

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

**NATIONAL COUNCIL OF
PROVINCES**

TUESDAY, 29 NOVEMBER 2011

1. The Council met in the Old Assembly Chamber at 14:00.
2. The Deputy Chairperson took the Chair and requested members to observe a moment of silence for prayers or meditation.
3. [14:01] Notices of motion.
4. [14:14] Mr L P M Nzimande moved without notice: That the Council –
 - (1) notes that the KwaZulu-Natal Premier, Dr Zweli Mkhize unveiled a new HIV/Aids, sexually transmitted infections and Tuberculosis strategic plan for the province of KwaZulu-Natal for 2012 to 2016;
 - (2) further notes that this plan seeks to decrease by 80% behaviours that put men and women at risk of HIV/Aids, sexually transmitted infections and TB through implementation of focused programmes targeting men and women aged 15 to 49 by 2016 and outlines several key strategic interventions to reduce the risks for exposure to HIV/Aids, STI's and TB; and
 - (3) takes this opportunity to welcome this innovative leadership from the Premier of KwaZulu-Natal and his government for taking the lead to fight the spread of HIV/Aids and its ravaging impact in our communities.

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

5. [14:15] Ms L Mabija moved without notice: That the Council –
- (1) notes the devastating storms that hit the villages of Rosenkrantz, Mamehlabe and Pinkie-Sebotse in Aganang Local Municipality in Limpopo last week that have left 104 families homeless;
 - (2) further notes that a local high school was also hit and damaged extensively in that certain classrooms were among others destroyed which impacts severely on existing infrastructure that is already inadequate and under pressure;
 - (3) welcomes the interventions of the Aganang Local Municipality, the Capricorn District Municipality, the South African Social Security Services and the Provincial Department of Co-operative Governance who have come to the rescue of these families and assisted them with food, blankets and shelter and
 - (4) takes this opportunity to call on the relevant national and provincial departments as well as the local and district municipalities to render further assistance to resettle these families as soon as possible.

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

6. [14:17] Mr M H Mokgobi moved without notice: That the Council –
- (1) notes the announcement by the Minister of Co-operative Governance and Traditional Affairs to develop an internship programme to train municipal officials to deal with specific problems in the municipality, including infrastructure problems and to generate the skills needed to deal with ageing and failing infrastructure;
 - (2) further notes that the programme intends to include engagement with universities to work with the department and to align their courses appropriately and that academics work with municipalities for a year, as the practical component of the course; and
 - (3) in view of the many challenges relating to municipal infrastructure and service delivery and the need for qualified and skilled officials, welcomes this initiative and calls on the Minister to implement such programme as soon as possible and to extend it to include training in financial and supply chain management, performance management as well as in other sectors.

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

7. [14:19] Mr T A Mashamaite moved without notice: That the Council –
- (1) notes that despite the Nandoni Dam in Vhembe District in Limpopo having been built and completed in 2004 at a cost of R600 million, the communities living next to the dam, as well as other communities in Vhembe district are still without water;

- (2) further notes that the reason for this unfortunate and unacceptable state of affairs is attributed to poor workmanship by the contractor and inferior pipes that were used for water reticulation, which lead to a court battle resulting in water not being provided to communities;
- (3) expresses concern that the communities were deprived of the most basic source of life, namely water, for a long time the relevant departments, the provincial legislature and municipalities have allowed this state of affairs and the matter to remain unresolved;
- (4) takes this opportunity to welcome the assurance given by the Minister of Water Affairs that the communities will get water within 56 weeks; and
- (5) calls on all relevant Ministers and their departments, as well as the provincial government and local authorities to intervene as a matter of extreme urgency and to find other means to provide water to the communities in the interim.

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

8. [14:24] Mr G G Mokgoro moved without notice: That the Council –

- (1) notes that Deputy President Kgalema Motlante who was joined by Minister of Water Affairs and Environmental Affairs, the Hon Edna Molewa and KwaZulu-Natal Premier, Dr. Zweli Mkhize led hundreds of communities and civil society members on a 2.8km “Walk the Future” along Durban’s beachfront on Sunday, 27 November 2011;
- (2) further notes that this walk was part of raising awareness about the COP17 and to highlight the effects of climate change and rising sea levels, particularly concerns raised by eThekweni scientists that the sea level in Durban could rise by between 30cm and one metre if South Africa does not continue with its robust measures to lead the global community in managing climate change and global warming;
- (3) congratulates the Deputy President, the Premier of KwaZulu-Natal, Minister Molewa and the hundreds of civil society members and communities who took part in this very successful walk; and
- (4) appeals to every citizen of South Africa to play their role in advancing our national efforts to ensure that our nation responds to the changes of global warming and climate change.

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

9. [14:26] Ms M G Boroto moved without notice: That the Council –
- (1) notes the sentencing of muti and witchcraft killer Brian Mangwale to life imprisonment in the Pretoria High Court yesterday for murdering 10 year old Masego Kgomo and another six years imprisonment for kidnapping her in December 2009;
 - (2) further notes that 10 year old Masego Kgomo was killed in the most aggravating and heartless circumstances where her womb and breasts were cut out while she was still alive;
 - (3) welcomes the sentencing of Mongwale for his heartless, inhuman and senseless killing of this innocent child; and
 - (4) calls on any person who might have additional information about any person who might have assisted Mangwale in this senseless murder to ensure that such people are brought to face the full might of the law.

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

10. [14:27] Mr T M H Mofokeng moved without notice: That the Council –
- (1) notes with utmost apprehension the announcement by Prosecutor Andrea Johnson that two of the men accused of the brutal killing of a 26 year old teaching assistant and mother of a small child, Chanelle Henning who was murdered in the Tshwane suburb of Faerie Glen last month, may escape jail time because a plea bargain with the National Prosecuting Authority (NPA);
 - (2) recognises the independence of the Judiciary, particularly in ensuring fair justice for our people irrespective of their social status, however, takes this opportunity to express its profound outrage and derision at this announcement as nothing more than an attempt to sell our justice to the highest criminal bidder and degrade the fairness of our justice system;
 - (3) calls on the Minister for Justice and Constitutional Development to intervene and ensure that these heartless criminals who have shown repulsive disregard for human life are made to face the full might of the law and to pay for their cruel deeds and that the NPA does not take an easy way out of arresting any person who may be linked to this heinous criminal act.

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

11. [14:28] Mr V Manzini moved without notice: That the Council –
- (1) notes that tragedy struck the family of a top South African golf star on a weekend that saw at least 14 people lose their lives on Western Cape roads;

- (2) further notes that Aidan Greef died in the ambulance after a motorbike crash on Saturday between the N1 and Calitzdorp in the Klein Karoo;
- (3) acknowledges that it is a very sad day for the Greef and Immelman families;
- (4) notes that, according to provincial traffic chief Kenny Africa, it was a “dark weekend” in Cape Town; and
- (5) calls on all South Africans to join hands in observing the speed limit and making sure that we are not counted as drunk drivers.

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

12. [14:32] Mr M P Sibande moved without notice: That the Council –

- (1) notes that the Premier of KwaZulu-Natal, Dr Zweli Mkhize hosted the Integrity Leadership Conference at the Olive Convention Centre in Durban last week;
- (2) further notes that the Conference was intended to strengthen the KwaZulu-Natal Anti-Fraud and Anti-Corruption Strategy by introducing new and innovative ways of fighting fraud and corruption, as well as rekindling the centrality of good ethical behaviour and values in public discourse; and
- (3) takes this opportunity to congratulate the Premier of KwaZulu-Natal and his government for taking decisive measures to put an end to corruption, maladministration, inefficiency and abuse of public funds.

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

13. [14:35] Mr M C Maine moved without notice: That the Council –

- (1) notes –
 - (a) with sadness the passing away of former Bafana Bafana coach April "Styles" Phumo, who died in a Bloemfontein private hospital on Sunday, aged 74, after a long battle with cancer;
 - (b) that Phumo was thrust into the job of Bafana coach in 2003, shortly before the 2004 Africa Cup of Nations finals in Tunisia, after the untimely firing of current SA Under 23 coach Ephraim "Shakes" Mashaba;
 - (c) that, after being replaced by Stuart Baxter as coach, Styles Phumo continued serving SAFA in various capacities for many years, coaching a number of age group teams and making a huge contribution in the area of football development;

- (d) he first made an impact in SA soccer in the 1990s as the coach of Bloemfontein Celtic and greatly enhanced the stature of the Free State club through the clinical, exciting brand of soccer they displayed;
- (e) that he was born in SA, but spent many years in Lesotho, coaching the national team and becoming a revered legend, and that, when President Sepp Blatter opened a FIFA sponsored development complex in Maseru in 2002, Phumo was described as "the most famous name in football to emerge from Lesotho";
- (f) a few months before his death, Phumo bravely accepted the job of coaching PSL First Division club Atle FC, but his health was deteriorating fast and he was forced to relinquish the position; and

- (2) salutes this staunch and dedicated football stalwart and expresses sincere sympathy with and condolences to the Phumo family.

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

14. FIRST ORDER [14:37]

Consideration of Report on **Provincial Week: 12-16 September 2011** (Announcements, Tablings and Committee Reports, 21 November 2011, p 4853).

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. SECOND ORDER [16:30]

Consideration of **Taxation Laws Amendment Bill** [B 19 – 2011] (National Assembly – sec 77) and of Report of Select Committee on Finance thereon (Announcements, Tablings and Committee Reports, 23 November 2011, p 5087).

Debate concluded.

Declaration of votes made on behalf of the African National Congress and the Democratic Alliance.

Bill agreed to in accordance with section 75 of the Constitution.

16. THIRD ORDER [16:41]

Consideration of **Taxation Laws Second Amendment Bill** [B 20 – 2011] (National Assembly – sec 75) and of Report of Select Committee on Finance thereon (Announcements, Tablings and Committee Reports, 23 November 2011, p 5087).

Debate concluded.

Bill agreed to in accordance with section 75 of the Constitution.

17. The Council adjourned at 16:43.

Z A DINGANI
Secretary to Parliament