourselves - to require the person responsible to take action to prevent pollution or carrying as a result of activities on land. This may be for authorised or unlawful water use or where there are pollution incidents that have not occurred due to water. The department further monitors compliance of municipal water services against the Water Service Act through a Blue and Green Drop

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Program and publishes those results on a regular basis because we monitor, and we have to classify whether the water is a blue drop green drop or a no drop.

When municipalities are not compliant, irregularity action is taken to hold municipalities accountable and to address performance of not only municipalities, but the mining sector, the business sector and everyone else who is polluting our water and dams. The proposed amendments of the Water Services Act and the National Water Act are going to assist us to enforce compliance to all the water users. Thank you very much.

Dr I SCHEURKOGEL: Thank you. It is me again, Minister.

Minister, based on your media statement of 9 October 2024, you indicated that cholera has been found in the Vaal and the Harts Rivers. However, in written response to myself about the wastewater treatment plants in Villiers and Mafube Municipalities in the Free State, you indicated that that problem is being resolved.

Then, in response to hon Badenhorst, you indicated that all municipalities which are currently facing cholera threat or spillages ongoing have been issued with a 1B Directive. So,

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would you not then confirm that your department is failing South Africans to intervene in municipal water and sanitation infrastructure, which infringes on the rights of people that are enshrined in Chapter 2, section 27 of the Bill of Rights, by not acting on municipalities?

The MINISTER OF WATER AND SANITATION: Thank you very much, hon Deputy Chair, and thank you very much, Dr, for your follow up. We do intervene to municipalities through the regulatory framework wherein we must inform a municipality that: You are not complying; and you must act. We do raise and list whatever that the municipal is not complying with. We tell the municipality comply or else we will have to take an action.

Unfortunately taking an action will mean that we must enforce compliance by going to court of laws. That is why I said in my earlier response: When the water amendments have been done, it will be easier for us to enforce and be able to take a proper action because the court process become too long. However, we unfortunately cannot just jump to a municipality. This is a sphere of government, and we must respect the three spheres of government.

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Each and every sphere has a role to play, and you cannot overreach to another sphere. Ours is support, monitoring and reinforcement. However, if municipalities are not co-operating, there is no other way; we have to go to court. We have many cases of pollution by municipalities and by the business sector. We also noted that the courts are not acting promptly on that. There are so many backlogs. This is why we are bringing the amendments, so that we don't depend on the courts. We have a right to intervene promptly on such matters. Thank you.

Mr M FENI: Thank you, hon Chair. Good afternoon, hon Minister. Hon Minister, the persistence of the challenge of pollution of natural water resources is related to technical and financial capabilities of the municipalities to discharge their core developmental mandate. Whilst we note that some municipalities are given grants for sound and effective water resources management but use these grants for other operational expenses.

The question arises therefore: Is there any policy consideration to reassign some of the critical functions of municipalities, like water waste management, to other spheres

of government as an interim matter to address this challenge?
If not, why not?

The MINISTER OF WATER AND SANITATION: I have missed this question for quite some time: If not, why not? If yes, give details. [Laughter.] Thank you very much, hon Feni, for that question. The Constitution, as I said, assigns the provision of water by municipalities. What do we do? The only thing that we can do is to intervene to section 63. In Emfuleni, when there was lots of sewage spillage there, we had to intervene.

We are still in Emfuleni up until today. There is a lot of progress that we have made in Emfuleni. We had to intervene in Hammanskraal. Now, in October, we will be handing over first phase of our intervention in Hammanskraal. Our intervention has phases, and after the third phase, we move out.

Unfortunately, some of the municipalities go back to square one when we move out.

However, we are trying to work with municipalities through Salga, to say to municipalities, when they don't have capacity to deliver on certain mandates, they must request that reinforcement. We are also busy with the amendment of the Act, because at the moment municipalities are the water authority.

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Municipalities are also responsible for service water services.

So, those are two-in-one, and that is the problem, because there is no one that is playing a monitoring role and the oversight role. So, we are saying municipalities must be able to appoint water authorities so that they can be able to play the oversight role over them. But now, when it is a two-in-one role, you monitor yourself and you implement yourself, which then is not correct. Thank you.

Mr E NZIMANDE: Thanks, Chair, and good afternoon, hon Minister. I guess the Minister is not suggesting in this House that the amendments of the Act will remove the risks completely. The risks will always be there. The current laws are sufficient enough also to serve as a deterrent, because they suggest also not only the liability, which are claims that can be done through civil courts, but also through criminal procedures. Now what we want to understand is: Whether the Minister, as a deterrent, has applied in the measures in these past two quarters on those that are found to have polluted natural water; and if not, why not? Thank you.

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The MINISTER OF WATER AND SANITATION: Thank you very much, hon Chair. Thank you very much, hon Nzimande. Indeed, there are laws, but it is against that background that Parliament, time and again, will amend the law because the gist of the law is in its implementation. When you implement, then you see some loopholes. As I have said here, that if you are a water authority and you provide water services simultaneously, that is a problem.

Unless there is a law that says separate the two. There are municipalities, there is a business sector and there is mining that we have taken to court on criminal procedures, but it takes long. However, when we have these amendments, we will be able to get in quickly, being armed by the amendments that we are putting in place to tighten up whatever is there in that Water Act. Unless we do that, we will have to go the route of courts. We don't have control over courts and how long they take in terms of prosecuting the cases that are in front of them. Thank you.

IsiXhosa:

Nksz M MAKESINI: Enkosi babes womthombo. [Kwahlekwa.]

Mphathiswa, umcimbi ...

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English:

... of the Vaal River of sewer spillage that affects areas like Ngwathe and Mafube ...

IsiXhosa:

... kudala iqhubeka.

English:

While we await the court outcomes and the amendments of the Act, what are we doing now to make sure ...

IsiXhosa:

... ukuba abantu boMasipala weSithili iNgwathe noMasipala weSithili iMafube abaseli amanzi angahlambululekanga ...

English:

... because it is a problem, regardless of the collaboration that we have involving the SA National Defence Force. The problem still continues.

IsiXhosa:

Nenza ntoni okwangoku sisalinde imithetho ...

English:

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... and the Act that will empower yourself and your department?

The MINISTER OF WATER AND SANITATION: Thank you very much hon Deputy Chair. Hon Makesini, ...

IsiXhosa:

... enkosi kakhulu. Xa uthe wathatha imeko wayisa emthethweni, akuvumelekanga ke ukuba uphinde uyitsale ngomsila uyikhuphe kule nkundla ubuyifake kuyo ufune ukuzibambela yona, ngakumbi xa ungenayo into ekugunyazisayo ukuba uyithathele kuwe.

Kodwa ke le nto uyithethayo siyithathele ingqaleleo. Sidibene noomasipala bonke baseRhawutini noomasipala bonke baseMntla Ntshona. Siyithethile into yokuba umasipala makadlale indima yakhe. Apho afuna ukuncediswa khona, acele ukuncediswa. Ingxaki ke yinto yokuba abantu bafuna ukuncediswa bengafaki mali bafune wena mntu uze kubancedisa uze nemali ekubeni uhlahlo lwabiwo-mali olu ubulikhaba apha ngala mini bendime apha lungasivumeli. Wathi wena ...

English:

... I reject the budget.

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IsiXhosa:

Uthi mandingenelele ngantoni?

English:

The EFF rejected the budget ...

IsiXhosa:

... apha lule Ndlu. Siza kungenelela ngantoni? Namhlanje nifuna ukuthethelela abahlali. Siyavuya bathetheleleni. Kodwa nithi masingenelele ngantoni kuba nilukhabile uhlahlo lwabiwo-mali. Rhoxisani laa nto yokukhaba uhlahlo lwabiwo-mali ...

English:

... and support the budget, ...

IsiXhosa:

... siqhube! [Kwahlekwa]

The HOUSE CHAIRPERSON (Mr P Govender): Thank you very much, hon Minister. I did tell you that this is a happy House.

[Interjections.] We now move on to the next question.

[Interjections.] and that is Question 172 that was asked by the hon Mokwele. I am told that the hon Mokwele is not in the

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House, but he is on the virtual platform. Hon Minister, your response to Question 172.

Question 172:

The MINISTER OF WATER AND SANITATION: Deputy Chair, the response to hon Mokwele is that the department has several critical national water resource infrastructure projects, that they were previously delayed is correct. They were delayed for a variety of reasons, amongst others, is financial constraints; COVID-19; procurement delays; high turnover of leadership in the Department of Water and Sanitation over the past 10 years; and unforeseen technical and contractual challenges. All the delayed projects have been unblocked. I stood here in July to table the Budget Vote, and I listed all the projects that have been unblocked, which were delayed for many years, including the Lesotho Highlands Phase Two project of R28 billion, uMkhomazi Water project of R8 billion, Ntabelanga, and uMzimvumbu Water project, amongst others.

The expeditious implementation of all these projects will continue to be a priority for the department in the current financial year. The details of the three projects mentioned above include projected dates, which I will provide as follows: Lesotho Highlands was delayed for nine years. It was

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planned to be completed in 2019. The main cause of the delay included negotiations with Lesotho, which took longer than expected. There was a change of government in Lesotho in 2013, and the new Lesotho government wanted to review their agreement, and that there were five different Ministers in Lesotho and 11 different directors-general and acting directors-general. In the Department of Water and Sanitation, from 2013 to 2022, we also had an acting director-general. All that has resulted to delays in decision-making. All the main contractors for the Lesotho Highlands Water project were awarded late in 2022. The Polihali Dam and the transfer tunnel to Katse Dam are now fully under construction. The project is planned to be completed by 2028 to enable water to be supplied to the integrated Vaal River System in Gauteng. The project is jointly implemented by both countries, Lesotho and South Africa. The implementing body is Lesotho Highlands Development Authority. The project is fully funded with finance raised in the financial markets by the Trans-Caledon Tunnel Authority, TCTA. Remember, we do not have to fund such projects in the government fiscus. We depend on TCTA that goes out and raise money from the financial markets. So, even when you look at the Budget Vote. That is not the money that has been voted on, because the fiscus does not have that, but we are raising funds for these projects. Thank you very much.

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Mr M F MOKWELE: Thanks very much, Minister, for your comprehensive response. Your response was very detailed. Minister, you will also agree with me that some of the critical water infrastructure projects have taken unnecessarily long due to mismanagement, corruption, poor project planning, and implementation, which has escalated the initial costs to unacceptable proportion. Considering this, how much funds have been recovered from the projects that were investigated for maladministration and corruption until today? Based on the monitoring by the department, can the Minister take South Africans into confidence as to whether there are no early warnings, or further undue delays that may impact some of the critical high project mentioned by your good self, hon Minister? I thank you.

The MINISTER OF WATER AND SANITATION: Hon Deputy Chair, hon Mokwele, thank you very much. In terms of mismanagement of funds, fraud, and corruption, there are a lot of cases that are with the Special Investigating Unit, SIU. In the next two to three weeks, I will be meeting with the SIU to receive the report. I do not want to assume, or to make unnecessary claims here, as to who is responsible. But we know that most of those delays are because of the construction. At the construction level there is a lot that is happening there. Some of the

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contractors are nowhere to be found, they were paid, but also, the monitoring was not done adequately. Therefore, we are waiting for the SIU together with the SAPS to give us all those reports and we will know what to do. But I must be honest to this hon august House that there are no monies that have been recovered until today as far as these cases are concerned. But we said, whilst there are cases that are being investigated, let us unblock the projects and those contractors that are implicated must not be active contractors on these projects. So, that is where the matter is. Thank you very much.

Ms M KENNEDY: Good afternoon, hon members and hon Minister. Minister, you indicated the problems of delay. You again mentioned the ways of financing the projects. Now Minister, is there any management strategy of the department to monitor the current cause of delay in the water infrastructure projects to keep value for money on track and to see if it is cost effective? Thank you.

The MINISTER OF WATER AND SANITATION: Thank you very much, hon Kennedy. The delays go beyond corruption, fraud, and mismanagement. Other delays are caused by environment, because when you are about to build such a huge dam, you must also do

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the environmental assessment, and you must look at a lot of things. When you build a dam, it is built outside where you must also look at the seasons. With the climate change and global warming, things that in the past ... we used to build dams between May and July because there was no rain, but now we have just seen that there is snow in September. So, there are other things that are beyond our own control because of that. Be that as it may, the TCTA, as the fundraisers towards the financing of these projects, have since tried to have a monitoring team that takes the project from the start to its completion, but also other interruptions emanate from the construction mafias of late. They are managed by the construction mafias, which at times they are called business forums, which they are not because if you are a business forum, you cannot interrupt. Instead, you would want to engage and be given that percentage. You don't come and demand a 30% or 50% when you are not even active in the project ... when you were not there and stop the project. So, we have seen since escalated that matter to the SAPS because of these stoppages that are done by the contract mafias. But the value for money ... at times that you see the value for money being good, and at times not very good. So, when the contractor has completed, there is that period where we are supposed to look and validate if the work is meeting all the specifications and

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what was expected to be on the project. So far there is value for money on those that we have completed, but it is very difficult hon a member, through you Chair, to be able to know that it is 100% because after we have built this water resource, it must then go through the water treatment plant. So, you might find that the problem is not with the water resource, the problem might be with the treatment plant. The problem might be with water reticulation. It is against that background that we want to work with municipalities so that when we have finished the water resource, we must then say to municipalities, here is the water resource that we are handing over. We are done. We must have engineers that will monitor time and again ... we will do maintenance ... because what is killing our water infrastructure is lack of maintenance. Thank you very much.

Mr O J MOKAE: Deputy House Chair, hon Minister, South Africa's economic hub, Gauteng, will reach day-zero within the next five years, and this is due to infrastructure failures and climate induced drought. Given that there is no political will by the current governing parties in the province to address this severe service delivery crisis in Gauteng's metros, is your plan realistic to address this dire situation? I thank you very much, hon Deputy House Chair.

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The MINISTER OF WATER AND SANITATION: Thank you very much, hon Deputy Chair. Thank you very much hon Mcinga. Is that Mcinga? Ooh, hon Mokae. Thank you very much, hon Mokae. The issue of Gauteng ... let me start by demonstrating what is happening in Gauteng. In Gauteng and eThekweni ... eThekweni, not KwaZulu-Natal ... Gauteng as a province and eThekweni as a municipality, consume 298 per capita, per day, as against the international norm of 173 per capita, per day. It therefore means they consume a lot of water, but the consumption of lot of water might not address what was raised earlier on to say, why are our people not getting water when the consumption is this high? It is high because there is lot of non-revenue of water, water that gets lost, and the water that is leaking. We provide the bulk water supply, and we charge as per the litres that we have distributed. Out of the litres that we have distributed, they don't all reach communities and it is not our baby if they don't reach all communities because that is the role of the municipality to ensure that they close the leaks. Secondly, ...

IsiXhosa:

... mamela kaloku bhuti. Ubuze umbuzo, mamela ndiyakuphendula. Ndiyakuva ukuba unengqumbo, DA yokungafakwa kulaa masipala.

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Ndiyakuva unengqumbo. Inene, unengqumbo. Sigxwala sonke neEFF ke phaya.

English:

Secondly, is that there are lots of illegal connections; thirdly, is the growing population; fourthly, is informal settlements. Therefore, we have put Gauteng on level one because we do not want to ... [Inaudible.] ... to Gauteng that start enforcing your bylaws, ensure that you control your water provision service because if we don't do that, Gauteng can run out of water in the next two to three years. We are now on level one. We have addressed all the municipalities of Gauteng. If they do not comply, we are going to level two ... and day-zero might not be impossible. If you are staying in Gauteng, make sure that you don't a hose pipe to wash your car as according to level one. You must use a bucket. At a particular time, you must not water your plants and fill up your swimming pools. Fill those during the night. They are supposed to enforce the bylaws. Also, if you look in these areas, there are a lot of carwashes. Those carwashes are not even metered, and they use lots of water. Most of the water that is lost must be attended to by municipalities. Thank you.

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Mr B J FARMER: Thank you, Deputy Chairperson. Thank you, Minister. In the 2016 state of the nation address, former President Jacob Zuma announced the raising of the Clanwilliam Dam wall. We are now in 2024. For several years, Water and Sanitation personnel are staying in Lamberts Bay in flats rented by your department. How much money has the department spent without the dam wall being raised as we speak? Thank you.

The MINISTER OF WATER AND SANITATION: Hon Chair, the second part of the question is a new question all together because it is not about Clanwilliam Dam but about the rental amount that is paid by the department for the employees that are staying there. So, I must bring a written response when about that. I do know that Clanwilliam Dam is part of the dams that we have unblocked ... part of those projects. So, how much was paid for those who are staying there? I don't have the details here, but I can provide a written response. Thank you very much.

Question 166:

The MINISTER OF WATER AND SANITATION: Thank you very much, Deputy Chairperson. Hon Peter, the rural municipalities are water service authorities, and they have a long-term plan for

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schemes to source water supply from surface and underground water. Desalination is seen as the last resort throughout the world. I was in the United Nations General Assembly on the water sector in the past 10 days, the entire world is saying desalination is extremely expensive and cannot be sustained.

We have asked our Water Research Commission to join the global community to look at what desalination options might be easier and more affordable. Because when you talk about Eastern Cape, KwaZulu-Natal, KZN and Western Cape, we are coastal provinces that are not supposed to suffer from water shortages. We are supposed to get water from the sea and desalinate some of that water. This process is expensive. For example, in the Ndlambe Local Municipality in the Eastern Cape, a water-scarce area on the coast, there are four small desalination plants that draw from the sea and groundwater. These plants are in operation and are helping to alleviate the problems of water scarcity. However, they are not sustainable. The same communities in Ndlambe Local Municipality, for example, want to abandon them and resort to other methods. So, we still do not know how we can use this desalination to tap into the coastal provinces and the sea to ensure that people are supplied with water because we cannot short-circuit that, we have to follow all the processes. Thank you very much.

Mr M M PETER: Thank you very much, Chair. Hon Minister, good day. Considering the significant energy demands that large-scale desalination brings to an already overburdened power grid, as well as environmental concerns such as the generation and disposal of toxic hazardous waste. Has the department explored the integration of renewable energy sources such as solar and wind energy into proposed desalination projects to reduce their carbon footprint and improve sustainability. If so, what assurances are there that these renewable energy sources are dependable and have a sufficient lifespan to prevent potential disruption of water supplies due to energy inefficiencies?

Moreover, considering the potential disruption to the marine ecosystem and the local fishing industries, what long term environment monitoring and mitigation strategies does the department plan to adopt to assess and address the cumulative impact of the destination of marine life?

IsiXhosa:

Ungandibethi Mphathiswa ndiyakuthanda. Enkosi.

UMPHATHISWA WEZAMANZI NOGUTYULO LWELINDLE: Uyayiqonda kuba kaloku le mibuzo yakho mithathu okanye mine kodwa ...

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English:

... thank you. Through you Chair my apologies...

The HOUSE CHAIRPERSON (Mr P Govender): Minister, the second part of the question relates to environmental issues, if you want to answer it, you may do so.

IsiXhosa:

UMPHATHISWA WEZAMANZI NOGUTYULO LWELINDLE: Bawo uPeter, enyanisweni uzivile ukuba uye wasemoyeni wokufuna ukubuza yonke imibuzo obusoloko unayo. Eminye imibuzo ayingeni apha kuba umzekelo, kulo uwubuzayo udibene nombane ofumana amandla kwilanga (solar) othi singenza njani na, ndicinga ukuba asinguwo umbuzo koko yingcebiso. Yiyo loo nto ndithe xa bendiqala ukuthetha apha ...

English:

... the Water Research Commission ...

IsiXhosa:

... sithe mayikhe ibe noxanduva lokujonga ...

English:

... the best practise. For instance, the United Arab Emirates, UAE, as a country is solely dependent on water that has been desalinated ...

IsiXhosa:

Nantso ke.

English:

Water that has been desalinated. They are depending on that. But as I have said that ...

IsiXhosa:

... nanku uMasipala weNgingqi yaseNdlambe awukwazi ukuwagcina ixesha elide.

English:

Now we are saying, here is the best practise of Ndlambe Local Municipality, how can we assist? So, on the points that you raised on energy, how can we bring that.

IsiXhosa:

Leyo ke ifuna uphando oluqiqileyo ukuze sikwazi ukuyenza loo nto. Okwangoku andifuni ukulahlekisa le Ndlu ndithi singakwazi ukuyenza kuba ingabuya ngam loo nto. Enkosi kakhulu.

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English:

Mr N H PIENAAR: Thank you, Deputy Chairperson. I can see that you are very passionate with your answers today. Minister, given the nationwide water shortage and the fact that only two dams have been completed since 1994. Would the Minister not agree that her department has failed South Africans in terms of water supply. And what plans are there to build new dams across the country to prevent a water crisis in the next 10 years as we have seen with energy supply with Eskom?

The MINISTER OF WATER AND SANITATION: Hon Deputy Chair, the hon Pienaar is misleading the House with that question because I stood here and dispelled the myth that no dams were built except for two dams, 27 dams were built. I listed their names during my Budget Vote speech, I was standing here. Go and check Hansard.

IsiXhosa:

Musa ukundoyikisa ngokunikina intloko akwenziwa njalo kusePalamente apha.

English:

I have sent my speech electronically so that I can be held accountable. If the dams were not built where you reside, it

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does not mean that the dams were not built. In the same budget speech, I said that we are releasing these projects that have been blocked for more than nine years and I gave the list of all these dams, so, it is not true. Another reason why sometimes we do not build a new dam is because we are raising the dam. The question asked by the hon member whether the Clan Williams Dam and other dams have been raised because it takes longer to build a new dam in other areas is wrong ...

[Interjections.] ...

IsiXhosa:

... hayi qabane. Hayi qabane kodwa wena. Hayi bhuti wethu.

English:

The HOUSE CHAIRPERSON (Mr P Govender): You are protected hon Minister.

IsiXhosa:

UMPHATHISWA WEZAMANZI NOGUTYULO LWELINDLE: Bayandixhaphaza aba.

English:

So, when you raise the level of water you are raising it so that it must have higher litres of water that it can

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distribute, and therefore, it is not all the time that we build a new dam when there is capacity to raise the levels of that dam. That is what we are doing. I also explained to you how many new dams are in this programme. And it takes not less than five years to build a dam. Thank you, Deputy Chair.

IsiXhosa:

Awusamoshi nje wena bhuti.

English:

Thank you very much, Deputy Chair.

Ms N P MCINGA: Deputy Chair, can I speak sign language today?

IsiXhosa:

Uza kundiva Mphathiswa xa ndisebenzisa uLwimi lweZandla. Ndiza kukuxolela nje namhlanje, ndiza kukubulisa nje kuba ndilungile. MaNdlangisa, Thole, Gqagqane, owam umbuzo uthi: Ubukhe wacinga ukuya eHamburg, kuCentane eCofee Bay ...

English:

All the coastal towns have access to desalination plants that could provide clean drinking water for the rural communities that have no water, such as Ngobozana township in Pedi under

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Ngqushwa Local Municipality. Many of these areas as well as other poorer rural areas with access to the sea could benefit greatly from such initiatives, Mathole. Minister, ...

IsiXhosa:

... ikhupha ityuwa icoce amanzi aselwandle ukuze kubekho amanzi anakho ukuselwa ngabantu njengoko sibona ukuba eli sebe lakho lixakiwe alinaso esinye isisombululo sokunika abantu amanzi. Mphathiswa, zikhona iilali ezinamazi elwandle. Ngoko ke, ubukhe waya kuzo kolu phando ulwenzayo ukuza sibone ukuba asinakho kusini na ukunceda namanye amaphondo afana neFree State? Mphathiswa, eMangaung, eThabo Mofutsanyana abanawo amanzi. KwaZulu Natal, Amajuba, iLembe, eMhlathuze, eSekhukhune eLimpopo, eMntla Koloni akukho manzi.

English:

Access to clean water is crucial for the wellbeing and sustainability of our communities.

IsiXhosa:

Ndiyabulela.

The MINISTER OF WATER AND SANITATION: Thank you very much ...

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IsiXhosa:

... kumama uNdlunkulu. Hayi Ndlunkulu akufanelekanga ukuba ndibe ndihamba ndinkqenqeza apha esithubeni ndijonga le naleya, ndiyayazi le nto uthetha ngayo. Andinakuphaphatheka ndiye eHamburg. Ndithi ndiseHamburg ndibeseQonce, ndithi ndiseThekwini ndibe ndikwenye indawo, ndiyayazi. Yile nto bendithetha ngayo apha ndisithi unxweme lude kakhulu apha eMzantsi Afrika. Ukuba ibingaxabisi kakhulu ngolu hlobo le nto yokucoca amanzi atsalwa elwandle ngesingenayo ingxaki. Sithe ...

English:

... the Water Research Commission ...

IsiXhosa:

... mayijonge ezinye iindlela ifunde kwamanye amazwe ukuba yeyiphi na into enokwenziwa ukuze kube lula ukuthatha la manzi. Ayikho lula ngale ndlela uyithetha ngayo. Ukuya kwamphaya ndifike ndijame ndithi phuhlu amehlo ayizikuwajika amanzi. Andinguye uYesu yena wajika amanzi awenza iwayini. Andinakho ukuwajonga nje asuke ajike la manzi aphume ityuwa anikwe abantu ngaloo mzuzu. Le nto ineendlela zayo ekufanele ukuba kwenzeke ngazo. Awutsali nje kuba thina asinayo la nto

yokuwatsala. Awuwahluzi nje ngokungathi ukhupha oonojubalala apho ubuzakuwakha ugalele kwisihluzo.

Inkqubo yala manzi inde kakhulu kwaye iyaxabisa. Yiyo loo nto sithi ...

English:

... the Trans-Caledon Tunnel Authority, TCTA ...

IsiXhosa:

... mabasincedise ...

English:

... as part of fundraising.

IsiXhosa:

Nale nto yokutsala amanzi elwandle kufuneka ijongwe ethubeni noxa amaxabiso ayo engafikeleleki Ndlunkulu. Enkosi.

Ms M M BAINS: Thank you, Deputy Chair. Good day to all the members in the House. Hon Minister, your energetic answers are transferable. My question is whilst the sustainable supply of water to communities remains critical at the centre of the developmental mandate of local governments and government in

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general, among the critical factors undermining sustainable water supply is the leakage of water pipes. Are there regular scientific surveys on the loss of water through leaking water pipes in communities? If not, why not? And if so, what is the current overall rate of water loss due to leaking water pipes and what is the department's sustainable plan to address this challenge in the medium to long term? Thank you.

The MINISTER OF WATER AND SANITATION: Thank you very much, Deputy Chair. Hon Bains, the issue of shortage of water and the challenges that are facing the those who are supposed to be giving water to our people, they are multiple challenges. One of them - I have said it here that, we as a department we do assist municipality through the Water Services Infrastructure Grant, WSIG, and the Regional Bulk Infrastructure Grant, RBIG. But also, Municipal Infrastructure Support Agent, MISA, through the Co-operative Governance and Traditional Affairs, Cogta, that is assisting them. But as long as the water infrastructure is not maintained then there will be disruptions and interruptions every time. And therefore, the sales of water must be invested back to the water infrastructure, same with the with electricity, the sales of electricity must be invested back. So, what we are doing now with the National Treasury consulting with

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municipalities of course is that when they are given their municipal infrastructure grant, it must be clearly outlined that this particular percentage must be used for water infrastructure maintenance and nothing else. Municipalities across the country, they do everything else in terms of expenditure, but do not focus on water infrastructure and when there is no water, even the economy is not going to grow. Livelihoods are affected when there is no water, until people make sense and understand the importance of water, that when we say water is life, we mean it. When we say sanitation is dignity, we mean it and therefore, priority must be given to water infrastructure and its maintenance.

It is against that background that we have just closed, the Lesotho Highlands Project Tunnel, because every five years we must do major maintenance. We have closed it for six months and we are going to do maintenance. If we cannot do maintenance, there can be no water, especially for the provinces of Gauteng, Northern Cape, North West and Free State, because they depend on that Lesotho Highlands Project Tunnel. So, we must always be on our toes to ensure that we do maintenance, and we have urged the municipalities to maintain their water infrastructure. And when they get equitable share

amount, it must be ringfenced for water, water maintenance.

Thank you.

Question 153:

The MINISTER OF WATER AND SANITATION: Thank you very much, hon Deputy Chair and to hon Chirwa. Mogale City is a water service authority which owns and operates the water and sanitation infrastructure. The Department of Water and Sanitation has engaged the city regarding the state of the waste water infrastructure, but the Mogale City did not co-operate with the department when we made attempts to reach out and to assist them through section 63 of Water Service Act because we're able to intervene on that. In terms of its role as a regulator, our department issued a predirective notice and directives compelling compliance to the Mogale City, as a result, the department had to institute criminal cases against Mogale City for pollution under section 151 of the National Water Act, because the municipality refused to comply.

The criminal case is under investigation, and it will be handed over to National Director of Public Prosecution. At the same time, the case number in relation to the spillages from the Percy Stewart Wastewater Treatment is 76/8/2023. In terms of this case, it was instituted in August 2024. However,

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despite numerous follow up by the department, we have not as yet received information how far the case is. We had to resort to courts because municipality refused to co-operate with us when we wanted to assist them. Thank you, Chair.

The HOUSE CHAIRPERSON (Mr B A Radebe): Thank you, hon Minister, I can feel today that you are on fire. You're taking the portfolio with seriousness it deserves. If people are not doing their job, you must act against them. The next follow up question will come from hon Mpungose.

Mrs N N CHIRWA-MPUNGOSE: Thank you so much.

IsiZulu:

Sawubona, Ngqongqoshe.

English:

Flip Human Wastewater Treatment Plant in Mogale City was meant to be completed in June 2024. However, as expected, it wasn't the case, and it currently sit at 80% completion rate. So, we want to find out how does the Minister plan on intervening on this particular case, and what the Minister will do in that intervention? On a much broader scale, Minister, we want to find out what plans you have to ensure that all these

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incomplete projects in relation to infrastructure delays, abandonment and neglect, and which are actually used to coerce more money from the public purse as has come to land during our oversight week in Gauteng, that they are completed urgently firstly, and with no extra money being spent, with adequate action that will be taken. What is that kind of action that Mister will take in the case of delays to hold the people that are involved both at executive level, political office but also the officials as well, and the contractors that are interested with these projects accountable? Thank you.

The MINISTER OF WATER AND SANITATION: Thank you very much, Chair. Thank you very much, hon Chirwa.

IsiXhosa:

Andiyazi ke le fani yakho yesibini. Siyavuyisana nawe kodwa ke ngale fani yakho yesibini. [Kwahlekwa.]

English:

In terms of the Flip Human Wastewater Treatment Plant, FWWTP, works, the department, having reached out to Mogale City which is a local government's sphere. When they don't want to cooperate, we cannot enforce ourselves on them. We have to

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respect the Constitution. Local government sphere is an independent sphere. Whilst we incorporate, but we must respect their rights in terms of the Constitution, hence we resort to go to court because we want to assist them, but they don't want to be assisted. Who suffers? It is the community as we have said and as you have seen during your oversight.

Therefore, I've given the point that we are still waiting for the case number to know what to do next. When you have reported the matter is a criminal case, you cannot act outside that, you have to wait for that. However, we're still open to engage with them, should they feel a need to engage with us. Unfortunately, we cannot bulldoze ourselves on them. If it was not a constitutional matter, hon Chirwa, we should have intervened in lot of municipalities, but we give them grants, the Water Services Infrastructure Grant, WSIG, and they also get the Municipal Infrastructure Conditional, MIC, grant. They are supposed to act and complete the treatment plant, but there is just no political will to do that. Thank you.

Ms N S DU PLESSIS: Thank you, Chair. Good day, hon Minister.

As you are aware, global warming is an international issue and many developing and developed countries with similar climates to South Africa, are mitigating the risk successfully. Mogale

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City loses up to 44% of its portable water due to failing infrastructure, and this percentage is very close to what is happening in most other municipalities in South Africa due to failing infrastructure. Will the Minister consider fines to the municipalities and officials who do not maintain and repair water reticulation systems as water is an inalienable right and it is serious, however, the second part is, do you only intervene in Hammanskraal with the political points to get it, or other municipalities as well?

The MINISTER OF WATER AND SANITATION: Thank you very much, hon Chair, and thank you too hon Du Plessis for that question. The reason why we have put the entire Gauteng under level 1 restriction is exactly because of this, that we want to encourage and knock sense to all municipalities of Gauteng that have an aging infrastructure. Some of the infrastructure still have asbestos. Therefore, they must change the infrastructure, maintain the infrastructure and build more reservoirs. Because of the growing population and the demand for water, the current water infrastructure is unable to cope with that. That is why we try to assist them through restrictions. Unfortunately, at this point, we cannot put fines on those municipalities, but we have requested them to

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develop a plan on how to attend to the aging infrastructure, the repairs, as well as to maintain it.

We have tried to make a maintenance around Johannesburg to the Rand Water in Ekurhuleni, as well as in the Municipality of Tshwane. We inform municipalities prior to the major maintenance, when we maintain our own, so that when it takes water to the... it must be clean water. Also, we ask municipalities to prepare themselves in the next 12 months because we'll be doing major service. We'll agree, have meetings almost on a monthly basis and start maintenance. When we start maintenance in our bulk water, three days after they come to tell us that they don't have water, therefore, we should stop maintenance. We cannot work like that. Stopping maintenance would be very dangerous to the communities around Gauteng, and therefore, our plea has been that to municipalities, co-operate, come up with the me, I can explain. Even for your own car, at a particular point you do minor service and at a particular point you do major service. You cannot skip major service, and therefore, you cannot skip major service of water infrastructure.

Do you assist Hammanskraal only, or do you also go to other municipalities? In Hammanskraal, we had to intervene because

that became a national crisis when lots of people lost their lives there, and it was said that it is because of water. I am saying that with caution that it was said that it is water upon disease. Therefore, we had to come in and assist, but what we do is that we work with the municipalities. We have intervened in Emfuleni. When municipality is found helpless, we do intervene once there's crisis. We are not supposed to wait for crisis, but the budget that we have, is not to go and service municipalities, our budget is well articulated for what programme, at whose municipality and what time. So, we don't take over the waste management, we intervene on each municipality. Thank you, Chair.

Mr E NZIMANDE: Thanks, Chair. I hope that the Minister this time is going to answer me.

IsiXhosa:

Ndiyathemba ukuba uza kundiphendula ngoku.

English:

Minister, look, I'm not sure whether ... your answer since you started, presupposes that the centre is not holding, because clearly, you have a quorum at you sit as Ministers, you have that precedent, in as much as there is functional area of

powers of the municipalities. However, when you allocate a conditional money like the 35 million that you pumped in Mogale City, it follows that there is a certain responsibility from your side. So, it can't just be a hands-off situation. A responsibility which will ensure that at least there is money which has been pumped here under your hand or through your hand is used or utilised effectively and there is value. Now, the question is, now we have drawn a lesson from what Mogale City has done, but people chose to be in the offices when we have a serious problem. What are the collaborative plans, hon Minister have with the Co-operative Governance Minister and the Minister of Infrastructure, to ensure that the challenges do not multiply themselves to other areas or parts of the country, the challenges that would involve also the issue of defiance that the Minister talks about? I thank you.

IsiXhosa:

UMPHATHISWA WEZAMANZI NOGUTYULO: Ndiyakubona wena Mphephethwa ukuba kukhona apho ubhalele khona. Le nto imbolombini ngoku ufuna ukusibetha ngokuthi...

English:

... the centre is not holding. The centre is holding...

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IsiXhosa:

...qha ke wena kuza kuba nzima ukuba uziqonde ezi zinto. Kaloku lo mbutho i-MK mtsha kuyo yonke lento ukuyo kodwa sewufika uhambela phezulu. Masikufake simahla esikolweni sabadala (Abet) sikubonise ukuba siqhuba njani na. Kukho isebe eli lethu eliphakamisa ukuba sincedise oomasipala ngesiBonelelo seziSeko seeNkonzo zaManzi, (Water Services Infrastructure Grant) nesiBonelelo seziSeko zamadama eeNgingqi (Regional Bulk Infrastructure Grant).

English:

Already, we have exhausted the Mogale City's issue.

IsiXhosa:

Sibanikile ama-R45 ezigidi. Iphi ke ngoku le ndawo uyifunayo?

English:

Where is this centre that is not holding?

IsiXhosa:

Nina oko, nisoloko nililisela ngokuba ...

English:

... the centre is not holding, the centre is not holding...

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IsiXhosa:

... akukhonto ingalunganga ke kweli ityeli. Izinto zisahamba kakuhle. Yiyo lento ndime apha phambi kwakho ndikunika iimpendulo. Loo nto ichaza ukuba konke kuhamba kakuhle. Sidibene nomasipala sahlala naye phantsi samnika isiBonelelo seziSeko seeNkonzo zaManzi esingangekhulu lezigidi leeRanti kodwa wena uthi akuhambi kakuhle. Uyibeke phi le ngxaki uthi ikhona, kuba kule ndawo ndikhokele kuyo ayikho ingxaki.

English:

There is money that is allocated through Municipal Infrastructure Support Agent, Misa.

IsiXhosa:

Ngoku wena ufuna ukwenza ungxubevange (Mix Masala) uthatha iindwendwe uyazidabanisa. Zohlukile iindwendwe kaloku. Xa uzidibanisa ezi zinto, uza kwenza ukuba mna ndixabane nohloniphekileyo uMphathiswa uHlabisa ndithi ukhona umonakalo kwisebe lakhe. Umntu nomntu ubaleka kumgca wakhe apha. Kodwa ke, uza kufunda kuba kusekutsha kuwe. Uza kulunga wena, kusekutsha.

Enye into, wena wagatya uhlahlolwabiwomali uhambisana neEFF.

Ngoku ke uthi makuthiweni xa wagatya uhlahlolwabiwomali? Uza

kubamela njani aba bantu wawuthe uza kubamela xa wagatya uhlahlolwabiwomali? Bhala incwadi uthi...

English:

... I hereby withdraw, the withdrawal.

Mr M FENI: Thank you very much, hon Chair, and also hon Minister. Thanks very much for this elaborative response in the form of lecture. I agree with you, hon Minister, when you're saying that the centre is holding.

IsiXhosa:

Hayi u-Babes waManzi...

English:

... is in charge. Just spare the lecture, hon Minister, in terms of section 41(3) and (4) of the Constitution, which enjoins any state organ involved in intergovernmental disputes to exhaust all remedies available before it can approach the court. Whist we appreciate the action of the Minister which puts the interest of our people first, has the department exhausted all the available remedies, including providing a resolute capacity support to the to the municipalities before resorting to criminal litigation, and secondly, can the

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Minister take this august House in confidence about the relevant peace laws that the department has relied on taking the route it has taken? Thank you very much once again, hon Minister.

The MINISTER OF WATER AND SANITATION: Thank you very much, hon Chair, and thank very much to hon Feni. In accordance with the National Water Act, when we see a crisis, we must engage with the municipality.

IsiXhosa:

Ndicela umamele nawe Mphephetho ukuze ulunge.

English:

We must engage with the municipality, and where the need arises, we must revoke or evoke section 63, but yet, we've done all that before approaching the courts because the reality is what hon Chirwa said that the water is polluted, and there is no stop up until we act on the matter. When we approached them, we even allocated that R45 million to say, deal with this issue and top up to ensure that we arrest the situation, but they refused. So, when we've exhausted all the internal processes and procedures, the only one option left is to approach the courts. That is not the route that we like

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because it delays, hence our submission that, once the amendments have been done, it would give us a leeway to be able to act without going to court. At the moment, our hands are tight at the back because we cannot do things as we wish to assist because we don't want to interfere, but we want to intervene in a way of assisting the very same municipalities.

IsiXhosa:

... kodwa xa ibhokhwe isifa uyiseza iyeza uza kuyithini ke? Kungcono usese uyidudule iyokufela ezindongeni. Enkosi.

Question 173:

IsiXhosa:

UMPHATHISWA WEZAMANZI NOGUTYULO LWELINDLE: Yho Sihlalo, mna ndithetha ngamanzi ngoko kufuneka undinike ithuba lokuba ndiwasele. Uyabona ukuba awakho nalapha? Kaloku sizizinto ezisela amanzi. Sihlamba ngawo ...

English:

...and rinse with sparkling water, then you glow ...

IsiXhosa:

... ke ngoku xa usemanzini.

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English:

Hon House Chair, The Department of Water and Sanitation is collaborating with other industries, including the mining and the agricultural sectors, to invest in new water infrastructure. For example, as the department we are implementing two projects with the mining sector as well as the agricultural sector in Limpopo and in the Northern Cape because there is an issue of houses.

Relevant municipalities, through our department and mines, are collaborating and saying that, if you are mining in this area, you must know that you have a social responsibility. The water that we use here must also be accessed by the community around the mining area; don't exclude our people.

With those that are in the agricultural sector we currently have a commission that I have appointed which is led by the retired Judge Ngoepe. There is a company that decided to divert water and close water for the downstream communities. They are not getting water because it is channelled to their farms and agricultural sites. We are saying that is wrong; you cannot want to manage water on your own and inconvenience the ordinary masses that are supposed to get water.

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The Olifants Management Model in Limpopo is a R25 billion multi-year partnership between the department, the municipality and the mining house to construct a bulk and potable reticulation of water infrastructure to supply communities and mines around Sekhukhune and Mogalakwena in Limpopo.

This programme will provide potable water to yard connection to an estimated 390 000 people. We are saying, the mining sector and the agricultural sector must know that they cannot live above the people that are around them in terms of water access.

Similarly, the Vaal Gamagara Bulk Water Scheme in the Northern Cape is a partnership between the department and mining houses to supply potable bulk water for mining, industrial, agriculture and domestic use. So, we are saying that when we work together it will be easier for your business and people to prosper.

The department has also established the water Partnership Office, WPO, because we want the team that will run with this to go to the mining sector and the agricultural sector as these are the most consumers in terms of water.

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That Water Partnership Office is also working with the Development Bank of Southern Africa, DBSA, to assist municipalities to contract the private and public partnership. This WPO implements and standardise national programmes. Amongst others is what was asked here earlier on the nonrevenue water programme, water reuse, sea water desalination and waste water treatment. We are saying, let us bring other people in the fore to work with us so that we can be able to deliver together.

Lastly, the department has a longstanding agreement with Strategic Water Partners Network, SWPN, which provides a platform for the private sector, civil society and government to catalyse the involvement of private sector. When I talk of the private sector I am not talking about privatising water; we cannot privatise water under any circumstances. We are saying that the private sector must play a role in terms of economic growth and the livelihoods that must access water because they do business where these people stay. Thank you, House Chair.

Mr M P SIBANDE: Thank you, Minister, for your elaborate response. Nevertheless, I will add a few so that you can add your five minutes as well. With South Africa's history of

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apartheid colonial legacy, much of land resources and associated resources underneath continue to be under private ownership. My question is: Has the department considered water resources sectoral social compact for effective and efficient delivery of water infrastructure and supply? If not, why not and if so, what are the relevant details? Thank you.

The MINISTER OF WATER AND SANITATION: If not, why not, if yes, what are the details ... [Laughter.] Who started this thing at this Parliament? If yes, why? [Laughter.]

I always enjoy being in the NCOP. I was a member of this House from 1999 to 2004 hence I cannot address this House virtually. I really respect this House. I am part of this House. I was made by this House, so I am your product to claim. In this House I was a treasurer general of the youth league ...

IsiXhosa:

... nisekhona nani aba ngoko ningekahambi.

English:

House Chair, let me assure this House that there is no private ownership of water in South Africa. People apply for licenses for water use and we give those licenses. If they don't comply

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then we withdraw the license. Hence, we are now establishing water user associations because we want our communities to take part.

Everything across the country is governed by certain bodies. You have a school governing body and the community policing forum, but on the issue of water - which is a critical resource and a need to all our people - there haven't been strong water committees and strong water user associations.

We are now establishing the Catchment Management Agencies, CMAs, that will work with our communities in ensuring that those water associations are going to oversight even the water boards that are our responsibility and entities because we want to ensure that we control this issue of water and our people must be able to get enough water.

The National Water Act enables us to ensure that we work with every person who is a water user. However, people use water differently. Households use water for easy things but there are those who are running businesses, but they don't want to pay for their water, and they don't want the communities around them to access water. That is why we ensure that when they apply for licenses, we must also get the community's

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voice to say, yes, we know them, and we have given them the authority to apply because we are going to benefit.

We want those who are applying for water use licenses, especially for businesses, to assure us that they are also going to take care of communities and that the communities are not going to be disadvantaged because they have been given a license. Thank you very much, House Chair.

Ms Z N NGCOBO: House Chair, the Constitution ensures that everyone in South Africa has a right to access sufficient water. Minister, what equity provisions does your department have to ensure that its partnership with the private sector will guarantee equal water access to the vulnerable and marginalised communities at affordable rates? Unlike the government, which is constitutionally bound, the private sector prioritises economic returns. Thank you.

The MINISTER OF WATER AND SANITATION: House Chair, can I request that the hon member repeats the last part of the question?

The HOUSE CHAIRPERSON (Mr B A Radebe): Over to you, hon Ngcobo.

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Ms Z N NGCOBO: I said, what equity provisions does your department have to ensure that should it partner with the private sector it will guarantee equal water access to the vulnerable and marginalised communities at affordable rates? Unlike the government, which is constitutionally bound, the private sector prioritises economic returns. Thank you.

The MINISTER OF WATER AND SANITATION: Hon House Chair, thank you very much to hon Z N Ngcobo. I have explained in my earlier responses on the public-private partnership that we have assisted. If I may demonstrate one, we have assisted Emfuleni that when we move out of Emfuleni they must not collapse and go back to where they were. So, we have formed a special purpose vehicle. The special purpose vehicle is the coming together of government, businesses and the entire private sector to say, it is our responsibility to save water here and to have clean water.

We must ensure that we work in collaboration with municipalities to ensure that municipalities are able to meet requirements. Therefore, ourselves as the public sector and business sector, let us assist municipalities by adhering to our obligation of paying for water that we have used and by not polluting the system in the space where we are. I also

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said that we have two projects that we have piloted in Limpopo and in Gamagara in the Northern Cape. That is a clear demonstration about the public-private partnership.

We also want to ensure that whilst it is the responsibility of municipalities, we must take care of the reality of the situation that most of the municipalities are servicing indigent people who are unable to pay for water. They must at all times update their indigent register so that when they apply for equitable share, they are able to showcase that out of the population of 360 000 citizens here who are voters, we are only collecting from this percentage. Therefore, we are unable to give everyone water and if we do, they are unable to pay us back. That is where we are saying the public-private partnership must come in to boost and reinforce what municipalities are doing.

Our business sector in South Africa is always willing to come and assist but they want to be engaged because they want political stability. There are also certain organisations that tell people that tomorrow, build and invade that land. They invade land that has no water ...

IsiXhosa:

... andibaboni apha ndi... [Ngokungavakaliyo.] Bakhona abathi, hambani nithathe umhlaba.

English:

What they don't take note of is that when you say they must invade the land, there are no basic services and no bulk infrastructure. In fact ...

IsiXhosa:

... niyamosha ke nina. Andikhange ndibize gama lamntu. Nityiwa zizinto zenu ngoku. Ziyanitya, niyavela ngoku.

English:

I did not mention any name; I said there are organisations. However, the fact is that when you mislead them to go and build informal settlements when there are sites that are not serviced in a ...

IsiXhosa:

Nini, nini aba ngoku nixakene nento kuba abantu bafuna amanzi. Niphinde nize apha ningavumelani nohlahlo lwabiwo-mali kodwa nini aba bafake abantu nabagcwalisa phaya. Xa kungekho zakhiwo zikarhumente nithi baza kuwafumana phi amanzi? Enkosi Sihlalo.

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The HOUSE CHAIRPERSON (Mr B A Radebe): Alright, let the House be in order, please. We know very well that the House can be robust but let us listen to each other. I think that the Minister has just responded to the issues that are there on the ground. The next follow-up question is coming from hon Britz from the Eastern Cape. Over to you, sir.

Mr J H P BRITZ: Hon Minister, while you are still looking for affordable alternatives for desalination and while you are aware of only two partnership projects, I draw your attention to the DA governed Kouga Local Municipality in the Eastern Cape who introduced and completed, in partnership with a private company, the first of its kind water treatment works to remove iron and manganese from borehole water.

These plants are not only the first but also the largest in Africa to make use of this process to purify ground water for human consumption. Fifteen megalitres of reliable and affordable water are being treated in this way per day as we speak. Your predecessor visited these plants.

Is your department now prepared to learn from this example and implement this technology in other municipal areas to address

South Africa's critical water infrastructure backlog, particularly in rural areas?

The MINISTER OF WATER AND SANITATION: Hon House Chair, that is a good story to tell of the Government of National Unity, GNU.

IsiXhosa:

Lelethu elo bango lakho. Lelethu, kuba yonke le nto ihamba apha kuthi. YiGNU ke leyo.

English:

That is good delivery of the GNU - that is Government of National Unity. We are delivering there in Kouga, and I won't hesitate to come and check what you have started there ...

IsiXhosa:

... ndisiza ndiyiGNU. Sihamba kunye kanje ...

English:

... same WhatsApp group, GNU ...

IsiXhosa:

... siyaqhuba.

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English:

If my predecessor was there and saw a good story to tell, let the good story be told. If it is a good and best practice, let's learn out of it. Viva GNU!

Mr K CEZA: Minister, I think that we should appreciate the fact that water is under the custodianship of the state, but shy of the land. I think that we should translate what is done by the state in water and minerals into the land itself so that we become a cohesive nation. That is my short part in that. I thought that I am compelled to make a comment on that.

Minister, it is of outmost importance that we commit to building and maintaining water infrastructure in a visible sense for the social and economic development of any nation that is facilitated by the provision of adequate and functional infrastructure. Such a development can only come through placing the state at the centre of development and will not come through privatisation of South Africa which the GNU seems to be hellbent on.

Approximately 1,2 million litres of water are wasted through underground water leaks annually. To put this into perspective, a single dripping tap or a leaking toilet can

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waste up to 30 litres per hour. In light of this, what urgent steps of intervention has your department taken since you came into the office to maintain and expand the infrastructure in instances where infrastructure needs to be expanded and root out corruption plaguing new infrastructure projects? What is the immediate action that your department is taking in regard to the lowering of water in dams in such as the Silobela Dam in Carolina in Mpumalanga? Thank you very much.

The MINISTER OF WATER AND SANITATION: Hon House Chair, the last question is a new question altogether ...

[Interjections.]

IsiXhosa:

Ewe, mamela wena.

English:

The initial opening remarks were a good one.

IsiXhosa:

Uyabona ukuba wawuze ngalo moya ngela xesha ...

English:

... when we were amending section 25 ...

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IsiXhosa:

... sasizakuqhuba. Ukuba nanize ngalo moya ninawo ngesikude ngoku.

English:

How I wish we could go back, and you bring this spirit

IsiXhosa:

Uyabona ngoku ...

English:

... this one is progressive, not that black progressive ...

IsiXhosa:

... andiyazi le nto yenu niyibiza apha ePalamente.

English:

This one is very progressive in that you cannot deal with the water issue and ignore the land issue because most of those who have applied for private licenses tend to demarcate the land and say to our people that they will not get water because that is their land.

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I was in Bethlehem where the municipality has drilled more than five boreholes, but that area was sold to a golf estate. There is water infrastructure that belongs to the municipality there. We had to intervene, and we told them where to ...

IsiXhosa:

... uyabona mos.

English:

Just where to be right ...

IsiXhosa:

... uyabona Sihlalo.

English:

We then said we are going to allow the municipality to come and get water here and give it to our people. If you are saying that you are protecting your golf estate and watering your golf estate on a daily basis, you cannot do that at the expense of our people.

As I speak to you now, our people have the right to access water in that golf estate because ...

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IsiXhosa:

... hayi, iGNU iqhuba kakuhle. Nina, thobani umoya, iyaqhuba iGNU.

English:

On the issue of what I have done since I came in, I tabled ...

IsiXhosa:

... kufuneka ukuba ndimana ukunikhumbuza ndihlikihle ityuwa enxebeni.

English:

I tabled the policy speech and a budget ...

IsiXhosa:

... ndime kule ndawo. Ndathi ...

English:

... we hereby request you to pass the budget because we want to intervene.

IsiXhosa:

Nathini? Nathi ...

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English:

... we reject, we reject! Reject ...

IsiXhosa:

... nangoku ningasibuzi ...

English:

... about an intervention because you have been rejecting.
Thank you very much, House Chair.

The HOUSE CHAIRPERSON (Mr B A Radebe): Hon delegates of the NCOP, I think that we have come to the end of the question session with the hon Minister Majodina. We really appreciate your presence in this House and the way you ignited this House. It shows that you belong to this House.

I request my fellow delegates to please not incite a young lion ...

IsiXhosa:

... iza kukuqwenga.

English:

Hon members, now we go to the next set of questions which are questions to the hon Minister of Human Settlements, hon Kubayi. As the Deputy Chairperson indicated during the opening of the House that the hon Minister had meetings in Pretoria, she is going to address us through the virtual platform. It was agreed between her and the Chairperson of the Council, and it is normal as we know that our sittings are hybrid. We are now going to go to her questions next.

Question 167:

The MINISTER OF HUMAN SETTLEMENTS: Good afternoon hon House Chairperson, hon members, I appreciate your understanding. I have been in the House several times. I tried to be there and sincere apologies again to members for not being there physically. In response to the question, the department has noted several blocks and unfinished projects ...

Mr K CEZA: Chairperson!

The MINISTER OF HUMAN SETTLEMENTS: ... across provinces.

Mr K CEZA: Sorry Minister.

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The HOUSE CHAIRPERSON (Mr B A Radebe): Sorry hon Minister, there is a point of order from hon Ceza.

Mr K CEZA: There must be a mic on there which is making feedback to the Minister's mic.

The HOUSE CHAIRPERSON (Mr B A Radebe): Alright, thank you. I think the Pretoria ... [Inaudible.] ... is working now. [Laughter.] Hon Minister, you can start afresh and answer your question because there was an interruption here.

The MINISTER OF HUMAN SETTLEMENTS: Thank you very much. The department has noted several ... [Interjections.] ... Thank you very much House Chairperson. I really appreciate it. The department has noted several blocks and unfinished projects across provinces and metros. As human settlements portfolio is a constitutional concurrent function, the national department works through a system of provinces and metropolitan municipalities as a delivery agent funded through the conditional grants.

The Minister has declared ministerial priorities, including addressing of all blocked projects through privatisation and allocation of funding dedicated towards completion of these

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projects. We know that each project has its own contractual arrangement, and that each contractual dispute is treated and addressed on its own merit. Largely, provinces and metros have reported that millions of block projects are being worked upon, and which were abandoned, the said contractors were paid for the work that they have done at the time of appointment. Just to explain, if a project was abandoned at phase value in terms of what we call a slap, the contractor would have paid only for a slap after it has been concluded. These contractors are paid on milestones. That's what I want to say. If it is at a roof level, then they will be paid that. Any work that has not been done, has not been done. Various contractual dispute mechanisms including legal steps have previously been taken where necessary and appropriate.

As Minister and Members of Executive Council, Minmac, we also monitor payment of contractors which are raised with us. But also, in terms of whether contractors have not been paid more than 30 days. Similarly, where we find that there's been violation of Division of Revenue Act, Dora, especially on laws and policies where a contractor has been paid without doing any work, which I've not received since I've been a Minister, we do report to law enforcement agencies. Thank you very much, Chair.

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Mr M F MOKWELE: House Chair, greetings to the hon members in the House. Let me first appreciate the response from the hon Minister. Hon Minister, your response was very much ...

[Inaudible.] ... You were very much spot on. Some of the questions that I was going to ask you, I'm going to cut them because you have responded to them. But hon Minister, if maybe we can just agree that during the during the NCOP provincial week, we visited provinces whereby it came to our attention that some of the contractors abandoned projects without completing them due to non-payment or delay in the payment by the relevant department. In this case, the issue of 30 days was not applicable according to the report we got. But Minister, the question that we wanted to post to you is that how has this affected the Department of Human Settlement? Is there any internal capacity in the system of the Department of Human Settlements to monitor the construction of a project and if so, how effective is the system? I thank you, House Chair, and thank you Minister.

The MINISTER OF HUMAN SETTLEMENTS: Thank you very much, hon Mokwele and also for the report as we always look at the issues raised by NCOP during the NCOP week. I think the issue of 30 days - yes, previously it was not - that's why we have lifted it at Minmac level to be able to do. Let me just give

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you an analysis. What we do is that once they province says that we picked up that there is an invoice that has not been paid, we ask them whether that invoice has been in dispute or not, if there's not been a dispute, we urge MECs together with HODs to take disciplinary action where warning letters or disciplinary processes are instituted against those officials. And doing that, it has helped us to ensure that, for example, we would have zero of invoices that are pending. But we also look at those that they are saying are disputed because sometimes you find that people are naughty. They remove the form; they remove a compliance document and say that this invoice does not meet the requirements. So we pay attention to those. Sometimes even myself in the middle of Minmac, we call that person to ask if this is correct, what we are being fed. So we are making sure that we leave no stones unturned, but we can be able to protect our contractors to be able to do the work.

In terms of monitoring and evaluation, we are monitoring. We've got our Human Settlements System, HSS, which is a system that we are using to monitor the projects. We see all types of milestones. If a project shows no movement, we are able to follow up with the provinces. But also in three months, quarterly, nationally, we have teams that goes from MNE visits

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on the spot. We do spot check of projects across. But we also expect the municipalities and the provinces who are the implementors to ensure that there's monitoring of their projects. So in that way, we do believe that we will continue to turn around.

Where we still have problems it's when we have projects that have been invaded, construction mafias and ... [Inaudible.] ... where people go on site and disrupt projects demanding 30% but not working. Those we have asked for law enforcement agencies and a partnership with SAPS so that we can be able to deal with that. Thank you very much, hon member.

Mr N H PIENAAR: Minister, will you commit to laying criminal charges against contractors who have frauded the department and taxpayers? And will you commit to providing a progress report to the relevant select committee on a quarterly basis to ensure accountability and transparency? Thank you, Minister.

The MINISTER OF HUMAN SETTLEMENTS: Where evidence exists for wrongdoing, we will definitely do. For example, I visited a project in Matjhabeng where projects were done. You will find that a project worth R26 million is not done to the full, but

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money has been paid in terms of ... you will find out that R23 million has been paid or R20 billion has been paid. We compiled that file and handed it over to the SIU. The G-Hostel was handed over to SIU by myself after visiting that project. So I can show you hon member that when we find wrong doing, I will definitely hand over those to the law enforcement agencies.

Ms M KENNEDY: Good day Minister. Minister, our organisation, the EFF, has for years advocated for the creation of state-owned construction companies which will efficiently manage all construction projects and raise levels of public confidence in the capacity of the state. This is much needed as the abandonment of construction projects remains a serious problem as it involves the use of public funds for the revival of abandoned projects. In light of this, has the Minister considered motivating for the creation of state-owned construction company to help manage the problem of urban construction projects? If so, can you please provide details? If not, can you enlighten us on that? Thank you.

The MINISTER OF HUMAN SETTLEMENTS: Thank you very much, hon Kennedy. I think the issue of construction, especially for a sector like ours, is quite complex and it can't be resolved by

just only putting together a construction state-owned company. Let's start with the issues. There are various stages that we deal with. If we are to look at quantity surveying and professional services, you will have to put together - because you are dealing with almost about ... [Inaudible.] ... of a budget. But also, you are dealing with quite a number of projects at various stages across the country. But again, projects that are multi-led. So by nature of the work, it's practically impossible, even if you are to establish a state-owned construction company for them to be able to deliver. So you'll have to put together that construction company nationally to be able to plan, to do the monitoring, and then you will have to do it again in each province. You will have to do it again in each municipality.

For me, practically in terms of what we want to do is efficiency of the system, effectiveness of delivery. But again, we must remember when we employ construction companies, it's part of contributing to the economic development of the country. Where we have pure SMMEs and professionals who can go and do as a quantity surveyor, be able to be contracted as a creator of jobs, ... [Inaudible.] ... running a company and contributes to the growth of the economy. So we must not see the human settlement sector as a social sector, but also as an

economic driver and a key role in developing construction sector.

Looking at the Gross Domestic Product, GDP, you'll see that construction has gone down in the country in terms of contributing to the GDP. So we've got to escalate what we are doing in ensuring that we can continue to contribute positively, but increase our contribution to GDP. So I do not support the establishment of the construction state-owned company in the context that the member is saying. It doesn't make sense.

Ms T BREEDT: Hon Minister, I welcome the fact that funds are being recovered from contractors of abandoned projects and also specifically the mention of criminal cases being opened and G-Hostel in Matjhabeng that you have referred to the Special Investigative Unit, SIU is good. But what we are seeing is that contractors are jumping from province to province getting tenders and just abandoning projects, getting the money, and we've seen that during the provincial week and specifically in the Free State of these contractors that then come. My question therefore is, is there a plan and will you be blacklisting these contractors that have abandoned projects or haven't been able to complete these projects to ensure that

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we do not see them in other provinces where they will also just abandon projects and also just waste money. Thank you.

The MINISTER OF HUMAN SETTLEMENTS: Thank you very much hon Breedt. Let me share an experience. We tried to blacklist one company that was doing work, if you remember the Talana case, when I arrived in the portfolio. Our experience is that we will have to do what the entity that is responsible is the procurement office. So you submit documents, you submit your report to say this is the company that we want blacklisted. It has not been easy. So it's a continuous engagement with National Treasury to ensure that where contractors are found to have done wrongly in our sector, we can be able to blacklist. But you will have to have sufficient evidence.

For example, in terms of the requirements of blacklisting, it is not only about performance because when you say poor performance then they ask you, have you done project management. So the previous experience with other projects that I had to deal with when arriving into the portfolio, you find out that there was not even an issue of giving a letter to the contractor to warn them first because it's required by law to follow those steps. You must give a letter to warn the contractor. After giving a letter to the contractor to warn

them, you must also then terminate. So it's a process that is required. After you terminate the project, then you can go and apply for blacklisting which most of the time has not been successful because Treasury then requires that the companies should have been in court or something. So we had a case of a Talana project where a company was already in court, but because there was not yet judgement, Treasury didn't agree with us in blacklisting that company.

So, I do agree with you hon member that it will help the sector, it will help the country if you are able to stop them from continuing to operate from one province to the other. But the mechanisms and processes are outside our purview or outside my mandate as the Minister of Human Settlements.

Question 158:

The MINISTER OF HUMMAN SETTLEMENTS: Deputy Chair, it is important to note that municipalities have anti-land invasion bylaws which are aimed at addressing incidents of illegal and unauthorised land occupations. Moreover, as part of building the capacity, some of the municipalities have established anti-land invasion. We need to effectively respond to illegal land invasion.

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While the department does not directly respond to land invasion and grabs, the department collaborates with municipalities and the provinces in instances where eviction proceedings are initiated for the evictions of unlawful land grabbers and invaders. One of the interventions that we have advised the provinces and municipalities on is to proactively acquire protection orders for land parcels earmarked for human settlements development. We did this in the Northern Cape, Deputy Chair, when we launched projects in terms of the front-loading programme. This makes it easier to deal with evictions with a legal instrument.

As a long-term measure, the intervention that we are doing to the problem of land occupation of land earmarked for human settlements, the department has embarked on a process. We have started process of reviewing the Prevention of Illegal Evictions from and Unlawful Occupation of Land Act of 1998, in short, PIE Act as part of the Annual Performance Plan for this current financial year. The starting point is engaging our NGOs to be able to explain the intention so that we do not fall into the trap where we find, for example, that this Act was meaning to prevent illegal evictions of farm dwellers. So, we want it to make sure that we do not cause unintended

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consequences when we review this legislation. Thank you very much, Deputy Chair.

Mr F J BADENHORST: Good afternoon, hon Minister. I certainly hope I come across as slightly clearer than what you are coming across from your side. Hon Minister, during 2021-22 financial year, the Western Cape Department of Infrastructure spent more than R162 million to prevent land invasions. What is your department doing to assist them? Thank you.

The MINISTER OF HUMMAN SETTLEMENTS: Deputy Chairperson, as I said the concurrent function gives the MEC of Western Cape duties and responsibilities as an implementor of human settlements, he does not need to wait for the Minister to do what is right in terms of the work as I said, we work with them to assist them in terms of ensuring that where there are gaps we can support them, and that's why a long-term programme is for us to amend PIE Act to make sure that its within the law.

What we encourage provinces to do is that while they are working on ensuring that we amend PIE Act, they must proactively go and seek coourt orders that protects land for human settlements. That has been the advice across for all

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MECs. So, because of the executive authority with powers, the MEC shouldn't be waiting for the Minister. The MEC must be doing the work, and if that's what the MEC is doing that's within his ambit and within the law.

Mr B J FARMER: Is the Minister aware of provinces like the Western Cape who used to grade housing need of our people that are now referred to as land grabbers and the availability of government funding to line the pockets of the developer bodies through social housing projects? Through whom they ought to secure funding for their political party come elections time? Thank you, Minister.

The MINISTER OF HUMMAN SETTLEMENTS: My first issue, I would have a concern if there were any political party or an individual who takes state money that is meant for the most vulnerable and the poor for their political gain. That will be an issue that is wrong. If there is, I haven't found anything that warrants against the individuals including if its political leaders. I mean, no one is above the law, and no one must be left untouched.

The issue here, these funds are meant for the most vulnerable and the poor and they must go there. Let me explain because

what we do as the national department, we ensure that there is a split between what needs to be done, social housing that needs to be responded to, our BNG allocation and upgrading of informal settlements. I can assure the hon member that I do pay attention to their business plans to ensure that there is a ... [Inaudible.] ... We have a difficulty previously. Hon members will remember where in the Western Cape, there wasn't spending in the informal settlements. I can tell you now, that in the City of Cape Town the spending on the informal settlements has improved and we are attending to the needs of the people in informal settlements. We are not leaving them behind.

Secondly, in terms of the Breaking New Ground, BNG, we are monitoring so there would be no money that is redirected from BNG building houses based on Human Settlements Development Grant, HSDG, to social housing because those conditional grants are clearer and are very specific. We can't take money in the HSDG to go and spend it on social housing. You can't take the money in the Informal Settlements Upgrading Grant to go and spend it on social housing.

We do encourage, hon member, that we must close the gap in terms of gap market. For social housing, those who are coming

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from other provinces or other areas in deep rural they have got their houses. They won't qualify for BNGs. They are working closer to the city to provide them a safer and cleaner place for them to be able to rent. Social housing is meant to do that, and we are subsidising them to be able to benefit. I have opened one or two in the Western Cape. I can tell you, is the majority of the people, and most importantly young women who find those social housing available because they are safer, but they are most importantly closer to their work, and they can balance between looking after their children and being able to go to work. Thank you.

Ms M M BAINS: Good afternoon, hon Minister. My question, Minister, is experience has taught that to land grabbers and invaders land is claim irrespective of whether it is national, provincial or local government asset. The follow up question therefore becomes where there is integrated and co-ordinated spatial management and land use claim work between the three spheres of government and if not why? And, if so, what are the relevant details? Thank you, Minister.

The MINISTER OF HUMMAN SETTLEMENTS: Thank you very much, hon Bains. There are gaps in terms of integrated spatial development plans across the country. One of the issues that

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we have taken as a decision in the department is to develop master plans for all the districts in the country.

In this format for the 7th Administration, the Government of National Unity, GNU, we have decided that when we do this it will ensure that there is an integrated plan for all of us but also for municipalities to be able to also draw in and attract investment in areas of human settlements where there are limited funds that leads to all that comes from government where there is a need for us to be able to meet the demands of both districts and local municipalities.

So, there is this work that we are doing that we would be able to produce out of that. Let me just reflect, the issue of integration and working together is critical. You would remember, hon members, as you say irrespective, by law the only person that can prevent an illegal occupation of land is the owner of the land. If that land is in the private hand even if I can say that I have an intention of buying it later for human settlements of the people you can't do anything because legally you are not the rightful owner, and courts will not recognise you. So, it is the rightful owner of the land that has to protect. In this case, for human settlements, the majority of the land is between or almost all of our land

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is between the municipalities and the provinces or state-owned entities that we are currently taking back into the municipalities and provinces. So, I thought I should clarify that, hon members. Thank you.

Mr V GERICKE: Good afternoon, Minister. Deputy Chairperson, I am shocked and therefore that I am sitting in this House where people in needs of human settlements are now called land grabbers and invaders. Those are the very people that deliberated this country. That is a preamble.

Minister, provincial government has position of land in various departments. The Western Cape government is equally in position of land which is mainly earmarked for exclusive development at the cost of the poor and landless. You're your department has plans and mechanisms in place to compel provincial government to prioritise this land for housing development for the poor and if not why? Secondly, does the Western Cape government has any plans to compensate the coloureds people who lost their properties from the force removal? if so, please provide details in this regard. Thank you.

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The MINISTER OF HUMMAN SETTLEMENTS: Hon Gericke, I doubt that we understand each other. You are a lawmaker and your first duty to the oath is that to take of office is making sure that we abide by the law.

So, what I am rising here is that illegal occupation of land is an illegal act. Can't legalise by me and you, worse as lawmakers. Thats the first point. So, we have got to be able to say what we understand is the plight of the majority of our people. They must allow us to accommodate them in the land that is suitable for human settlements that has been identified and developed for them.

We currently have disasters across the country and majority of them and those that are finding themselves in the worst of situations are those that have equally occupied land because they sit in the flood lines of rivers. They sit under high voltage powerlines that could kill them. They sit into lunatic areas.

So, we acknowledge that there is a need for us to provide which we are doing for service sites to human settlements for those who are needing to build for themselves. To those vulnerable, we provide BNGs. What we would not tolerate, and

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we will not agree with, hon members, is for an illegal action. That cant be tolerated.

I don't understand how you want to justify and link freedom fighters to illegal actions. Freedom fighters by nature is people who are disciplined who understand law and order that things must be done properly and ... [Inaudible.] ...

Mr V GERICKE: Point of order, Deputy Chairperson. Point of order, please.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr P Govender) Minister, there is a point of order.

Mr V GERICKE: The Minister has deal with that point. Thank you, sir.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr P Govender): Continue, hon Minister.

The MINISTER OF HUMMAN SETTLEMENTS: Hon member, I am responding to what you have raised because you are misleading the nation. We can't allow you to tell that freedom fighters are the ones that are leading illegal occupation.

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Mr V GERICKE: But the law is in disputes.

The MINISTER OF HUMMAN SETTLEMENTS: I interact with them regularly. They don't do that. They never take illegal occupation of land. They are law abiding citizens and they plead with us every time to provide the land. In issue with regard to the Western Cape, the National Council of Provinces have powers to summon or MECs appears. They are members of the NCOP. You can ask directly in terms of the action of an MEC so that we should be able to understand because I can't account for the budget of the Western Cape. They prioritised it equal.

My responsibility as a National Minister is policy direction and account for the plans of the country. So, if there is anything that has been done by the Western Cape wrong, I urge the Premier of the Western Cape to appears in the NCOP, the MEC in the Western Cape to appears in the NCOP, you direct those questions to.

Question 168:

The MINISTER OF HUMAN SETTLEMENTS: Thank you very much, Chairperson. Section 6 of the Housing Act stipulates that the director-general must establish and maintain a national housing data bank, a national housing information system. The

central database exists in the form of housing subsidies system, an associated system for the governance of housing subsidies. The national housing subsidy database is a subsystem of the housing subsidies system, HSS. The National Housing Subsidy Database, NHSDB, as we call it, contains detailed personal information of all households that applied for a subsidy and where approved to benefit from a subsidy on the HSS. It also contains detailed household information of those who benefitted under the previous housing dispensation, that is, pre-1994.

The second subsystem of the HSS is the National Housing Needs Register, NHNR, that is used to register all housing needs before approval. The information on HSS has various challenges. This I would have pronounced previously. This is relating to reliability and accessibility by members of the public so that it is transparent, changes of beneficiary information when they have been waiting for long period for housing, or that have started gaining the weight in their work and no longer fall in the categories of qualifying. It is on this basis that the department has started the process of developing a digital system that will replace the current HSS. The process currently we started with the State Information Technology Agency, Sita.

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As you know by law that we can't acquire any information communication technology, ICT, platform or services without Sita, in September 2023, we engaged them, and that process have proven to be slow. They are not being able to be responsive. I have eventually written to the Minister of Communication and Digital Technologies together with the Minister of Treasury, the Minister of Finance, in terms of practice note no 5 of 2009-10 on behalf of the department where we are requesting to be allowed to follow a normal procurement process to appoint a service provider to develop the system on behalf of the department. We are waiting for the response from the two Ministers so that we can be able to have a system where any member of the public and beneficiaries can go into the system, upload their applications and be able to track their application process without it being manipulated. It will be transparent in the manner that we want it to. Thank you, Chairperson.

Ms D W FIENIES: Thank you, Chairperson. Hon Minister, it has been reported that some beneficiaries of the RDP houses either rent these houses or sell them and move to underdeveloped informal settlements where they are registered in the list of potential beneficiaries for another house. As this can undermine the commitment and capacity of the government to

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address the housing backlog. Has the department picked up this problem, and how possible is this in the light of the central register which every applicant should be verified against before he or she could be approved for an RDP house? I thank you.

Mr J H P BRITZ: Hon Chair, already, the sound is poor. Someone's device is playing music or a video and it is very disturbing. Could he just have it switched off please.

The HOUSE CHAIRPERSON (Mr P Govender): Thank you, hon member for bringing that to our attention. I don't know where it is coming from. Maybe the information technology, IT, can assist us to identify that.

The MINISTER OF HUMAN SETTLEMENTS: Thank you very much, Chairperson. Thank you, hon Fienies. Firstly, in terms of selling and renting the RDP houses, it has been brought to our attention in various areas. I do believe that evidence exist of such having taken place. That's why in the last media briefing I have announced that we are in the process of appointing a forensic investigation team that will involve lawyers that will help us verify the beneficiaries against those in the database and those that are in the houses. The

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reason why we are going this route is that we want to ensure that as the identifying in house where it has been sold illegally and that the house that has been occupied or rented is not within the law. They are starting with compiling a case for prosecution so that we can be able to open cases against.

In the current method where we just utilise officials to go and check where we call Zivese or Show Yourself, you find that this is not a rightful person. They are not able to put together evidence that is sufficient enough to advance with prosecution in court. That's why we are through this process that we are talking about. This will help us especially against what we have picked up as well. There are syndicates where somebody goes out and threaten the communities and threatens them to leave the RDP houses so that they can take them. There is gangsterism involved in as well. In other instance you find that it is not citizens themselves that have volunteered to give the houses. They have been kicked out of the houses by syndicates and thugs. That's why we want to utilise this method to be able to protect them.

In terms of our needs register, our HSS, once you have benefited the system will show that you have benefitted. It is not easy for a person to go and benefit again. You will found

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that it is the system that says that they have benefited and cannot benefit again especially those that are renting two houses that they are being built previously because we used to link a person to a project and you find that the project does not complete. The person on the system would be shown as a beneficiary. Because the system is tight like that it protects us from giving two houses to one person. Thank you very much, hon Fennies.

Mr J S MAJOLA: Thank you very much, House Chair and the Minister. Minister, there are various issues including, but not limited to corruption, fraud, unavailability of land earmarked for housing, political interference that have significantly reduced the effectiveness of the database and its broader aim, which is to equitably provide the RDP houses. This has left millions of people waiting for houses, and some waiting within the range of 10 years. My question is, what steps will the department take to ensure the efficient and fair implementation of the database? Thank you.

The MINISTER OF HUMAN SETTLEMENTS: Thank you, hon Majola. I do acknowledge what you are raising and that's why we are saying we want a database that is transparent. Let me explain it. Where manipulation mainly happens is before it gets into the

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system. What we have done as the Human Settlement is a concurrent function. The responsibility of beneficiary identification is at local government level. As a person who need a house you go to your close municipality office where there is a unit or one person that deals with human settlements. In other areas it is a big branch. In the metros it is a department where you register for a house.

What we have seen is that in that area you find that people would say I registered and the councillor removed me. People would have completed manual forms and handed them to local government and then they are not registered in the system. Other people are registered, and they are removed. That we have found quite often. Everywhere people say I was told I do not belong to a political party A I belong to political party C, and therefore I was removed from being a beneficiary. That happens at a lower level before it enters the system. I can assure you that once they are registered on HSS they are not being able to be removed.

What we want to do is the ability for citizens themselves to be able to load and register for themselves so that we remove that manipulation at a lower level.

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Also on the allocation side, when you finish building we allow the municipality to verify by going and check that Mamoloko is next in benefiting. Go find Mamoloko and help us to communicate to Mamoloko to say, Mamoloko your house is ready. What we have found is that people change numbers. From what we have in the system you send a message to that and that number does not exist. Then a councillor would say we did not find Mamoloko, but we found Joyce and therefore scratch Mamoloko and prioritise Joyce. That's why credible and transparencies will help us close these gaps. Thank you very much, hon member.

Ms M SIWISA: Thank you Chair. Thank you, hon Minister.

Minister, in the past there were existing databases that would know who the beneficiaries are and yet many of these beneficiaries were never allocated these houses. Or some would find that their houses are occupied by someone else.

Furthermore, the intruder would also have a title deed in hand to the same house. Have any of these beneficiaries been successfully given their houses and cases have been opened against officials that were found to be part of these corrupt acts? Secondly, which tracing mechanism has been developed that will allow beneficiaries to trace how far their applications are, or how far they are in the list and which

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timeframes are being put into place taking in to consideration if already been given a house and they are not in the house, it means that they are disqualified to apply for another house, but in the same breath the person did not receive the house as somebody else was allocated. How are we going to deal with all of that? Thank you.

The MINISTER OF HUMAN SETTLEMENTS: Thank you very much, hon member. As I said prior to the HSS ... hon members if you go to the website, in any internet, type Human Settlements Housing subsidies system, and it will give you an area where you can put in the ID number. When you put in an ID number and if the person has been approved and benefited, for example, if I put my ID number it will say, that ID number is not found. But if you put an ID number of a person who has applied for a house and that person has been approved, it will tell you that the person has been approved. If you put in an ID number and the person is in the house you were allocated, it will show you that this person is allocated for, example, in Lusereni, in Soweto. If the person have been given the house, it will have a space where it says, happy letter. A happy letter indicates that a person has occupied the house. If that person finds in the system their ID number, their allocation to a house, there is a happy letter and they are not in the house,

that's where the problem is and they can approach us and we would be able to deal with it.

As I said there are mechanisms that we are putting in place. Firstly, we review of the system to make sure that it is more transparent like we are saying. People will know that I am number 340 of 200 but I will be able to get the house based on the delivery pace of 2025. We want to have a system that work like that.

Secondly, on those that have illegally occupied the houses, I have explained that our more steps now because we have realised that just going in to the houses you find that it is Solly who have occupied and you are not able to evict because the law does not allow us to evict. That's why we are now in the process of appointing what we call forensic investigation team. It is a holistic team that can be able to start a case, put a case together and take it to court so that we are able to go to commercial courts or whatever court that they say to us so that we can litigate against those individuals. Thank you, hon member.

Mr N S DU PLESSIS: Thank you, hon Chair. Hon Minister, three years ago you announce the government's plans to review the

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housing subsidy system or the HSS to improve data integrity and ensure that there is a common understanding on housing need in our country. From your responses I am hearing that this is still in the planning phase three years later after an undertaking in an announcement. Could you explain this and also maybe enlighten as to whether or not we can believe you going forward that this system would be put in place. Thank you?

The MINISTER OF HUMAN SETTLEMENTS: Thank you very much, hon Du Plessis. Indeed, the system is not yet in place. As I have explained that the law does not allow us to appoint. We started the process, and we wanted to appoint. We were stopped to say the law does not allow us to develop the system on our own, and we must go to Sita. Many hon members who have interacted with Sita will know its weaknesses. We have been engaging with Sita since 2023 to try and assist us to put together this system. Unfortunately, they have not come through for us.

What I have done as the Minister, I have requested and wrote formerly to the Minister of Digital Technologies and Communications, I have written to the Minister of Finance as required by the law to request them to give me a deviation so

that I can implement. This is an undertaking that I have made - an undertaking to the nation that we will develop a system and Sita is not coming fully on board. It is not assisting us in having this system. After more than a year of engagements, more than a year of giving them terms of reference and more than a year of explaining the nature and type of the system. That's the explanation I have. The issue of believing me going forward, hon member, is up to the explanation. I cannot say, yes, believe me because it is up to my work that proves for itself that is this why I have been genuinely honest about it and acknowledging where failures are.

Question 150:

The MINISTER OF HUMAN SETTLEMENTS: Chair, the Department of Human Settlements is committed to address the housing backlog inherited from previous administrations. We are implementing a multi-pronged approach which includes firstly, rigorous beneficiary verification where the province is working closely with the district in the Free State to verify all approved beneficiaries and ensure they still reside at the designated sites. This process will help us to accurately assess the current backlog and ensure the housing allocations are accurate and up to date.

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On unblocking the blocked projects in Free State, the department is actively working to unblock the stalled housing projects to ensure that much needed housing units are delivered to beneficiaries, realising the following additional needs that needs to be there, including us working together and ensuring in the business plans, we are able to put this to work.

In the current financial year 41 projects in the Free State will be earmarked for unblocking, which will yield 471 units. The year 2024-25 is the final year of the Medium-Term Strategic Framework that started in 2019. As government is concluding this current and Medium-Term Strategic Framework, MTSF period, we are transitioning to the new Medium Term Development Plan that would have been announced as priorities by the President during the opening of Parliament.

Hon member, we will present the actual targets for the next five years once Cabinet has approved the targets which will be presented to both Houses. These are the targets of the Medium-Term Development Plan, MTDP 2025 to 2029. So, we don't have current figures that we can give to you until Cabinet has approved.

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In terms of our work in Mangaung and Botshabelo, we recognise the urgent need for housing in Mangaung and Botshabelo. For the current financial year, the province has planned to build 739 houses in this critical area. The department is committed to effectively address the housing backlog in the Free State and ensure access to adequate housing for all citizens.

We believe that through these comprehensive measures, we can make significant progress in alleviating the housing challenges faced by vulnerable communities in the province. Just to indicate, last week I was in the Free State, I had a collateral meeting with the member of the executive council, MEC together with his team and a trilateral meeting between the province and the municipality, which is the metro.

We went in terms of their performance; we went in terms of their spending, priorities, and areas that we needed to intervene. I can tell you that my team is in Free State for a week now ensuring that Free State turns around the situation.

I have committed like we have done - for an example, today we talk about Limpopo where we were able to work together with MEC Makamu to intervene in areas of non-performance. Today Limpopo province is one of our best performing provinces. And

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we have agreed that Free State must turn around the corner and this year is one of the years that want to see improvement in performance. Thank you very much.

Sesotho:

Mof M MAKESINI: Letona, ere ke o lebohe ka karabo ya hao.

English:

But the reality is that the delay is affecting ...

IsiXhosa:

...abantu baseFree State...

English:

... especially people living with disabilities and women. As much as we are going to wait for the MTEF report so that ...

IsiXhosa:

...usinike usuku lokugqibela...

English:

... could you please clarify steps and a catch-up plan ...

IsiXhosa:

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...yokuba siza kuqubisana kanjani nolu bambezeleko...

English:

... so that even after the MTEF budget ...

IsiXhosa:

... oza kuyidakanca apha kuthi ukuze abantu abakhubazekileyo noomama...

English:

... they finally get houses because it has been a long time ...

IsiXhosa:

... abantu baseBotshabelo naseBloemfontein belinde izindlu zabo. Ndiyabulela.

UMPHATHISWA WEZOKUHLALISWA KOLUNTU: Sihlalo, mandibulele kohloniphekileyo uMakhesini. Into esiyenzileyo eFree State kukubamba iintlanganiso noMphathiswa weSebe kwiphondo, ohloniphekileyo uMokoena neqela lakhe kunye noSodolophu waseMangaung. Siye savumelana ukuba izinto kufanele ukuba zitshintshe. Kwezi ntlanganiso, siqwalesele le projekhthi eyakha izindlu ezingama2000 esazibophelela kuyo ukuba

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ibanjezelwa zintoni na. Siye sacubungula izinto eziyikhonkxileyo kuba sele kulithuba yaqala kodwa ayide ibe iyaphela. Iqela elisuka kwisebe likazwelonke liphaya ukuya kunika inkxaso kwiphondo ukuze kulungiswe ezo ngxaki.

Kwiveki ephelileyo, besinentlanganiso kwikomiti yoMphathiswa kazwelonke nabaPhathiswa bamaSebe kwiPhondo (Minmec), xa ndiphendula kulaa mbuzo wabantu abakhubazekileyo. Besijonga kwiphondo ngalinye ukuba bangaphi na abantu abakhubazekileyo. Sivumelene nabo bonke abaPhathiswa bamaSebe kwiPhondo ukuba sigale ngaba bantu bakhubazekileyo. EBotshabelo abantu abadala abangoomama ababhalisileyo baqikelelwa kuma70 ekhulwini. Bakhalela ukuba kudala babhalisa amagama abo kwaye bafuna ukufumana izindlu. Sithe masiqale ngaba mama badala, phaya eBotshabelo.

Sithe makunikwe ngokukhawuleza abantu abakhubazekileyo kulandelwe ngamagqala omkhosi. Ndiyalele bonke abaPhathiswa beSebe kwiPhondo ukuba babambe iiMbizo nala magqala omkhosi ukuze acacise indlela eza kulandelwa lisebe ekuhambiseni iinkonzo kubo. ISebe lezokuHlaliswa koLuntu alijonganga ukunikezela ngezindlu kuphela koko likwa gxile kakhulu nasekujongeni nabantu abahlupheke kakhulu ekuhlaleni nabo abajonge kwalapha kurhulumente ukuba abancedise. Silapho ke

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ngendima esiyenzileyo kwaye siyathembisa ukuba xa zikhona iziCwangciso zoPhuhliso zesiGaba sesiBini (Medium-Term Development Plan), MTDP, siza kuzidakanca kwiziNdlu zombini zasePalamente. Enkosi.

English:

Mr M FENI: Hon Minister, for the sake of completeness, because the clarity has been clearly provided. I doubt that there is any gap. Hono Minister, the issue of media reports that there was over half a billion of money that was returned from the Free State province to National Treasury, indeed, this has surely stalled the government's programme to address the housing backlogs. Whilst this challenge is not specific to Free State, is there any impact analysis that has been conducted to determine how this has increased the housing backlog in the Free State against the set targets? Also, if not, why not? Thirdly, what are the relevant details? Thank you, hon Minister.

The MINISTER OF HUMAN SETTLEMENTS: Hon member, I can confirm that when a province loses back to the revenue, back to the fiscus, it is indeed quite a tragic thing because majority of the people are still looking for homes. It doesn't change the need. What we have been doing as a sector is to say, when a

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province doesn't perform, we redirect those funds within the province to projects that are performing so that we are still able to yield some results in terms of human settlements.

If we cannot have capacity to deliver in that province, then we go to other provinces and support the sector targets so that we are able to meet sector targets as Human Settlements. In relation to Free State, indeed, over time, Free State has not been performing well. I committed when I came in, I was telling them last week when we were there to say I have had engagements with about four MECs where we were looking at turning around.

Let me just explain that we have done analysis qualities for the impact in terms of delivery. When I came to the portfolio and analysing human Settlements Department, we found that half of the departmental officials, for example, were either appearing before court for cases that are before courts for either asbestos or the material, or any other case.

Others were facing disciplinary committee, DC processes because law enforcement because the special Investigating Unit would have said that they must face DC and that has affected

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the capacity of the Department of Human Settlements in the Free State to be able to deliver on its mandate.

What we did as the national department, we then seconded two officials specifically to support them in the administration side and one had to be terminated because we also found that the person had - we just said that the person had meetings which worried us. And we said for safety because we know the challenges we have in the Free State, we will terminate that person's contract and will remain with that official that remained in assisting us in putting systems that we believe today will be able to give us some level of work.

We are currently expecting that the 2 000 units that we have been able to commit to will be completed in the Free State, but because there's been a huge backlog in terms of building of the units and we are catching up and that's why we are spending some time supporting the Free State and ensuring that there can be capacity but accountability as well.

I can assure you, hon member, where there is a need for consequence - I was saying to them, I've visited Free State several times and three times I've come out of that I had to

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hand over files either to SIU and to report cases in that regard.

So, we are hoping that we can turn the corner around Free State and ensure that there's implementation. Where we can terminate individuals who are not able to work, we will be able to look at that so that we can build capacity. The major issue in the department is capacity because people are facing criminal charges and some in terms of labour law, we are not allowed to suspend them for more three months.

So, they have been in the court of law for more than three months as we know the cases have been dragging. So that has been the lacuna and the challenges that we face as the department. Thank you.

Mr F J BADENHORST: Well, Minister thank you very much. Once again, I really battle to hear you. So, I'm sorry if I'm repeating something that you've already touched in your answers. Hon Minister, with some R600 million in unspent housing projects in the previous year with more than 11 000 incomplete houses in the Free State, when will your department act against previous premiers and heads of departments that supervised this tragic example of corruption, incompetence and

disrespect for the many destitute families in the Free State province?

The MINISTER OF HUMAN SETTLEMENTS: Thank you very much hon Badenhorst. I do not have authority over premiers hon member, neither do I have authority over any MECs nor provincial officials. If a wrongdoing has been done by officials in my department, I can take for example, disciplinary processes.

But in relation to what we have done, you would know that there are several cases that have been opened, some of them are individuals that are before the court of law and that would be a process that we support as the Department of Human Settlement, including myself, to say there shall be consequences where money that belongs to the public and to people who are most vulnerable has been misused. Thank you very much.

Question 148:

The MINISTER OF HUMAN SETTLEMENTS: Chairperson, according to the available information, the department does not have reported cases of collusion between officials and contractors. In as much as there is no report of collusion on the Montrose project, the department has, after issuance of several letters

of nonperformance to the developer and the inability of the developer to take sites from January 2024, the developer was issued with the notice of termination in July 2024 for nonperformance. The initial challenges related to Diepkloof and Dube hostels were also not as a result of collusion. The current status is that the work has been carried out as planned, except for bulk collection due to a different process that has to be undertaken, and Johannesburg water is finalizing the planning process to obtain the necessary approval.

In the last part of the Question (b), the legal counsel advised on the Montrose project was sought on options available in view of the developer's inability to declare the liquidation status from 23 and as well has not been able to take the site this year. Therefore, the developer had not been able to disclose to us in time that there was a court judgment, and we didn't have sight of this, nor the province had sight of the this, but it didn't disclose before it was terminated. The other issue, which is a bit of a challenge there, is that the department is currently looking at negotiating with the owner of the land to try and get purchase of the land because the land was not belonging to us, as we did this. It is part of those multiyear project, what the

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Gauteng Province calls Mega Projects. So, we are looking at purchasing the land so that is in the state hands, and then we can be able to conclude projects in terms of this. I can assure hon members that the money that was paid to the developer is not R11 billion as reported in the news. He was only paid for what the work he has done and the other work that is not yet done has not been able to, because we pay per milestone. One of the issues is that we have asked the province to seek security services to be able to protect the sites so that the infrastructure is not damaged, by the time they are appointing a contractor to deal with the completion of the infrastructure, completion of the project, we did not find it worth off at that time. Thank you very much, Chairperson.

Mr E NZIMANDE: No, thanks hon Chairperson and thank you Minister. We used to be in the same branch ward 14 but today ...

IsiZulu:

... uyagwaza uMkhonto ...

English:

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... Minister, the question is simple. It's based on principles of law contracts. When parties enter into a contract, it's clear, they enter because there is a belief that they have a consensus in terms of understanding what is needed to be performed. That's one aspect but linked with that. They enter into such contract, knowing very well that there will be a capability issue, and ability issue. Inherent from poor performance is incapability and inability. So, meaning in actual sense, whatever contract you have entered into that kind of a contractor, it's illegal. It's unlawful because there was a misrepresentation of facts. This contractor was unable to perform. All what we're saying, we say there are provisions of the law. The provisions of the law in terms of the Prevention and Combatting of Corrupt Activities Act, Precca, subsection 1 and 2 why was it not invoked up until today in Montrose, and other projects? Thank you.

The MINISTER OF HUMAN SETTLEMENTS: Chairperson and bab'uNzimande ...

IsiZulu:

... asethembe ukuthi ungageji lo mkhonto njengoba uthi uyagwaza. Ngesinye isikhathi ugwaza amatshe bese uyalimala nawe.

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English:

Let me start with the issue of concern that you are raising, hon Nzimande. I think it's correct. There are times where if a person that has been appointed is not capable, we have to take action immediately. That is acknowledged, but I can safely say in Mega projects, not people who are not capable are being appointed. Based on my experiences that I've been in the sector 2021, the issue of this contractor, particularly was not about capability. The issue is that it ran out of money for various reasons and the company went into liquidation. So, Montrose is a particular different case. It's not capacity. The person just was not able to pay subcontractors and that's why the subcontractors took him to court. So, it was payment issues despite us paying the contractor on time, but he was not able to, and this sometimes you will find for various reasons.

Firstly, I can say hon Nzimande, you find that material is expensive. Some of our guys do not have the sureties that the banks sometimes look for from them in terms of doing the projects, and one of the interventions that we want to do as the department is to support contractors by material funding so that when you find out of the project, R2 million would be for material. That is paid up front so that the contractor

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doesn't have problems. However, we also want to explore the process of saying we must not be price takers as a sector because we're utilising quite a lot of material. If a brick cost R120, why are we not paying R100 or R80 because we are buying in bulk? It's those things that we're looking to support those entrepreneurs that are there. However, in other cases, yes, it's correct. We found that it's out of collusion and corruption that somebody has been paying 10% and therefore they're not able to meet their obligations. But in other cases, Amadelangokubona construction mafias where they go to a contractor, threaten a contractor, takes 30%, which and by the way, in this project the margins are low. So, when you take 30% and do not work, then the contractor will not be able to finish the project. Thank you, hon member.

Ms M M BAINS: Thank you, Chairperson, hon Minister, we have already greeted each other, the report of the commission of inquiry into the allegations of state capture has laid bare the magnitude and machinations of corruption between the organised corrupt patronage networks within the state and outside, including some multinational companies based on the lessons of this report and other reports by the independent Anti-Corruption Agency. Firstly, is there a plan by the department to develop and adopt an integrated anticorruption

early warning system. Secondly, if not, why not, and if so, what are the relevant details? Thank you.

The MINISTER OF HUMAN SETTLEMENTS: The first area of our work is in collaboration with law enforcement agencies as they have the capability and capacity to be able to deal with issues of crime and corruption. I always say to people, my job is to provide houses, build houses and allocate people houses. If I can be distracted and start being an investigator, I will not deliver on my mandate. So, the responsibility, that's why we take this work when we find that there has been corruption. We hand over to law enforcement agencies. How we are doing this proactively, is that we look in terms of compliance with Division of Revenue Act, Dora. For example, if there's been a violation of Dora in a project in a province or municipality, we compile the report and hand over immediately. So those are the early warnings that we are able to do proactively, as the department both in terms of national and provinces. We look at areas, whether there are incidences that showcase the areas, for example, where you would find a project, there's been variation consistently. Those are the risks or flags that we are able to pick. So, we have areas that we identify - variations that are consistent. We are able to know that the project then there is a possibility of corruption. If the

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project does not conclude within time, we go and look how much has been spent. Is it within the milestone? Who are the project managers? If there is anything outside within the project milestones that will put together and is not moving across, then we start putting red flags and start interrogating. If we find things that are worrying, then we take that file, we hand over to the enforcement agencies. That's the lesson we have learned from the state capture, being the ability to report, the ability to understand your role and responsibilities, but to ensure that you are transparent to the enforcement agencies in providing information so that they can do their work.

Mr F J BADENHORST: Hon Minister, the Zondo Commission found no indication whatsoever that the African National Congress and the former President Zuma, AKA accused number one were supervising or monitoring Ace Magashule, as is evident by the fact that he was allowed to serve for a second term as Premier despite the R1 billion the housing project debacle, the Free State asbestos project debacle, the Estina Vrede Dairy Farm debacle, which according to the Zondo Commission were all dismal failures. Minister, the question is simple. If you have proof of wrongdoing, why don't you press charges with the Hawks? Thank you.

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The MINISTER OF HUMAN SETTLEMENTS: I do acknowledge that the hon member earlier on did apologise that he seems not to be hearing me correctly, and I am pardoning him if he repeats. I did indicate in the cases which we have done - open cases where we have handed over. So as well, it's not my duty as Minister of Human Settlements to do an investigation. There is segregation in terms of responsibilities and roles in the state. My duty is where I have found a wrongdoing, to report it. By the way, hon Badenhorst, it is the African National Congress that signed off the State Capture Commission to be done. It is under the ANC-led government that the particular report was accepted unconditionally by the President and committing to action and even reporting timeously to Parliament. So, I hope that is understood that we remain committed as the ANC-led GNU as well and as the ANC, as a party to clean governance, to ensuring that those who are found wanting face the consequences of the law, irrespective of who they are. Thank you.

Mrs N N CHIRWA MPONGOSE: Minister, the infrastructural projects that government is responsible for are delayed, abandoned and neglected. Majority are the cases due to corruption and this is a very important admission we need to make. This is why there must be a much-deeper investment by

the Minister to speak directly to this. Multimillion projects are utilised to rob the state money through collaborative efforts from people entrusted with leading government together with the contractors. The entire system, Minister, is currently flawed from the procurement and supply chain management departments, whose personnel even reject promotions all the way to officials, who benefit from this tenderpreneurship system and through kickbacks. The EFF has consistently proposed that the state must build internal capacity not only to end the corruption at hand, but to entirely resolve such a crisis where our people don't have efficient services due to unfinished projects, because comrades must eat. Because you don't want to do away with tenderpreneurship. Minister, tell us then, how you plan to do away with the corruption and to resolve the crisis of delayed projects, address the intricate problems that enable corrupt behaviour systemically? Tell us what it is that is new that you have not done before, that will resolve the issue of corruption in the tenderpreneurship system, that will resolve the issue of delayed projects, resolve the issue of neglected projects, resolve the issue of contractors working with government officials and the staff in these departments to get money from the public purse? What is it that you have not done in the past 30 years that you will now do that will finally

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resolve this issue if it is not the building of internal state capacity? Thank you.

The MINISTER OF SETTLEMENTS: Thank you very much, hon Chairperson and hon Chirwa, let me start here hon Chirwa. There are many projects that have gone well and that are an excellent example. You can go to Fleurhof, it is one of the models that you can find. I'm just going in Gauteng. We've delivered houses in Gauteng in Fleurhof, for occupation, and we have addressed apartheid legacy where we ensured that those who are in bonded houses lives alongside those that are renting and those that are in RDP. Similarly, you can go to Riverside project next to Steyn City, which is the most affluent area in Fourways. You'll see there that we have built beautiful houses, RDPs, bonded houses linked closer by and also you can link that as well with the social housing. So, the natural stance that we are taking but everything has gone wrong. I'm just mentioning Gauteng, and I can go across the country. I was there to showcase some of the projects, how they have been built and how they've gone well, supported by the state, and they've developed very well within budget. There are many I can name. Within that area, you can go to Zandspruit you'll see the serviced sites. If you drive around Fourways areas, you'll see the bulk infrastructure such as

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roads, water and sanitation. That's the money that is coming in terms of USDG within Johannesburg from the Department of Human Settlement. So, we can go on and on. You go even to some of the area Carlton was blocked. I went in, it was the issue of bulk infrastructures and is unblocked. It's now moving. Similarly, Montrose you will see it going. Lufhereng as well is going ahead. It has been going in phases, integration of communities into various areas. So, don't start with a point that says everything has gone wrong. I'm acknowledging that there's been gaps. There's been areas of concerns, but to say that the state has completely failed - by the way, if you look at the Census, this is one of the sectors that's done well. We've reduced by 50% in formal dwelling between 2011 and 2022. We've ensured that people ...

The DEPUTY CHAIRPERSON OF THE NCOP: Hon Minister, could you hold on there's a hand.

Mrs N N CHIRWA MPONGOSE: Thank you so much, Chairperson for the opportunity. I think the Minister misunderstood my question. We are not saying they're not doing anything to try to do their best. We are saying what are you going to do?

[Interjections.]

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The DEPUTY CHAIRPERSON OF THE NCOP: No, no, no, no, no, no. You are now getting into a debate. I ask you to take your seat, please. Please take your seat. No, you're getting into a debate. You're out of order. Hon Member, please take your seat. Minister, could you please continue with your response.

The MINISTER OF HUMAN SETTLEMENTS: Thank you, hon Chirwa, to acknowledge that there are projects that have gone well and acknowledging that we have delivered houses. Let me come to the issue of corruption that you are raising and that's why I said the concept of EFF on the construction companies is wrong. For an organisation that believes in economic freedom, what does economic freedom in the lifetime means? It means that opportunities to previously disadvantaged individuals must be given. Why must companies belong to white people? Today, when we are giving opportunities to previously disadvantaged individuals, you are calling them tenderpreneurs. Not everybody that is doing business with the state is corrupt because they are black. It's a wrong fallacy. I think, we must correct it from that point. Your articulation of construction company is on the basis that you want to stop black people from participating in the economy of the country. I said Human Settlement is not a social portfolio. It's an economic portfolio, it must enable previously disadvantaged

individuals to have a role and participate in the economy of their country and one of the areas is for them to own businesses and become billionaires in this country. It is not the preserve of the white people to be billionaires, and they must be created by the state. Previous apartheid government created white billionaires. South African government has an obligation to give the previously disadvantaged individuals opportunities. We are not going to make you billionaires. You will grow on your own and become a billionaire. My job, as a Minister is to create an environment that is efficient if available but conducive for businesses to grow, and I will support it. I'm not apologetic about that. Thank you.

Question 170:

The MINISTER OF HUMAN SETTLEMENTS: Deputy Chairperson, the Minister has declared ministerial priorities, including addressing of the blocked projects through prioritisation and allocating funding dedicated to completing these projects in a three-year process. Per policy and rule of general practice, the department does not pay for milestones that are not completed and the delivery agents of the department only pay the contractors for milestones that are certified and completed.

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This is one of the areas of work the Minister in interaction and engagement with the Auditor-General of South Africa who has requested that they be part of the audit scope of work. Furthermore, the delivery agent of the department in the provinces and metros inspects work with the National Home Builders Registration Council, NHBRC, as the regulator and a professional engineer certifies quality prior to processing any work done on site. The delivery agents are not supposed to process any payment for shoddy work on site. The provinces are not supposed to pay for poor-quality work. If a construction is of poor quality, the relevant provinces or metro should notify the contractor and direct the contractor to rectify the work before payment is processed. It is for this reason that generally the standard contract allows for a 5% deduction, which is withheld as a retention on the contractor's interim payment certificate. And when this work is done and it is found that the contractor did not do proper work, this 5% is utilised to rectify the properties done through NHBRC.

But we further have a warranty fund for work done over five years if it is found to be in difficulty. We support communities. We know that each project has its contractual arrangement, as I said, and that this contractual dispute is treated and addressed on its own merits. Largely, provinces

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and metros have reported that in their blocked projects where work was upon and which were abandoned, the said contractors were paid for only work done at the time of abandoned projects when we verified this information. We have reviewed the National Treasury's database for restricted companies and note that all provinces have not blacklisted any contractor, as I explained earlier on, and that is between 1 April 2022 to date.

As a demonstration of the above, the Limpopo province served as an example of this ... [Inaudible.] Although the province has no contractors who were blacklisted for shoddy work from April 2022 to date, however, they've reduced the unit or terminated underperforming contractors and replaced them with performing contractors. The list in terms of that is contractor Seedi D N Dlundu J V was reduced to 39 units and was allocated to a new contractor, Zorha Khan Developers, due to non-performance. Hlales Business Enterprise units were reduced by six and this was allocated to a new contractor.

This is when you monitor that the contractor is not able to finish within time and we are able to. So, we can give examples of those that we have been able to intervene and

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where there is progress in terms of the work. Thank you very much, Chair.

Mr M P SIBANDE: Thank you, Chairperson, thank you, Minister, for your positive response, but in light of the emerging evidence of a phenomenon of contractors abandoning the projects without completion due to nonpayment or delayed payment, my question, what is the rate of which some of the abandoned projects were due to nonpayment or delayed payment? Secondly, what is the departmental plan in terms of addressing nonpayment and delayed payment, which is detrimental to emerging contractors, especially women? Thank you.

IsiZulu:

UNGQONGQOSHE WEZOKUHLALISWA KWABANTU: Ngiyabonga, mhlonishwa Sibande, ...

English:

... hon members, on the issue of nonpayments or delayed payments, previously, yes, we had this difficulty until we took a decision at the Minmec level to monitor the payment of contractors within 30 days or invoices within 30 days. So, the contractor must submit an invoice and then we are able to track ... that this invoice arrived on this date in the Mimec.

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We asked the CFO nationally, and he was able to draw out, to say these are the invoices that have been submitted across all the Human Settlements System, and therefore, these are the contractors that have not been paid. We would ask every HOD to explain why they have not paid an invoice or delaying the invoice payment.

Where we find that, for example, they say that the contractor didn't submit the following. We have had incidences where in the Minmec, we would call that contractor and verify indeed if they have documents that are missing, and the reason we do this was to ensure that there's quality assurance in our work, that officials will not come and give us wrong information in minutes. And I can tell you since that time, we've had improvement in terms of the turnaround of the payment of invoices. In other provinces, you find that invoices are paid within 20 days, and when we said HODs and to MECs, in an area where invoices are not paid and it's the fault of an official, consequence management should apply.

There was a province where I had to request a report on what they had done with that official ... made sure that the payment was done. And that including in my department where we had one invoice that was not paid within the same 30 days

explained that the invoice was not there, and the documents were not, we said it was their duty to have called and ensure that all documents were finished, and we gave the official a written warning.

So, we do have mechanisms that we're putting in place to secure and ensure that contractors are paid on time. Thank you.

Mr M M PETER: Chair ...

IsiZulu:

... sawubona ...

English:

... hon Minister, according to the department's 2022 and 2023 annual reports, there are 3 445 blocked and incomplete projects across the country. Since taking over the department in 2021, the Minister introduced the National Unblocking Programme to address and revitalise these stalled projects.

Could the Minister please provide an update on the progress made under this initiative and an estimate of how many of these projects have been successfully revitalised to date?

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What steps has the department taken to ensure that officials responsible for poor consequence management are held accountable and to criminally charged contractors who have failed to fulfil their contractual obligations? Thank you, Minister.

The MINISTER OF HUMAN SETTLEMENTS: Thank you, Mr Peter, for that, indeed we did report that at the beginning of 2021 when we undertook this programme, we said we would do it in phases of three years. Last time I was in the NCOP when we were dealing with the issue of infrastructure, I gave an update in terms of the number of projects that we have not been able to unblock. Out of those 3 445, I want to check my figures, more than 2 500 were unblocked and we are working. The issue for us is to consistently monitor and ensure that they do not continue to be blocked projects in other sites where we have already identified this one. The second issue around consequence management of poor-performing contractors is that we are monitoring in terms of those, where a contractor can perform based on a number, maybe the pace, as I said, I gave an example of Limpopo where the province had reduced the number of allocations. So, we say to you, you must have built so many housing units by this time. If you do not meet certain requirements as part of the proactive measures by the

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province, then they will reduce the number of units for that allocated project. A contractor and give it to another. In other instances where a contractor will be terminated, and a new contractor will be appointed so that the work can be done.

But as I said, I explained, one of the things that we wish we can be able to do is to be able to blacklist some of these contractors, especially those that are doing it deliberately, because we do have instances where a contract without corruption, a contractor, after getting a contract of R3 million, they go and buy a R1 million house or a R1 million car. They do not set aside money to service the contract and deliver on the project. So those types of contractors we want to deal with, and we are hoping we can find each other with National Treasury in the process and formula of blacklisting of contractors in our sector. Thank you very much, hon Peter.

Mr K CEZA: Chair, some of the misrepresentations of what economic freedom means are quite curious, to say the least here from the Minister. And Minister, I want to give you a skhaftini [lunchbox]. Tenders, you conceded that people are buying R1 million worth of houses just now. Tenders empower individuals and disempower communities. Number two, there is a difference between quality and quantity. Quality means that

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you have spacious houses that have toilets inside. That will address the issue of dignity and restoration of dignity. It will address the issue of historic inequalities. It will address the issue of promoting empowerment. It will address issues of the construction company that are needed to do away with tenders.

Now, just in Thaba Chweu, we found an incomplete project, next to it was a drainage system that was there for a very long time, which the municipality subsequently resolved only when we were there. There is a need to strengthen intergovernmental relations and co-operative governance. The lack of synergy and co-ordination between the municipalities and the provincial departments of human settlements and yourself as a Minister. What immediate action is your department taking for impact assessment of those projects in place for contractors who do not comply with the principles of human settlements? Thank you very much.

The MINISTER OF HUMAN SETTLEMENTS: Chairperson, hon Ceza, I know what I'm talking about. The founding documents of the EFF were derived from the ANC Youth League, which I was leading as the deputy secretary in Gauteng together with the founders of EFF. So, I'm not beating outside. I can tell you, that

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economic freedom in our lifetime was our slogan in the 2011 conference. I was part of it. So, that's why I can tell you how you are misrepresenting what it was meant to be and how the conference resolved it. Let me get to the ...

You see, hon member, when I reflect on what wrongdoing is, you can't say in a society where there's a man who rapes, and then you go and say all men are rapists. We don't deal with society like that. So, the fact that there is one contractor or two that are doing wrong, we can't say all contractors are wrong. That's why I say to you, our duty is to also make sure that those who are real entrepreneurs get opportunities to build businesses and succeed. The state is the development agent in the developmental agenda.

So, you've got to be able to understand the role of the state in the economy. Because if you do not, then you think that the state must be passive in terms of ensuring that ... and that's why I'm saying the concept of how you are saying of a construction company that must be led by the Department of Human Settlements is flawed. Let's come to the issue of impact assessment. One of the issues that we do, that's why the quality of work is done. We moved if you look from the Botshabelo Accord, where Joe Slovo started in terms of the RDP

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process and RDP houses and you come with it and take time, hon member, to read our new White Paper policy that we are finalising. You would understand that we are taking cognisance of the road that we have travelled. Where you move from matchboxes, warehouses did not have sanitation, water, and electricity.

Today, we are giving a Breaking New Ground, BNG, worth more than 350 in terms of the value of the asset to individuals in South Africa's economy too. And the reason is because it's the land that is valued, is water, is sanitation, is electricity. And for people with disabilities, we go further and give them burglars where we are building to be able to protect them.

The assessment that we do when you go to communities and you give a title deed after you have given a house, the impact to a citizen is that I have never been able to get this even in my whole life. It is this government through the policies that has been able to do that. Yes, we continue to ensure that we monitor our work to comply with our norms and standards. We will continue to review because we've identified the gaps. That's why we have a White Paper policy and will amend the Housing Act to become a Human Settlement Act because it must encompass where people live, and equal opportunities, but

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social amenities like schools and clinics, must be closer to that. This is the road that we have travelled. And we are proud to say we have done our work, and we continue to do that so that we can close the gap on those that we have not reached in terms of our mandate. Thank you

Dr I SCHEURKOGEL: Chairperson, I would like to start with a quote from Haile Selassie, the former and the last Emperor of Ethiopia:

Throughout History it has been the inaction of those who could have acted, the indifference of those who should have known better, the silence of the voice of justice when it mattered most, that has made it possible for evil to triumph.

Minister, as you can hear in the House, the blacklisting of companies is the buzzword. So, it's clear that your department does follow due diligence to prevent corruption and wasteful expenditure. So, to constantly say that it's not within our department's prerogative continues this evil. So, should it not be pertinent on top of creating a backlist database of your companies, but to also make a blacklist of the people that create these companies? And would that also root out the

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rampant corruption within this department and creating the backlog of housing in South Africa?

The HOUSE CHAIRPERSON (Mr B A Radebe): What I like most about the input of hon Igor is that he quoted Haile Selassie, the Lion of Judah, according to Bob Marley. So, it's interesting. It is highly appreciated. It shows that he is universal. So, without further ado, hon Minister, you can respond. You can respond to the comment by hon Igor.

The MINISTER OF HUMAN SETTLEMENTS: Chair, I think hon members, as lawmakers, we must always encourage each other to follow the law and do things within the law. If I decide as the Minister of Human Settlements to go and blacklist people, it will be illegal. When we do that and we say that we must do things within the law, what I'm explaining to you is not an evasion of responsibility but following the law. Because that contractor can take me to court, and I will lose the case.

I will be using state resources to go and do something that I know is wrong. And instead of spending money on people and providing houses, I'll be spending money on court cases with people that are blacklisted illegally. So, I think I'm clear on what needs to be done. I would advise the hon member to

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brief the procurement office and the Minister of Finance and ask about the procedure that is being done. Then we can work together to improve that area. Like many other areas, we are not folding our arms. We are inputting into Treasury to say these are the areas we need to help with and, therefore, assist us. And, therefore, we are in the process of working together to say, how do we ensure that those who have done wrong can benefit ... [Inaudible.] ...

The HOUSE CHAIRPERSON (Mr B A Radebe): Are you done, hon Minister? Sorry?

The MINISTER OF HUMAN SETTLEMENTS: Yes, thank you very much. I seem to be losing network, but I think I'm back now. I hope you heard my response, Chair.

The HOUSE CHAIRPERSON (Mr B A Radebe): All right, you can repeat it.

The MINISTER OF HUMAN SETTLEMENTS: I was explaining the reason for, I'll just close my video so that I can be audible. I don't know why it is letting me down in the last question. I was explaining that we have to follow the law as a department, including myself as the Minister. Now what we are required is

to do what is within the law. I can't go and act outside because those companies can take me to court, and I will lose.

So, what we are doing is to work together with National Treasury to be able to fast-track the process of amendment so that the blacklisting can be easier but beneficial to us. We are not passive and that's what I'm explaining. It's not within my ambit, but I'm not folding my arms. I am reporting back to the Treasury to say these are the weaknesses of the system, therefore, assist us. Thank you very much, Chair.

**REPORT OF THE SELECT COMMITTEE ON SECURITY AND JUSTICE ON THE
DRAFT NOTICE AND SCHEDULE DETERMINING THE RATE, WITH EFFECT
FROM 1 APRIL 2024**

Mr P NOE: House Chair, hon members, the Select Committee on Security and Justice is hereby presenting the report as you have already outlined, as informed by the draft notice and schedule determining the rate with effect from 1 April 2024, at which salaries, allowances and benefits are payable to Constitutional Court judges and judges annually for approval by Parliament in terms of section 2 of subsection 4 of the Judges' Remuneration and Conditions of Employment Act 47 of

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2001 which was referred to this committee on 15 July 2024 and this committee processed this report in the following fashion.

The committee received a briefing on 24 July 2024 from the Independent Commission for the Remuneration of Public Office Bearers. The commission outlined the procedure legislated by law. It prescribes to conclude the process of consultation to determine annual recommendation for cost-of-living adjustments for public office bearers. The commission consults widely with all critical stakeholders and makes a recommendation to the President of the Republic of South Africa to determine the salary adjustments for public office bearers. The President may decrease or increase the recommendation at his discretion but usually after further consultation with the relevant Cabinet Ministers.

The committee received correspondence from the Judges Association of South Africa herein, often referred to as Jasa, dated 23 July 2024 requesting the committee to disapprove the determination for the 2024-25 backdated to 1 April 2024 and refer the matter back to the President to reconsider his determination of 2,5%. The commission recommended a 2,5% adjustment for both the magistrates and judges for the financial year 2024-25. The President increased the

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magistrates' determination to 4,7% but retained the commission's recommendation for judges of 2,5%. Therefore, Jasa argued that the increase for magistrates to the exclusion of judges was unconstitutional, lacking legality and irrational.

Judge President Mbenenge, Chairperson of the Judges' Remuneration Committee, in a letter to the committee dated 30 August 2024 requested the committee not to proceed with the with the consideration of the 2024-25 draft notice, pending the response from the President on a letter from the Chief Justice of the Republic of South Africa to the President requesting the President to reconsider the determination of percentage of the annual salary adjustment.

Following that the committee, having referred the Judges Association of South Africa, Jasa, correspondence to the Parliament legal services received a briefing on the matter on 4 September 2024. The parliamentary legal adviser, PLA, advised the committee that based on the facts and information presented to the committee that the representations made by Jasa do not hinder the committee's consideration and approval of the draft notice.

The PLA noted the proper statutory processes after a consultation has taken place have been followed prior to the tabling of the draft notice in Parliament. It is now for the committee to apply its mind and to exercise its oversight power to reach a decision as to the recommendation to submit to the council, namely to approve in whole or in part or disapprove of the notice. The committee, after consideration, noting that process for the President to make a determination and salary adjustments involved extensive consultation with all the relevant stakeholders before it was tabled in Parliament for consideration.

Let me also try to be a cognisance of time and skip the other paragraphs because the members have the report. The committee postponed the consideration of the 2024-25 draft notice and wrote to the President requesting the President rationale that led to the determination of the remuneration for judges for the 2024-25 financial year. In a letter dated 12 September 2024, the Parliamentary Counsellor to the President copied the committee into the response by the President to the Justice Chief. On 9 October 2024, the committee considered the President's response to the Chief Justice wherein the President indicated it will not be possible to withdraw a duly

tabled decision from Parliament and that the applicable law was complied with in relation to the required consultations.

The President further advised that the review conducted by the Commission for the Remuneration of Public Office Bearers which review includes potential disparity in remuneration across the judicial sector including magistrates and the effects of inflation on remuneration levels is at an advanced stage. The President trusted that the review report will assist in providing clarity and a way forward on these matters in the long term. Therefore, the committee recommend thus having considered all the aspects. The Select Committee on Security and Justice, having considered the draft notice and schedule determining the rate with effect from 1 April 2024 at which salaries allowances and benefits are payable to Constitutional Court judges and judges annually for approval by Parliament in terms of section 2 subsection 4 of the Judges Remuneration and Conditions of Employment Act referred to it on 15 July 2024, recommends that the council approve the draft notice and schedule as tabled. Thank you, House Chair.

Debate concluded.

Question put: That the Report be adopted.

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Declarations of Vote:

Mr M BILLY: Chairperson, on behalf of KwaZulu-Natal I rise to speak and declare our support for the report before us but also to add that, having dealt with this report at a committee level, we have been able to capture all the concerns raised around this matter, particularly from the judges. We have also an opportunity to further get clarity from the President in allowing us to make a final determination on this issue. We do remain concerned about what appears to be a lack of balance between what is ought to be paid to the judges and what the recommendations seem to be.

We hope that in future, noting the important role of the judges in our judiciary and the necessity to ensure that we retain many of them in our struggling judiciary that there is going to be some form of balance found in future when these undertakings are being dealt with. So, we support the report at this point in time but obviously with those few concerns around the actual increment and its suitability for the judges. Thank you.

Mr F J BADENHORST: Hon Chair, the Western Cape takes note of the decision of the Select Committee on Security and Justice in respect of the minimal increase in the remuneration of

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judges. The decision contributes directly to the fact that the Judicial Service Commission is struggling to fill vacancies in courts across the country. Candidates of quality will not apply to serve as judges whilst the remuneration for such an important mammoth job remains not even close to a fair remuneration for what they have required to do in the furtherance of the administration of justice.

Furthermore, whilst the conditions in our courts remain far from ideal, successful legal practitioners will not leave their practises to join the bench. The Western Cape does not support that judges are treated in such a fashion and eagerly awaits the outcome of the review conducted by the Commission on the Remuneration of Public Office Bearers.

Judges' profession is the cornerstone of our Constitution and deserves to be held in the highest regard. However, the Western Cape will support the decision by the select committee in order to at least provide some relief to our serving judges. Thank you.

The HOUSE CHAIRPERSON (Mr B A Radebe): Thank you hon Badenhorst from the Western Cape. I think that from the declarations which came out of this house today, what is

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highly appreciated is the application of the minds from the different provinces. We could see that all the provinces went to town in order to deal with this issue. The Select Committee on Justice did the same thing. So, it really goes well for our democracy. From tallying here is that all the nine provinces are in support of the report of the standing committee. So, it means that it is truly agreed that the report is adopted. Thank you. The voting is now closed.

Voting:

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

Report adopted in accordance with section 65 of the Constitution.

The Council adjourned at 17:48.