

*Tuesday, 24 August 2021]*

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**PARLIAMENT**

**OF THE**

**REPUBLIC OF SOUTH AFRICA**

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**ANNOUNCEMENTS,  
TABLINGS AND  
COMMITTEE REPORTS**

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TUESDAY, 24 AUGUST 2021

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## ANNOUNCEMENTS

### National Assembly

#### The Speaker

#### 1. Referral to Committees of papers tabled

- (1) The following paper is referred to the **Standing Committee on Finance** for consideration and report:
  - (a) Draft Prudential Standards on Audit Requirements for Insurers, in terms of the Financial Sector Regulation Act, 2017 (Act No 9 of 2017).
- (2) The following paper is referred to the **Portfolio Committee on Police** for consideration:
  - (a) Report of the Civilian Secretariat for Police on compliance of the South African Police Service (SAPS) with the Domestic Violence Act for the period 01 October 2020 to 31 March 2021, tabled in terms of section 6 of the Civilian Secretariat for Police Service Act, 2011 (Act No 2 of 2011).

### National Council of Provinces

#### The Chairperson

#### 1. Referral to Committees of papers tabled

- (1) The following papers are referred to the **Select Committee on Security and Justice** for consideration and report:
  - (a) Report dated 27 July 2021, for the removal from office of Ms J F van Schalkwyk, Chief Magistrate, Sub-Cluster Head, Kempton Park,

Johannesburg in terms of section 13(4)(b) of the Magistrates Act, 1993 (Act No 90 of 1993).

- (b) Draft Regulations 2021, for approval, in terms of the Legal Practice Act, 2014 (Act No 28 of 2014).
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## **TABLINGS**

### **National Assembly and National Council of Provinces**

#### **1. The Minister of Justice and Correctional Services**

- (a) Proclamation No R. 34, published in Government Gazette No 44914, dated 30 July 2021: Referral of matters to existing Special Investigating Unit: In respect of the affairs of the Department of Water and Sanitation, in terms of the Special Investigating Units and Special Tribunals Act, 1996 (Act No 74 of 1996).
  - (b) Government Notice No R. 680, published in Government Gazette No 44936, dated 06 August 2021: Amendment of regulations, in terms of the Legal Aid South Africa Act, 1996 (Act No 39 of 2014).
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## **COMMITTEE REPORTS**

### **National Assembly and National Council of Provinces**

# **1. SPECIAL JOINT OVERSIGHT VISIT REPORT TO KWAZULU-NATAL: PORTFOLIO COMMITTEE ON AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT AND THE SELECT COMMITTEE ON LAND REFORM, ENVIRONMENT, MINERAL RESOURCES AND ENERGY, DATED 24 AUGUST 2021**

## **1. BACKGROUND AND THE AIM OF THE VISIT**

The country has in the second week of July 2021 experienced unprecedented levels of unrest and destruction of public and private property, coupled with violence and looting of public and private property. Despite the fact that these acts of violence started in KwaZulu-Natal (KZN) and spread to parts of Gauteng, they have a socio-economic impact throughout the country. The unrest, which involved violent protests and looting, has had negative consequences for some farmers and agribusinesses in KZN Province. Financial losses as a result of road closures, burning of trucks and farms, damage to storage facilities and other infrastructure may have far-reaching implications for the agricultural industry, food security and sector employment. It has been reported that the violent protests amplified vulnerability and food insecurity in many communities of KZN and Gauteng Provinces.

It is against this background that the Portfolio Committee on Agriculture, Land Reform and Rural Development and the Select Committee on Agriculture, Land Reform, Environment, Mineral Resources and Energy conducted a special joint oversight visit to KwaZulu-Natal Province from 09 – 13 August 2021 to assess the impact of the unrest and destruction on the agricultural value chain and the Department's response to the sectoral challenges.

The overarching aim of the oversight visit was to obtain insights into the impact of the recent unrest that took place in KZN on the agricultural and agroprocessing value chains particularly on land reform and other Government-funded farms, institutions and infrastructure; Government plans in addressing the impact of the unrest on the agricultural sector and availability of disaster assistance and its implementation as the KZN Provincial Executive has on the 29<sup>th</sup> July 2021, declared a state of disaster in the Province.

## **1.1 Objectives of the oversight**

The objectives of the joint Portfolio and Select Committees' oversight visit were as follows:

- (a) Ascertain the extent to which the unrest has impacted the agricultural and agroprocessing value chains, agrologistics and damage to relevant infrastructure.
- (b) Assess the impact of the unrest on the agricultural supply chain and food availability.
- (c) Assess the impact of the unrest on current and future employment in the agricultural and agroprocessing sectors.
- (d) Ascertain Government's response and plans to address the resultant impact and relevant infrastructure damage.
- (e) Identify strengths and weaknesses as well as areas of complementarity amongst the different spheres of Government including implications for policy interventions.

## **2. DELEGATION**

### **2.1 Composition of the Delegation**

The delegation comprised of Members of the Portfolio Committee on Agriculture, Land Reform and Rural Development, Select Committee on Land Reform, Environment, Mineral Resources and Energy. The delegation was supported by different teams of Parliamentary Officials as reflected in Table 1 below. The number of project sites to be visited and their geographical location dictated that the delegation be split into two groups. Each group was equally supported by a team of Parliamentary officials responsible for secretarial, research and content advisory, communications, language interpreting and protection services. The delegation was also accompanied by the Minister, Deputy Minister and Members of the KwaZulu-Natal Provincial Legislature.

1. Parliamentary delegation during the oversight:

<b>Portfolio Committee</b>	<b>Select Committee</b>	<b>Support Officials</b>	<b>Designation</b>
iNkosi ZMD Mandela ( <i>Chairperson/leader of the delegation</i> ) (ANC) Ms MME Tlhape, (ANC) Mr. N Capa, (ANC) Ms KD Mahlatsi, (ANC)	Ms T Modise ( <i>Chairperson/leader of the delegation – (NW)</i> ) Ms W Ngwenya ( <b>Gauteng</b> ) Mr J Nyambi ( <b>Mpumalanga</b> ) Mr B Smit ( <b>Limpopo</b> )	Ms P Nyamza Ms A Kakaza	Committee Secretaries
		Ms C Maledu Ms A Zindlani	Committee Assistants
		Dr T Manenzhe  Ms N Mgxashe	Content Advisor: Land Reform & Rural Development Content Advisor: Agriculture
		Ms N Qwabe Ms T Siyo-Pepeteka Dr G Lekalakala	Researcher: Agriculture, Researcher: Land Reform & Rural Development Researcher: Agriculture, Land Reform, Environment, Mineral Resources and Energy
Mr N Masipa, (DA)		Mr S Kheswa and Mr S Manono	Language Practitioners
Mr. MK Montwedi, (EFF)		Ms S Govender	Communication Officer
iNkosi R Cebekhulu, (IFP)		Mr Gwadela and Mr Abrahams	Protection Services

## 2. Members of the Provincial Legislature in attendance:

<b>Names</b>	<b>Institution</b>
Mrs N Sibhidla-Saphetha (Chairperson) Ms JT Gumede	Portfolio Committee on Agriculture and Rural Development, KZN Provincial Legislature

The delegation was also accompanied by relevant government officials from the Department of Agriculture, Land Reform and Rural Development and KZN Provincial

Department of Agriculture and Rural Development; Managers in the KZN Department of Agriculture, Project Officers and Extension Officers.

### **3. STRUCTURE OF THE REPORT**

This report presents an account of a four-day special oversight visit conducted by the Portfolio Committee on Agriculture, Land Reform and Rural Development and the Select Committee on Agriculture, Land Reform, Environment, Mineral Resources and Energy in KZN from the 10<sup>th</sup> to 13<sup>th</sup> August 2021. It documents the delegation's engagement with presentations made during briefing sessions and observations made during project site visits where the delegation interacted with senior Department officials, farmers, business owners and other stakeholders.

### **4. BRIEFING SESSION BY THE EXECUTIVE**

On 10 August 2021, the joint Committees (PC on Agriculture, Land Reform and Rural Development and SC on Agriculture, Land Reform, Environment, Mineral Resources and Energy) received briefings from the Provincial Department of Agriculture and Rural Development on the impact of the unrest on the agricultural sector and from the National Department of Agriculture, Land Reform and Rural Development on biosecurity and the outbreak and impact of foot-and-mouth disease (FMD) in the Province.

#### **4.1 Overview by the Minister of Agriculture, Land Reform and Rural Development**

The overview by the Minister of Agriculture, Land Reform and Rural Development, Mrs Thoko Didiza, highlighted the impact of the unrest on the agricultural sector, which has also been grappling with diseases such as foot-and-mouth disease (FMD) and avian influenza. In KZN, FMD investigations could not take place during the unrest in the Mtubatuba and Ugu Districts that have been affected by FMD. There are plans to set up a multi-stakeholder Task Team to strengthen biosecurity especially the management and control of FMD.

The unrest had a significant impact on the agricultural value chain as movement of goods from producers and distribution centres was affected during the period of the unrest due to the closure of the N3; and ports could also not operate, which affected wheat and yeast distribution at the time. There was also a direct impact on some farmers such as dairy farmers that had to spill milk as it could not be collected, sugarcane farms that were burnt and sugar milling companies that had to close due to threats.

Following the unrest, the Minister and the Member of the Executive Council (MEC) for Agriculture in KZN, Mrs Bongiwe Sithole-Moloi held meetings with agricultural industry stakeholders and visited some affected farms. Inter-ministerial meetings were held with relevant Ministries (for example, Agriculture, Trade, Industry and Competition, Health, etc.) to devise strategies for immediate response.

#### **4.2 Briefing by the KZN Provincial Department of Agriculture and Rural Development**

The Acting Chief Director (CD) for Agricultural Services from Provincial Department of Agriculture and Rural Development, Mr Lethukuthula Jongisa, presented a high level presentation on the impact of the violent protests in the agricultural sector in the province as well as short to long-term interventions to assist the farming community following the unrest. The presentation outlined the impact across all commodity groups, food-and-mouth disease (FMD) operations, district reports on affected farms and proposed interventions across different commodities namely: vegetable and grain commodities, livestock commodity and sugarcane commodity. Short interventions include provision of production inputs (seedling, fertilisers and chemicals) for vegetable producers and burnt sugarcane fields, and procurement of feed for livestock. The total budget that is required to provide assistance to the KZN farming community following the unrest was estimated at R1.1 billion.

#### **4.3 Briefing by the National Department of Agriculture, Land Reform and Rural Development (DALRRD)**



The briefing by the Chief Director from DALRRD, Mr Dipenene Serage can be summarised as follows:

#### **4.3.1 Biosecurity and Risk Management**

The Durban Port, which could not operate during the period of the unrest is the most central and convenient port for agricultural goods and approximately 80% of the meat that is consumed in the country is imported and mostly comes through the Durban Port. The hacking of Transnet ICT system also had a huge and negative impact on exports especially on citrus. The cold storage facilities were also affected, which had a negative impact on the quality and value of produce. The more time export produce has to spend at cold storage, the more chances that they will lose quality and there is also a threat of pests (e.g. citrus black spot (CBS) on citrus), which may result in rejections of those containers. The export rejections due to diseases and pests presents a phytosanitary risk to the country and also has an impact on costs, which have to be borne by the producer. The Department could account for 3 million cartons of citrus that could not be moved from the Durban Port due to the unrest. As an intervention, there were attempts to move some produce through the Gqeberha Port but unfortunately it is a small port and most of the produce is geared for the Durban Port.

#### **4.3.2 Update on Foot-and-mouth Disease (FMD)**

The new FMD outbreak in the province was detected in May 2021, which was followed by the declaration of the disease management area (DMA), namely, – Umkhanyakude, King Cetshwayo and Zululand Districts. Surveillance measures are in place to control the movement of cloven-hoofed animals and their products to prevent the spread of FMD. The decision to vaccinate or not to vaccinate will depend on the rate of the spread of the disease.

### **5. SITE VISITS**

From the 10 – 12 August 2021, the joint Committees conducted site visits to the uMkhanyakude, Amajuba, Ugu, eThekweni Metro, King Cetshwayo, Zululand and iLembe District Municipalities.

## **5.1 eThekweni Metropolitan Municipality**

### ***5.1.1 Frey's Abattoir (Cato Ridge)***

Frey's Abattoir is based in Cato Ridge in the eThekweni Metro, with Mr Walter Frey as a sole owner of the company. Frey's food brand is a premium pork meat production company in South Africa that supplies the food service and retail industry such as Spar with meat, deli and other pork products. While there were no injuries to its personnel, the factory at Cato Ridge was affected during the unrest through extensive infrastructural damage through petrol bombing of properties and vandalism of equipment and looting of carcasses and meat products. It was noted that the damage to the abattoir/factory was not to loot per se but to destroy the property including its equipment so that it cannot function again, which will have a negative impact to the country's economy.

The facility used to process 1 000 pigs a day from slaughter to processing (bacon, sausages and other pork products) but since the unrest, processing has come to a standstill as equipment has been damaged. The company now only slaughter pigs and store them as it has contracts with some of the farmers that supply pigs and also to assist farmers to get pigs off their farms when they are ready for slaughter. The estimated damage to the facility is R500 million and the company is busy with the insurance company to assess the damage on infrastructure. It is currently not making profit, which has an impact on employment sustainability for its 1 400 employees. Due to the extensive infrastructural damage and vandalism and the subsequent inability to do processing, most employees had to be asked to stay at home and the company now operates with 60 employees. It reported that although it submitted a report and application to the Department of Employment and Labour for the Temporary Financial Relief Scheme for Destroyed, Affected or Looted Workplaces that was gazetted by the Minister of Employment and Labour, it has not received a response from the Labour Department. The Scheme is supposed to assist with the payment of employee salaries/wages; and the company was concerned about the payment of salaries for its more than 1 200 employees that have to stay at home. Numerous follow-up correspondence to the Department of Employment and Labour have not yielded a response.

### ***5.1.2 Meister Cold Store (Pinetown)***

The Meister Cold Store in Pinetown is a commercial cold storage and distribution facility within the fresh produce segment that also has quarantine capabilities with government authority cooperation. Their storage system can be used for small, medium and large applications and in a variety of different markets. The Director at Meister Cold Store, Ms D Nairansamy reported that it was tremendously impacted by the unrest, suffering significant losses due to damage to infrastructure, burning of some of the property and looting. It is the largest cold storage facility in KZN and during the unrest, has lost 22 000 tons of cold storage facility. Approximately 90% of the lost storage capacity is imported products for the manufacturing of local food products, which will impact certain food supplies. The devastation has resulted in over a 100 job losses and negatively affected family members. The company has submitted a report and a claim and is waiting for the South African Special Risk Insurance Association (SASRIA) to expedite their claim so that it can rebuild, save jobs and prevent food shortages.

The delegation was also seriously concerned that 4 weeks after the unrest, responsible authorities have not ensured a clean-up operation in the area as rotten trashed products posed a health hazard to the security personnel looking after the facility including surrounding businesses and community; and the unpleasant smell alone was quite overwhelming even before one enters the gate.

### ***5.1.3 Snolink Cold Storage***

The cold storage is a private facility located in Durban that plays an important role in the agricultural value chain because its operations range from frozen citrus to frozen poultry for both import and export markets; and also in the distribution to retail value chain. The vandalism of the facility affected the agroprocessing value chain and agricultural sector broadly. The highlights of the site visit can be summarised as follows: About 15 preloaded trucks parked in the premises and ready for deliveries were completely emptied by the looters, thus creating shortages in the retail sector. It is estimated that the stock value of R35 million was looted from the trucks. Main customers affected were Clover, Checkers and others because their orders could not be delivered.

The ICT infrastructure was also damaged and it was difficult to replace IT equipment because almost every IT store was looted. The company had to source equipment from Johannesburg. The company estimated that, at the time of the visit, the total cost of replacement was around R95 million. The cost included ICT infrastructure, damage to trucks when batteries and diesel were being stolen. Further, it was reported that trucks with two and a half tons of frozen products were taken away from the facility.

It was estimated that it would take between three and 18 months to rebuild, repair and resume normal operations at strategic cold storage and processing facilities that were impacted in the Province. The biggest concern was security for the cold storage. Due to a security breach, the company had to contract a private security company from Johannesburg. In just two weeks, the company had put in security at a cost of R2 million and the high cost of security was considered unsustainable.

#### ***5.1.4 Fresh Produce Doc Station at Durban Harbour***

The delegation was briefed by the management of the storage facility and the Citrus Growers Association. The facility was not physically damaged because it is located within the Port, which is not easily accessible to the public. FPT operates three multi-purpose terminals in Southern Africa, situated in the Ports of Durban, Cape Town and Port Elizabeth. These terminals handle close to 350 000 pallets of fruit and 3.5 million tons of general cargo every year. On-site inspection is conducted by the Department of Agriculture, Land Reform and Rural Development, Perishable Products Export Control Board (PPECB) and Citrus Growers Association.

The Committee's observations can be summarised as follows: The shutdown of N3 during the unrest including stoning of vehicles and road blockages, which resulted in the closure of all major routes to Durban and workers unable to get to the Port precinct because of the hostile environment. A task team comprising of Transnet and Port stakeholders worked around the clock to coordinate necessary interventions and bring operations back to normal.

The facility experienced a week of an almost complete stop in all operations because there was no intake and shipping opportunities (container cargo). Truck turnaround time took longer than normal due to backlogs and operations were behind the normal schedule by two and half weeks. The citrus industry, for example, was among the hardest hit by the shutdown due to the riots and cyberattack at Transnet, which affected the ports. Whilst the unrest impacted the agricultural industry negatively, some of the challenges predates the unrest; for example, aging infrastructure at the Port.

The impact of the shutdown on the market is too early to quantify because some of the produce had not reached their destination at the time of the oversight visit. Proper assessment would be done once they reach their respective markets. However, there are risks of interceptions due to quality concerns. One of the positive developments emerging from the entire experience was that Transnet and Port stakeholders began to coordinate their efforts and work together to resolve the challenges related to the shutdown and cyberattack.

#### ***5.1.5 Durban Fresh Produce Market***

The Durban Fresh Produce Market, one of the largest fresh produce markets in South Africa, is a municipal bulk fresh produce market that was established in 1876. It is owned by eThekweni Municipality and managed by a market management team. The market offers two spacious sales halls with four Market Agents trading within both Sales Halls. One is set aside for trading of fruit and vegetables; while Sales Hall 2 is specifically set aside for trade of potatoes, onions, garlic and ginger. The Market is open to all buyers, i.e. bulk market (wholesalers, supermarkets, retailers, hotels, informal traders), farmers market – especially smallholders trading to the public, platform traders, and ‘housewives’ market. Fresh produce supplies are sourced from commercial farmers from all over South Africa and neighbouring countries. In addition, they also obtain supplies from domestic emerging farmers and other fresh produce suppliers and cooperatives.

Four market agents currently operate at Durban Fresh Produce Market namely; RSA Market Agents, Delta Market Agents, Port Natal Market Agents and Hanly Market Agents. Market Agents and their sales personnel are required to be registered with the

Agricultural Produce Agents Council (APAC) which is a statutory body formed by virtue of the APAC Act, Act No. 12 of 1992. The APAC's function is to regulate, enhance and maintain the status, dignity and integrity of fresh produce, export and livestock agents whilst protecting the interest of farmers or suppliers.

With regard to the unrest and looting experienced in KZN, the market was not vandalised because it was closed on time and there was no trade for three days during the riots to protect the property, its staff and to secure produce at the facility. It worked with SAPS and private security companies to monitor and secure the area. However, the Market estimated that the closure resulted in loss of sales worth R15 million because there was a decline in the supply of fresh produce and it could not trade. However, when they opened, the demand started to increase and the market was able to recover the losses. Although it could make profit, it noted that it could have made R15 million more had there been no closure.

The Market ensured that farmers' produce remained in safe storage at the market. However, due to the number of days without trade, the quality of the produce started to deteriorate thus affecting the market price. However, there was no need for the Market to compensate farmers as the produce was eventually traded. The highlights of the site visit can be summarised as follows:

- About 65 per cent of the produce comes from outside the Province. The unrest and looting affected the transportation of produce from all over South Africa as all major routes leading to Durban were closed. Based on risk assessment, farmers did not want to risk losing their trucks and putting the lives of truck drivers in danger.
- The closure of the market affected the informal traders across the city and other towns because they were unable to purchase fresh produce and also could not sell because of the shutdown. As a result, their livelihoods means were severely impacted.
- There were a number of transformation initiatives being implemented by the management, especially black shareholding of market agents, rental discounts, and increasing the number of African traders. The market also intends to establish an Enterprise Development Unit within the market to support smallholders and emerging commercial farmers.

## **5.2 Ugu District Municipality (Sezela Sugar Mill and affected farms)**

### ***5.2.1 Provincial Department of Agriculture and Rural Development***

The Provincial Department's Director for Ugu District, Mrs Gwala reported that during the unrest, commercial and smallscale sugarcane farms in the District were affected through burning and looting in some cases. During the unrest, the Sezela Sugar Mill had to close for a week and by the time it re-opened, most of the sugarcane had deteriorated and not in a good condition for processing. This resulted in some of the sugarcane being rejected and farmers suffering losses. The District was waiting for a decision from their principals regarding assistance for farmers. In the meantime, it planned to assist smallscale farmers with production inputs such as fertilisers that they had in storage.

### ***5.2.2 South African Sugar Association (SASA)***

The Group Communications and Media Manager from the South African Sugar Association (SASA), Mr Cedric Mboyisa, gave an industry perspective of the impact of the unrest and looting. SASA constitutes the South African Cane Growers Association (SACGA), South African Farmers Development Association (SAFDA) and South African Sugar Millers' Association (SASMA). More than 500 000 tons of sugarcane worth millions of rands in potential revenue were destroyed by arsonists, an act that had a negative impact on 65 000 direct jobs in the sugarcane growing sector and 1 million indirect jobs. Ten KZN sugar mills were forced to cease their operations during the unrest, two warehouses holding 12 000 tons of sugar were looted, 561 200 tons of commercial land reform and smallscale growers' sugarcane was burnt by arsonists and 40 000 tons of sugarcane at Sezela Sugar Mill was unusable and had to be destroyed. The Mills associations have lost an estimated R100 million in revenue. The Association is in discussion with the Minister for a stimulus recovery package to assist the sugarcane industry.

The **Executive Chairperson of SAFDA, Dr Siyabonga Madlala** highlighted that the level of disaster tolerance among growers is not the same, while most smallscale growers have lost everything, commercial growers may have some sugarcane that can still be

processed that will assist them to recover. He highlighted that the unrest has showed the slow pace of transformation in the sugar industry and the need for legislative review, in particular, the issue of the Daily Rateable Delivery (DRD), which disadvantages the smallscale growers. Land reform growers are mostly operating on marginal land and transport remains the greatest cost for all smallscale growers, who mostly rely on contractors to cut and transport their sugarcane. He further appealed to the Committees that government should prioritise and assist the smallholder growers as it is difficult for them to recover from the impact of the unrest. He emphasised that such assistance needs to be fast-tracked as growers are approaching the planting season.

The Regional Manager from the **South African Cane Growers Association, Mr William Gillian**, reported that the association had also lost sugarcane to the value of R70 million as a result of the unrest. And the affected growers are both smallscale and commercial growers. He highlighted the plight of a land reform farmer who lost all his sugarcane through arson and incurred tremendous losses in revenue.

### ***5.2.3 Sezela Sugar Mill***

The Director for Corporate Affairs for Illovo, Mr Tshepo Marumule gave a report on the impact of the unrest on Sezela Sugar Mill including on growers that supply the Mill with sugarcane. Sezela is part of Illovo Sugar, which has 3 sugar mills. All three sugar mills of Illovo Sugar South Africa and out-alcohol plants had to shut down during the unrest and export products could not leave the port. Outbound logistics were interrupted as the main arterial road networks were blocked and movement of products such as raw sugar, coal, molasses and other essential chemicals for processing came to a halt. Due to the widespread and uncontrollable arson fires, Sezela Sugar Mill was oversupplied and imposed a burn/harvest moratorium on the 11<sup>th</sup> of July 2021 and the Mill was closed for a week. The Mill restart was adversely impacted by the extent of deteriorated crushed cane and only fresh cane was able to bring crush to normal. That resulted in growers experiencing abnormal cane quality rejection criteria as only the 'freshest cane' of a specific quantum was being considered for milling. More than 60 000 tons of sugarcane was rejected, 50% of which was from large growers and the rest from smallscale, medium scale, land reform growers and some of the company's farms. This has an adverse impact on the growers' revenue, recovery following the unrest and employment in the sector.



The total loss to Illovo is estimated at R175 million, constituting R150 million in damages and lost opportunity due to the inability to operate and export during the unrest, R5 million for additional security and R20 million worth of damage to sugarcane fields that were burnt and could not be crushed. Sezela Sugar Mill lost a total of R78 million in profit in the form of 900 000 tons dumped cane, 21 million tons lost sugar and 38 million tons downstream losses. Illovo Sugar has spent in excess of R3 million combined expenditure supporting the South African Farmers Development Association (SAFDA), company employees and members of the community.

#### ***5.2.4 Makhubo Sugarcane Farm***

The farm is owned by Mr ZC Makhubo for whom the South African Sugar Research Institute compiled a farm agronomic assessment following a request by the former Department of Rural Development and Land Reform (DRDLR), channelled through the Sezela-Land Reform Development Committee (SLRDC). The agronomic assessment is requested to motivate grant funding for the farm. The total farm extent is 122.819 hectares (ha) of land with 81.9 ha planted sugarcane, and 40.9195 ha being indigenous bush. The farm is managed by Mr Ngcebo Makhubo (youth), whose father bought the farm. Its sugarcane is delivered to the Sezela Sugar Mill for processing. The farm was also affected and the entire 81.9 ha of sugarcane (approximately 1 000 tons) was burnt during the unrest. The Provincial Department was instructed to assist the farmer with the fertiliser and other necessary production inputs in preparation for the planting season.

#### ***5.2.5 Idwala Sugarcane Farm (Umdoni Local Municipality)***

The Humberdale farm, now recorded as Idwala Farm is 199 hectares (ha) in extent and is predominantly under sugarcane. It is a land reform farm owned by Mr Sipho Wiseman Njikija, who is youth. The cane is delivered to the Sezela Sugar Mill, which is approximately 15 km away from the farm. The farm owner reported that his farm was also burnt and looted during the unrest and he lost approximately 600 tons of sugarcane which amounts to half a million rands. It was further reported that the Provincial Department has not liaised with the farmers regarding their losses or provision of assistance. Farmers were in communication more with Farmer Organisations than the

Department and reported that as farmers they are in desperate need of production inputs now in August before the rain starts. The delegation instructed the Department to assist the farmer, including Mr Makhubo, with the fertilisers and other production inputs that it has reported were available for assisting smallscale farmers.

### **5.3 King Cetshwayo District Municipality**

#### ***5.3.1 Provincial Department of Agriculture and Rural Development***

The Provincial Department's Chief Director for the District, Mr Siphoshe Shange, reported that all local municipalities in the District were affected by the unrest. There was extensive damage to infrastructure including residential areas, burning of sugarcane farms and theft of livestock. The District had 5 000 bags of fertiliser for the one-household one-hectare (1HH 1ha) food security programme and all these have been distributed to beneficiary households. The District has submitted a Preliminary Report to the Provincial Department with details of the impact of the unrest and what is required for different commodities, not just sugarcane. Approximately R127 million will be needed by the District to assist affected farmers.

#### ***5.3.2 Siyamdumisa Sugarcane Farm (Umlalazi Local Municipality)***

Siyamdumisa Farm was leased from the government through the Proactive Land Acquisition Strategy (PLAS) in 2009. The farm is a family orientated agricultural company headed by the Sibiya family with Mrs Zandile Adelaide Sibiya as the Executive Director and farm owner and her daughter, Zinzile Sibiya (youth), the Farm Manager. Mrs Sibiya, a retired teacher, mentors smallscale farmers, is a member of the Women in Agriculture and Rural Development (WARD) and sits in the boards of a number of organisations. The farm is 192 hectares (ha) in extent and 127.37 ha are under sugarcane. The farm was originally producing sugarcane and grapefruit for an international market. Although cane is still the main source of profit, 50 hectares of grapefruit were later removed due to loss of the market, which had a business relationship with the previous farm owner. The Department classified Mrs Sibiya as a smallholder farmer graduating to

commercial. The farm hosts a number of interns each year to broaden their skills. Two of the students are starting a chicken/poultry business and have leased space from the farm.

During the unrest, 21.24 ha of sugarcane were burnt, which resulted in a loss of approximately R200 000 in revenue. Of the burnt sugarcane, 10.32 ha was not ready for harvest and therefore had to be dumped. The sugarcane burnt during the unrest produced a total of 1 050 tons which was cut by 10 cane cutters (seasonal workers). During the visit, field maintenance was underway with 12 field workers, 6 of whom are permanent and an additional 6 were recently hired after the fire to speed up work and ensure that salvaged burnt cane gets to the Amatikhulu Mill as quickly as possible.

The farmer reported that following the unrest, herbicide prices increased significantly with Roundup increasing from R900 to R1 500, which further had a negative impact on the recovery and sustainability of smallscale farmers. The farm needed some assistance with production inputs (herbicides, pesticides and fertilisers) for the upcoming cane growing season.

### ***5.3.3 Zone H and meeting with a group of smallholder sugarcane growers (Gingindlovu)***

The delegation visited Zone H in the Gingindlovu area, where burnt and damaged sugarcane that is not good for milling is dumped. Whilst there, it also met with a group of smallscale sugarcane growers, who wanted to raise some of their concerns. The concerns centred around struggles with competing with large scale commercial growers. The farmers reported that some of the sugarcane from smallscale growers is rejected by the Mills in favour of cane from commercial farmers. The farmers reported that they have been appealing to no avail for the prioritisation of their sugarcane for milling, which is normally ready by July to August, in order to level the playing field and ensure fair competition in the industry.

### *5.3.4 The Chase Farms*

The Chase farms, owned by Mr JG Chennells, are made up of a number of subdivisions on the outskirts of Eshowe; growing sugarcane, bananas and flowers. The farms have been in the Chennells family for over hundred years and they have built up a strong and healthy relationship with the neighbouring communities over many years. The recent violent unrest has affected the whole communities of Eshowe and KwaKhoza. The farm has 620 ha of sugarcane in Eshowe and during the unrest it was subjected to 41 different incidents of arson on various routes through the farms and along the main roads into the Eshowe town as looters ran to and from the town through the farm in an unnatural and terrifying anger, which caused fear and trauma on the farm owners and employees, some of whom were threatened. Mr Chennells reported that there was no assistance from the South African Police Service (SAPS) or any government department during the unrest. Farmers and the community had to help each other.

Mills were closed for weeks and farmers could not deliver sugarcane, which resulted in revenue losses. During the unrest, out of the 620 ha under sugarcane on the farm, 81 ha were burnt and 5 205 tons of sugarcane salvaged, with the estimated loss on underage cane approximately 1 850 tons with a value of R1.15 million. Estimated loss on milling delays was about R268 736 as the burnt cane took on average of 11 days to be milled instead of the normal 52 hours resulting in a substantial decrease in cane quality and thus, revenue loss.

Approximately 75 ha of the farm is under bananas and following the unrest, large volumes of bananas could not be sold and were discarded as shops, local trading stores and hawkers were closed. The total loss in banana revenue amounted to R109 350. Flowers were also thrown away as they were too old for harvesting as the closure of roads resulted in flowers ready for transportation to the airport for the international market being discarded. Some staff on sugarcane, bananas and flowers were intimidated to stop working for a number of days resulting in loss of earnings for them. However, none of the employees will lose their jobs.

The farmer also raised a serious concern with the delegation about the land reform programme beneficiary allocation. He reported that 8 years ago, he handed over to the Department a 160 ha farm next to his property for land redistribution. The Department allocated the farm to someone who knew nothing and was not interested in farming. The farm has never been fully operational since, it currently has nothing and even infrastructure has since been vandalised and destroyed.

#### **5.4 iLembe District Municipality**

##### ***5.4.1 Gledhow Sugar Mill***

The Gledhow Sugar Company is reportedly the most transformed sugar milling company with a B-BBEE level 1 status, multi-stakeholder ownership that is 61% black owned and with 59% of its sugarcane coming from black growers. Gledhow shareholding constitutes 34.9% UShukela Milling, 10% Sappi Pulp & Paper, 30% Illovo Sugar South Africa and 25.1% Gledhow Growers Share Trust. The company's General Manager, Mr Andrew Francis, reported that the company incurred loss of profits ranging from R8.4 to R10.5 million due to the unrest as the Mill was also closed for 6 days during that period. The total burnt cane stock during riots was 95 100 tons and total cane rejected, 5 500 tons. In addition to losses due to burnt cane, the company also incurred additional security costs. The company has given the farmers one-month loan payment holiday to adjust due to the unrest and has extended July deliveries by a week on request from growers.

##### ***5.4.2 Comments from Farmer Organisations***

**Mr Mashile from the SA Canegrowers Association** applauded developments at Gledhow Mill and highlighted that total revenue loss to growers in iLembe District amounted to R163 million and included smallscale, land reform and commercial growers. **Dr Madlala from SAFDA** also applauded Gledhow Mill for its progressive initiatives especially grower representation in the company ownership and further emphasised the prioritisation of smallscale and land reform farmers.

## 5.5 uMgungundlovu District Municipality

### 5.5.1 Mvoti Heights (Branvlei): Mr Thabiso Sithole

Branvlei farm is 714 ha in extent and is located at Mpofana Local Municipality. The farm was allocated to two beneficiaries under the Proactive Land Acquisition Strategy (PLAS) programme. Mr Sithole, one of the beneficiaries who was a recent graduate at the time of allocation, reported that they were given the farm in 2015. In 2017, government awarded them a grant funding of R2.7 million and 120 cattle. They bought a planter and boom sprayer, further constructed fencing and installed solar panel for the borehole. The bailer is leased for a cost of R547 000. Due to this investment, there was increased farm productivity which resulted in the project receiving the Farmer of the Year award in the developing category. However, at the time of the visit, the farm appeared to be in distress, which was confirmed by Mr Sithole in his presentation. He attributed the challenges to lack of government support in terms of funding, FMD outbreak and Covid-19 Alert Level 5 lockdown. The farm employs seven people, including four interns provided by the provincial Department of Agriculture and Rural Development and the cost for labour is R7 500 per month.

In terms of the recent unrest and its impact on the farm, it was reported that apart from fires that are common in the area, opportunistic criminal elements took advantage of the situation to burn grazing lands. In addition, the farm bakkie (with chicken feed) was hijacked and was allegedly used to transport looted goods. The fire destroyed the rented bailer, whose cost of replacement is R546 000 and unfortunately, the farmer did not have insurance for the bailer. It was unclear at the time of the visit how the lessor was going to deal with the matter, especially third party liabilities. The farmer indicated that the farm was not going to be able to pay for such costs.

The effects of the looting and destruction of property compounded the effects of the FMD which has resulted in restriction of livestock movement (meaning they were unable to sell livestock outside their area). The area is also prone to fires, some by acts of arson from those who challenge the farm allocations, especially former farmworkers and labour tenants who believe they have legitimate claims to the land. Although the Department is

aware of these issues, they have been unable to resolve these challenges, hence an escalation of tensions. The farmers reported that they formed part of the Fire Association of the area, affiliated at the cost of R595 per annum. However, the association has on numerous occasions failed to respond to their request for help when there were fires, including the recent one.

The highlights of the site visit can be summarised as follows:

- Despite the farmers' affiliation with the Fire Association in the area, emerging black farmers were not being assisted during the outbreak of fires. Mondi Forestry responds mainly because of risk of proximity. The provincial Department of Agriculture and Rural Development was reportedly not aware of this unfair practice.
- The incidence of fire on the farm could not be directly linked to the unrest/looting on the basis of longstanding history of fire outbreaks. However, it appeared that opportunistic criminal elements took advantage of the unrest.
- The area is characterised by tensions and conflicts around land, especially between land reform beneficiaries and former labour tenants who believes they have legitimate claims to the land as compared to tenants on PLAS farms. Further, farms are being allocated without settling any existing disputes involving former labour tenants or farm dwellers.
- The South African Police Service has tried interventions involving traditional leaders, DARD, COGTA and other stakeholders. However, it has become clear that the challenge is much bigger than the criminal element of arson. It requires community facilitation in which the DALRRD could play a leading role.
- The Committee noted the request for financial support by the farmers, not only to the site visited but other 52 land reform and emerging farmers in the area. There is a master plan and comprehensive business plan for the area. It further noted that government has limited financial resources. For 2021/22, only 2 projects were considered for assistance; Brantvlei received R6m and Klevervlei received R12m. It was also noted that budget cuts on land reform causes more backlogs. As a result, the Department does not have funding commitments regarding the proposed interventions on the farm (feedlot and effects of vandalism).

- The Committee also expressed concerns with regard to allocation of farms without housing. Farmers had to be accommodated on other farms, thus presenting the risk of loss of livestock to theft or fire.
- The effect of COVID-19 and FMD, compounded by the unrest has negatively impacted farmers who apart from inability to sell due to restrictions on movement, could also not get access to feeds and had to deal with the threat of loss of property, e.g. livestock and farm equipment including vehicles.
- The farm was operating at 25 per cent capacity, thus raising questions about the farmer of the year award and the extent to which it helped the farmer to improve production.

## **5.6 Zululand District Municipality**

### ***5.6.1 Mampontshi Piggery and Fencing***

The farm was acquired in 2013 through PLAS at the total cost of R9.7 million covering the price of land (R5.7 million) and immovable assets (R4 million). The enterprise has a 30-year lease (2013- 2043). The farm is located south of Vryheid between Vryheid and Dundee. Government coordinated for the beneficiaries an accredited piggery training with ARC and Amcor. In addition, a funding of R6.4 million was made available by the Provincial Department of Agriculture to purchase a tractor, renovate piggery structures and feeding equipment, construction of two silos of 18.5 tons each and renovation of an office block.

In 2015 and 2018 the Mampontshi farming received awards, namely 2<sup>nd</sup> runner-up of DARD Female Entrepreneur Awards, Winner of MEC's Special Award – youth and winner of the Top Entrepreneur Commercial. Whilst the enterprise was doing well, it had challenges which can be summarised as follows:

- FMD has in the past, and at the time of the visit, impacted the enterprise negatively because they were unable to move the animals outside the district.
- The piggery runs a very high electricity bill.
- FMD outbreaks made farmers to think about diversifying their farming operations and not only rely on piggery. They reported that they were beginning to diversify with cash crops in order to offset cash flow problems.



With regard to the effects of the unrest on the enterprise, the Committee noted that the farm was not directly affected by the looting and vandalism that was witnessed in some of the urban centres in KZN. Yet its effects were experienced in so far as up and downstream value chains are concerned. The farmers reported that -

- The farm experienced three weeks of no business because no trucks were allowed. As a result, they experienced cash flow problems.
- At the time of the unrest, the farm had about 250 pigs ready for sale. It therefore meant that the enterprise had to carry extra cost for feeding (about R400 000 at the time of the visit). There has been massive accumulation of debt for the enterprise.
- On the production side, failure to sell the pigs meant that they were running over capacity, which in turn resulted in stress for the pigs (experienced tail bites) and the general welfare/growth of the pigs was affected because of limited feed.
- Due to lockdown and closure of some abattoirs, there was a decline in terms of the demand, thus affecting the prices that the enterprise charge.
- When the roads were ultimately opened, they could sell weekly but prices were not stable.
- The outbreak of FMD also created massive challenges for the enterprise. For example, they could not transport their livestock outside the provincial borders (especially Mpumalanga as their main market); further, it was not easy to obtain permits for transportation of animals. All these made the enterprise suffer significantly, in terms of revenue and running a profitable farm.
- The enterprise seeks to expand by creating facilities for value addition, i.e. to slaughter and package meat; as well as cold room for storage of processed meats before it is sold directly to retailers.

## **5.7 uMkhanyakude District Municipality**

### ***5.7.1 Phangela Trading and Stock Enterprise (Feedlot Project)***

Phangela trading is located at Hluhluwe under Hlabisa Local Municipality. It is owned by Mr Sphamandla Maphanga. The farm is 160 ha in extent with a grazing capacity of 3.5 ha/AU and also leases 600 ha to breed Boran and Brahman cattle to produce weaners on veld. Project currently operates with 400 cattle feedlot fattening for 120 days and sold

to the abattoir. These animals are placed on the monthly batches so that the project sells a minimum of 100 cattle on the monthly basis. Weaners produced on farm are also supplied to the feedlot and as they do not have enough to reach the feedlot maximum capacity, they source weaners from the surrounding farms and auction sales.

The farming enterprise was beset by numerous challenges associated with the outbreak of FMD and the recent unrest that took place in KZN. Whilst they are different, both FMD and the recent riots disrupted the farming operations as the enterprise was unable to sell cattle. The unrest also restricted in and out movement of livestock, the operations and auction sales, which were already severely restricted because of the FMD outbreak. The highlights of the site visit can be summarised as follows:

- The farmer was running a successful farming enterprise despite all the challenges confronting the sector, especially new entrants into commercial farming.
- There was no criminal activity (i.e. looting or burning of property on the farm). However, the effect of the shutdown severely impacted the enterprise as it experienced challenges of overstocking; feed supply shortages as there were no trucks allowed to travel or the companies did not want to risk sending trucks in or out of KZN; and limited cash to manage the operations.
- Due to limited feed, cattle lost weight, which affected market prices.
- The local abattoir (Allen's Abattoir) was also closed since the movement of animals was not allowed due to FMD. It posed a great challenge for all commercial (including feedlots) and communal farmers. The abattoir found it difficult to source animals outside the province because it was in excess of their production cost and would have been a loss to the enterprise.
- At the time of the visit, the enterprise had just received during the previous week, a permit to source cattle for slaughter and the abattoir had resumed its operations. However, transport costs increased significantly since all cattle came from outside the province.
- The veterinary services were doing a commendable job to assist in risk assessment for commodities such as cattle on feedlot to determine whether such facilities would be safe from FMD. There were also a number of interventions such as control of movement operations conducted jointly with SAPS.

- The facilities that met biosecurity standards were granted permit to sell their livestock to the abattoir. Further, all facilities identified for slaughter in the FMD zone were to operate under supervision of a State Veterinarian.
- And all-in and all-out system may be implemented to ensure survival of the feedlot business and avoid cross contamination of cattle.

In summary, feedlots were severely affected because with the FMD control measures, it meant that this enterprise, given its carrying capacity (400 cows, with a target to sell 100 per month) and the fact that they needed to sell all stock before they brought in new stock, and further given that the fattening takes about four months, it meant that they will spend four months without income, but must continue to purchase and feed the livestock. The committee noted that it cost R16 000 per day to feed 400 cows.

## **6. COMMITTEE OBSERVATIONS**

The Committees' delegation made the following observations during the oversight visit:

- 6.1 Lack of urgency on the part of the Provincial Department as 4 weeks after the unrest, some Districts reported that they have submitted reports of the impact of the unrest including required interventions to the Provincial Department, which has highlighted budgetary constraints despite the declaration of the State of Disaster in the Province on 29 July 2021.
- 6.2 The slow pace of interventions and lack of liaison and direct communication with affected farmers by Districts while they are awaiting decisions from their principals. Short-term intervention for sugarcane farmers was mainly provision of fertilisers, which might not be what some farmers need; and in some cases, there was no criteria on how the available bags of fertilisers will be distributed among affected farmers.
- 6.3 Appreciation for the iLembe District that has timeously distributed all the available production inputs to the intended households for the 1HH1Ha food security programme; while it also submitted a report to the Province with a specific figure of how much the District will need to assist affected farmers across all commodities.

- 6.4 With the exception of Gledhow Sugar Mill, minimal or no specific role is played by the other Sugar Milling companies in assisting smallscale growers for the coming planting seasons while they are waiting for government intervention. In addition, no other avenues have been explored by Mills on the use of sugarcane whose quality has deteriorated for processing in order to assist smallscale growers.
- 6.5 In light of the significant losses and damage to critical infrastructure, there is a lack of action plans with timelines on how the Provincial Department with assistance from the National Department, will source funding to assist the sector particularly smallscale farmers to recover from the impact of the unrest.
- 6.6 There is no eminent role that is played by the Department in addressing the slow pace of transformation in the sugar milling sector as current laws and policies are said to favour large growers; and sugarcane from commercial growers is reportedly prioritised over that from smallscale growers.
- 6.7 The negative impact of the unrest and disruptions in the agro-logistics segment on food security and prices, cash flow and employment in the agricultural and agroprocessing sectors as some of the small to medium agribusinesses and farms may take a while to recover while some may not recover.
- 6.8 Despite the continuous challenges in the sector and lack of support, particularly in land reform farms, youth and women involvement was commended.
- 6.9 Uncertainty regarding the implementation of the Rural Safety Strategy and lack of intergovernmental relations as throughout the site visits, there was no indication of the role of, or collaboration with local government and other relevant institutions in respect of intervention measures to assist affected farms and agribusinesses.
- 6.10 Inadequate funding and farmer support to smallholder and emerging commercial farmers is a serious threat to sustainability of farming. Giving land reform beneficiaries once-off funding without sufficient extension support and other funding avenues amounts to setting up farmers for failure.

- 6.11 Opportunistic criminal element appears to have taken advantage of the situation to damage some farms because of existing tensions between local communities and farmers placed on PLAS farms by government. One of the contentious issues being the beneficiary selection process that overlooks former labour tenants or farm dwellers living in the area.
- 6.12 As the sugar industry (growers and millers) is regulated by both the Department of Agriculture and the Department of Trade, Industry and Competition (the dtic), it will be necessary for the Committees to also engage further with the dtic to ascertain if they will be providing any assistance to affected industry stakeholders in order to avoid double dipping.

## **7. COMMITTEES' RECOMMENDATIONS**

The Committees make the following recommendations to the Minister of Agriculture, Land Reform and Rural Development:

- 7.1 Ensure that the KZN Provincial Department of Agriculture and Rural Development makes use of the opportunity that is availed by the declaration of the State of Disaster in the Province to make budgetary adjustments in order to fast-track assistance to affected farmers and agribusinesses in the Province particularly smallholder farmers including those that have been visited by the delegation.
- 7.2 Ensure that the KZN Provincial Department of Agriculture and Rural Development develops an Action Plan with specific details and timelines on how affected farmers will be assisted in the immediate term and in the future to save livelihoods and prevent further job losses.
- 7.3 Ensure that interventions to support affected farmers (and agribusinesses) are informed by farmers' needs and the Department should work closely with industry stakeholders in this regard to safeguard food security and jobs in the sector.
- 7.4 Engage with the Ministry of Trade, Industry and Competition to address the slow pace of transformation and required legislative review in the sugarcane and sugar milling

sectors including discussions on the implementation of the Sugar Master Plan that is meant to address some of the challenges.

- 7.5 Investigate the plight of the 160 ha farm that was handed over to the former DRDLR for land redistribution by Chase Farms in 2013 near Eshowe in King Cetshwayo District Municipality and submit a report to Parliament.
- 7.6 Engage with the Ministry of Police and agricultural sector stakeholders regarding the implementation of the Rural Safety Strategy to ensure the safety of farming communities and provision of assistance during unrests.
- 7.7 Ensure that the implementation of the Veterinary Strategy is fast-tracked and well-resourced to strengthen the Department and provinces' ability to control and prevent the spread of FMD and other diseases of economic importance. Additionally, submit to Parliament an update on FMD Surveillance and Control measures in all affected areas.

*Response to the above recommendations should be submitted to Parliament two weeks after the adoption of this Report by the NA and NCOP.*

Report to be considered.

## National Assembly

### 1. Report of the Portfolio Committee on Basic Education on the Joint oversight visit with the Select Committee on Education and Technology, Sports, Arts and Culture to KwaZulu-Natal and Gauteng Provincial Education Departments, dated 24 August 2021.

The Portfolio Committee on Basic Education, having undertaken an oversight visit with the Select Committee on Education and Technology, Sports, Arts and Culture to the KwaZulu-Natal and Gauteng Provincial Education Departments, reports as follows:

#### 1. Introduction and Background

- 1.1 The Portfolio Committee on Basic Education and the Select Committee on Education and Technology, Sports, Arts and Culture (hereafter referred to as “Committees”) conducted an oversight visit to KwaZulu-Natal and Gauteng Provincial Education Departments from 9 – 13 August 2021.
- 1.2 The Portfolio Committee on Basic Education and the Select Committee on Education and Technology, Sports, Arts and Culture, after a live broadcast virtual meeting held on 3 August 2021 with the National Department of Basic Education, KwaZulu-Natal Department of Education and Gauteng Department of Education on the damages to school infrastructure caused by the recent unrest and looting, were unanimous that they urgently visited these two most affected provinces (KZN and Gauteng). The Committees were eager to have the first-hand experience of the vandalism, burglaries and looting of school property in hot-spot areas and how this was impacting schooling in the provinces.
- 1.3 Areas visited include the following:
  - UMgungundlovu Education District
  - Pinetown Education District (Phoenix)
  - Durban Central Education District (Umlazi)
  - Ekurhuleni South Education District (Voslorus/Katlehong)
  - Gauteng East Education District (Tsakane/KwaThema)
  - Johannesburg North Education District (Soweto)

- 1.4 The primary purpose and focus of the oversight visit was to monitor and oversee the overall damages to school property and infrastructure during the recent July 2021 unrests which saw criminals targeting schools for vandalism, looting and burglaries and how this impacted the state-of-schooling in these affected districts. The Joint Committees sought to have an understanding of any further challenges being faced; the contingency plans in place, what still need to be addressed and possible assistance that could be forthcoming.
- 1.5 As the Committees had received a detailed and concise report from the National Department of Basic Education (DBE), the KwaZulu-Natal Department of Education (KZNDOE) and the Gauteng Department of Education (GDE) at its meeting of 03 August 2021, the Committee felt it important not to waste any time meeting with officials from the Provincial Education Department again. Due to limited time available, the structure of the visits to schools was to engage the School Management Teams (SMTs) on incidents of vandalism, looting and burglaries suffered, as well as the impact such incidents may have on schooling. This was followed by an in-loco sight visit to the damaged schools. The Committees needed a report from the schools on the following key areas:
- Had the school been affected by the July 2021 unrests;
  - Report on damages, vandalism and stolen items;
  - Costs of such damages, vandalism and stolen items;
  - Had repairs/refurbishments been made – and the assistance from the Provincial Department;
  - What has not been addressed/repared yet
  - Had a case been opened at SAPS. Was a case number received;
  - Had any goods/items been recovered;
  - Were there any arrests made; and
  - What was the progress with SAPS investigations?
- 1.6 For the oversight visit, the Committees also alerted the School Governing Body (SGB) Associations, the South African Principals Association (SAPA) and Organised Labour. The Committees was also joined by the Portfolio Committee on Education in the respective Provincial Legislatures during engagements and visits to schools. The delegation held meetings with all relevant stakeholders to gain first-hand information on the damages, vandalism and looting and the impact on schooling - and to discuss various challenges faced in the Provincial Education Department (PED) and affected Districts.



- 1.7 This report provides a summary of the key issues that emerged from the interaction with stakeholders, officials of the national and provincial departments as well as the Committee's deliberations, observations and recommendations.

## 2. Delegations

- 2.1 Portfolio Committee on Basic Education:** Hon B P Mbinqo-Gigaba MP (ANC) (Chairperson), Hon N G Adoons MP (ANC), Hon T Malatji MP (ANC), Hon P R Moroatshehla MP (ANC), Hon E K Siwela MP (ANC), Hon B Yabo MP (ANC), Hon B Nodada MP (DA) and Hon M E Sukers MP (ACDP). Parliamentary staff consisted of Mr L A Brown (Committee Secretary), Ms P Mbude-Mutshekwanane (Content Advisor), Mr J Van Der Westhuizen (Committee Assistant), Mr S Mokoena (Parliamentary Communication Services), Mr Z Velebayi (Protection Services) and Ms N Alberts (Protection Services).
- 2.2 Select Committee on Education and Technology, Sports, Arts and Culture:** Hon E M Nchabeleng MP (ANC), Hon A Maleka MP (ANC), Hon M Bara MP (DA), Hon S Luthuli MP (EFF) and Hon D Christians MP (DA). Parliamentary staff consisted of Mr N Mkhize (Acting Committee Secretary), Ms L Stofile (Senior Researcher) and Ms Z France (Committee Assistant).

## 3. Oversight and Monitoring Visit in KwaZulu-Natal Provincial Education Department

The oversight visits to the UMgungundlovu, Pinetown and Durban Central Education Districts were held from 10 – 11 August 2021. Schools visited by the delegation included:

- **UMgungundlovu Education District**
  - Sifisesihle Primary School;
  - Khayelihle High School; and
  - Sikhululiwe Secondary School.
- **Durban Central Education District**
  - Vukuzakhe High School;
  - Emthethweni Senior Primary School; and
  - Dumehlezi High School.

- **Pinetown Education District**

- Siphosethu Primary School;
- KwaMashu Education Centre; and
- Golden Steps Special School.

### **3.1 School Visits in UMgungundlovu Education District**

#### **3.1.1 Sifisesihle Primary School**

Sifisesihle Primary School was established in 1982 as a lower primary school and was situated in Mpophomeni Township. The school was officially opened in 1987 and developed into a higher primary school that included Grade 7. The school had a total of 14 teachers and one non-teaching personnel paid by the SGB.

Some of the challenges over the last 12 months included the following:

- Several break-ins;
- Shortage of staff;
- Buildings cracking and leaking; and
- Improper fencing

Regarding the most recent July 2021 vandalism and looting, the school reported the following:

- Broken ceiling boards;
- Items stolen included the following:
  - o Stove;
  - o Benches and chairs;
  - o National School Nutrition Programme Foodstuffs.
- Water-stations damaged and unusable;
- Damage to school perimeter fencing;
- Damage to the security camera system and wiring; and
- Broken classroom doors.

The school reported that, to date, no action had been taken to address these challenges by the provincial department. The school had a challenge with no night security for the whole school – only certain sections were being patrolled by a private security company.

Some classes were not being attended due to a shortage of teaching staff. The school was utilising one of the classrooms as a nutrition kitchen. Due to fencing challenges, the school

perimeter was not secured hence the break-ins as a result learners use the fallen fence as they wish or to run away from the school.

### **Committee Observations**

- Members noted challenges with no security guards for the school regularly and queried how the Department was able to assist.

### **Responses:**

Provincial Education Department – The Department indicated that the school was on the priority list for repairs, refurbishment and maintenance as and when there was adequate budget and finances.

### **Recommendations:**

- Members recommended that the school should consider renegotiating the terms of the NPO that is using one of the classrooms that is mended by the private security company.
- The Provincial Department of Education should consolidate the report and highlight the progress of recoveries, refurbishments, progress with the law enforcement agencies and share it with the Committees before the end of the third week of August 2021.

### **3.1.2 Khayelihle High School**

Khayelihle High School was established in 1976 and was a Rural Public Secondary School located in Umbumbulu, KwaZulu-Natal. The current enrolment stood at 110 learners with 8 educators. The school was originally established with Grade 8 – 10 but was upgraded to include up to Grade 12. The school had also suffered looting and vandalism following the July 2021 unrests. The school reported the following damages:

- Damage to office main doors;
- Windows destroyed;
- Fire damage to the office rooms and staff room;
- Damage to ceiling boards (to gain entry into the strong-room);
- Good and items stolen included the following:
  - o Two kettles
  - o Desktop computer;
  - o Digital projector;
  - o Seven single desks;

- Fumigation sprayer tanks;
  - 40 Sanitiser bottles with pump;
  - 40 KG of rice, 40 kg maize meal, 5 kg sugar beans, 24 tins of canned fish;
  - Microwave oven; and
  - Gas stove.
- Textbooks destroyed.

The estimated total costs for the damages amounted to R 11 667.00 with additional costs of R 11 633.00 for textbooks. The school had reported the incidents to the SAPS and received a case number 81/07/2021. The incident was also reported to the local leader, councillor and SGB. None of the stolen items had been recovered to date and the school was awaiting feedback from the police. The school further reported on previous incidents of burglary at the school. Currently, there was no night security at the school- only daytime security. The school also reported past damages and vandalism e.g. stolen perimeter fencing and other burglary incidents.

All cases had been reported to SAPS but there has been no movement and the investigations were ongoing. The SAPS had found some items at a particular house in the area and a man was arrested. The school continued to arrange food parcels for the needy in the community. The school also reported challenges with a lack of scholar transport for learners who walked long distances to school.

### **Committee Observations**

- Members noted that the school reported no night security and urged the school to consider a night patroller as well as finding ways to involve the parents and local community to assist with school safety and security.

### **Responses**

Provincial Education Department – The Department had dispatched an inspector to assess damages to electrical cabling and a contractor would be appointed in due course to do the necessary repairs.

The school was one of 89 mobile schools established due to an increase in new community developments in the area. The Department, through its Infrastructure Funding Agency, was in the process of replacing mobile schools with permanent structures and the school was on the priority list. The Department had already started with the environmental assessment of the area for building the school.

## **Recommendations:**

- Communities should be engaged to take ownership and protect the schools in their areas.

### **3.1.3 Sikhululiwe Secondary School.**

Sikhululiwe Secondary School was established in 1996 and was situated in the Vulindlela Circuit in UMgungundlovu District. The current learner enrolment stood at 530 learners with 16 educators employed. The site where the school was built was donated by a community member and the Department of Correctional Services assisted with manpower for the building construction. Around 2007 the Department of Public Works built an additional 4 classrooms, offices, strong room and toilets.

In August 2020 the school was vandalised and also suffered weather damage. This was followed by the July 2021 vandalism and looting where parts of the school were burnt. The Department had sent officials to visit the school to inspect the extent of the damages. The damage to the schools included the following:

- Administration block burnt;
- Four classrooms burnt;
- Collapsed roofing;
- Collapsed walls;
- Cracked flooring; and
- The fire destroyed the electricity distributor, the contents of the storeroom, copy machines, science equipment, the content of offices, including textbooks.
- Stolen items included the following:
  - o Microwave ovens;
  - o Four laptops;
  - o Four printers;
  - o Food;
  - o Copy paper; and
  - o Stationery

Although a case had been opened with SAPS, the school was still awaiting a response from the SAPS on the incidents. There had been no reports of any recovery of stolen items nor any arrests. Unfortunately, the school did not have the services of night security. It was reported that the Department was able to supply new groceries for the nutrition programme. Further to this, the Department had supplied the school with extra five mobile classrooms.

## 3.2 School Visits in Durban Central Education District

### 3.2.1 Vukuzakhe High School

Vukuzakhe High School is a public ordinary Special Needs Education School located in the Maphundu Circuit in the town of Umlazi, Kwa-Zulu Natal.

The school gave a detailed incident report on the burglary during the July 2021 unrest. The school had reported the matter to SAPS and had case number 256/07/2021. The estimated costs of damage amounted to R 10 500.00. Further to this, the school calculated that the costs of other goods stolen were in the region of R 21 100.00. To date, none of the stolen items had been recovered.

The school did employ five security guards who worked day and night shifts. Three shifts had one security guard and one shift had two security guards. The school has been unable to establish a functioning Safety and Security Committee. The school had links with the SAPS and Community Policing Forum. The school has a functional SGB and is aware of the security threat and vandalism at the school. After meeting with the CPF, ward committee and SAPS it was resolved that stakeholders be visible at schools e.g. regular patrols by the SAPS and CPF.

The school reported the following:

- The school has 28 classrooms, two laboratories, a library, computer laboratory and hostels. However, the condition of this infrastructure is not conducive for teaching and learning;
- The following were stolen:
  - Data projectors (3)
  - Duplicating paper (30 boxes)
  - Flypaper (5 boxes)
  - Wall clocks
- Windows and window-panes were broken;
- Burglar proofing ripped off in the computer lab;
- Doors of rooms have been ripped off;
- Electrical wiring and plug-points have been ripped off;
- Ceiling boards in the classroom were damaged;
- Asbestos roofing and gutters were in a bad state of disrepair;
- School perimeter fencing was damaged and was often cut by land invaders;
- Four Jo-Jo Water Tanks were stolen;

- Plumbing often vandalised; and
- Some ablution blocks were not in working order.

The school had a break-in in 2019 whereby nine laptops, 16 tablets and six desktop computers were stolen. The school had reported the incident to SAPS and received a case number. Unfortunately, to date, none of the stolen items had been recovered and no further progress on the matter. The school further reported that in 2021 duplicating paper and data projectors were stolen. Often, children from the local community used the school courtyard over weekends to play soccer and other games.

The theft of teaching and learning material had a negative impact on learning and teaching as teachers needed to prepare worksheets for learners to minimise the spread of COVID-19.

### **Committee Observations**

- Members noted challenges with the safety and security of school property and queried whether the school was considering having more security personnel at night. Members also felt the school needed to revive the adopt-a-cop initiative to assist with the security of school property.
- It was noted with concern that the adjoining informal settlement bordered the school perimeter fencing.
- Members were of the view that the overgrown bushes within the school grounds posed a safety and security risk and appealed to the school to have it cut down/removed.

### **Responses:**

Principal – The school had been in collaboration with private businesses to assist with school repairs and refurbishments. The companies currently being engaged with included Toyota, Engen and FNB

### **Recommendations:**

The KZNDOE ensured that:

- The school was able to adequately utilise its Norms and Standards budget for some of the repairs e.g. broken windows and gutters.
- There was a collective effort from all stakeholders to drive a project of school renewal.
- The school was assisted with cutting down/removing the overgrown bushes on the school premises.

### **3.2.2 Emthethweni Senior Primary School**

Emthethweni Senior Primary School is a public primary school situated in Mthethweni, Umlazi. The school reported vandalism and looting during the recent July 2021 unrest as follows:

- Three computers were stolen;
- A laminating machine stolen

Perpetrators gained access to the items by breaking through a brick wall. Due to transport challenges on the night of the vandalism, the security guard was unable to reach the school for his shift. The school had reported the incidents to the SAPS but there had been no follow-ups from the police regarding the vandalism and theft. To date, no stolen items had been recovered.

The estimated value of the damages and stolen items amounted to R 35 000.00

#### **Committee Observations**

- Members noted that the school had too many overgrown bushes on the premises and this was hazardous. Members queried whether the school was able to have the overgrown bushes cut down or removed.
- Members noted that much of the damage, vandalism and looting at schools seemed to be minimal and requested the District to submit a detailed breakdown of the damages to all schools in the District.

### **3.2.3 Dumehlezi High School.**

Dumehlezi High School is an urban public secondary school located in the KwaMashu Circuit in the village of Ntuzuma. The school was a highly motivated institution of learning and attracted opportunities due to the schooling excellence. There were a total of 711 learners with 20 classes and two ablution blocks with 20 toilets. The school was highly active and contributed to the development of the surrounding community.

Overcrowding of learners in classrooms was reported - which also negated the school's capability to ensure social distancing.

The school was impacted by the recent looting and vandalism. The school lost many valuable assets used to improve the lives of learners as well as quality teaching and learning. The following was reported:

- Criminals had destroyed the infrastructure of the school;



- Four of the five hand-washing stations were vandalised;
- Ten offices damaged; and
- Toilet sinks, taps, seats and walls vandalised.
- Broken doors and burglar gates;
- Cutting the security system cables;
- Destroying ceiling boards (to gain access into offices, staff-room and kitchen);
- Items stolen included the following:
  - Science and technology equipment;
  - Projector;
  - HP Laptops (2);
  - Riso machine;
  - Printers (2);
  - Desktop computers (2);
  - Fridge;
  - Stationery and textbooks;
  - Microwaves (2);
  - Heaters (4);
  - Kettles (4); and
  - Sanitisers and cleaning material.

The school had reported the matter to the South African Police Services (SAPS) and received Case Number: 200/07/2021. An Officer did visit the school – but to date, no stolen items have been recovered and no arrest made. The Principal had called a meeting with councillors, community and other relevant stakeholders and a working committee was established to assist with issues faced by the school.

The Committees undertook an in-loco site visit of the school premises to inspect the damages and vandalised infrastructure.

**Committee Observations:**

- Members queried whether the school had considered the adopt-a-cop initiative to mitigate school vandalism and burglaries.
- Besides the latest damage to the school, Members also queried assistance from the Department in respect of historic damages to infrastructure.

**Responses:**

Principal – The school had written numerous letters to the District Office regarding the issue of broken windows and doors but had not received any responses to date. The school had collaborated with a private company that assisted with repairs to some of the classrooms.

Provincial Education Department – The Department indicated that the school was listed for the Asbestos Rehabilitation Programme. Due to financial/budget restrictions, the programme has not been able to proceed. A report on the damages and repairs has been received.

### **3.3 School Visits in Pinetown Education District**

#### **3.3.1 Siphosethu Primary School**

Mr C Sokhabase, Principal of Siphosethu Primary School, briefly reported that during July 14, 2021, unrest the school sustained the following extensive damages:

- Office block partially torched (laptops stolen);
- Staff room partially torched (double fridge, sound system and cameras stolen);
- Damaged wiring/ stolen copper; and
- Plus, minus 40 chair covers stolen.

Mr Sokhabase reported that the damage caused was mainly to doors, burglar gates and windows. He further reported that no classroom was damaged. He informed the Members that a case has been opened with the local law enforcement agency and he is still awaiting a report from the investigating officer. Mr Sokhabase also reported that, they are unable to do records, administration and etc. because of the damage caused by the fire.

Mr Sokhabase further reported that the school has no electricity as a result of the vandalism and theft of wires. The damages and stolen goods are estimated to be R48 000 and nothing has been recovered. He pleaded with the Provincial Department of Education to beef up security at night and assist the school by ensuring that the electricity matter is addressed.

#### **Committee Observations**

Members observed that the school has asbestos roofing which poses a health hazard.

#### **Responses:**

The Provincial Department reported that the school has been provided with 2 mobile classrooms for administrative purposes. It was also reported that electricity will be installed in

the coming week. matter would be resolved. Furthermore, the Province reported that there are plans to repair the Administration block but funding the projects is a challenge. There are commitments in the form of adjustments from DBE but the commitment is not yet clear. Mrs Gumede committed to establishing whether the school has been updating the systems so that the District can assist in terms of recovering the lost data.

**Recommendations:**

The Asbestos should be removed as a matter of urgency more especial in the burnt offices and the school roof must be replaced without compromising the health of the learners.

**3.3.2 Kwa-Mashu Education Centre**

Ms FN Mthembu, the Acting Centre Manager reported that on the 12<sup>th</sup> of July 2021, they vandalized the burglar guards, doors to the computer lab, hall, Centre Managers office, reception, library, venue rooms and strong room. It was reported that a case was opened with the Ntuzuma SAPS with the case number CAS 122/07/2021. The damages and stolen goods are estimated to be one and half million rands (1.5 million). It was indicated no recoveries have been made so far.

Ms Mthembu reported that the Centre is serviced by EBS Security Group (Pty) Ltd. Two security personnel are posted during the day and two during the night. Ms Mthembu further reported that there they are no plans to strengthen the security in the Centre due to the budget constraints. The fence that was damaged during the incident has been fixed by the Security company. She concluded by indicating that the Centre is not performing up to the required standard since the damage.

**Committee Observations**

- Members observed that computers in the media center has been stolen.
- Members also observed the functionality of the centre has been compromised as the result of vandalism and theft.
- Security personnel were only on one side making it easy for the intruder to access the centre using another entrance.

**Recommendations:**

The terms of reference with the Security Company need to be revisited in light of the loss incurred.

**3.3.3 Golden Steps Special School.**

Mr. B C Singh, Principal of Golden Steps School reported to the Committee that the Golden Steps Special School was extensively vandalized, looted and damaged during the 12-14 July 2021 unrests. It was also reported that due to an incident of COVID 19, the Verulam Police Station was temporarily closed in terms of the COVID-19 Protocols and reopened on 21 July 2021. The case was only opened with the SAPS Verulam on 22 July 2021 and has a Case Number: 497/07/21.

The damages sustained by the school include the following areas:

- Office block;
- Admin Clerk: Finance;
- Office of the Deputy Principal;
- HOD's Office;
- Reception, adjoining reception office: Admin Clerk;
- Board room;
- Kitchen/Hospitality;
- Specialist rooms/Workshop; and
- State School buses.

Mr Singh reported that the damage causes were mainly to doors, burglar gates, windows/window panes, removal of carpet tiles in staff room and appliances. The current estimated cost to rebuild the school to enable basic teaching and learning has been calculated and estimated to three million rands (R3 million). Mr. Singh also reported that no recovery of the goods has been made.

Reporting that the school has one state employed and unarmed security personnel. The Security Services has been outsourced to a local security company-RUSA, which provide one unarmed security day/night services and foot patrol. Currently, the school is part of the community police forum, however, it is not linked to the local Police station and no other measures are in place.

Mr Singh indicated that the school has received numerous pledges towards rebuilding and restoration of Golden Steps School. However, due to security challenges and the lack of proper storage facilities, the receipt of these proposed donated items have not materialised. To date renovations and reconstructions as anticipated has progressed very slowly, hence a further delay to the reopening of school.

In conclusion, Mr Singh reported that the school is currently facing numerous challenges related to the damages and losses incurred during the recent unrest. In terms of damages and

losses suffered during the recent unrest as well as the shortage of relevant human resources, the filling of essential vacant posts had arisen and submitted in communication to the District office.

As a school that caters for learners with special needs, it is imperative that posts that have become vacant be filled as soon as possible to ensure proper quality education and support to learners.

### **Committee Observations**

- Vandalism is perpetrated by local communities;
- The learners are disadvantaged both academically and psychological; and
- The school is closed for learners.

### **Responses:**

The Provincial Department stated that they will take over the refurbishment process once they realised that the school is unable to do so. The Department through its partnerships has secured plumbing material from the Department of Public Works. assist when a gap is identified. It was also reported that the school bus will be provided or 2 minibuses if the Department is unable to secure the bus. The Provincial Department assured the Members that the funding discussions to address all the damages across the Province are at an advance stage and the outcomes will be confirmed on 20 August 2021. Furthermore, the Provincial Department committed to looking on the matter of vacancies within the school

Mr Ngcobo from National DBE requested that the Principal should liaise with the District as the matter of the school is at an advance stage in terms of addressing the damages.

### **Recommendations:**

- NATO appealed to the Provincial Department to consider fencing the school and provide day and night security personnel.
- Members recommended that the issue raised by the school should be addressed so that learners can be brought back to the school environment.
- National DBE through must look at the Therapist matter and report back to the Committees.

## **4. Oversight and Monitoring Visit in Gauteng Provincial Education Department**

The oversight visits to the Ekurhuleni South, Gauteng East and Johannesburg North Education Districts were held from 12 – 13 August 2021. Schools visited by the delegation included:

- **Gauteng East Education District**
  - Amos Maphanga Secondary School
  - Rolihlahla Primary School
  - Davey High School
  - Lefa-Ifa Secondary School
- **Ekurhuleni South Education District**
  - Freeway Park Primary School
  - Rondebult Secondary School
  - Thabotona Primary School
  - Eden Park Secondary School
- **Johannesburg North Education District**
  - Tetelo Secondary School
  - Parkdale Primary School

#### **4.1 School Visits in Gauteng East Education District**

##### **4.1.1 Amos Maphanga Secondary School**

Amos Maphanga Secondary was a fee-paying state secondary school located in Etwatwa, Daveyton. The current learner enrolment stood at 1 128 with a total of 36 teachers.

At the height of the July 2021 unrest, looters had forced their way into the school kitchen but were pursued by the night patroller whose dog had mauled one of the looters. The incident was reported to the SGB for investigation.

The school reported the following damages:

- School kitchen was ransacked and items were stolen;
- Removed the chest freezer, gas cylinder, grass-trimmer and radio;
- Electricity switches, sockets and electrical cabling removed;
- Classes have electrical cabling exposed; and
- Dishes and plates removed.

The estimated total costs of the damages amounted to R 10 000.00. The incident was reported to the SAPS by the night patroller and principal and received case number 145/07/2021. The principal received information about a learner who had been bitten by a dog and requested that the learner and parent visited the school – where an urgent SGB meeting was convened. The

parent was able to supply information on the other learners who were part of the group that looted and vandalised the school. A further meeting with all parents of implicated learners was called. The suspects admitted to being party to the looting and vandalism. It was resolved that the suspects be handed over to the police. None of the stolen items had been recovered. A detective had visited the school to investigate and the three suspects were arrested. Learners are currently in the care of their parents.

### **Committee Observations**

- Members queried the number of night patrollers currently employed by the school and whether they were sufficient and effective.
- Members also queried assistance from the Circuit, District and Provincial Department in respect of the requirements from the school.
- Members noted the school had been a prefab school for many years and queried whether there were plans to build more permanent structures.

### **Responses:**

Principal – Although the school had four security patrollers employed by the Department, there was a challenge with them being allowed to work at night. The SGB had decided to employ their patroller to patrol the school premises at night. The Department committed to repairing the damaged wiring at the school. The SGB of the would be calling a disciplinary committee meeting to deal with the learner from the school involved with the incident.

Provincial Education Department – The Department had dispatched an inspector to assess damages to electrical cabling and a contractor would be appointed in due course to do the necessary repairs.

The school was one of 89 mobile schools due to an increase in new community developments in the area. The Department, through its Infrastructure Funding Agency, was in the process of replacing mobile schools with permanent structures – and the school was on the priority list. The Department had already started with the environmental assessment of the area for building the school.

#### **4.1.2 Rolihlahla Primary School**

Rolihlahla Primary School was established in 1992 through the efforts of the local community. The school reported the following damages during the recent unrests:

- Extensive damage was caused when looters damaged the water valves which services the school with running water. as a community;

- Two classrooms were vandalised;
- Damage to ceiling boards; and
- Theft of electrical cabling and floodlights.

The school had reported the incidents to the SAPS and received a case number. After some investigation, the school was able to recover some of the cablings from the local scrapyards.

### **Committee Observations**

- Members queried the timing of the vandalism and looting and whether damages reported happened during the recent July 2021 unrest.
- Members also queried the availability and services of security guards at the school to protect and safeguard school property and infrastructure.

### **Responses:**

Principal – The principal indicated that damages to the water valves occurred during the recent July 2021 unrests – but the other damages had occurred around February 2021. Regarding the security guards, the principal mentioned that the security personnel was provided by the Department and worked in shifts. Added to this, the school also employed its private security personnel but due to a lack of funds, the school was unable to continue with the private security company.

Provincial Education Department – The Department gave a detailed report on the challenges with using security guards and not being in compliance with the specific Acts governing the industry. The Department was unable to go beyond the scope of the authority governing the industry. The Department sought to ensure there were adequate patrollers in the identified hotspot areas. Further to this, the Department has ensured that a police officer was linked to the school.

### **4.1.3 Davey High School**

Davey Secondary School is a state secondary school located in Daveyton, Benoni. The enrolment figures for 2021 stood at 1180 learners with 32 educators. The school reported that during the July 2021 looting and vandalism, there were attempts by criminal elements to cut electricity cabling from the power station located on the school premises. There were further tampering with the electricity boxes and main switch. Although the incident was reported to the SAPS, the school was told that, as nothing was stolen, there could not be a case opened. During this time the school had managed to reconnect their electricity supply. The estimated costs of the damages amounted to around R 1 800.00.



## Committee Observations

- Members queried how the school was being assisted with security and safety of school property and infrastructure by the Department. Members queried whether the school had considered the adopt-a-cop initiative to mitigate issues of safety and security.
- Members also queried whether the school was given patrollers by the Department.

## Responses

Principal – The principal indicated that they were doing their utmost best to protect and safeguard property and infrastructure. Part of their initiatives included the hiring of a private security guard with a dog. This has seen a drop in incidents of burglary and vandalism. The school had a police officer attached to the school and was available for any assistance if required.

Provincial Education Department – The Department mentioned that there was a programme being rolled out regarding school safety in line with the National School Safety Framework. Part of the programme includes the training and development of SGB members on issues of safety and security for schools.

### 4.1.4 Lefa-Ifa Secondary School

Lefa-Ifa Secondary School is a state secondary school located in Extension 1, KwaThema, Springs - and was founded in 1985. The current enrolment figures stood at 1 435 learners. The school was a township school surrounded by informal squatter settlements with high unemployment and poverty. Many learners come from child-headed families, single parents or unemployed parents. In child-headed households, learners depend heavily on the school nutrition programme to sustain them. Parent involvement at the school was minimal, particular in respect of the Curriculum and learner discipline.

Issues of school infrastructure was a major problem as the school was very old. Due to the age of the infrastructure, the schools experienced many underground water pipe bursts. The school perimeter fencing was dilapidated and full of holes which leads to goats from the informal settlements roaming the school. This has also lead to a series of burglaries and vandalism of school property. Other challenges reported included the following:

- Classroom doors removed;
- Magnetic chalkboards stolen;
- Electric cables and sockets removed;
- Vandalised school hall;

- Ceiling boards removed and damaged;
- School is invested with rodents who eat everything (including electrical wires). The duplicators machines were out of order due to the wiring being eaten by rodents.
- Some of the stolen items included the following:
  - o Two microwave ovens;
  - o Six wooden classroom doors;
  - o Four educator kettles;
  - o Magnetic chalkboards in six classrooms;

The estimated cost of the damage amounts to R 110 000.00 (hundred and ten thousand rands). A case had been reported to the SAPS and the school received case number CAS/91/07/2021. The School was unable to afford a security company to patrol the school. The SGB had a sleep-over at the school and was able to apprehend a suspect trying to remove a door. A door was recovered and the buyer of the stolen property was also arrested. The school was not receiving regular updates on the progress of the cases lodged.

The school was trying to utilise its maintenance budget as best it could to do some of the repairs – but this was insufficient. The school was also ranked as a Quintile 4 school which many felt was incorrect as the school was in a squatter camp. The school had written letters to the Department to report vandalism, burglaries and looting as well as requesting assistance with the perimeter fencing and securing the services of armed response/patrols at night.

### **Committee Observations**

- Members were concerned that goats were allowed to roam the school premises and felt the matter of the perimeter fencing needed urgent attention.
- Members queried whether the school had a functional and established Safety Committee as required by the School Safety Policy – and what assistance the school received from the Department i.r.o the adopt-a-cop initiatives.
- Members noted that burglaries and vandalism was an ongoing problem at the schools and queried whether the Department had been able to prioritise the school for refurbishment and repairs.
- Members noted the outcry for the incorrect Quintiling of the school and queried how the Department was able to assist with a possible review of the school quintile ranking.
- Members queried the interventions and support from the Department of Social Development in respect of child-headed households and relevant social integration programmes to assist.

**Responses:**

Principal – The school had experienced looting and vandalism for a long time and had submitted the necessary requests for assistance from the Department; especially with issues of security of the school. The school was still awaiting feedback. The school also tried where possible to offer child-headed household food parcels. Although there are social workers assigned to schools, the school had not been visited by any to date. The school relied on school-based support teams and assistance from the district office.

Provincial Department – The Department gave a detailed overview of how schools were classified and ranked into the various quintiles. The Department agreed that they needed to review the quintile ranking of the school. Regarding issues of safety and security, the Department reiterated their challenges with funding and budget cuts. The Department would look at correspondence received from the school and check if there was an adequate motivation for security guards. The Department was collaborating with other schools to train school-based teams to deal with criminality. The Department had also requested that the SAPS did regular patrols of the school – resources permitting. The Department was addressing issues pertaining to the dilapidated underground pipes and had sent inspectors to make an assessment and awaiting the appointment of a contractor. The Department also signed a Memorandum of Understanding with the Department of Social Development for the deployment of social workers to schools where there was a need. The Department would further look to secure ICT equipment to be replaced as soon as possible.

## **4.2 School Visits in Ekurhuleni South Education District**

### **4.2.1 Freeway Park Primary School**

Mrs. Van Eeden, Principal of Freeway Park Primary School reported that during the unrest between 12 July and 14 July 2021, the school did not experience any vandalism, looting and damage.

### **4.2.2 Rondebult Secondary School**

Mrs L Mokoena, Principal of Rondebult secondary school reported the following damages during the recent unrests:

- Two classrooms were vandalised;
- Damage to ceiling boards;

- Smartboards were lifted.
- projectors,
- Kitchen resources (fridges, microwaves and food items)
- Theft of electrical cabling and floodlights.

Mrs Mokoena further reported that the school had reported the incidents to the SAPS and received a case number. After some investigation, the school was able to recover some of the cablings from the local scrapyards. And Indicating that the culprits have been apprehended and handed over. Mr M Nkomane, the school governing body reported that one of the biggest problems in the area which was increasing the looting and vandalism within the school was unregistered scrapyards.

According to Mrs Mokoena, the cost of damage to school property is estimated to be R150 000. The school managed to fix the damage caused in the burglar bars and replaced the water taps.

In conclusion, Mrs Mokoena indicated the following intervention needed:

- Provide SAPS satellite in Rondebult residential area
- To provide security to schools preferably armed response
- To provide CCTV security system
- To assist with repairs and replacement of the damaged areas
- Assist with the campaign to secure schools to strengthen relations with communities

#### **4.2.3 Thabotona Primary School**

The Principal of the school, Mr M Khoarai reported that the school was established in 1987 and the land that it is occupying is an agricultural land zoned. He reported that it was never afforded a descent infrastructure since its establishment from shacks. The Principal further reported that the school occupied the site illegally and are promised a piece of land where the new school will be built. The Principal also reported that the damages that were incurred by the school were only as a result of community unrest not related to the July unrest. Some of the classrooms were torched to ashes during those recorded community unrest.

#### **4.2.4 Eden Park Secondary School**

Ms S Mogable, acting principal led submissions to the Committee on behalf of Eden Parks Secondary school. Ms Mogable reported that no major structural damages took place during

the July unrest. She then pointed out one of the torched mobile classrooms, did not happen during the July unrest. As the result of the fire set I that mobile classroom, EMS books that were stored in the cupboard were burnt. Ms Mogale reported that the incident was reported to the SAPS. She further reported that the following items were stolen:

- Electric wires
- Aluminium window frames; and
- Sanitary fittings
- Theft of electrical cabling and floodlights.

### **Committee Observations**

- There were no major structural damages in most schools visited. Damage included the loss of electrical wiring, admin blocks, doors, roofs, ceilings, ablution facilities and sanitary fittings.
- Members noted that burglaries and vandalism was an ongoing problem at the schools.

### **Responses:**

Provincial Education: Gauteng education MEC P Lesufi assured that his office is committed to fixing the schools. He also reported that there are existing engagements with relevant service providers to address the electricity and water challenges. Moreover, he committed that police patrol will be prioritized in affected areas to ensure a sustainable solution.

## **4.3 School Visits in Johannesburg North Education District**

### **4.3.1 Tetelo Secondary School**

Tetelo Secondary School is a state secondary school officially opened in May 1996. The school is located in Soweto, Protea North. The enrolment figures for the school stood at 1 324 learners with 42 educators. The Committee delegation started with an in-loco walk-about of the school premises to assess the damages and vandalism that occurred in the July 2021 unrests. Some of the damages were as follows:

- Toilet taps removed from bathrooms;
- Office burgled;
- Ceiling boards damaged (to gain access into other rooms);
- Specific files stolen; and

- Doors broken and damaged.

The estimated costs of the damage amounted to R 12 000.00

### **Committee Observations**

- Members queries the steps taken by the SAPS to apprehend the perpetrators- and whether these were repeat incidents or a first occurrence.
- Members also queried the security arrangement/set-up at the school – and whether security was adequate.
- Members also queried the plans in place to repair and refurbish damaged property – and how this would be budgeted for.

### **Responses**

Principal – The principal indicated that the costs for repairing the taps, wiring and plumbing amounted to R 12 000.00. This excluded the repairs and refurbishments for the broken ceiling boards. The school had reported the incident to the SAPS and was awaiting a case number. The school was also awaiting follow-ups from the SAPS on the incidents. Crime Intelligence had visited the school to assess damage. In respect of security, the Department provided the school with three patrollers during the night. The principal mentioned past burglaries where items had been stolen but to date, there had been no arrests or recovery of stolen property. In 2016 a syndicate had vandalised the school and stole smartboards and a man from Mozambique was arrested and still in jail. Since then there had been a marked decline in burglaries at the school.

Provincial Education Department – The Department indicated that they had deployed a maintenance inspector to the school to assess all damages. It was agreed that the Department would fix the leaking roofs prior to attending to damaged ceiling boards. The Department provided schools with four patrollers (1 day and 3 night patrollers). Further to this, the Department had roadshows and awareness campaigns to sensitise parents and the local community on issues of safety and security of school property and infrastructure. There was agreement from the local SAPS to increase patrols of the school area. The Department projected a total cost for all repairs and refurbishment to amount to R 344 000.00. The school utilised its budget for some minor repairs while the Department would cover the costs of the more expensive refurbishments (e.g. leaking roofs and damaged ceiling boards). The Department estimated a timeframe of a month for repairs to be completed. It was further explained that the SGB had a maintenance budget for minor maintenance and repairs for the entire year.

### 4.3.2 Parkdale Primary School

Parkdale Primary School is a public primary state school located in Eldorado Park. The enrolment figures for the school stood at 1 114 learners with 28 educators. The school was affected by the recent July 2021 unrests and reported vandalism and looting during this period. Damages to the school included a break-in and damage to the new electrical wiring as well as damages to the brick wall. The school, with the assistance of parents and the local community, was able to arrest the perpetrator. The school was awaiting the necessary repairs to the electrical wiring.

Regarding the brick wall, it was mentioned that, on a daily basis, people from the surrounding community was removing bricks from the wall which left a gaping hole in the wall and compromised the security of the school. The caretaker principal also alerted the delegation of the incomplete school wall structure.

#### **Responses:**

Provincial Education Department – The Department noted the damages to the wall and agreed that they would look to repairing the perimeter wall and fencing of the school. To date, the Department had already started the installation of portions of the school fencing as well as repairs to the leaking roofing. Further to this, the Department was in the process of repairs to plumbing and leaking taps. In respect of the incomplete school hall structure, the Department mentioned that it was not a legal structure with approved building plans – however, the Department was willing to assist and have their engineers study the building plans and facilitate possible approval of such building plans.

## 5. Conclusion

The oversight visit to the KwaZulu-Natal and Gauteng Education Departments provided the Committees with an opportunity to oversee, monitor and assess the damages, vandalism and looting caused by the recent July 2021 unrests and how this impacted the functionality of schooling in general within the affected provinces. The findings and recommendations contained in this report should help to assist the district and province to support affected schools to improve on schooling in general as well as to strengthen areas related to basic functionality.

## 6. Portfolio Committee Recommendations (Overall)

The Portfolio Committee on Basic Education having conducted the oversight visit with the Select Committee on Education and Technology, Sports, Arts and Culture, to the KwaZulu-Natal and Gauteng Provinces, and having considered the damages, vandalism and looting notes the following:

- After the initial presentations by the KwaZulu-Natal Department and Education and the Gauteng Department of Education which was held on 3 August 2021 (a week prior to the Oversight Visit), the Committees were left with the distinct impression of large-scale damages to school infrastructure due to vandalism and looting – and dire impact on schooling in the affected schools. Due to time-constraints, the Committees were not able to visit all schools affected by the July 2021 unrest, vandalism and looting and unfortunately, a majority of the school visited during the oversight showed little/minimal damages to school infrastructure. This showed a disjuncture with the reporting from the Provincial Education Departments and the actual visit to school by the Committees in respect of damages to schools. Some of the schools identified for the oversight and monitoring visit were selected from the Provincial Education Department’s presentation tabled at the meeting of 3<sup>rd</sup> August.
- Similarly, at an Infrastructure Roundtable held with all nine Provincial Education Departments at the DBE Head Offices in May 2021 in Pretoria, again, the reports from PEDs was not manifested in the actual visits to schools where there were many challenges with school infrastructure in all its facets.

The Portfolio Committee on Basic Education having conducted the oversight visit with the Select Committee on Education and Technology, Sports, Arts and Culture, to the KwaZulu-Natal and Gauteng Provinces, and having considered the damages, vandalism and looting requests that the Minister of Basic Education, in collaboration with Provincial Education Departments visited considered the following recommendations:

### **6.1 KwaZulu-Natal Department of Education**

- Members recommended that the schools establish a functioning Safety and Security Committee. It was further recommended that schools needed to adopt-a-cop initiative to assist with the security of school property.
- Community Police Forum (CPF) ward committee and SAPS as stakeholders be visible at schools to ensure that there are regular patrols which includes Members of the South African Police and CPF.
- Where there was overgrown bushes and grass, Members recommended cutting and clearing of overgrown bushes within the school grounds as these pose a safety and security risk.



- Members recommended that schools can utilise their Norms and Standards budget for some of the repairs e.g. broken windows and gutters, for the maintenance of schools as some of the damages occurred long before the unrest.
- The district was urged to submit a detailed breakdown of the damages to all KZN schools

## **6.2 Gauteng Department of Education**

- Members recommended availability and services of security guards at the schools to protect and safeguard school property and infrastructure.
- Members urged the department to ensure that there is sufficient number of night patrollers employed by the school for sufficient and effective service of school security, protection as well as safeguarding of school property and infrastructure.
- Members recommended for replacement of mobile schools with permanent structures and that these mobile schools should be a top priority.
- Members recommended that schools consider to adopt-a-cop initiative to mitigate issues of safety and security.
- Members recommended for installation of perimeter fencing as urgent, in order to curtail the movement of animals like goats that roaming at the school premises.
- In line with the School Safety Policy Members recommended for establishment of functional Safety Committee to assist the school i.r.o the security initiatives.
- ICT equipment to be replaced as soon as possible for effective learning and teaching
- Members commented that burglaries and vandalism was an ongoing problem at some of the schools, in that regard the necessary resources on board with campaigns on safety and security of school property.

## **6.3 National Department of Basic Education**

- Members recommended that the Department of Basic Education and Provincial Education Departments ensure that there are adequate patrollers in the identified hotspot areas. Further to this, to ensure that a police officer was linked to the school.
- The Department of Basic Education and Provincial Education Departments have organised roadshows and awareness campaigns to sensitise parents and the local community on issues of safety and security of school property and infrastructure.
- The Department of Basic Education and Provincial Education Departments ensured that they fix the leaking roofs prior, as well as attend to damaged ceiling boards.

- In collaboration with Department of Social Development, the Department of Basic Education and Provincial Education Departments solicit for the deployment of social workers to schools where there was a necessity in order to provide learners with support.
- Members recommend that mobile structures be replaced by building more permanent structures.
- The Department of Basic Education and Provincial Education Departments needed to prioritise the vandalised schools for refurbishment and repairs.
- Members suggested that the incorrect Quintiling of the school, be revised
- Training and development of SGB members be conducted on issues of safety and security for schools, in line with the National School Safety Framework programme
- The Department of Basic Education engaged with Provincial Education Departments on creating Circuit or District Based Committees to produce the necessary safety and security plans for those schools in their respective circuits or districts.

#### 6.4 Portfolio Committee on Basic Education and Select Committee on Education and Technology, Sports, Arts and Culture

- The Committees ensured a follow-up engagement with DBE, KZNDOE and GDE on progress and status of all recommendations contained in the report.

## 7. **Appreciation**

The delegation, co-led by the Hon B P Mbinqo-Gigaba MP and Hon E M Nchabeleng, thanked the Members of the Provincial Departments of Education and the National Department of Basic Education for their support given during the oversight visits. The team also extended appreciation and thanks to the Teacher Unions and SGB Associations for taking the time to meet with the Committees and share their experiences and challenges.

Report to be considered.

## **2. REPORT OF THE PORTFOLIO COMMITTEE ON ENVIRONMENT, FORESTRY AND FISHERIES ON ITS OVERSIGHT VISIT TO KWAZULU NATAL ON 11 - 12 AUGUST 2021, DATED THE 24TH OF AUGUST 2021.**

The Portfolio Committee on Environment, Forestry and Fisheries (hereinafter, the Committee), having conducted an oversight visit to KwaZulu-Natal Province, from 11-12 August 2021, reports as follows:

### **1. INTRODUCTION**

On 11 – 12 August 2021, the Portfolio Committee on Environment, Forestry and Fisheries (the Committee) undertook an oversight visit to the province of KwaZulu - Natal. The oversight visit was informed by provisions of section 56 and section 24 of the Constitution. Section 56 of the Constitution provides that “The National Assembly or any of its committees may - (a) summon any person to appear before it to give evidence on oath or affirmation, or to produce documents; (b) require any person or institution to report to it; and (c) receive petitions, representations or submissions from any interested persons or institutions.” Section 24 of the Constitution which provides everyone with rights “to an environment that is not harmful to their health or wellbeing” was what also compelled the Committee to undertake the oversight visit to the identified areas.

### **1.2. TERMS OF REFERENCE**

The main objective of the visit was to conduct oversight following the fire incident at the United Phosphorous Limited (UPL) on the 12 of July 2021, leading to the pollution of air, rivers and sea in the Cornubia and Greater Durban areas.

The first day of the visit (the 11th of August 2021) comprised of a hearing with multiple stakeholders and was held at the Natal Sharks Board Head Offices in Umhlanga, Durban. The stakeholders included the National Department of Forestry, Fisheries and the Environment (DFFE), the Provincial Department of Economic Development, Tourism and Environmental Affairs (EDTEA), EThekweni Municipality, UPL, the environmental team of experts appointed by UPL, the national and provincial

departments of health and labour, NGOs and affected communities. On the day, the <sup>60</sup> Committee also visited the burnt-down UPL warehouse in the Cornubia area.

On the second and last day of the visit, the Committee met with the leadership of the DCLM landfill site in KwaDukuza, and toured the company's facilities.

### **1.3. Composition of the Delegation**

The Portfolio Committee delegation on the oversight visit to KZN was composed of the following members of Parliament (MPs):

Hon Mr Xasa, FD: Chairperson, (MP), African National Congress, ANC;

Hon Mr Modise, PMP, (MP), ANC;

Hon Ms Mchunu, TBV, (MP), ANC;

Hon Ms Mbatha, SGN, (MP), ANC;

Hon Ms Gantsho, N, (MP), ANC;

Hon Ms Phillips, C, (MP), Democratic Alliance, DA;

Hon Ms Weber AMM, (MP), Democratic Alliance, DA;

Hon Mr Paulsen, MN, (MP), Economic Freedom Fighters, EFF; and

Hon Mr Singh N (MP), Inkatha Freedom Party, IFP.

### **Support Staff**

Mr PP Mbele, Committee Secretary;

Mr M Erasmus, Committee Assistant

Mr Nhlanhla Ginindza, Researcher

## **2.BACKGROUND AND CONTEXT**

The United Phosphorus Limited is a company founded in India and has operations in South Africa. It produces many pesticide and agro-chemicals products that are mostly used in the agricultural sector. The warehouse started burning on 12 July 2021 and resulted in the pollution of air, soil, rivers and part of the coastline in Durban. The fire generated clouds of highly toxic chemical fumes and dust that spread for more than 10 days. The chemicals flowed to a local river system and several beaches were closed off after thousands of fish were poisoned by contaminated water.

The affected warehouse is located in special economic zone. There were concerns that no "specific" *Integrated Environmental Assessment* (EIA) conducted on the company's warehouse and potential pollution for the new UPL facility in Durban. Only EIA was done for the entire Greater Cornubia mixed use development project. This project was

designated and gazetted as a special human settlements Strategic Integrated Project <sup>61</sup> (SIP No.24) by the Presidential Infrastructure Coordinating Commission.

An official from the City of eThekweni told the media at a briefing on the 23rd of July 2021, that he was not aware of any application for a Major Hazardous Installation Permit lodged by UPL or the landowners. At that stage it was indicated that there was also no Scheduled Trade Permit granted for the facility, as per the requirements of the City of eThekweni by-laws, which regulate air emissions and pollution from potentially hazardous warehouses or production facilities. The status of the regulatory environment as regards to the establishment of the warehouse and its contents is currently under investigation by the various regulatory authorities at local, provincial and national level.

### **3. INTERACTIONS WITH STAKEHOLDERS**

The Committee interacted with the stakeholders in the order outlined below:

#### **3.1 The metro, provincial and national departments**

The Joint Operations Committee (JOC) informed the Committee that eThekweni Fire Department received a fire incident notification on the evening of the 12<sup>th</sup> of July 2021. Initially, Fire Department could not respond due to the sheer scale of the unrest in the province, which resulted in damages to approximately 200 buildings. The Fire Department was escorted to the incident by the South African Police Service.

The main water supply to UPL was damaged during the unrest and affected the function of the sprinkler system in the warehouse. Eventually, the eThekweni Fire Department was able to attend to the incident from approximately mid-morning on the 13<sup>th</sup> of July 2021 when the fire was already at its peak. The contents of the warehouse were unknown at that stage but the fire was attended to by emergency personnel and were already in the waterway, Umhlanga tributary and estuary.

During the initial visits and site inspections undertaken by the EDTEA and EKZN

Wildlife on the 16<sup>th</sup> of July 2021, the following observations were made:

- There were difficulties in extinguishing the fire;
- There was discolouration of runoff storm water into tributary (Mhlanga) and then the Umhlanga estuary;
- Fish kills were observed and reported to the DFFE and EKZN Ezemvelo Field

Rangers (15th of July 2021). A strong, pungent odour was also present on-site;

- A significant number of dead fish observed at the mouth of the Umhlanga River and;
- Two chemical spill companies were working on-site, including setting up booms to contain the runoff from entering the river.

The MEC and Head of Department also visited the site on the 17th of July 2021. This was followed by the formalisation of a government response on the 17th of July 2021, and the establishment of a Joint Operational Centre. On the 20th of July 2021, the Provincial Department requested specialist assistance from DFFE and a specialist team of 6 officials was sent to the province on the 22nd of July.

A multi-specialist site visit was undertaken by the JOC on the 22nd of July 2021. The departments reported that the following observations were made then:

- **Fire Department:** Significant progress had been made in extinguishing the fire. The work of firefighters was negatively affected by the fact that the damaged structure was not very safe;
- **Estuarine, Marine and Coastal:** Dead fish were observed at the lagoon and estuary. It was recommended that the estuary mouth be allowed to close and open naturally. They recommended that the beaches be closed to the public;
- **Aquatic and Freshwater:** The stream was still highly polluted. Some contaminants from the facility were still reaching the stream. Dead freshwater creatures were observed;
- **Air Quality and Environmental Health:** Risk of exposure due to continuous smouldering; and
- **Community Awareness:** Notice Boards were observed, advising the community not to use the water from Umhlanga River. Community members told officials that they were aware of the warning and also confirmed that they did have access to potable water.

Since the 22 July, frequent site visits have been undertaken to monitor the situation on the ground.

At the briefing meeting to the Portfolio Committee on 11 August 2021, a joint presentation was made by DFFE, the Provincial Department and the City of eThekweni. <sup>63</sup>

The environmental impacts were noted in the following areas:

- Exposure to airborne toxic chemicals;
- Deposition of pollutants
- Water (Freshwater and groundwater); and
- The Marine and Estuary.

The relevant departments developed a co-ordinated response plan to mitigate further risk and ensure remediation and rehabilitation. This included efforts in the area of:

- Air Quality with Airshed conducting air dispersion modelling. The modelling results were delayed by the challenge of obtaining weather data. With regards
- Fresh Water, efforts included the temporary stream diversion to remove contaminated sediments for treatment and disposal. UPL was issued with a Verbal Directive in terms of Section 20 of the National Water Act by DWS, and a Verbal Directive in terms of Section 30 of the National Environmental Management Act by the EDTEA;
- A media and communications plan, and ensure patrols by officials, which would include the necessary warnings to the public; and
- Oceans and coast which will begin with the next sampling round, including the sampling of biota, will be informed by results of the water and sediment sample analysis. Drone imagery was being undertaken for the estuarine area, with approval provided by EKZN Wildlife for the Umhlanga Nature Reserve.

The report by the departments also outlined the roles of each of the authorities involved in the process, the current assessments and reports in progress and a list of specialists from government authorities to UPL. It is clear that due to the scale of the incident and the impacts on multiple environmental media as well as human health, numerous departments are required to co-ordinate activities in line with their roles and responsibilities highlighted below:

- **KwaZulu-Natal Department: Economic Development, Tourism and Environmental Affairs** - authority leading the integrated response and chairing the Joint Operations Committee (JOC); leading on compliance and enforcement action under NEMA (including issuing directives) and co-ordinating the engagement with media and communications

- **eThekweni Metropolitan Municipality** - Fire Department – first responders; Air Quality and Health Risk Assessment; Environmental Health response; decision makers in terms of beach closure and opening; engagement with media and community engagement
- **Ezemvelo KZN Wildlife** - conservation authority - management of estuary and expert advice in terms of long term management objectives for the estuary
- **Department of Forestry, Fisheries and the Environment** – specialist support – Wetlands (aquatics), Health Risk (Epidemiology), Waste, Oceans and Coast; Hazardous Waste Management
- **Department of Water Affairs** - Water management and approval of remediation undertakings within the freshwater system
- **Department of Agriculture (Province)** - advice in terms of regulatory approvals; list of chemicals – international import/ exports
- **Department of Labour** - Occupational Health and Safety (including Major Hazard Installation Regulations)
- **Department of Health** - Hazardous Substances Act; Acute and Chronic Exposure advice; Qualitative Health Analysis; “Door to door” health surveys and collaboration with private clinicians.

It was reported that the joint government task team would continue to oversee the government’s response, with KZN EDTEA leading the initiative. All efforts were currently directed at environmental remediation and eliminating any human health impacts. The EDTEA would continue to engage NGO’s and communities affected by this incident, whilst the Joint Investigative Task Team would complete its preliminary report within one month and provide preliminary recommendations about the regulatory environment.

The government specialist team would continually support the KZN department in reviewing and analyzing the findings and recommendations from UPL specialist service providers. The municipality would continue taking the lead on the air quality, health risk assessment, environmental health response, and community engagement, and the DFFE Compliance & Enforcement would support KZN concerning enforcement actions when and where required.



### 3.2 United Phosphorous Limited

The UPL reported that they are a global leader in sustainable agricultural solutions, with a sales presence in 138 countries and USD5 billion in revenue. In South Africa, they are suppliers to the farming community across all major crops in all provinces, with approximately 18-20% market share. The company has achieved a USD 99.7 million revenue since setting up shop in the country. It has over 300 full-time employees and supports distributors that employ another 700 employees and agents.

Mr Jan Botha, the company's Chief Executive Officer in South Africa, reported that the Cornubia Warehouse was a brand new, state-of-the-art facility that the company occupied on the 1<sup>st</sup> of April 2021. The facility had CCTV camera coverage installed inside and outside, however, the footage was burnt. They believed that its fire and containment systems were more than adequate for reasonably foreseeable risks but could not withstand this type of 'arson', coupled with rioting and unrest. UPL had leased an appropriately zoned 14000 square metre warehouse from Fortress (Capita Propfund and Lussindale Investments), which involved no manufacturing of any kind. It stored 440 agricultural products (including different pack sizes of identical products) and 900 packaging materials and labels items.

The company reported that the agricultural products were primarily water-based, were all safely contained and packaged with little to low fire risk. They also claimed that the facility was equipped with the necessary infrastructure to manage incidents of the kind reasonably foreseen.

Through its SA CEO, the company further reported the incident on the evening of the 12th of July, 2021. They believed it to be a carefully orchestrated break-in, looting and a multiple-point fire. Continuing unrest, safety considerations and resource constraints delayed immediate fire response and containment efforts. The fire had burnt for some days due to the collapse of the warehouse roof.

The report also aired the company's views on arson, rioting and civil unrest being significant business inhibitors confidence, which were particularly unfortunate in an economic environment in need of foreign investment. The company believed that despite these challenges, its products are suited to South African requirements and that it has a positive role to play in the country's food production chain.

The CEO reported that UPL's first priority was containment and clean-up to the satisfaction of the relevant authorities and best practice. UPL would assess its physical needs, replace the destroyed products and reinstate its operations on-site or elsewhere. The company had also assembled a team of excellent specialists and advisors and would engage all the affected communities to understand and attend to their concerns.

### **3.3. UPL Environmental Team**

Environmental Practitioner who is also a specialist in industry and waste management. She is assisted by Ms Tandi Breedzke, who is the Chairman of the National Blue Flag Jury and has 30 years of professional experience. The collective comprises the Air Quality/Health, Water and the 'Impacts/Remediation/Rehabilitation' teams. UPL contracts the team.

A detailed report on the incident response was given to the Committee, outlined from the day of the incident to the periods thereafter. This included the interactions between the team leader and the various stakeholders, which comprised the provincial Department of Economic Development, Tourism and Environmental Affairs, the Department of Forestry, fisheries and the Environment, the Metro Police and Fire Department. It was reported that it had not been possible to access the UPL site due to the civil unrest that took place on the day of the incident.

Further interactions took place between the team and the Air Quality experts to obtain advice on the current risks and the measures to monitor the smoke in the area. Discussions included a long-term health assessment from the fallout and the undertaking of an air impact assessment. Water and sediment spill specialists and ecologists were also engaged to assess the effect of the pollution on the water and the general ecological system surrounding the area. Reports were later received by the authorities that there were signs of significant damage to the estuary. The contracted company, Spilltech, subsequently accessed the site and commenced work on the 15th of July, 2021.

The team reported that the incident actions would be implemented in containment, clean-up, remediation, impact assessment, and finally, rehabilitation and monitoring. These would be effected through:

- Site orientation and identification of risk regions, receptors, exploring the rehab-remediation options and water sampling;
- Toxicity testing of the fresh water and the saline/estuary;
- Identification of the most sensitive aspects of the aquatic ecosystem;
- Identification of the most problematic group/class of chemicals and;
- Identify appropriate removal and remediation measures.

A human health impact assessment was underway, it was reported. This ranged from the toxicological investigations to interviews with potentially affected communities, the investigation, characterisation and mapping of public health complaints, as well as the map overlaying of those complaints with dispersion modelling data.

The team further reported on the estuary and marine environment. The Umhlanga Estuary's ecological impact had been extremely high, affecting all levels of the food chain with mortalities of fish, crustaceans, and other sediment-dwelling species. The impact was likely to remain for a long time, whilst monitoring will indicate recovery and remedial actions necessary. Some recommendations were made, including no interference with the estuary mouth, which must be allowed to open and close on natural cycles. Specialists had also recommended toxin removal barricades across a tributary and the primary river system just above the estuary.

The team also reported a very high impact across all habitats. The water and sediment sampling was conducted to check the level of pollutants on the beaches, the rocky shores, and the implications for subtidal reef habitats. There were other assessments underway in groundwater and contaminated land, as well as the planned, resultant rehabilitation and monitoring

The report concluded with an outline of the results to date. The water and sediment results have been received from the UIS Laboratories in Johannesburg from samples taken a week after the incident. They presented a snapshot of the situation soon after the incident, and further pesticide results were awaited from a UK Laboratory. Air sampling was undertaken while the fire was burning and after it was extinguished. A strong odour during the fire had been reported, and although it had reduced, it was still evident.

### **3.4. Interactions with representatives of the affected communities**

The Committee also took the opportunity to engage the representatives of the communities affected by the events on 12 and 13 July, as reported herein. These ranged from the ward councillors of the areas, concerned residents and non-governmental organisations that operate in these communities. The issues raised by these stakeholders both orally and written included the following:

- There had been a lack of communication from the government and UPL with the affected communities, and no consultations had been done since the fateful day in July;
- In the previous explosion from Engen, the Committee instructed them to provide reports, and the company has not done so in the past eight months. They were concerned UPL would do the same;
- Concerns were raised by the exclusion of the representatives of communities and NGOs from the JOC, even though they represent the very people who bore the brunt of the events of the reported period;
- UPL had not made any visible efforts to show empathy for its employees and surrounding communities, with the human health impact of the events not assessed nor communicated. The representatives believed that the latter would have a devastating effect on the lives of communities in the long term. A medical team should have been put together from the beginning to attend to the impact of the incident on human life and mitigate other risks;
- There were further concerns that there was general secrecy by the company (UPL), on the actual contents of the chemicals that were stored in the Cornubia warehouse;
- There should be adequate compensation by the company, for all people who will be found to have been adversely affected by the incident;

- There was a plea that Parliament ensures that all the outstanding and pending investigation reports by the various authorities on the matter be shared with all, including community representatives and NGOs;
- The Committee also heard of the devastating impact the incident had left on the tourism sector in the surrounding areas;
- Reports of challenges with municipal competence on air pollution management were also heard;
- Residents from around the warehouse reported respiratory distress that they suffered on the days of the smoke, some of which are worried about long-term effects that are yet to be discovered. The children could be the worst affected because they were playing outside while the fires were bellowing.
- The contaminated tributary can no longer support the irrigation of sugar cane farms and vegetable gardens;
- The Blackburn community did not have a clinic where they could be assessed and report medical complaints and did not know where to report. The mobile clinic operates on specific days, but was not operational due to the unrest;
- The eThekweni officials assigned to the pollution line ignore phone calls. When they do take calls, they were rude, unhelpful and refuse to issue call reference numbers;
- The community was also worried that the sugarcane growers have continued harvesting the contaminated sugarcane for processing; and
- The remediation process should be completed quickly so that livelihoods from vegetable gardening can resume;

#### **4. VISIT TO DCLM KWADUKUZA**

On the second and last day of the interactions (the 12th of August 2021), the Committee visited the DCLM KwaDukuza Landfill Site to conduct oversight on the waste management strategies and efforts in the city, as part of its mandate. The presentation from DCLM highlighted that the site receives highly hazardous waste and has a Class A licence valid for ten years. The petrochemical industry and the municipality are the main clients of DCLM. Any form of waste to be processed by the facility should be booked beforehand before acceptance. Accepted waste has to be weighed, and samples undergo laboratory analysis. Then, the results will inform the quotation. The company monitors surface and groundwater quality on each activated site. Each site has to have a membrane laid down before and during preparation to prevent chemical leaching. Due

to the pandemic, the company has noticed a decline in waste volumes since the middle of 2020. <sup>70</sup>

The area serviced by the company is the Lembe region to the Stanger areas. The company applies various technologies, such as the use of an evaporator to reduce leachate and odour. The recovered water from the evaporation process is potable grade. However, the permit condition allows for the water to be only used for dust suppression. In terms of the National Environmental Management Act and Waste Management Act, all capped cells should be monitored for another 30 years after closure before repurposing the area.

The total area has a lifespan of 50 years and, on average, receives between 700 and 900 tons per day. So far, the first cell has been capped, while the second cell is in the process of capping. The company is already preparing the third cell for commissioning once the second cell reaches maximum use. The current caps are not final because the final capping process requires approval from the DFFE. The company monitors air quality in the area and can model how gaseous chemicals and smell spread into the community. DCLM will upgrade the evaporator warehouse in 2023 to treat leachate and hazardous liquids, requiring R100 million.

## **5.COMMITTEE FINDINGS AND OBSERVATIONS**

Following the interactions with the stakeholders, the Committee makes the following findings and observations:

- The Committee was not satisfied that a proper environmental and risk assessment process was undertaken before the company began its operations in the area of the incident, as is legally prescribed by the National Environmental Management Act, Hazardous Substance Act and the Occupational Health and Safety Act, amongst others;
- The Committee was concerned by the non-compliance with the COVID-19 Regulations by the Sugarcane farmers during the transportation of farm workers;
- The incident revealed a lack of adequate regulation of the industry, which would go a long way in ensuring the curbing of incidents of this kind with regards to the locations of chemical storage facilities;

- The Committee was concerned by what seemed a lack of capacity in human, financial and other resources for the involved government authorities to oversee and facilitate the implementation of appropriate remedial actions following the Cornubia incident;
- The Committee also noted that the UPL had no adequate fire fighting equipment that automatically activated when fire is detected;
- It was also of grave concern that the eThekweni Fire Department could not respond on time to begin with the extinguishment of the fire, and nor could they receive the necessary support from the South African Police Service and the South African National Defence Force to undertake that crucial task on time;
- The Committee further noted with dismay that the plans by UPL were more concerned with the clean-up and reinstating operations, to the detriment of proper assessments and interventions on the impact to human health;
- The Committee was also concerned that government had not required more urgent work to be undertaken in relation to understanding and communicating the impacts on human health, particularly resulting from the air pollution;
- The Committee heard from the Department of Labour's Health and Safety Specialist that the company had not complied with the legal requirements related to notification, risk assessment and approved emergency plans as per the Major Hazard Installations Regulations (No. R. 692 of 2001) that are supposed to be in place before operations of UPL's kind can operate;
- It was equally concerning that the company did not yet have the required permit from the eThekweni Municipality to store hazardous chemicals in the area;
- At the time of the visit, both UPL and Environmental Department were yet to release the list of the chemicals and their Material Safety datasheet;
- The Committee observed that there had not been adequate consultation and inclusion of the affected communities or its representatives, leading to strained relations between the parties;
- The Committee also noted the apparent chemical smell in the area and were worried about the exposure of school children;
- There was an urgent need for UPL to declare the public liability funds set aside for disasters of this calibre, to assist affected communities recover from the traumas associated with the incident or there be a mechanism for compensation;
- The Committee appreciated the operations and management of the DCLM site and handling of waste;

- The Committee was concerned that the company omitted their employment equity statistics during the presentation. DCLM assured the Committee that they are compliant and have three female directors at the management level. The operations are supported by 79 permanent staff and 125 personnel sourced from labour brokers. The breakdown of the workforce composition will be availed to the Committee, if needed.
- The Committee sought clarity on the composition of waste and appreciated that electronic waste would be handled to a dedicated recycling warehouse;
- Committee commended the high water recovery rate from the leachate and saw good prospects for application in other areas.

## **6. RECOMMENDATIONS**

Having interacted with the UPL, DFFE, KZN Provincial authorities, NGOs, affected community members, farmers, academia and DCLM, the Committee recommends as follows:

- The national, provincial departments, as well as the eThekweni Municipality, furnish the Committee with a report on the company's standing in relation to legislative and regulatory compliance at various levels as overseen by each of these authorities. This is especially urgent in light of the submission of noncompliance by the health and safety inspectorate at the Department of Labour;
- All departments, as well as UPL, must furnish the Committee with all assessments and investigation reports by no later than 30 September 2021;
- That a multi-stakeholder forum be set up that can work alongside the Joint Operations Committee to ensure the inclusion of all the relevant stakeholders, including the community representatives, academia, researchers in the health fraternity and the NGOs;
- The Committee received responses from UPL at the time of consideration of this Oversight Report and undertakes to engage the contents of the submission in due course;
- The SAPS and related authorities ensure the criminal elements of the investigations are completed timeously, so the consequent management procedures may take their course as per the laws of the Republic;
- The Department should submit a report on progress made towards sending investigation reports from Engen before 30 September 2021;



- The eThekweni Municipality and the Department of Health should furnish the Committee with a thorough report of complaints and occupational health assessment from the communities, including the number of complaints, their status, completion and continuous monitoring;
- The Department, South African Weather Service and eThekweni Municipality should furnish the Committee with a report detailing the number and location of air quality monitoring stations and weather stations for meteorological data within the Metro, their operational status, and why some stations were not working during the week of the incident;
- The Department of Health and the Department of Agriculture, Land Reform and Rural Development should conduct an analysis and legislative review of the Hazardous Substances Act 15 of 1973 as well as the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act 36 of 1947 to identify gaps and areas that need urgent updating;
- The eThekweni municipality, Provincial Departments of Environment, Labour and Health to conduct inspection on UPL facilities and submit the compliance report by 30 September 2021;
- The Department must submit the Report on the conducted EIA and exemptions in the special economic zone where the UPL warehouse is located; and
- The eThekweni Municipality with support from the specialists in the Department should submit a plan on how the team plans to handle the waste and settled chemicals in and around people's homes and including continuous monitoring.

**Report to be adopted.**