

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 26 SEPTEMBER 2023

1. The Council met at 10:06.
2. The Deputy Chairperson took the Chair and requested members to observe a moment of silence for prayers or meditation.
3. The Deputy Chairperson announced that the virtual sitting constituted a Sitting of the National Council of Provinces.
4. [10:09] Notices of motion.
5. [10:13] Mr G Michalakis moved without notice: That the Council –
 - (1) notes that the Sheriff of Welkom recently attached 24 vehicles from Matjhabeng Municipality's yellow fleet to the value of R41 million, as well as other vehicles;
 - (2) notes that the municipality owes service providers almost R270 million, over and above its R5 billion debt to the Water Board;
 - (3) further notes that the municipality recently acquired ten second-hand trucks for R32 million in breach of government rules;
 - (4) notes that it was also alleged that the money owed to some service providers are for contracts awarded contrary to the requirements of municipal legislation;
 - (5) notes that the above points to large scale financial mismanagement that is crippling the municipality, with residents and businesses suffering the consequences;
 - (6) calls on President Ramaphosa to urgently proclaim an SIU investigation into the finances of the municipality; and

- (7) calls on the Provincial Executive to immediately intervene in terms of section 139(5) of the Constitution by taking over the finances of the Municipality through a competent and qualified individual who can oversee the financial turnaround of the municipality in the interest of its residents.

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

6. [10:15] Mr S Aucamp moved without notice: That the Council –

- (1) notes with concern the extreme damage, as well as future negative consequences, caused by the outbreak of the H7N6 variant of Avian Influenza, more commonly known as “Bird Flu”, in various provinces of South Africa;
- (2) further, notes that this H7N6 variant is extremely aggressive and that the tempo of the spreading thereof is extremely fast and due to this outbreak, up to 10 million breeder chickens have already succumbed to this variant since July this year;
- (3) notes the figure that is made up of 1.74 million Broiler Breeders amounting to 23 percent of the total industry figure, 200 000 Layer Breeders amounting to 66 percent and 7.9 Million Commercial Layers which amounts to 32 percent;
- (4) further, notes the devastating effect that this outbreak has on food and employment security in our country;
- (5) notes that according to veterinarian specialists, the only way that the effects of this virus can be overcome is by the immediate provision of a vaccine against the H7N6 variant;
- (6) notes that although a vaccine for this variant does exist, it is not currently registered and approved for use in South Africa; and
- (7) requests the Minister of Agriculture, Land Reform and Rural Development to instruct that the approval for the use of the required H7N6 vaccine as well as approval for the import thereof are done as a matter of extreme urgency.

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

7. [10:17] Mr M Nhanha moved without notice: That the Council –

- (1) notes with alarm a report by the Daily Investor about the collapse of Transnet;
- (2) acknowledges that 68 percent of the country’s Gross Domestic Product, which translates to R 3.1 trillion in value, relies on Transnet’s ability to provide the means to transport goods;
- (3) notes that the collapsing of Transnet has increasingly resulted in companies not being able to import or export their goods;
- (4) acknowledges that the alarming report revealed that a study by the GAIN Group estimates that the collapse of Transnet is set to cost South Africa R 1 billion per day in economic output; and

- (5) calls on the Department of Transport and the Department of Public Enterprises to appear before the Council as a matter of urgency to account for the collapse of Transnet and to intervene to avert this looming catastrophe.

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

8. [10:18] Ms N Ndongeni moved without notice: That the Council –

- (1) notes that a 16-year-old Khazimla Adam’s passion to uplift all the Nelson Mandela Bay metro’s residents, particularly in some of its most destitute suburbs, has seen her claim the title of The Herald Citizens of The Year Award winner in the Civil Society category;
- (2) further notes that she has been leading from the front as Junior City Council Mayor and was recently elected National Youth Parliament Speaker;
- (3) recognises that her community service started when she was seven years old, and her mother would take her along with her older brothers to Volkswagen SA’s Show of Hands events doing various acts of charity in the Bay;
- (4) also notes that the grade 11 pupil and an aspiring law graduate encouraged her peers to never delay chasing their dreams simply because of their age; and
- (5) extends our warmest congratulations to her and wish her well in her future endeavours.

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

9. [10:20] Ms H S Boshoff moved without notice: That the Council –

- (1) notes that according to a report from an independent test done in collaboration with the Sabie Chamber of Commerce and Tourism and other stakeholders, e-coli has been detected in the drinking water of Sabie;
- (2) further notes that according to the US National Centre for Biotechnology Information, e-coli can cause urinary tract infection, abdominal and pelvic infection, pneumonia, bacteremia and meningitis, among others;
- (3) acknowledges that the Sabie Chamber of Commerce and Tourism has accused the Sabie Municipality of turning a blind eye to the matter by failing to find a long-term solution to the illegal mining and sewer leakages that are suspected to be the major causes of the contamination of Sabie’s fresh water;
- (4) also notes that the Sabie sewage plant remains non-functioning and there is little to no water purification or treatment being done anywhere in the area; and
- (5) calls upon the Thaba Chweu Municipality to upgrade and repair the entire sewage system and attend to any reported sewer leaks immediately as residents of Sabie should not be faced with human rights violation issues such as sewer leakages.

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

10. [10:22] Ms A D Maleka moved without notice: That the Council –

- (1) notes that President Cyril Ramaphosa has asked the Special Investigating Unit to probe the Rooiwaal Water Treatment Plant in Tshwane;
- (2) further notes that the NCOP Gauteng Permanent Delegates visited the Rooiwaal Water Treatment Plant, which was later visited by President Ramaphosa and other senior government officials after the outbreak of cholera that left more than 30 people dead in Tshwane; and
- (3) takes this opportunity to welcome the probe and reiterate its call for stern action against the contractor and any other government official, including officials from the City of Tshwane to face the full might of the law for their unscrupulous and criminal deeds.

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

11. [10:26] Ms N E Nkosi moved without notice: That the Council –

- (1) notes the successful 29th National Heritage Day in the post-apartheid South Africa with a sense of appreciation;
- (2) joins millions of South Africans, united in diversity, who went out of their way to observe this single most important day in the calendar of our history by demonstrating the strength of diversity in breaking the ranks with the past and shaping the better collective future that belongs to all of us as a single nation;
- (3) reaffirms our collective commitment as the elected representatives of the people to defend the collective heritage of dialogue as a means of resolving disputes and strengthening the role of Parliament as a voice of the people for a better future;
- (4) further acknowledges the persistent levels of poverty, unemployment, hunger and inequality as the barriers towards the building of a truly national identity; and
- (5) reaffirms our collective commitment to the values of selfless service to our people towards the eradication of these socio-economic ills.

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

12. [10:28] Ms C Visser moved without notice: That the Council –

- (1) notes with concern the ongoing fire outbreaks powered by high winds in the North West, Free State, Limpopo and Northern Cape provinces;
- (2) recognises that the spreading of the disastrous circumstances across parts of the country as a result of the ongoing fire outbreaks creates hazardous and life-threatening circumstances, and hampers affected communities' capacity to cope with their resources;
- (3) further notes that the magnitude of these fires affects vulnerable communities, rural human lives, livestock, wildlife, livelihoods, food security and infrastructure;
- (4) notes the importance of regulating the formation of fire protection associations to capacitate them to assist with disaster responses;

- (5) acknowledges that the government is empowered to assist the affected communities in terms of the provisions of the Disaster Management Act, 2002;
- (6) urges government to step in and assist all those who lost their entire existences in the destructive fires; and
- (7) calls on the government to ensure that the disaster response and relief aid assistance is executed without corrupt interference.

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

13. [10:30] Ms N Tafeni moved without notice: That the Council –

- (1) notes, that Matjhabeng Municipality, in Lejweleputswa region in the Free State province is in a crisis of municipal debt;
- (2) further notes that the municipality currently owes over R200 million to 15 companies for services rendered;
- (3) acknowledges that about 42 state vehicles were attached by the courts and this included municipal waste removals trucks and a fleet of newly bought municipal bakkies;
- (4) further acknowledges that on Friday, 22 September 2023, a court plea to block the sheriff from confiscating municipal assets was dismissed by the Bloemfontein Magistrate Court, thereby allowing the 15 companies owed by the municipality to proceed with the seizure of municipal assets;
- (5) recognizes that municipalities play an important role in shaping the nature and quality of services rendered to our people, and that the growth of public debt therefore has a negative impact on service delivery;
- (6) further recognizes that public services play a critical role in advancing human rights, fighting poverty and addressing inequality and that Matjhabeng's financial problems will worsen the level of service delivery rendered by the municipality and prevent it from functioning; and
- (7) notes the Economic Freedom Fighters call for all municipalities to effectively manage their finances as debt can result in a violation of fundamental rights.

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

14. [10:33] Mr M Dangor moved without notice: That the Council –

- (1) notes with sadness the untimely passing of Ambassador Zeph Makgetla, on Tuesday, 5 September 2023;
- (2) also notes that Ambassador Makgetla spent almost 27 years in exile, where he perfected his skills as a MK soldier and military engineer;

- (3) recalls that he also served as ambassador to Greece and Sweden respectively and dedicated most of his life to the struggle for a free and democratic South Africa;
- (4) further recalls that between 1964 and 1975 he worked in a variety of political, diplomatic and military positions for the ANC, mainly stationed in Tanzania, Zambia and the then Soviet Union; and
- (5) conveys our deepest condolences to the family of the MK soldier Comrade Zeph.

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

15. [10:35] Ms M Bartlett moved without notice: That the Council –

- (1) notes with pride the pre-emptive phenomenal successes of the law enforcement agencies against the cash-in-transit robberies in the recent past as successively reported by the media;
- (2) further notes that these successes continue to drastically reduce the risk of loss of human life, especially the men and women in blue, and the ordinary citizens who are always caught in the crossfire;
- (3) believes that these successes are due to better planning, coordination and collaboration across the criminal justice system and the private security sector;
- (4) calls on the relevant parliamentary committees to continue monitoring the situation and strengthening oversight in this critical area of violent crime; and
- (5) congratulate our criminal justice system and the private sector security establishment for a job well done.

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

16. [10:37] Ms L C Bebee moved without notice: That the Council –

- (1) notes with utmost concern and apprehension the statement by the Minister of Police, Minister Bheki Cele, that more than 7 000 police officers have been charged for various crimes in the last five years and that this includes murder, rape and cash-in-transit heists between the 2018/19 financial year and 2022/23 period;
- (2) further notes that out of more than 7 000 police officers who were charged for various crimes, 686 were successfully prosecuted in court by the National Prosecuting Authority; and
- (3) takes this opportunity to call on the Minister of Police and the relevant parliamentary committees to look into the involvement of police officers in criminal activities and ensure that mechanisms are put in place to rid the police service of corrupt and unethical police officers who use the police service to further their nefarious and criminal agendas.

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

17. FIRST ORDER [10:39]

Consideration of **Performers' Protection Amendment Bill** [B 24F - 2016] (National Assembly – section 76) and Report of Select Committee on Trade and Industry, Economic Development, Small Business Development, Tourism, Employment and Labour thereon (Announcements, Tablings and Committee Reports, 8 September 2023, p 2).

Debate concluded.

Declarations of votes made on behalf of the Western Cape, Northern Cape and Limpopo.

Question put: That the Bill be agreed to.

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

AGAINST: Western Cape.

ABSTAIN: KwaZulu-Natal.

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

18. SECOND ORDER [11:00]

Consideration of **Copyright Amendment Bill** [B 13F – 2017] (National Assembly – section 76) and Report of Select Committee on Trade and Industry, Economic Development, Small Business Development, Tourism, Employment and Labour thereon (Announcements, Tablings and Committee Reports, 8 September 2023, p 5).

Debate concluded.

Declarations of votes made on behalf of the Western Cape, Northern Cape and Gauteng.

Question put: That the Bill be agreed to.

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

AGAINST: Western Cape.

ABSTAIN: KwaZulu-Natal.

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

19. THIRD ORDER [11:12]

Consideration of **Fundraising Amendment Bill** [B29B-2020] (National Assembly – sec 76) and Report of Select Committee on Health and Social Services thereon (Announcements, Tablings and Committee Reports, 22 September 2023).

Debate concluded.

Declaration of vote made on behalf of the Western Cape.

Question put: That the Bill be agreed to.

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

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

20. [11:31] The Council debated the following subject: **Debate on Tourism: Building viable tourism spaces and facilities for local economic development.**

Debate concluded.

21. The Council adjourned at 13:14.

X GEORGE
Secretary to Parliament