

No 34 – 2020] SECOND SESSION, SIXTH PARLIAMENT

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL COUNCIL OF PROVINCES

WEDNESDAY, 2 DECEMBER 2020

1. The Council met at 10:01.
2. The Chairperson took the Chair and requested members to observe a moment of silence for prayers or meditation.
3. The Chairperson announced that the virtual sitting constituted a Sitting of the National Council of Provinces.
4. [10:04] Notices of motion.
5. [10:07] Mr T J Brauteseth moved without notice: That the Council-
 - (1) notes with great concern the worsening water crisis throughout the entire Ugu District Municipality, which has plagued over 200 000 residents across four municipalities, the majority of which are poor, elderly and vulnerable;
 - (2) further notes that economic activities in the district including industry, agriculture, and tourism, have been severely affected leading to over 30 000 direct or indirect job losses over the last three years;
 - (3) furthermore, notes that health services at St Andrews, Murchison and Port Shepstone Regional hospitals have been severely curtailed leading to delays in surgeries, inadequate hygiene facilities and even a lack of water for patients to drink;
 - (4) also notes that recently released Tsalach Report exposed massive corruption relating to water and sanitation contracts. Indeed, the municipal manager DD Naidoo has been suspended due to his alleged corrupt involvement and

personally benefitting from tender awarding. The district municipality has presided over the complete collapse of the billing system, which has reduced the revenue stream to a mere trickle;

- (5) further notes that numerous incidents of sabotage to vital water infrastructure. Despite cases being opened with the South African Police Services there has been no progress on investigations and zero arrests;
- (6) calls on the Minister of Police to immediately deploy a team of experienced investigators and crime intelligence officers to assist in the prevention, arrest and conviction of those involved in the municipal infrastructure sabotage;
- (7) further calls on the Minister of Cooperative Governance and Traditional Affairs (COGTA) to immediately place water management system in Ray Nkoden municipality under the control of the uMngeni Water Board; and
- (8) lastly calls on the Provincial Minister of COGTA to immediately place the Ugu District Municipality under Section 139(5)(a) administration to resolve the financial crisis and restore functional water services.

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

6. [10:09] Mr M Nhanha moved without notice that the Council: -

- (1) condemns in the strongest possible terms, the callous killing of Ms. Nomzamo Sidukwana and her 5 children (aged between 6 months and 10 years) in Kwaaiman village near Mqanduli in the Eastern Cape;
- (2) notes that these barbaric murders occurred whilst our country is observing 16 Days of Activism Against Gender-Based Violence;
- (3) commends the South African Police Service for apprehending the suspect, who is believed to have been trying to flee the country;
- (4) calls on the National Prosecuting Authority to leave no stone unturned in preparing a watertight case against the accused, and
- (5) sends condolences to Nomzamo's mother Mrs. Nolungile Sidukwana, family and friends during this difficult time

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

7. [10:11] Nksz SA Luthuli wenze isiphakamiso esingenaso isaziso ukuthi uMkhandlu-

- (1) uqaphela izinga eliphezulu lokuphanga kuhlonyiwe eVerulam CBD, lapho kwenzeka khona ukuphanga kuhlonyiwe cishe oku-5 nsukuzonke, emini kabha kunganqandwa muntu;
- (2) uphinde uqaphele ukuthi obunye balobu bugebengu abubikwa nasemaphoyiseni ngenxa yokunqena kwezisulu ukuvula amacala;

- (3) uvume ukuthi amaphoyisa awakwazanga ukubhekana nobugebengu kuleya ndawo futhi uvume ukuthi ngempela amaphoyisa ahlulekile ukuwusiza lo mphakathi; nokuthi
- (4) ugxeke ukungenzi lutho kwamaphoyisa eVerulam futhi ucela uNgqongqoshe uCele ukuthi angenelele.

[That the Council-

- (1) *notes the spate of armed robberies in the Verulam CBD, where almost 5 armed robberies occur daily in broad daylight unabated;*
- (2) *further notes that some of these crimes go unreported due to the victims reluctance to open cases;*
- (3) *concedes that law enforcement has been ineffective in dealing with crime in the area and acknowledges that law enforcement has indeed failed this community;and*
- (4) *condemns the inaction of the police in Verulam and calls upon the Minister of Police to intervene.]*

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

8. [10:12] Ms MN Gillion moved without notice: That the Council-

- (1) notes with utmost concern that at least 40,000 applicants for grade 1 and 8 in Gauteng have allegedly not been allocated a school for the 2021 academic year.
- (2) further notes that if the situation is not promptly attended to, it might lead to potential anxiety and create chaos in our communities.
- (3) calls upon the MEC for Education in Gauteng and the Department of Basic Education to ensure a speedy resolution on the matter.

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

9. [10:16] Ms LC Bebee moved without notice: That the Council-

- (1) notes with profound sadness and grief the passing away of three children in jikajoe informal settlement, Pietermaritzburg;
- (2) further notes that the children died as a result of an illegal electricity connection;
- (3) takes notes that the tragic incident took place whilst the country was commencing with the 16 Days of Activism against women and children.
- (4) calls upon the MEC for Cooperative Governance and Traditional Affairs in Kwazulu Natal to “leave no stone unturned” in finding those responsible for illegal electricity connection.

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

10. FIRST ORDER [10:19]

Consideration of **Local Government: Municipal Structures Amendment Bill** [B 19D – 2018] (National Assembly- sec 76) and Report of Select Committee on Cooperative Governance and Traditional Affairs, Water and Sanitation and Human Settlements thereon (Announcements, Tablings and Committee Reports, 27 November 2020, p 77).

Debate concluded.

Question put: That the Bill be adopted.

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

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

11. SECOND ORDER [10:30]

Consideration of **Customary Initiation Bill** [B 7D – 2018] (National Assembly – sec 76) and Report of Select Committee on Cooperative Governance and Traditional Affairs, Water and Sanitation and Human Settlements thereon (Announcements, Tablings and Committee Reports, 27 November 2020, p 68).

Debate concluded.

Question put: That the Bill be adopted.

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

AGAINST: Free State.

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

12. THIRD ORDER [10:40]

Consideration of **Traditional Courts Bill** [B 1D – 2017] (National Assembly – sec 76) and Report of Select Committee on Security and Justice thereon (Announcements, Tablings and Committee Reports, 25 November 2020, p 245).

Debate concluded.

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

Question put: That the Bill be adopted.

IN FAVOUR: Eastern Cape, Free State, Gauteng, Limpopo Mpumalanga, Northern Cape, North West.

AGAINST: KwaZulu-Natal, Western Cape.

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

13. FOURTH ORDER [11:04]

Consideration of **Recognition of Customary Marriages Amendment Bill** [B 12B - 2019] (National Assembly – sec 76) and Report of Select Committee on Security and Justice thereon (Announcements, Tablings and Committee Reports, 26 November 2020, p 206).

Debate concluded.

Declaration of vote made on behalf of the Western Cape.

Question put: That the Bill be adopted.

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

AGAINST: Western Cape.

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

14. FIFTH ORDER [11:17]

Consideration of Report of Select Committee on Petitions and Executive Undertakings (Announcements, Tablings and Committee Reports, 18 November 2020, p 150) **Lesawell petition hearing held on 23 September 2020 and 30 September 2020 as adopted on 18 November 2020.**

Debate concluded.

Question put: That the Report be adopted.

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

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

15. SIXTH ORDER [11:28]

Consideration of Report of Joint Standing Committee on Intelligence (Announcements, Tablings and Committee Reports, 11 November 2020, p 11) **Activities of the committee after five months of establishment, as stipulated in the Intelligence Services Oversight Act, Act No. 40 of 1994, dated 27 October 2020.**

Debate concluded.

Question put: That the Report be adopted.

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

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

16. The Council adjourned at 11:42.

P TYAWA
Acting Secretary to Parliament