REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 26 NOVEMBER 2024

1. The Council met at 14:00.

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 hybrid sitting constituted a sitting of the National Council of Provinces.

4. [14:03] Notices of motions.

5. [14:10] Statement by the Chairperson on a point of order raised by Hon. Britz during the sitting of 22 November 2024.

6. [14:18] Mr K M Mmoiemang moved without notice: That the Council-

   (1) notes the continued arrest of those who were implicated during the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State, better known as the Zondo Commission or State Capture Commission;

   (2) also notes that to date at least 37 suspects have been arrested and more than 2241 witness statements have been obtained for state-capture related cases; and

   (3) takes this opportunity to express its appreciation to the Minister of Justice and Constitutional Development, Minister of Police, the Directorate for Priority Crime Investigation Team and the prosecution team who are working tirelessly to ensure the successful conviction and sentence of all of those who

were accused of involvement in corruption and fraud in the Public Sector, including Organs of State.

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

7. [14:20] Mr T M Kaunda moved without notice: That the Council-

(1) notes with excitement that the South African Airways (SAA) has recorded a net profit of R252m for the 2022/23 financial year, marking its first positive bottom line since 2012;

(2) further notes that this is the first fiscal year of commercial operations since SAA exited business rescue and resumed flights in September 2021;

(3) also notes that the airline achieved positive equity of R4,7b and completed its final repayment of legacy debt, leaving it debt-free;

(4) acknowledges that the SAA has made strides in its growth strategy by doubling its fleet, launched intercontinental routes to Sao Paulo and Perth, increased its network to 16 destinations, and increased its staff complement from 800 to 2000 including 140 pilots; and

(5) congratulates the SAA on the hard and careful work that went into the relaunch of the airline.

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

8. [14:22] Mr D R Ryder moved without notice: That the Council-

(1) notes with sadness the passing of Alderman Freddie Peters of the Midvaal Local Council at the age of 78;

(2) acknowledges that Alderman Peters served his community in various capacities for over 50 years, with more than 40 years as a Councillor, including at both local and district levels, where he became a strong advocate for the Constitution and a specialist on local government;

(3) notes that he rose to senior office and was the Speaker at the Midvaal Council for two consecutive terms;

(4) remembers the huge impact that Ald Peters had in the preservation of cultures of the people of South Africa, not just his own, but also the cultures of those around him, which drove him to learn to speak in Afrikaans, English, Sesotho, isiXhosa, isiZulu, and even Russian;

(5) celebrates his life as one of service, and inspiration; and

(6) sends our condolences to his family, the people of Midvaal and his colleagues at the Midvaal and Sedibeng Councils.

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

9. [14:23] Ms M Kennedy moved without notice: That the Council-

   (1) recognizes that a significant number of our people living in rural areas lack access to vital healthcare services in comparison to those living in urban areas, and that mobile clinics serve as the main entry point to the national healthcare system in rural areas, but they offer limited services, which contributes to the ongoing struggle of rural communities to access primary healthcare;

   (2) further recognizes that people residing in rural areas are consistently confronted with significant barriers when attempting to access health services. In this instance, the barrier for residents of Thabampshe is an unreliable mobile clinic;

   (3) acknowledges that the Thabampshe mobile clinic which is supposed to service the community every Monday morning from 08:00, as was initially informed doesn't come regularly as anticipated, this, even though a written schedule was requested by the community;

   (4) further acknowledges that there are no other health facilities near to this village and that residents have to travel long distances in order to reach the nearest clinic; and

   (5) calls on the Minister of Health to intervene and monitor services of mobile clinics, especially in connection with the community of Thabampshe.

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

10. [14:25] Ms O D Medupe moved without notice: That the Council-

   (1) notes that a Brazilian national has been arrested after being found with more than 3 kilograms of drugs wrapped his body;

   (2) further notes that the arrest was part of an ongoing effort to deal with those trafficking drugs into South Africa; and

   (3) congratulates the police on the arrest of about 14 suspects on charges of drug trafficking at OR Tambo International Airport.

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

11. [14:26] Ms S M Mokoena moved without notice: That the Council-

   (1) notes the recent findings by the Auditor-General exposing widespread financial mismanagement and irregular expenditure in several municipalities, as detailed in the 2023/2024 Municipal Audit Report;

   (2) acknowledges the severe consequences of corruption and maladministration, which include delays in service delivery, poor infrastructure maintenance, and a lack of basic services such as water, electricity and sanitation in affected communities;

(3) condemns the continuous disregard for financial accountability and governance standards by municipal officials, which directly impacts the quality of life of millions of South Africans;

(4) welcomes the efforts of whistleblowers and investigative journalists who have brought these issues to light, despite facing threats and intimidation;

(5) calls upon the Minister of Cooperative Governance and Traditional Affairs to:
(a) table a detailed report on actions taken against municipalities that consistently fail to achieve clean audits.
(b) outline measures to improve municipal capacity and ensure the appointment of skilled, qualified personnel in key positions.

(6) encourages provincial governments to enhance their oversight mechanisms and intervene decisively in municipalities flagged for gross financial mismanagement and non-compliance with procurement regulations;

(7) proposes the establishment of an independent municipal governance and service delivery monitoring unit to:
(c) audit municipal spending quarterly.
(d) evaluate the impact of spending on improving the lives of residents.
(e) recommend interventions to national and provincial authorities and provincial where necessary.

(8) reaffirms this House's commitment to holding local government accountable and ensuring that public funds are used transparently and effectively to improve service delivery for all South Africans.

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

12. [14:27] Ms D W Fienies moved without notice: That the Council-

(1) notes with concern that a 32-year-old woman has appeared in court on charges of Human Trafficking, conspiracy to commit robbery and making a false statement to the police;

(2) also notes that the woman who cannot be named to protect the identity of her 2-year-old son, allegedly sold him and then faked a kidnapping;

(3) further notes that the charges stem from allegations that the mother sold her son to unidentified people and later reported a false case to the police claiming that her son had been kidnapped;

(4) notes that the woman later confessed to fabricating the story and was arrested by police on November 19 and kept in custody since her arrest; and

(5) calls on the police and the justice system to do everything in their power to defend the rights of this child and other children in general.

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

13. [14:28] Dr I Scheurkogel moved without notice: That the Council-

(1) notes that Section 9(2) of the Constitution of South Africa states: "Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken.*"*

(2) further acknowledges that Section 10 of the Constitution provides that: "Everyone has inherent dignity and the right to have their dignity respected and protected*";*

(3) recognizes the invaluable contributions of persons with disabilities to our communities, society, and the economy, and affirms that they are integral to the fabric of South Africa;

(4) reiterates the importance of fostering a society that upholds dignity, equality, and inclusivity for all, including ensuring that language reflects progressive, empowering, and respectful attitudes toward persons with disabilities;

(5) proposes that the terminology used to describe this community aligns with these values, and instead of using the term "People Living with Disabilities," a more empowering term such as "Differently Able People" be adopted; and

(6) commits to ensuring that South Africa continues to be a country that actively dismantles barriers and creates opportunities for all citizens to thrive, irrespective of their abilities, in alignment with the principles of the Constitution.

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

14. [14:29] Mr S P Mabilo moved without notice: That the Council-

(1) notes that on 25 November 2024, the international community commemorated the 47th United Nations International Day of Solidarity with the Palestinian People;

(2) also notes that this day marked the renewing of South Africa’s shared commitment to a just and lasting solution to the question of Palestine;

(3) further notes that the question of Palestine remains unresolved after 75 years; and remains at the core of tensions in the Middle East; and

(4) calls on the State of Israel to realise that the only way to achieve peace is a two-state solution, where Israel will be able to exist side-by-side in peace with a viable and fully independent Palestinian State, within internationally recognised parameters.

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

15. [14:33] Ms Z N Ngcobo moved without notice: That the Council-

(1) notes with concern the state of Lehurutshe Hospital in North West Province, which has faced challenges providing adequate healthcare services due to infrastructure constraints and staff shortages;

(2) further notes that the hospital ability to render level 1 hospital services is compromised, affecting the rural communities it serves;

(3) proposes that the Department of Health in North West Province provides a comprehensive plan to address the infrastructure and staffing needs of Lehurutshe Hospital, including timelines and budget allocations;

(4) also proposes that the plan should outline measures to strengthen the hospital's capacity to provide quality healthcare services, including the provision of necessary equipment and training for staff; and

(5) calls upon the Minister of Health to provide a written response to this motion, outlining the steps that will be taken to address the challenges facing Lehurutshe Hospital and ensure that the hospital is able to provide quality healthcare services to the communities it serves.

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

16. [14:35] Ms O D Medupe moved without notice: That the Council-

(1) notes that last week, the China-African Precious Metals Company has recently opened a newly refurbished gold processing plant at Orkney in the City of Matlosana Local Municipality, in North West Province;

(2) also notes that the plant, which was resuscitated at a cost of over 200 million, forms part of the company's two-billion-rand investment at its Orkney operations in the province;

(3) further notes that this investment will create close to four thousand work opportunities for locals; and

(4) congratulates the Provincial Government for its investment initiatives aimed at addressing the scourge of unemployment and poverty in the province.

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

17. [14:37] Mr P Noe moved without notice: That the Council-

(1) notes the recent release of the annual global ranking of the countries with the most battle-ready air force by an internationally acclaimed independent military defence capabilities research agency, the Global Firepower;

(2) also notes that according to this latest ranking of the African countries' Air Forces capabilities, the South African Air Force is ranked among the top 10 African countries with the most battle-ready air force, ranking at number 5;

(3) acknowledges that this dispels the exaggerated and false narrative of a collapsing South African National Defence Force in pursuit of narrow commercial and political interests;

(4) believes that military defence capabilities is the bedrock of every country's sovereignty and territorial integrity; and

(5) salutes the Commander in Chief of the South African Security Forces, President Matamela Cyril Ramaphosa, the General of the South Africa Air Force, and the Minister of Defence, for sterling leadership in steering our Air Force in the right direction in these trying of times.

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

18. [14:39] Mr S A Zulu moved without notice: That the Council-

(1) notes that an urgent request is needed in Thohoyandou Police Station as I believe that there might be a violation of human rights, poor hygiene in a place where you keep human beings, which means that their rights are violated;

(2) further notes that the rise of crime like Gender Based Violence (GBV) and rape cases are raising eyebrows as the statistics are higher;

(3) recognizes an urgent need for decisive action to protect victims and prevent further incidents so SAPS must be directed to increase dedicated resources for GBV as it is a pandemic in the country as a whole; and

(4) calls for collaborative efforts between SAPS and local organizations to establish support services to the victims.

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

19. [14:40] Mr J H P Britz moved without notice: That the Council-

(1) notes that the Springbok National Rugby team won the following international rugby cups during the 2024 international rugby calendar:

(a) Qatar Airways Cup.
(b) Mandela Challenge Plate.
(c) Freedom Cup.
(d) Rugby Championship.
(e) Prince William Cup.

(2) further notes that Springbok players Pieter-Steph du Toit was named World Rugby Men's 15s Player of the Year, and Ox Nche, Malcolm Marx, Eben Etzebeth, Damian de Allende, Jesse Kriel and Cheslin Kolbe for being selected in World Rugby Men's 15 Dream Team of the Year; and

(3) congratulates the Springbok national rugby team for their excellent performance on the international rugby circuit, as well as Pieter Steph du Toit and his team mates on their excellent representation of our country.

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

20. [14:41] Ms K R Molokomme moved without notice: That the Council-

(1) notes that 26 November 2024 marks World Sustainable Transport Day, which is intended to recognize the importance of sustainable, safe, affordable, and accessible transportation systems to enhance economic growth, social welfare, and global cooperation;

(2) further notes that World Sustainable Transport Day creates an opportunity for states to reaffirm the commitment to enhance the provision of transport services and infrastructure for the mobility of people and goods in a manner that is safe, affordable, accessible, efficient, and resilient while minimising carbon and other emissions and environmental impacts; and

(3) takes this opportunity to join the global community in commemorating World Sustainable Transport Day and calls on the Department of Transport to continue to enhance public knowledge of the public and transport operators on sustainable transport issues, in particular the need to enhance intermodal transport connectivity, promoting environmentally friendly transportation, developing socially inclusive transport infrastructure and other aspects of transport sustainability.

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

21. [14:43] Mr M M Peter moved without notice: That the Council-

(1) notes irregularities have been highlighted following a forensic investigation into the awarding of a R1.2 billion tender by the State Information Technology Agency (SITA). The tender was initiated to expand the Local Area Network (LAN) service in Western Cape Schools as the Provincial Department of Education wanted to enhance local area network infrastructure to sustain and advance existing network facilities;

(2) further notes that the Portfolio Committee on Communications and Digital Technology was briefed on the findings on Friday, 15 November 20024 of the extensive investigation conducted by law firm Cliffe Dekker Hofmeyr Inc, which points fingers at officials in the Western Cape Department of Education in the tender for the provision of LAN services to schools around the Western Cape;

(3) condemns the fraudulent acts of corruption that compromise the integrity of state institution, as Cliffe Dekker Hofmeyr found that the process and the award of the tender was unfair and uncompetitive; and

(4) calls for a further and thorough investigation into the awarding of the tender, immediate suspension of all implicated officials and individuals, and the recovery of any funds lost through this scandal of irregular expenditure of the taxpayers' money.

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

22. [14:45] Ms N S Du Plessis moved without notice: That the Council-

(1) notes the passing of a South African who stood against the tyranny of the Apartheid regime, Breyten Breytenbach;

(2) also notes that he was jailed and exiled for his beliefs as part of the "Sestigers". A group of intellectuals who used their influence to shift hearts and minds away from the racial politics of the day; and

(3) acknowledges that he was an Afrikaans poet and true South African who showed that when we stand together, we can create a better South Africa for all. Hamba kahle Breyten!, vaar wel… ons sal nie jou voorbeeld vergeet nie!.

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

23. [14:46] Mr J S Majola moved without notice: That the Council-

(1) notes that 26 November 2024 is Constitution Day, also known as Samvidhan Diva, is celebrated every year on 26 November;

(2) also notes that this day marks the adoption of the Indian Constitution in 1949 by the Constituent Assembly of India;

(3) further notes that celebrating Constitution Day is primarily to promote awareness of constitutional values, rights, and duties;

(4) acknowledges the Constitution established India as a sovereign, socialist, secular, and democratic republic, guaranteeing its citizens justice, liberty, equality, and fraternity. Thus, the day underscores the importance of national unity, fostering unity in justice, liberty, equality, and fraternity;

(5) also acknowledges that the Indian government was an outspoken critic of the apartheid-era South African government, refusing to maintain diplomatic relations. India's support evoked goodwill in South Africa and other African countries;

(6) further acknowledges that India was also at the forefront of the international community in its support to the anti-apartheid movement, it was the first country to server trade relations with the apartheid Government (in 1946) and subsequently imposed a complete-diplomatic, commercial, cultural and sports-embargo on South Africa. India worked consistently to put the issue of apartheid on the agenda of the UN, NAM and other multilateral organization for the imposition of comprehensive international sanctions against South Africa;

(7) notes that India and South Africa established a strategic partnership in March 1997;

(8) acknowledges that against the background of India's consistent support to the anti-apartheid struggle, there has been a steady consolidation of our close and

friendly ties with South Africa, both bilaterally and through BRICS, IBSA and other Fora; and

(9) also acknowledges that a number of bilaterial agreements have been concluded between the two countries since the assumption of diplomatic relations in 1993 in diverse areas ranging from economic and commercial cooperation, defence, culture, health, human settlements, public administration and science and technology.

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

24. [14:49] Ms M M Bains moved without notice: That the Council-

(1) notes with deep sadness the tragic killing of a 14-year-old Grantham van Reenen, a grade 8 learner at Ravensmead High School, who was shot and killed on his way to school on Tuesday, 19 November 2024;

(2) also notes with disgust that his killing and injuring of two other teenagers was carried out by a senseless gang in the area;

(3) calls on the deployment of School Resource Officers (SROs) to all schools in communities ravaged by gang violence; to ensure the safety of learners, educators and staff in those schools; and

(4) extends heartfelt condolences to the family of the deceased and the entire Elsies River community.

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

25. [14:50] Mr N Gotsell moved without notice: That the Council-

(1) congratulates Cape Town Pride for winning the bid to bring World Pride to Cape Town in 2028;

(2) congratulates Messrs. Michael Gladwin, Tommy Patterson and Cllr Rob Quintas for representing South Africa at the World Pride bid event;

(3) notes the support of the City of Cape Town for continuously affirming Cape Town's reputation as one of the LGBTQIA+ travel capitals of the world;

(4) commends the Cape Town LGBTQIA+ community's contribution to tourism and job creation in the Province, thereby contributing to the Western Cape's achievement of being the only Province where the unemployment rate is below the 20% target;

(5) also commends World Pride's dedication to raising global awareness and visibility for LGBTQIA+ issues; and

(6) acknowledges that South Africa is a diverse, inclusive society that guarantees every person's constitutional right to equality.

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

26. [14:52] Ms S Nxumalo moved without notice: That the Council-

(1) notes with pride the recent release of the 2024/2025 World University Ranking report which ranks all public universities in the world according to research and academic excellence;

(2) also notes that in terms of the 10 best African Universities in the global ranking, four Universities are from South Africa, namely: the University of Johannesburg, University of Cape Town, University of Pretoria and the University of Witwatersrand; and

(3) calls upon this august House to extend the congratulations to the Governing Councils, the academic staff, the executive management, and Student Representative Councils of these Universities for putting the country on the global map.

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

27. [14:53] Ms H S Boshoff moved without notice: That the Council-

(1) notes with concern that the Thaba Chweu Local Municipality has come under scrutiny following revelations that it had suffered a staggering 53% water loss in 2023, with much of the loss attributed to unattended leaks in its ageing infrastructure;

(2) notes that this statement was contained in the AG's report for 2023 and disclosed that in monetary terms the losses amounted to about R3.8m;

(3) further notes that with water scarcity being a growing concern across South Africa, the loss of over half of the water supplied in the TCLM is a disaster waiting to happen;

(4) notes with concern that this municipality is quick to lambast residents for water shortages, while some leakages have not been attended to in four years and water from fire hydrants are running unabated after components have been stolen and not replaced; and

(5) calls upon this municipality to prioritise repairing leaks and modernising its water systems, as no one can afford to see clean drinking water being wasted, as every drop of water is precious.

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

28. [14:55] Mr M Feni moved without notice: That the Council-

(1) notes with sadness the passing of football icon Lucas 'Masterpieces' Moripe, on Tuesday night at the age of 74;

(2) also notes that Mr Lucas Moripe was widely regarded as one of the greatest players in South African football and leaves behind a rich legacy that forever changed the landscape of the sport in the country;

(3) further notes that he began his career with Pretoria Callies in 1971, leading the team to numerous victories and establishing himself as a formidable talent in the local football scene. In 1981, he moved to Orlando Pirates; however, his time there was cut short due to a persistent knee injury;

(4) acknowledges that his contributions to the sports industry were significant and led to the local stadium in Atteridgeville being renamed in his honour; and

(5) extends deep condolences to Mr Moripe's family, his family, and the entire football fraternity.

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

29. [14:56] Dr I Scheurkogel moved without notice: That the Council-

(1) notes the sad passing of Cllr Moshe Lefuma and his mother in Phuthaditjhaba on the 23 November 2024;

(2) condemns this brutal killing of a community leader, friend and his mother;

(3) calls on the local police and community to assist to apprehend the two individuals responsible for the murders; and

(4) also calls on any community member has any information to contact Detective Commander, Colonel Milela immediately.

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

30. [14:59] The Council debated the following subject: Debate on 16 Days of Activism against Gender Based Violence: **30 years of advancing collective action to end violence against women and children**.

31. [17:00] Ruling by the House Chairperson Members' Support and International Relations on a point of order raised by Hon. Gotsell on 20 November 2024.

Debate concluded.

32. [18:07] The Council debated the following subject: Debate on waging a concerted battle against crime to build safer living and business spaces for our people.

BUSSINESS SUSPENDED AT 19:15 AND RESUMED AT 19:31.

Debate concluded.

33. The Council adjourned at 21:27.

X GEORGE

Secretary to Parliament