



**LIMPOPO  
LEGISLATURE**

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# **REPUBLIC OF SOUTH AFRICA**

## **LIMPOPO PROVINCE**

**VERBATIM REPORT  
[HANSARD]**

**OF THE**

**DELIBERATIONS AND DEBATES**

**OF THE**

**SECOND SESSION**

**OF THE**

**SIXTH LEGISLATURE OF THE LIMPOPO LEGISLATURE**

**TUESDAY, 06 OCTOBER 2020**

## **MEMBERS OF THE EXECUTIVE COUNCIL [CABINET]**

Office of the Premier	Mr C S Mathabatha [Premier]
Education	Ms S P Boshielo
Health	Dr P C Ramathuba
Social Development	Ms N C Rakgoale
Economic Development, Environment and Tourism	Mr T A Mokone
Public Works, Roads and Infrastructure	Mr N D Masemola
Transport and Community Safety	Ms M M Lerule-Ramakhanya
Agriculture and Rural Development	Ms N A Ndalane
CoGHSTA	Mr B R Makamu
Sport, Arts and Culture	Ms T A Moraka
Provincial Treasury	Mr S C Sekoati

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The Deputy Speaker	Mr A J D Ndou
The Chief Whip	Mr M E Mokgonyana
The Deputy Chief Whip	Dr S M Mochadi
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The Deputy Chairperson of Committees	Mr C B D Selane
The Leader of Government Business	Mr S C Sekoati
The Leader of the Opposition	Mr M J Buthane
The Secretary of Limpopo Legislature	Mr S Mothoa

## **MEMBERS OF THE LIMPOPO LEGISLATURE** (in alphabetical order)

### **PARTIES REPRESENTED IN THE HOUSE:**

African National Congress (ANC)  
 Democratic Alliance (DA)  
 Economic Freedom Fighters (EFF)  
 Vryheidsfront Plus (FF+)

1. Aphiri, Mokgadi Johanna	ANC
2. Boshielo, Shela Polly	ANC
3. Buthane, Modikane Joseph	EFF
4. Kekana, Nakedi Grace	ANC
5. Lebea, Kedibone Margaret	ANC
6. Lekganyane, Nakedi Maria	ANC
7. Lerule-Ramakhanya, Mavhungu Maureen	ANC
8. Maharaj, Risham	DA
9. Mahasela, Mahlodi Caroline	ANC
10. Makamu, Basikopo Rodgers	ANC
11. Makhurupetje, Makoma Grace	ANC
12. Managa, Lilian	EFF
13. Manganye, Tinyiko Florence	EFF
14. Maritz, Marcelle Frieda	FF+
15. Marule, Jacob Boy Otto	ANC
16. Maseko, Funani Jerry	ANC
17. Masekoameng, Mmabogahla Isaiah	ANC
18. Masemola, Namane Dickson	ANC
19. Mashamaite, Nkhohlo Victor	ANC
20. Mathabatha, Chupu Stanley	ANC
21. Mathe, Simon Matsobane	ANC
22. Mathye, Susani Violet	ANC
23. Matlou, Leswafo Joshua	ANC
24. Mdaka, Falaza Philemon	ANC
25. Mitleni, Wisani Goodman	ANC
26. Mochadi, Sekutu Monicca	ANC
27. Mohlala, Manamane Charles	EFF
28. Mokaba-Phukwana, Mapula Annah	ANC
29. Mokgonyana, Essob Mmanoko	ANC
30. Mokone, Thabo Andrew	ANC
31. Molapo, Reneiloe Rosemarry	ANC
32. Monama, Gannye Rodgers	ANC
33. Monyamane, Nkome Sarah	ANC
34. Moraka, Anna Tandi	ANC
35. Mphahlele Selaelo Regina	EFF
36. Ndalane, Nandi Annah	ANC
37. Ndou, Azwindini Jeremiah Dingaan	ANC
38. Phala, Katlego Suzan	DA
39. Phala, Kgolane Alfred	ANC
40. Radzilani, Fulufhelo Florence	ANC
41. Rakgoale, Chritian Nkakareng	ANC

42. Ramathuba, Phophi Constance	ANC
43. Raphela, George	EFF
44. Sekoati, Seaparo Charles	ANC
45. Selamolela Selelo Donald	ANC
46. Selane, Che Bonnie David	ANC
47. Seono, Mmaishibe Rebecca	ANC
48. Seshoka, Jetrick	EFF
49. Smalle, Jacobus Frederik	DA

#### **PERMANENT DELEGATES TO NATIONAL COUNCIL OF PROVINCES**

1. Mamaregane, Mmamora Lilliet	ANC
2. Mathevula, Brenda Tirhani	EFF
3. Matibe, Tshitereke Baldwin	ANC
4. Nchabeleng, Mamagase Aleck	ANC
5. Shaikh, Shahidabibi	ANC
6. Smit, Christiaan Frederik Beyers	DA

## **COMMITTEES OF THE LIMPOPO PROVINCIAL LEGISLATURE**

### **CATEGORY ONE – STANDING COMMITTEES**

- a) Rules Committee
- b) Internal Arrangements Committee
- c) Programming Committee
- d) Whippery
- e) Disciplinary Committee
- f) Committee on Ethics and Members' Interests
- g) Committee of Presiding Officers
- h) Public Accounts Committee
- i) Public Participation and Petitions
- j) Quality of Life and Status of Women, Youth and Disability

### **CATEGORY TWO – PORTFOLIO COMMITTEES**

- a) Provincial Treasury
- b) Co-operative Governance, Human Settlements and Traditional Affairs
- c) Public Works, Roads and Infrastructure
- d) Economic Development, Environment and Tourism
- e) Agriculture and Rural Development
- f) Transport and Community Safety
- g) Sport, Arts and Culture
- h) Education
- i) Health
- j) Social Development
- k) Public Administration
- l) Oversight Review Mechanism

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Ndala, N T (Ms)  
Netshamulivho, A J (Mr)

**VERBATIM SPEECHES OF THE  
LIMPOPO PROVINCIAL LEGISLATURE  
LEBOWAKGOMO LEGISLATIVE CHAMBER  
TUESDAY, 06 OCTOBER 2020  
MEETING OF THE HOUSE: 10:00**

**1. PRAYERS/MEDITATIONS**

**THE SPEAKER**

We shall now have the opportunity for a moment of silence for prayers and/or meditations.

[SILENCE]

Thank you very much. Please be seated. Honourable Members should note that since the declaration of the lockdown by President Ramaphosa, we could not hold physical Sittings and meetings. This was done in compliance with COVID-19 regulations, and this assisted us to curb the spread of Coronavirus.

Although South Africa is currently at level one of lockdown, we still have to adhere to all COVID-19 regulations. This implies that we should continue to wear face masks, wash our hands with soap or sanitise regularly and keep social distancing. We will in this House fully comply with all COVID-19 regulations to safeguard the health and safety of all honourable Members and staff.

In order to comply with social distancing, the Chamber has been extended to the area initially demarcated for guests. In accordance with Rule 24 of the Standing Rules and Orders, I hereby declare the extended area as part of the Chamber. In compliance with regulations, honourable Members should note that no papers, including message papers, will be distributed in the House. All Sitting documents were sent to honourable Members and can be accessible via e-mails and Teams.

Honourable Members should further note that only political party leaders shall respond after the Executive have presented their progress report for today's programme. On that note, I welcome you all.

**2. MOTIONS WITHOUT NOTICE**

Are there any motions without notice in terms of House Rule 145? Hon Makhurupetje, you are recognised.

**MS MAKHURUPETJE**

Madam Speaker, Hon Premier, Members of the Executive Council, Chief Whip of the ruling party, leaders of the opposition parties and Members of the Legislature, good morning.

**CONGRATULATORY REMARKS TO THE HAWKS AND THE NATIONAL  
PROSECUTING AUTHORITY FOR THE STRING OF ARRESTS OF PEOPLE**

**ALLEGED TO HAVE BEEN INVOLVED IN CORRUPTION RELATED TO  
GOVERNMENT PROCUREMENT**

(Motion without Notice)

Hon Speaker, I rise on behalf of the ANC in this august House to applaud the string of arrests by the Hawks and the National Prosecuting Authority of people who are alleged to have been involved in corruption that is related to government procurement.

We draw hope in the knowledge that the prosecuting authority has the capacity to investigate corruption and fraud cases that date as far back as possible, as this is a demonstration that there is no amount of corruption that can be concealed or swept under the carpet.

We hope that this string of arrests is able to send a clear message to potential perpetrators of corruption and make them think twice if they are to be involved in nefarious activities to defraud the people of this country and their government.

In the past week alone, the Hawks arrested many people who are allegedly involved in corruption in Limpopo, Gauteng and KwaZulu-Natal. They must continue doing so because corruption is stealing the little of what is left to preserve the future of this country.

What makes corruption ugly is that it has been made to identify with the ruling party, the ANC, whilst most of these perpetrators are not even card-carrying members of the ANC, the ruling party, because if they were, they would know that this does not feature in any of the many policies that have been developed over the years by the ANC to improve the lives of our people.

I so move. Thank you, Hon Speaker

**THE SPEAKER**

Thank you, Hon Makhurupetje. Is there any seconder? Hon Mdaka, you are recognised.

**MR MDAKA**

I, Falaza Mdaka, stand to second the motion moved by Hon Makhurupetje.

**THE SPEAKER**

Thank you. Is there any other motion without notice? Hon Smalle, you are recognised.

**MR SMALLE**

Thank you, Hon Speaker.

**CELEBRATION OF THE WORLD TEACHERS' DAY ON 05 OCTOBER 2020**

(Motion without Notice)



I rise on behalf of the Democratic Alliance to move that this House takes note that yesterday was World Teachers' Day.

We call on this House to appreciate the Herculean efforts of our teachers on a daily basis, and to take note of all the challenges that our 51 570 teachers face in Limpopo province. Their dissatisfaction regarding low salaries and the lack of career progression, teaching conditions and the change over to science streaming schools is not without merit. We take note that the quality of our teachers is essential to good learning outcomes. The department needs to attract the best teachers and keep them motivated throughout the new year.

We call on the Department of Education to provide continuous quality training for teachers to improve conditions of learning, including schools infrastructure and sanitation, to strive for a 1:35 teacher-learner ratio and to provide more professional freedom to teachers to choose teaching aids, methods and applications.

I so move. Thank you, Hon Speaker.

#### **THE SPEAKER**

Thank you, Hon Smalle. Is there any seconder to the motion? Hon Phala, you are recognised.

#### **MS PHALA**

Thank you, Hon Speaker. I rise to second the motion as read by Hon Smalle.

#### **THE SPEAKER**

Thank you, Hon Phala. Is there any other motion without notice? Hon Mphahlele, you are recognised.

#### **MS MPHAHLELE**

Thank you, Hon Speaker.

### **EFF WELCOMES THE ARREST OF MOLEMOLE MUNICIPAL MANAGER** (Motion without Notice)

I rise on behalf of the EFF to move without notice that the House notes that:

- The EFF welcomes the arrest of Molemole Municipal Manager for conniving with the Makgato CPA in assisting his wife to get the R4,8 million tender. This is proof that crime does not pay and anyone who gets involved in criminal activities will face the full might of the law.
- Society must continue to expose such thieves hiding in public offices masquerading as genuine civil servants when in fact they are criminals. The law enforcement agencies must continue to do their work without fear or favour, regardless of who is involved in crime.

- The ANC faction must not be used as a yardstick of who must be arrested and who must not be arrested because crime does not know factions. Crime is crime. There are many others ... [INTERJECTION]

**THE SPEAKER**

Hon Mphahlele, it seems like the motion that you are presenting has already been presented by the ANC. You are not allowed to present the same motion which was presented.

**MS MPHAHLELE**

But this one is specifically for Limpopo. The speaker was generalising about all the provinces, but I am specific to the Limpopo province.

**THE SPEAKER**

In terms of the rule, Hon Mphahlele, I am saying, the rule does not allow a Member to repeat the motion that has already been presented.

**MS MPHAHLELE**

Thank you, Hon Speaker.

**THE SPEAKER**

Thank you very much, Hon Mphahlele.

**THE SPEAKER**

Is there any other motion without notice? Hon Monama, you are recognised.

**MR MONAMA**

Hon Speaker; Hon Premier of our province; Members of the Executive Council; my fellow honourable Members of this august House and the Chief Whip of the Majority Party, greetings to you.

**GENDER-BASED VIOLENCE CONTINUES TO THREATEN WOMEN AND  
CHILDREN**

(Motion without Notice)

I rise on behalf of the ANC to reckon that:

- As the nation continues to battle against the invisible COVID-19 pandemic, a highly visible epidemic of gender-based violence continues to threaten our women and children. It is incumbent upon all law-abiding citizens to ensure that women and children enjoy equal protection; and to ensure that any condition that gives rise to molestation and sexual assault of our women is suffocated.

- It is in this context, Madam Speaker, that as the ANC we are saddened beyond measure by recording one of the most horrendous incidents of alleged rape of a 14-year-old girl by a 58-year-old Ward Councillor in Mokwakwaila village; under the jurisdiction of Greater Letaba Municipality.
- According to reports, the Ward Councillor allegedly raped the victim after he offered her a lift on Thursday last week. Our collective drive to dismantle the atrocious scourge of gender-based violence seems to be ignored even by some public representatives.
- As the ANC, we unequivocally condemn in the strongest possible terms of this horrendous incident or any form of sexual violation without concern and sexual exploitation of children.
- We wish to applaud the girl's parents for breaking the silence despite the suspect's attempt to buy the victim's silence. We also welcome the intervention by the MEC for Social Development, Hon Nkakareng Rakgoale for providing psychosocial support for victims and other affected parties.
- We further applaud the police under the leadership of MEC Hon Mavhungu Lerule-Ramakhanya for speedily arresting the perpetrator, and we are asking the criminal justice sector to do their work by ensuring that the perpetrator is given a hefty sentence that will deter other perpetrators from committing any acts of gender-based violence.
- Gender-based violence is a persistent widespread scourge in our country. It is excessively impacting on women and children. We cannot afford to have this scourge becoming systematic and deeply entrenched in our society.
- Gender-based violence cannot continue unabated. Women and children have been subjected to the worst form of abuse by callous men. These women are not just part of the statistics, they have names and they have relatives.

I so move. Thank you, Hon Speaker.

#### **THE SPEAKER**

Thank you, Hon Monama. Is there any seconder to the motion? Hon Mathe, you are recognised.

#### **MR MATHE**

Thank you very much. I, Simon Mathe, hereby stand to second the motion as presented by Hon Monama on behalf of the ANC.

#### **THE SPEAKER**

Thank you, Hon Mathe. Is there any other motion without notice? Hon Phala, you are recognised.

#### **MS PHALA**

Thank you, Hon Speaker.

**THE DEATH OF A TRAFFIC OFFICER ON DUTY AT THE MAMPAKUIL WEIGHT  
BRIDGE OUTSIDE MAKHADO ON 15 SEPTEMBER 2020**

(Motion without Notice)

I hereby move on behalf of the DA that this House notes the death of a traffic officer on duty at the Mampakuil Weighbridge outside Makhado on 15 September 2020. According to eyewitnesses, the traffic officer was stopping vehicles approaching from the south side of the N1 highway when a bakkie from the opposite direction knocked him down.

The House should further note that this is not an isolated incident in Limpopo, and we must recall a similar incident in 2016 in which a traffic official was seriously injured at the Mantsole Weighbridge, also on the N1.

The DA is deeply concerned that our traffic officers are not safe on the roads whilst performing their duties. It is our collective responsibility to work with the transport and traffic officials to ensure safer roads for all that use them. As the DA, we send our heartfelt condolences to the officer's family and friends.

I so move. Thank you, Hon Speaker.

**THE SPEAKER**

Thank you, Hon Phala. Is there any seconder to the motion? Hon Smalle, you are recognised.

**MR SMALLE**

Thank you, Hon Speaker. I stand to second the motion as read by Hon Katlego Phala.

**THE SPEAKER**

Thank you. Is there any other motion without notice? Hon Chief Whip, you are recognised.

**THE CHIEF WHIP**

Thank you, Hon Speaker. Good morning to the Premier; the Leader of Government Business; the Members of the Executive Council and the Leader of the Opposition in absentia. I stand here on behalf of the ANC to present a motion of condolences.

**THE ANC MOURNS THE PASSING OF MAMA DIPAKENG EVELYN NKADIMENG**

(Motion without Notice)

The ANC mourns the passing of Mama Dipakeng Evelyn Nkadimeng, a selfless and loyal servant of the people of South Africa.

Mama Evelyn Nkadimeng succumbed to complications of a mild stroke on 28 September 2020. Mama Evelyn Nkadimeng was married to the late stalwart of our movement, Isithwalandwe/Seaparankwe Ntate John Nkadimeng for almost 70 years.

She will be remembered for her unwavering commitment to the struggle of the people of South Africa. She was an activist and a freedom fighter in her own right. Mama Evelyn left South Africa in 1979 to join her husband who was in exile in Swaziland. She was later deployed to Mozambique and then to Lusaka in Zambia where she headed the Dora Tamani Day Care Centre.

The people of our country will treasure her memory as one of the unsung heroines of our revolution. As the ANC, we commit to continue celebrating her life and preserve her legacy for future generations to draw inspiration from. May her revolutionary soul rest in peace!

I so move. Thank you, Hon Speaker.

#### **THE SPEAKER**

Thank you, Hon Chief Whip. Let us all rise for a moment of silence.

[SILENCE]

#### **THE SPEAKER**

May her soul rest in peace! Thank you. Let us move to item 3. Are there any notices of motions in terms of House Rule 146? Hon Manganye, you are recognised.

#### **MS MANGANYE**

Thank you very much, Hon Speaker.

#### **CONGRATULATORY REMARKS TO MS MOKHUDU MACHABA ON HER SELECTION FOR THE VARKEY FOUNDATION GLOBAL TEACHER PRIZE 2020** (Motion without Notice)

I rise on behalf of the EFF to move without notice that the House notes that:

- The EFF congratulates Ms Mokhudu Machaba from Ngwanamago Primary School, Capricorn District Mogodumo Circuit, who has been selected as one of the top finalists for the Varkey Foundation Global Teacher Prize 2020.
- She was chosen from more than 12 000 nominations from over 140 countries to continue in the running for the US \$1 million prize. This award is one of the biggest teacher awards globally with huge rewards and an opportunity for more growth.
- Machaba joins, among others, US teacher, Leah Juelke and South Korean teacher, Jeong-hyun Yun, vying for the top prize. This remarkable teacher is recognised for her commitment to ensure the hardships she went through do not befall her students.

- She introduced the use of a single cell phone for internet access in class. She obtained laptops from the internet Service Providers Association Super Teacher awards, Microsoft and the South African government – all by showcasing her students' activities.
- Furthermore, she has now introduced her students to Coding Week, using Minecraft as an introduction, and students have also started talking with learners from other countries through the Microsoft educator platform and mystery Skype.
- She started with just a single cell phone for internet access in class and went on to win prizes for integrating ICT in the classroom.
- We salute this outstanding teacher for being creative and innovative, using technology to enhance learners' knowledge and also connecting them with other learners around the world.
- The EFF calls upon more teachers in Limpopo to follow Machaba's example. With determination nothing is impossible.

I so move. Thank you, Hon Speaker.

#### **THE SPEAKER**

Thank you. Is there any seconder to the motion? Hon Mohlala, you are recognised.

#### **MR MOHLALA**

I, Manamane Mohlala, stand to second the motion presented by Hon Manganye.

#### **THE SPEAKER**

Thank you. Are we done with motions without notice?

### **3. NOTICES OF MOTIONS**

Are there any notices of motions in terms of House Rule 146? There is none.

### **4. MEMBERS' STATEMENTS**

Are there any Members' Statements in terms of Rule 200? Hon Seshoka, you are recognised.

#### **MR SESHOKA**

Thank you, Hon Speaker and greetings to the Leader of the Opposition, Jossey Buthane in absentia; the Premier ... [INTERJECTION]

#### **THE SPEAKER**

Hon Seshoka, may you rise, please?

**MR SESHOKA**

My apologies, Hon Speaker. Greetings to the Leader of the Official Opposition, Hon Jossey Buthane; the Premier; MECs present here and all honourable Members present in this House.

**RELUCTANCE OF THE ANC-LED GOVERNMENT TO ATTEND TO THE ISSUE  
OF THE THABA TRIBAL CHIEFTAINCY**  
(Members' Statement)

The ANC-led government continues to undermine the traditional leadership and the role they play in society.

Government received letters and complaints from traditional leaders and their communities on the traditional leaders' challenges, and yet they don't take them seriously. At worst, their issues are not even attended to. They simply receive a complaint, file it and forget about it, to the frustration of traditional leaders and communities.

On 05 August 2016, the Thaba tribe in the Capricorn region submitted letters to both the Office of the Premier and CoGHSTA, requesting them to affirm the chieftaincy of Kgoši Mamodishe James Thaba III.

The Thaba tribe constitutes 13 villages such as Tholongwe, Doorndraai, Zoutfontein, Martijefontein, Waterplaas, Porotjie, Sekgweni, Tweefontein, Grasfontein and many more other villages, including 33 farms. Many other letters were written afterwards as a follow-up to the matter, but no one has ever bothered to respond to their request to date.

What has become of this government is that they ignore and show no interest in resolving challenges faced by traditional leaders. It became difficult for the Department of Land Affairs to hand over the land belonging to this tribe because they don't have a chieftaincy that is officially affirmed.

The arrogance of the ANC-led government towards traditional leaders in our province is shocking and disgusting. The traditional leaders in Limpopo are not given the respect and the recognition they deserve. The EFF has received many complaints from magoši expressing their frustration on how government continues to fail to resolve their challenges.

Commissions have been established, money spent on those commissions, and yet many traditional leaders' cases remain unresolved. The communities continue to be at loggerheads with each other because of lack of intervention from the current administration of Premier Mathabatha. All they know is to cut ribbons of shacks.

We call upon the MEC for CoGHSTA to investigate this matter of bogoši bja setšhaba sa GaThaba and provide a lasting solution to this issue.

I thank you.

**THE SPEAKER**

Thank you, Hon Seshoka. Hon Smalle, you are recognised.

**MR SMALLE**

Thank you, Hon Speaker and good morning to the honourable Members and Members of the Executive Council.

**SUBJECTING THE DRAFT ENVIRONMENTAL IMPACT ASSESSMENT (EIA)  
SITE 2 OF THE MUSINA-MAKHADO SPECIAL ECONOMIC ZONE TO PUBLIC  
HEARINGS**

(Members' Statement)

The draft Environmental Impact Assessment (EIA) site 2 of the Musina-Makhado Special Economic Zone was subjected to public hearings during the period 04 – 06 September 2020 and is currently out for public comment. Site 2 involves the metallurgical and the energy cluster and is located between Makhado and Bokmakierie area. This site is proposed to house the R40 billion Chinese funded projects.

It is fair to say that without these projects, the Musina-Makhado SEZ will be just another industrial park. It is of great concern that the draft EIA confirms that this location is not suitable for a project of such immense scale as it is found that the benefits from this project may potentially promote justifiable economic and social development, but will negatively impact the environment.

The EIA contains resolutions that need to be complied with and explained in order for this project to be implemented. Can the MEC for LEDET provide clarity as to what financial commitments were made at this government's expense to secure the land that will house the site 2, and is there an alternative if the land that is currently proposed for this site does not pass muster?

It is anyone's guess as to when this project will show dividends that will benefit the people of Limpopo.

I thank you, Hon Speaker.

**THE SPEAKER**

Thank you, Hon Smalle. Are there any further Members' Statements? Hon Manganye, you are recognised.

**MS MANAGA**

Thank you, Hon Speaker. I am Hon Managa not Hon Manganye rising from the Economic Freedom Fighters. Greetings to you, Hon Speaker. Allow me to extend my greetings to all honourable Members present in this House, the department representatives present here and all the officials who have joined us today. Allow me



to also extend my greetings to Hon Jossey Buthane who is not in this august House, who is the Leader of the Official Opposition, which the Economic Freedom Fighters.

**FIGHTS BETWEEN TAXI ASSOCIATIONS IN LIMPOPO**  
(Members' Statement)

Recent fights between taxi associations in this province is worrying. The taxi associations of Polokwane, Mankweng, Moletji and Mogalakwena have recently been fighting for routes, resulting in shootings and casualties. These fights have also left many commuters stranded and unable to reach their places of work. There is a greater risk that many of these workers may be dismissed from their work by their bosses, affecting their livelihoods.

Learners were equally affected by these squabbles and were unable to go to school to write their examinations. The Department of Transport, Community safety and Liaison has been ball-watching and not intervening in these fights between the taxi associations. By the way, just to remind honourable Members present in this House, we are being presided over by a government that only responds to community challenges when people protest on the streets destroying property.

The government is not proactive enough on community challenges, but only act after something has happened. In this case, government only reacts when people have died, people have lost their jobs and learners missed out on writing their exams. SAPS also takes advantage of these taxi association challenges and achieve their own mischievous goals.

We call upon the MEC for Transport and Community Safety, Hon Mavhungu Lerule-Ramakhanya, to investigate the source of these taxi fights and provide a lasting solution.

I thank you, Hon Speaker.

**THE SPEAKER**

Thank you. Is there any other Members' Statement? Hon Phala, you are recognised.

**MS PHALA**

Thank you, Hon Speaker.

**TRAFFIC OFFICER ASSAULTING AND MANHANDLING A MEMBER OF THE  
PUBLIC IN JANE FURSE, MAKHUDUTHAMAGA LOCAL MUNICIPALITY**  
(Members' Statement)

Hon Speaker, this House should note the video that surfaced on social media platforms of a traffic officer assaulting and manhandling a member of the public allegedly in Jane Furse, Makhuduthamaga Local Municipality.

The conduct displayed by the traffic officer in the video is simply unacceptable and not befitting of someone expected to uphold the rule of law. There is no justification of the traffic officer's conduct whether the man assaulted in the video had transgressed or

not. This House should find the comments by the department spokesperson that essentially stated that the traffic officer is a municipal employee, and it is not the department's responsibility as untoward and shifting of responsibility.

The department is quick to parade the MEC with SAPS at every opportunity, but when there is a negative sentiment, they are quick to shift responsibility and state that it is a national competency. Likewise, the department is happy to accept traffic revenue from municipalities by traffic officers, but when they assault people, it is not their responsibility.

The department has a responsibility to provide oversight and ensure that all law enforcement officers conduct themselves in an acceptable manner. We urge the MEC, Lerule-Ramakhanya, to ensure that her department plays its role of oversight and investigates the incident jointly with the municipality to ensure fair outcomes.

In the same breath, there needs to be a focus on implementing measures on training officers not to abuse their power and exerting unnecessary force on members of the public. When a spokesperson, the mouth of the department, speaks recklessly that when a man in brown assaults members of the public it is not their responsibility, this House should take great offence at such words.

I thank you, Hon Speaker.

## **THE SPEAKER**

Thank you, honourable Member. Are we done with the Members' Statements? If we are done, let me check from the Executive if there is any Member from the Executive who wants to respond to or comment on the Members' Statements. MEC, Hon Sekoati, you may take the podium.

## **THE MEC FOR PROVINCIAL TREASURY**

Madam Speaker, MEC, Hon Mokone who is responsible for Economic Development, Environment and Tourism is not here. However, the issue that has been raised by Hon Smalle is very much important for this honourable House to understand the magnitude of the project that he is talking about, particularly in the Bokmakierie site. It would also be important to understand that the province has an option whether to create jobs or whether to desert the people of the province due to the environmental impact assessment that we have to endure.

When the project started, it was clear that its magnitude would have a negative impact on the environment. However, actions have to be taken in mitigating against that environmental impact. Given the advancement of technology that is going to be utilised in the area and the opportunities that would be approved in the development of the special economic zone, it is important for us to know that, as much as we understand the environmental impact that is going to be undertaken there, the project is more than what the impact is going to be. Mitigating action will have to be taken to ensure that we are able to caution the impact on the environment.

We cannot overemphasise the importance of this project. I believe that it is upon each one of us as the citizens of this province to ensure that we do everything in our power

to make sure that this becomes a reality and a success. This is what will turn around the fortunes of the province. This is what will make it a better province. This is what will make it a province that will be able to contribute towards the growth of the economy, but even more towards making sure that we are able to create the much-needed jobs in the province.

We do understand that for every gain there is going to be a corresponding loss. However, we do not underestimate the environmental impact. We are taking into cognisance that we will need as a provincial government to make sure that there are mitigating factors towards the impact of the environment.

I thank you, Hon Speaker.

### **THE SPEAKER**

Thank you, honourable MEC for the response. Honourable MEC for CoGHSTA, you may take the podium.

### **THE MEC FOR COGHSTA**

Thank you, Hon Speaker. We want to receive the concern raised by Hon Seshoka in relation to the recognition of traditional leadership of Kgoši Thaba. We should be able to indicate that the Premier and the provincial government are doing everything within their powers to recognise traditional leadership.

We should also indicate that this provincial administration has not declared a single dispute in any single traditional or senior traditional leadership in the province. All the disputes that we have in the department are emanating from the royal families and their traditional councils. It is correct that the provincial government recognises and does not necessarily appoint senior traditional leaders. It is royal families who appoint senior traditional leaders. Where there are disputes, we only recognise what the family has done, so disputes will only be coming from the royal families.

I must indicate that we already have a dispute register for all disputes within our province, and we are busy handling them. It is also not correct that the commission has wasted money. We have followed the recommendations of the commission which are bringing in 16 new senior traditional leadership in the province. We have already started recognising their traditional communities and senior traditional leaders for as long as the family have run their proper processes. I can confirm to this honourable House that in the previous EXCO, we just recognised two senior traditional leaders, emanating from the recommendations of the Kgatla Commission. We are continuing to perform as and when the families are ready to appoint.

The matter raised by Hon Seshoka is receiving attention in the department. We will come back and report the progress, the outcome and how we shall have resolved the matter.

I am aware of the issue of the traffic officer because Hon Katlego Phala spoke about the provincial Department of Transport. It is true that the traffic officer spoken about is a municipal official. As the MEC responsible for municipalities in the province, we have already written to the municipality to do an investigation and report back to the MEC

on actions and circumstances surrounding the very bad picture set by our traffic officer as a representative of the Makhuduthamaga Local Municipality. Let me indicate that we will be able to take appropriate actions with regard to the transgressions committed in that regard.

I thank you, Hon Speaker. [APPLAUSE]

## **THE SPEAKER**

Thank you, MEC, Hon Makamu for the clarity. Let me recognise MEC, Hon Lerule-Ramakhanya.

## **THE MEC FOR TRANSPORT AND COMMUNITY SAFETY**

Thank you, Hon Speaker. I am sure the honourable Member that raised the issue of the taxi violence just wanted me to add because honourable Members are aware that we have launched the national programme in which all provinces are participating. We have started in Limpopo this morning at 05:30. We have launched a programme that seeks to find discussions in the taxi industry.

The four issues that we are discussing are finding each other on unity and leadership, the other issue that we are going to be discussing the whole month with the taxi industry will be around regulations in the taxi industry.

The issue that was raised on how best we minimise the issue of taxi violence in the province, is on top of the issues that we are discussing nationally and as a province this month, October. I felt that I needed to bring that to the attention of the honourable Member. Thank you. [APPLAUSE]

## **THE SPEAKER**

Thank you, MEC, Hon Lerule-Ramakhanya. Let's proceed.

## **5. EXECUTIVE STATEMENTS**

Are there any Executive Statements in terms of Rule 201? There is none.

## **6. TABLING OF COMMITTEE REPORTS, OTHER REPORTS AND PAPERS**

We shall request the Deputy Speaker to table the 2019/20 Annual Report of the Limpopo Legislature.

### **6.1 TABLING OF THE 2019/20 ANNUAL REPORT OF THE LIMPOPO LEGISLATURE**

## **THE DEPUTY SPEAKER**

Hon Speaker, I, Azwindini Jeremiah Dinga Ndou, rise with honour to table the 2019/20 Annual Report of the Limpopo Legislature for consideration by this honourable House. This report is tabled in terms of section 60(1) of the Financial Management of Parliament and Provincial Legislatures Act, 2009, which states that:

“The Executive Authority must table the Annual Report, including the audited financial statements for that financial year, the audit report on those statements and the annual performance report in Parliament within one month after the Accounting Officer received the audit report.”

I move accordingly. It is for the benefit of Members to note that the Legislature this year got a clean audit.

## **THE SPEAKER**

Thank you, Hon Deputy Speaker for the clean audit. The Annual Report of the Limpopo Legislature is referred to the Oversight Mechanism Committee for consideration and to report back to the House. Thank you.

## **7. ORDERS OF THE DAY**

### **7.1 PRESENTATION OF THE PROGRESS REPORTS BY DEPARTMENTS ON THE IMPLEMENTATION OF SCOPA RESOLUTIONS FOR THE 2014/15, 2015/16 AND 2016/17 FINANCIAL YEARS**

We shall now call upon the Hon Premier to present the progress report on the implementation of the Scopa resolutions by the Office of the Premier. Hon Premier, it's over to you.

## **THE PREMIER**

Thank you, Hon Speaker. Madam Speaker and Deputy Speaker – Mr Clean Audit, Members of the Executive Council, Chief Whip of the ruling party, chairperson of the Standing Committee on Public Accounts, esteemed Members of the House, distinguished guests, ladies and gentlemen, let me thank you for this important opportunity to report to the people of Limpopo on the progress we have made in implementing the resolutions of this august House.

We come to this House fully aware of the important role of the Legislature in supporting our constitutional democracy. The tripartite role of the Legislature includes making laws for our province, facilitating public participation in the affairs of the state, and indeed, holding the Executive accountable. I must say from the onset that we are always available and willing to assist the Legislature in performing this very important task.

The difficult questions at times, and at times the chastisement we receive from this House help us to do our work with precision. We indeed appreciate the work that this Legislature is doing. We also appreciate the role played by the Standing Committee on Public Accounts. Scopa in exercising its oversight over the provincial government and the Executive, is always appreciated by the Office of the Premier. The work of Scopa ensures accountable utilisation of resources and prudent financial management.

We agree with one thought guru in the name of Dionne McGee when she said: “A strong parliamentary oversight and scrutiny regimes are an essential part of combating corruption and promoting good governance generally ... It is increasingly being

recognised that effective parliamentary oversight depends upon an active committee system within Parliament that allows members to penetrate below the surface of government administration and to make accountability real by promoting direct interaction between elected legislators and civil service.”

Madam Speaker and chairperson of Scopa, over the years, this committee has been renowned for its resoluteness and nonpartisan approach when it comes to the matters affecting public resources. This province owes its improving record on issues of good governance and financial management to the work of this committee of this House, and this House in particular. It is for this reason that whenever we report in this House and to this committee, we do so with utmost sincerity and honesty. We see you as our allies in this ongoing task to improve governance and improve on the financial management of our province.

As an executive authority for the Office of the Premier, I am able to say that we have covered significant ground in addressing the issues raised by the committee over the years. In particular, we have done well in implementing Scopa resolutions for the 2014/15, 2015/16, and 2016/17 financial years. As you are aware, most of these resolutions relate to issues of irregular expenditure, achievement of targets, key audit findings and investigation reports.

We have provided Members with a detailed report indicating fully how the Office of the Premier has implemented these resolutions. We have fully dealt with issues of performance bonuses, which were paid over a period of three years. In this regard, we have furnished the House with the report as it was required. As the report will show, we have dealt with recommendations relating to Spluma, the recommendations relating to provincial evaluation plans and the resolutions relating to the monitoring and evaluation of the IT systems.

In line with the recommendation of this House, we have developed a comprehensive plan and appointed personnel with requisite skills to deal with financial management issues. We have also taken necessary steps as recommended by the House to prevent irregular expenditure in line with the provisions of the Public Finance Management Act.

We are also able to report to this House that in line with the House recommendations, we were able to investigate and act against senior officials who submitted incorrect financial statements. As I have said, an exhaustive report is available to Members for a more intrinsic interaction.

Madam Speaker, with regard to the remaining challenges in some departments, particularly, challenges relating to financial management, I have assembled a team led by the MEC for Provincial Treasury to assist departments with regard to internal controls. We await the report of this team to be tabled before EXCO for approval.

Once again, Madam Speaker, we want to thank you for the opportunity for us to report to this House. Please, accept our submission of progress reports on the implementation of Scopa resolutions, as submitted. I want to conclude by reminding everyone in this House to continue reminding our people that we are not yet over with the COVID-19 pandemic. The deadly virus is still much alive and with us. Please, let's make sure that we maintain the protocols, we continue with the advice of always

washing our hands, keeping proper social distancing, sanitising, and all the time ensuring that we stay alive and stay safe wherever we are.

Madam Speaker, I therefore would like to request Members of the Legislature to interact with the report as presented. Thank you. [APPLAUSE]

## **THE SPEAKER**

Thank you, Hon Premier. We shall now call upon the MEC for Transport and Community Safety to present the progress report on the implementation of Scopa resolutions by the Department of Safety, Security and Liaison.

## **THE MEC FOR TRANSPORT AND COMMUNITY SAFETY**

You should be careful if you have tickets. Ndi matsheloni; Hon Speaker; Deputy Speaker; Premier, Hon Chupu Stanley Mathabatha; my colleagues in the Executive Council; chairperson of Scopa and members of the committee; Hon Chair of Chairs; Hon Chief Whip of the Legislature; Leader of the Opposition and other leaders in the opposition parties; honourable Members of the House and the HOD for Transport and Community Safety.

Hon Speaker, I will be presenting the Scopa resolutions progress reports for the 2014/15, 2015/16 and 2016/17 financial years for the former Department of Community Safety, former Department of Transport and GAAL. This will then cover items 7.1.2 and 7.1.3 in terms of the Orders of the Day. We formerly submit to the Legislature that we have since dealt with the EXCO resolution to make sure that we are one department, now called the Department of Transport and Community Safety. We can then be able to address the abnormality of the duplication on the Order Paper.

Let me start by applauding the Office of the Speaker for the efforts taken to comply with the lockdown regulations. Hon Premier, when I submit the compliance report, I will report that I checked the Legislature and they are complying. I also congratulate the Office of the Speaker and the Deputy Speaker for the good news of the clean audit that we got this morning.

We want to continue to appreciate the deliberations that happen between us as the department and Scopa. The questions and the deliberations give us an opportunity to reflect on the work done by the department. We have since had progress on Scopa resolutions for the years mentioned. For the 2014/15 financial year, the Department of Community Safety had four resolutions, and they have all been resolved. In the following year, they were four, and they have all been resolved. In the 2016/17 financial year, we had eight issues, and seven of them have been resolved. A comprehensive report has been submitted in that regard.

The report that we got from the Standing Committee on Public Accounts for the financial year ending 31 March 2015, had a summary of four resolutions, and none of them have been resolved. We had material findings on the underspending of the budget, we have submitted a report why it has been resolved. The outstanding issues on financial statements, performance and Annual Reports have been resolved. We have resolved all the issues on expenditure management. We have resolved all investigation issues that we were given by Scopa.

With regard to the four outstanding issues which came from Treasury for the financial year which ended on 31 March 2016, they have since been resolved. A report has been submitted to the Legislature. For the financial year which ended on 31 March 2017, the Department of Community Safety had eight resolutions, like I indicated, seven have been resolved, and one is outstanding. The unresolved issue is on the implementation of House resolutions. The House resolution issue is about the executive authority having to interact with the Leader of Government Business to secure a slot to appraise the House on the implementation of the resolutions and how far we are. The matter will be closed when the MEC presents the progress report to the House on 06 October 2020, which is today. It means that as we are submitting our report, we are closing the issue.

Scopa raised key audit findings with the former Department of Community Safety. We have submitted a report with regard to all the issues that were raised with us. The issue of developing a comprehensive plan and appointing personnel with requisite skills to deal with the expenditure management, material underspending and material misstatements in the preparation of the annual financial statements, has been resolved.

We have also resolved the issue of material underspending of the budget. As submitted, the issue of irregular expenditure has been resolved. The other issues that were outstanding have been resolved.

For the 2014/15 financial year, the Department of Transport had eight issues, 5 have been resolved and 3 stand unresolved. An intensive report has been submitted which shows why the other 3 issues have not been resolved. For the 2015/16 financial year, we had 3 resolutions, and they still stand unresolved. For the 2016/17 financial year, we had seven resolutions, and all of them are still work in progress. The unresolved matters which we have submitted today are irregular, fruitless and wasteful expenditure which still stand unresolved. Annual financial statements, performance and Annual Report issues still stand unresolved. Financial and performance management issues are still not resolved. As submitted, the department was advised to make a follow-up with the relevant authorities regarding the cases that are pending. It is also recommended that when we do that, the Provincial Treasury should be given a report. That is our conclusion on the issues.

The issues on annual financial statements, performance and Annual Reports have been resolved. There is a matter which stands unresolved which needs the executive authority to investigate and then submit a report. We have submitted a comprehensive report to honourable Members for them to interact with it.

The issue of internal controls and leadership has been resolved. The issue of financial and performance management has been resolved. The committee recommended that the MEC should take appropriate actions against the accounting officer for failing to properly review statements and other information for accuracy. This matter is being responded to and the department is fully complying with the resolution. From where we stand, the matter is not yet resolved. We are still yet to submit a report to both Treasury and the Office of the Premier. All outstanding issues on financial and performance management investigations have been resolved.



The Department of Transport and Community Safety had unresolved matters which are significant uncertainties, leadership, financial and performance management, other reports and investigations. Since we appeared before the committee, there has been progress after the merging of the two departments. Some of the anomalies have since been addressed. A report has been submitted. The issues on leadership, financial and performance management have been resolved. There are outstanding administrative issues that we are working on.

On other reports and investigations, as a department, we are continuing to meet with the authorities who are assisting us on those matters of investigations. The matter stands unresolved because we have not received a report.

For the year ending 31 March 2017, the Department of Transport had seven Scopa resolutions. As submitted, the matters stand unresolved. You will remember that we are currently in the audit process, and we are working on some of the issues. I am sure that as we update our reports, the matters will have been resolved. The key issues which are outstanding are key audit findings, non-improvement on the audit outcomes, irregular expenditure, significant uncertainties, annual financial statements and investigation reports. As per the submitted report, these issues still stand unresolved.

Madam Speaker, we have also presented to the honourable House the progress made on Scopa resolutions for the 2014/15, 2015/16, and 2016/17 financial years in regard to GAAL. We had 18 issues for all the years. We have submitted a report that indicates that 5 issues have been resolved, and 13 issues remain unresolved. The outstanding unresolved issues are significant uncertainties, irregular expenditure, and fruitless and wasteful expenditure.

On the comprehensive report submitted, you will realise that we have stabilised in terms of how we are dealing with revenue, and how we are dealing with the qualified audit opinion, as said before. There is a significant movement in terms of how we are addressing the issues at GAAL. We have not been able to deal with issues of irregular expenditure because they are attached to the investigations that are ongoing. When we are done with the security cluster, we will then submit a report to the Legislature.

The issue of strategic planning and performance management under GAAL has been resolved. We can say there is progress in terms of the appointment of the board. There is progress on other issues. We can proudly say that we have resolved the issues on audit committee and internal audit.

In relation to the issues that were raised with GAAL, they have been included in the submitted report. I am not going to address them one by one.

For the financial year ending 31 March 2016, GAAL had seven issues. Three issues have not been resolved and 4 have been resolved. The 3 issues that have not been resolved are continuous fruitless and wasteful expenditure, irregular expenditure and the investigation reports. Like I indicated, the department has been able to meet with the security cluster twice during the audit process, for them to give us the issues.

For the financial year ending 31 March 2017, we had nine issues. Six have not been resolved and 3 have been resolved. It is a continuation of the issues that were not resolved in the past year and were carried forward to the following years.

That is the report, Madam Speaker. As stated, we have compiled a comprehensive report and submitted it to Legislature for Members to be able to see it. On behalf of the department, I can safely say that with GAAL, the issues that are delaying us are the investigation reports because we cannot conclude some of the items before we can be able to charge those that will be found wanting.

As a department we are continuing to work and applaud the security cluster for the swift movement in assisting us on the issues that we have submitted and in making sure that we speed up the other issues that are outstanding. That is the report I am able to submit for both items on the Order Paper.

Thank you very much, Madam Speaker. [APPLAUSE]

## **THE SPEAKER**

Thank you, honourable MEC. The honourable MEC managed to couple item 7.1.2 and item 7.1.3, meaning that we are now moving to item 7.1.4. Let me call upon the MEC for Education to present the progress report on the implementation of Scopa resolutions by the Department of Education.

## **THE MEC FOR EDUCATION**

Thank you, Madam Speaker, Premier, Members of the Executive Council, Members of the Provincial Legislature, Chief Whip, chairpersons of the Portfolio Committee on Education and Scopa and our officials. I greet you all this morning.

During the 2014/15 financial year, the Limpopo Department of Education had a total of 11 resolutions. It managed to resolve 7 of them and 4 are not resolved. During the 2015/16 financial year, the department had a total of 11 resolutions and managed to resolve 3, and 8 are not resolved. During the 2016/17 financial year, the department had a total of 13 resolutions and managed to resolve 3, and 10 are not resolved.

In terms of the progress report for the 2014/15 financial year, the matters on immovable and movable tangible capital assets have been resolved. As recommended by the committee, a comprehensive report has been submitted. The matters on receivables, contingent liabilities and accruals have been resolved. The committee recommended that the department must provide a detailed report on fruitless and wasteful expenditure. With regard to the matter of taking appropriate actions to recover the money from the responsible officials, we are still waiting for the investigation report. As soon as the department gets the report, it will work on it in partnership with the Office of the Premier.

The investigation on irregular expenditure has been finalised; however, the matter has not been concluded as it falls under the investigation of section 100(1)(b). These are cases which are reported directly to the Minister for Basic Education by the accounting officer. The matter will be addressed with the Office of the Premier and the Department of Basic Education.

The matter on compensation of employees has been resolved. The matter on usefulness and reliability of reported performance information has been resolved. The matters on strategic planning performance management, AFS (annual financial statements) and Annual Reports have been resolved. The investigation on procurement and contract management is being finalised by Treasury. The minutes and attendance register for the meeting that was held between AGSA (Auditor-General of South Africa) and the department were requested. Most of the other issues were resolved.

The matters on transfer of funds and service delivery have been resolved. The department submitted individual investigation reports, and the matter could not be resolved as a comprehensive report is still outstanding.

In terms of the progress report for the 2015/16 financial year, the matter on immovable and movable tangible capital assets is not resolved. The department developed a turnaround plan, but because not all the root causes for all the findings raised were identified, there was still a recurrence of the matter, particularly on immovable assets.

The matter on commitments, provisions, payables, and contingent liabilities has been resolved. A team from the Office of the Premier is still carrying on with the investigation of fruitless and wasteful expenditure. The matter on irregular expenditure is not resolved as part of unwanted expenditure, because when submitting unwanted expenditure to Treasury, it was done cumulatively instead of per year. The investigation that was not concluded was meant to address the matter. As a result, the department has developed a strategy to address the matter.

On employees' benefits, the department has developed an electronic records management system which encompasses the leave system. The action is not resolved as the implementation of the electronic system has not yet started. Remember, we are talking about the 2015/16 financial year. Most of these matters have been resolved in this financial year.

The matters on material underspending of the budget, the achievement of planned targets have been resolved. The procurement and contract management matter is not resolved. The investigation is completed. The department indicated that disciplinary action is underway. Treasury also indicated that the matter will be resolved after the case has been finalised.

The matter on expenditure and consequence management is not resolved. Action has not been taken against the accounting officer because, as you know, the accounting officer has left. The matter on governance has been resolved. The department submitted individual investigation report and the matter could not be resolved as a comprehensive report is still outstanding.

The department has presented a progress report on the implementation of the House resolutions for the 2016/17 financial year. Key audit findings are not resolved. The department will update Treasury on the filling of vacant posts on a quarterly basis.

The matter on immovable and movable tangible capital assets has been resolved. On provisions, the department did not implement the resolution fully. The department will

put controls in place to manage the activities of the implementing agency as advised by Treasury. On compensation of employees, the department did not implement the resolution, and no action has been taken against the acting accounting officer and CFO because they are no longer in the employ of the department. On fruitless and wasteful expenditure, the resolution is not resolved pending the investigation. The matter on irregular expenditure has been resolved. With regard to restatement of corresponding figures, the resolution has not been implemented as the department is to resubmit the response as requested by Treasury. The matter on material underspending of the budget has been resolved. The matter on the achievement of planned targets has been resolved. With regard to the procurement contract, consequence management, no action has been taken against the responsible officials because some of them left the employ of the organisation.

With regard to section 100(1)(b), the department could not obtain the section 100(1)(b) investigation report and other investigation reports, and no reports were tabled to the House due to the lockdown, which I think we have tabled as of now.

Madam Speaker, I hereby submit the progress report on the implementation of Scopa resolutions for the 2014/15, 2015/16 and 2016/17 financial years to the House. I thank you very much.

## **THE SPEAKER**

Thank you, MEC for Education. Let's move to item 7.1.5. We shall now call upon the MEC for Provincial Treasury to present the progress report on the implementation of Scopa resolutions by the Department of Provincial Treasury.

## **THE MEC FOR PROVINCIAL TREASURY**

Madam Speaker, I will present the resolutions and progress report as requested by Madam Speaker. I won't take much time. I know that my report is quite long and extensive. The first resolution is on significant uncertainties. The progress that we have made so far in terms of the 2014/15 financial year, is that we have got 3 cases that have been outlined and submitted to the House. The first case is against the supplier of the Finest financial system. The court proceedings were finalised during February 2020 in the High Court of Pretoria. However, the judge has reserved judgment in the matter, and the claim by the department is for an amount of R98 million, while the supplier has a counterclaim of R250 million against the Provincial Treasury, and we are awaiting the judgment in the matter.

The second case is a matter that is raised against the department relating to an interdict from implementing the transversal travel agency. The matter has as well been dealt with in the court and the set down has been on 01 October 2020. Upon receipt of the court papers, the judge ruled that there is no need for oral evidence and that the dispute should be heard. That was done, and the judgment has also been reserved. The third matter is on R1,7 million claim by a security company for increased rates which were declined by the department. The applicant disputed the tariff that was charged after signing the contract. To date, it appears that the applicant has abandoned the case which needs to be closed.

The second resolution is on financial statements, performance and Annual Reports. In terms of the progress report, the executive authority through the engagement with the CFO has taken a decision not to institute disciplinary action against the CFO, as there was no financial and material loss of the department from this anomaly, but did advise the CFO to improve on the internal controls and review processes on the financial statements. The Provincial Treasury also issued instruction note 4 of 2018/19, which compels all departments to submit financial statements for the period ending 31 December each year, and that has been done. The provincial internal audit unit and financial reporting unit also conduct half-yearly assessments on interim financial statements. It is trusted that through these review processes, any reporting shortcomings will be identified. This will enable the department to proactively correct any identified misstatements and improve the reporting processes before the final AFS are submitted to the A-G for the end of the final audit on 31 May each year. We believe that this will go a long way in improving the audits.

In terms of the resolutions of 2015/16 on significant uncertainties, there is a court case where the court proceedings were finalised during February 2020 in the High Court of Pretoria. The judge has also reserved judgment in the matter, and the claim by the department is for the amount of R98 million. I have already alluded to the case before. Resolution 2 is on the planned targets which were ultimately corrected, and the corrective measures were developed and implemented to ensure achievement of the targets which were not achieved in the 2015/16 financial year as indicated in the report. Resolution 3 is on procurement and contract management. It was about the level of delegation within a supply chain management and the CFO. The delegation of approval to use less than three price quotations was removed from the director of supply chain management and was granted to the CFO. The CFO was directed to ensure that reasons for deviation must be recorded and considered by him for approval. A verbal warning was also issued to the director of supply chain management, and this omission has not recurred to date.

In terms of the progress report for the 2016/17 financial year, I am very pleased that the House has given us the opportunity to present the progress report in terms of Scopa resolutions in this financial year. In terms of resolution 2 on an unqualified audit opinion with no matter, the Provincial Treasury has managed to maintain a clean audit for 3 successive years, i.e., 2016/17, 2017/18 and 2018/19 financial years, and to diligently follow up on internal audits and the Auditor-General's action plan. Resolution 3 is on regression of audit outcomes in the Limpopo Provincial Administration.

In terms of progress, Provincial Treasury has developed an audit improvement strategy which focuses on the specific support to departments that have received negative audits outcomes. In the 2017/18 financial year, the province realised an improvement in audit outcomes by departments, where two departments improved their audits outcomes to an unqualified audit opinion, i.e., the Department of Agriculture and Rural Development, and CoGHSTA.

In 2018/19, the province again improved the audit outcomes in other two departments, which are Economic Development, Environment and Tourism; and Community Safety which improved to a clean audit opinion. However, the Department of Social Development unfortunately regressed to a qualified audit opinion. There are still five departments that are qualified, namely, Health; Education; Public Works, Roads and Infrastructure; Social Development; Sport, Arts and Culture. The basis of modified

opinions reduced from 22 in 2016/17 to 10 during 2018/19, which represents about 53% improvement. The Provincial Treasury continues to provide focused support to five qualified departments in the areas qualified, especially movable and immovable asset management in an endeavour to eliminate the qualified audit opinions and increase the number of clean audits.

Resolution 4 is about investigations that were conducted within the department. In terms of progress, we are saying that there is no investigation that was conducted. The Provincial Treasury has, however, instituted several investigations in other departments and entities, but also in the VBS matter in Limpopo municipalities. The departments and entities have been investigated as submitted through the report. In terms of municipalities, we have got about 12 municipalities that have been investigated, which are Vhembe District Municipality, Collins Chabane Local Municipality, Makhado Local Municipality, Greater Giyani Local Municipality, Lepelle-Nkumpi Local Municipality, Polokwane Local Municipality, Makhuduthamaga Local Municipality, Ephraim Mogale Local Municipality, Elias Motsoaledi Local Municipality, Fetakgomo Tubatse Local Municipality, Capricorn District Municipality and Thulamela Local Municipality. Those are the municipalities that were affected by the VBS matter, and the report is attached in terms of the status of investigations.

In terms of departments, we have investigations that were undertaken in Public Works, Roads and Infrastructure; and Transport, which were based on lifestyle audits on two officials. They were completed and recommendations were given to the department. In LEDET (Limpopo Economic Development, Environment and Tourism), it was on Great North Transport through LEDA on pension matters, and investigations are still in progress. In Roads Agency Limpopo (RAL), investigations are in progress as you know that the SIU (Special Investigating Unit) was investigating. When it was requested, it was only after the SIU had completed its investigations, as they said the scope that was supposed to be undertaken for the department was not part of the investigation, and therefore, investigations are still underway. With regard to Gateway Airport Authority Limited (GAAL), I think the MEC has already reported on the matter, and recommendations have been given to the department.

The Department of Agriculture is on irregular procurement of IT equipment. The recommendation has also been submitted to the department. The Department of Economic Development is on irregular appointment of security contracts. Recommendations have been given to the department for implementation. With regard to the Department of Sport, Arts and Culture, recommendations have also been given with regard to Mapungubwe Arts Festival.

In terms of the litigations, those are the ones that I have already alluded to in terms of the three cases that relate to the Finest system, travel agency tender and the security company that has increased its rates. In terms of forensic investigation, I have already alluded to the fact that we have done so in various municipalities, and the status report is available. Once again, Hon Premier, Members of the House, chairperson of Scopa, chairperson of the Portfolio Committee on Provincial Treasury; and Madam Speaker, I thank you for the opportunity. [APPLAUSE]

**THE SPEAKER**

Thank you, MEC for Provincial Treasury, Hon Sekoati. We shall now call upon the MEC for Public Works, Roads and Infrastructure to present the progress report on the implementation of Scopa resolutions for the Department of Public Works.

### **THE MEC FOR PUBLIC WORKS, ROADS AND INFRASTRUCTURE**

Thank you very much, Madam Speaker. A very good morning to you and the Deputy Speaker, and congratulations for obtaining a clean audit for the financial year under review. A very good morning to the Hon Premier, Members of the Executive Council, comrades and colleagues and honourable Members of the august House. I am presenting the overall report on progress made thus far by the department with regard to implementation of Scopa resolutions for the three financial years under consideration.

Hon Speaker, for the 2014/15 financial year, the department had 10 resolutions, and all of them have been implemented. For the 2015/16 financial year, the department had 8 resolutions and all been implemented. For the 2016/17 financial year, the department had 11 resolutions from Scopa for implementation. Out of these 11 resolutions, 8 were resolved and 3 are still outstanding, and those outstanding 3 relate to one key finding. In relation to these resolutions which are outstanding on one key finding, there are quite a few matters which we are still working on, and most probably a report will come at a later stage. Those matters relate to immovable tangible capital assets, accrued departmental revenue, commitments and contingent liabilities.

The third resolution which has not been implemented so far relates to non-improvement of the audit outcome of the department, because indeed in this regard over a period of 9 to 10 years, the department has been stuck in a qualified audit opinion. So far, we have not been able to make any progress. Be that as it may, a plan has been developed to work on this matter, and quite hopefully as we move forward, we should be able to improve on this resolution from the committee. The third resolution that is still outstanding relates to the irregular expenditure which amounted to R31,590 million, which has not as yet been cleared.

Indeed, Hon Speaker, what remains is for us going forward to make sure that those three outstanding resolutions receive the necessary attention of the department. We have put in place, working together with Treasury, systems as well as committees of interaction to ensure a proper clearing of these resolutions. Probably in the next round of reporting, a full report which pertains to progress made or achieved thus far would be recorded. That's how far I can account for the work done by this department for the three financial years under review. I want to thank the Legislature, Hon Premier, for making it possible for us to be 4IR (Fourth Industrial Revolution) compliant. I have now gone to a proper training in the department, you will no longer see my papers here as we move forward. Thank you so much. [APPLAUSE]

### **THE SPEAKER**

Thank you, MEC for Public Works, Roads and Infrastructure for the progress report. We shall now call upon the MEC for Agriculture and Rural Development to present the progress report on the implementation of Scopa resolutions.

### **THE MEC FOR AGRICULTURE AND RURAL DEVELOPMENT**

Hon Premier, Members of the Provincial Legislature, members of the public in the gallery, I bring you greetings in the name of clean governance and would like to thank you for affording the department an opportunity to rectify the anomaly by tabling Scopa resolutions from 2014 to 2017 and apologise for the delay. I stand here before this House to present the implementation of Scopa resolutions for the 2014/15, 2015/16 and 2016/17 financial years.

During 2014/15, out of a total of seven resolutions, 5 were resolved and the other 2 are a work in progress. During 2015/16, out of a total of four, two were resolved and the outstanding two are work in progress. It is worth reporting to the august House that during 2016/17, a total of 12 resolutions were identified. Out of these, seven were resolved and 5 are in progress. During the above-mentioned financial years, there were two common issues identified, being irregular expenditure. It is worth reporting to this House that the significance relating to the R2,9 billion which has been in our books since 2014/15 was resolved during the 2019/20 audit. Hon Speaker, I, as the executive authority, will try by all means to keep the House updated on all the outstanding issues. I, Nandi Ndalane, MEC for the Department of Agriculture and Rural Development, hereby table Scopa resolutions for the 2014/15, 2015/16 and 2016/17 financial years to the House for consideration. I thank you.

## **THE SPEAKER**

Thank you, MEC for Agriculture and Rural Development. We shall now call upon or give all the political parties an opportunity to respond to or to comment on the presentations made by the Members of the Executive Council. On behalf of the DA, we shall call upon Hon Smalle to come and present.

## **7.2 RESPONSES BY POLITICAL PARTIES**

### **MR SMALLE**

Thank you, Hon Speaker. Good morning, Hon Premier and your Executive Council and all the various HODs that are present. Thank you to the Deputy Speaker for making sure that we can now have this type of debate once again. It is very important that we do get together. I think under the period under review, 2014 to 2017, we must be honest with ourselves to say that the resolution that was passed by the portfolio committee and this House was not implemented in a manner that it should have. I speak in the context of those years, but we have seen a more positive approach towards the Executive Council in the previous financial years. We did not see the progress reports that we wanted to see.

Hon Speaker, in November 2011, Operation Clean Audit commenced shortly after this province was placed under section 100(a), later to 100(b). The purpose for this strategy was to see that all thirteen departments and all the entities achieve a clean audit by 2014. It has been a real battle for this province to achieve that. It has not been able to implement or hold various officials and departments accountable for the failure to submit their financial statements in a manner that they should have done. In the last ten years, we saw R15 billions of irregular, unauthorised, fruitless and wasteful expenditure by various departments, entities and municipalities. We are still haunted by the threesome of fraud and corruption, nepotism and maladministration.



The province is still plagued by the executive leadership that sometimes allows officials and politicians alike to act with impunity. Therefore, I am grateful to see the actions of the Hawks and some of the arrests that are now taking place in municipalities across our province. These arrests must now move into our government departments and some of those officials who were responsible for the total collapse of the Department of Education at one time and the entity like RAL. I do not envy the role of the MECs that are currently holding those offices. I do appreciate the honesty in the reports today when they came forward to say that they did not implement all of the resolutions as put forward by the portfolio committees.

Instability at the level of accounting officers affects accountability and responsibilities. Staff shortages and staff tasked with financial responsibilities who lack the skills must be urgently addressed. Treasury can no longer sit idly by and watch departments and municipalities contravene the PFMA. If Treasury was fully on board, we would not have had the VBS saga, and we could have avoided the scandal that is all over our province. This House needs to revitalise Operation Clean Audit with the Auditor-General's recommendations at the core of its plan. Leadership and governance in departments, municipalities and the entities must create an environment conducive to sound financial management through the elimination of all deficiencies in internal control systems and accurate record keeping. The appointment of fit for purpose individual to ensure compliance with relevant legislation and through the improvement of effective internal audits, risk management and audit committees through effective monitoring.

Hon Speaker, I must give my appreciation to my colleagues on Scopa that without fear or favour has taken on the Executive and played its role as an oversight mechanism body. I would appreciate it if this House could in years to come monitor all resolutions, not only by Scopa, but also from the other portfolio committees. It is through our oversight that we can hold the Executive accountable, and it is through our oversight that we can deliver to the people of this province. I thank you, Hon Speaker.

## **THE SPEAKER**

Thank you, Hon Smalle. On behalf of the EFF, we will now call upon Hon Seshoka. It looks like Hon Seshoka is not available. We will now move to the ANC. Hon Mitileni is going to represent the ANC.

## **MR MITILENI**

Hon Speaker; Hon Deputy Speaker; Hon Premier and Members of the Executive Council; honourable Members of this august House, let me take this opportunity on behalf of the ANC and welcome the reports that were presented by Members of the Executive Council. Precisely because I am speaking on behalf of the party today, I think it would only be fair that I start by putting a context to the accountability mechanism that is being exercised in this House today. In his book, We, the People, the former judge of the Constitutional Court Albie Sachs raises the question to say: If the paternity test was done on the new Constitution of the Republic of South Africa, who's DNA will be appearing? He goes on to respond to the question to say: The DNA will be that of Oliver Reginald Tambo. [APPLAUSE]

Going down, he gives a context that Oliver Tambo even at the time of having a stroke, when he was busy finalising the document around the Harare Declaration, part of the context and the argument was that, when we take over power, we must be able to come up with a constitution that will protect all of our people. We must be able to come up with a constitution that will have a Bill of Rights. The Constitution that we have today also entrenches the separation of powers in terms of the role of the various arms of the state. In that context of the separation of powers, our duty, Hon Premier, as the legislative arm is to hold the Executive accountable. It is within that context that when Members of the Executive Council come before Scopa, they come there certain that they will come out having thoroughly accounted. [APPLAUSE]

I have been saying many times when we had those hearings, Hon Premier, that accountability by its very nature is not a comfortable thing. It has been an uncomfortable exercise from the days of creation. Those who come from a religious background would know that when the first man was created and given a garden to preside over, for some reasons, he committed a sin, not an offence in the context of our debates today. When he was called out by the Creator to say, Adam, Adam, where are you, he did all manner of things to try and hide from accountability. Our task, therefore, as the Standing Committee on Public Accounts is to hold the Executive accountable, more especially on matters of a financial nature. Ours is financial accountability.

Therefore, we would like to firstly thank the Legislature for having created this opportunity because, honourable Members, you will appreciate that we were not supposed to be discussing the 2014/15, 2015/16 and 2016/17 financial years in 2020 today. These are reports which effectively belong to the fifth administration, and we are seated here today as the sixth administration still dealing with this. We, therefore, wish to thank the Speaker and the Deputy Speaker for the opportunity that they created, but also to congratulate you Deputy Speaker and the team for having obtained a clean audit. [APPLAUSE]

Honourable Members, Scopa debates and engagements that we normally have, are not just any form of engagements. They are informed, firstly, from a legislative perspective, but secondly, in terms of the work that has been done, firstly, by the departments themselves, and secondly, by the Auditor-General. We only come in the context of making sure that we implement the resolutions. In the context of today's debate, we will deliberately not make any remark on GAAL as the ANC, because it is a public entity. We are confining ourselves to the departments. Therefore, in that particular context the piece of the legislation that guides us is the Public Finance Management Act in particular section 38 which holds the accounting officers accountable. For our part as Members of the Legislature, we hold Members of the Executive accountable, hence it is the Members of the Executive that are coming here to report in terms of the progress made.

Honourable Members, we received the reports from different departments to reflect on the progress, but also to reflect on the challenges that they are faced with. We need to start off by mentioning that, the resolution of Scopa is that in every six months, Members of the Executive are expected to come before the House and report on the progress made. This then gives you space in terms of all the resolutions that you said they have not yet been implemented. I will, therefore, speak very briefly on some of the resolutions, honourable Members. Firstly, I will speak on the two departments that

have got a transversal function, which is the Office of the Premier as well as Provincial Treasury. You will note that these two departments internally are doing fairly well. The other department has had a clean audit for quite some time, unbreakable record. Even the Office of the Premier when they go down this year, they are able to recover in the subsequent financial year.

The expectation of Scopa, and you will note, Hon Premier and the MEC that the areas where we differ with you is with regard to the transversal function. That is the area where we will expect you to improve. For example, there have been two or three resolutions for the Office of the Premier. All of them were doing well except with regard to irregular expenditure when it comes to the empathy of the provincial government. We, therefore, expect that office to play an active role. The two departments will also need to play an active role, Hon Speaker.

Let me talk to Hon Sekoati. With regard to the implementation of the investigation reports, because your department, and correctly like you were reporting here, has made significant progress in conducting and concluding the investigation and thereafter handing them back to the respective department. It is at that level where there is no implementation. I am dwelling a little bit much with you because the rest of the departments' biggest challenge is around consequence management. Once an investigation report is concluded, the expectation is that the relevant department must go back and implement the investigation report word for word. A related challenge which cuts across all of the departments is, I will not say a deliberate effort because this is the first time that the Executive is coming to account, a situation where matters, more especially when it comes to accountability, are allowed to prescribe. Adv Phala in his other responsibility can speak better about this concept to "prescribe", deliberately allowing a matter to drag for so long that when you challenge it at a later stage, it no longer stands any reasonable chance of success. This once again is related to consequence management. You will notice that when those departments where there are no consequences were reporting here, they started to indicate that in the 2014/15 financial year, there were several resolutions and these were a number of resolutions that we managed to implement, but when you go to the two subsequent financial years, the number of the unresolved resolutions begins to increase. They begin to increase precisely because when a person does wrong, you don't act. I am normally accused of some ideological attachment, Premier, because I always give the best examples from China, for instance.

In China they say that when they started to fight corruption, something that we are doing well in currently, and engaged with those people who were involved in corruption, they firstly questioned those who did it for the first time because they did not do that on a grand scale. The responses have been that, when we committed an act of corruption the first time, we were very cautious, and we tried to cover our tracks precisely because we thought we will be apprised and action will be taken. When we stayed for six months and nothing happened, we started to realise that this thing is doable, this thing is normal. Actually, we got into a new normal.

Even when it comes to issues of consequence management, when wrong actions are done, there are clear investigation reports. There are clear recommendations. There are clear resolutions of the House and there is no implementation. What that does is to embolden the wrong doers to continue to do wrong. I am sure as the ANC, we stand opposed to that, and we would expect all of our departments to improve in that

particular regard. The separation of the Department of Transport and Community Safety has had two effects. The first one is that, when it comes to the Department of Community Safety, there has been serious improvement in terms of the audit outcomes, in terms of the performance and all manner of things. You might have observed that the MEC here came dressed properly for the occasion in the uniform of that department because maybe the other one might be having serious challenges. [LAUGHTER]

Whilst we commend the progress that has been made on the one arm of that department, we will expect the other arm to improve seriously. The last time we were debating here, we were saying that the problems of Limpopo can be resolved by almost 70%. We have to be decisive on the Department of Education, on the Department of Health and on the Department of Public Works, firstly because of the budget that goes into those departments, secondly because of the nature of work that those departments are doing. You will notice that the areas of irregular expenditure, the areas of fruitless and wasteful expenditure, the areas of unauthorised expenditure and indeed contingent liabilities are found being the highest in all of these departments.

We were impressed by our engagement with the Department of Education the last time that at least they were able to produce the investigation report. This is because if you look at the three financial years, they say the investigations are still ongoing. We will expect you, Hon Boshielo, that when you come six months from now, you will be reporting in terms of the progress that has been made around the implementation. We wish to finally appreciate the frankness of the honourable Members, but we will urge them because when you come to Scopa, you will find that you did your report, but we also did our research. We would urge the Members not to come here and just report progress when that progress does not exist. This is because we are going to sit down with all of these reports and go back to all of the areas where you say you have progressed and then take issues one by one and check if there is real progress or if there is progress to want to impress.

Let us in memory and honour of Oliver Tambo, make sure that we uphold the values of the Constitution. Let us in his memory make sure that we build and strengthen the culture of accountability; we build the confidence of our people in the leadership of the ANC by making sure that we don't tolerate rotten elements from within our ranks and from within our state. I thank you. [APPLAUSE]

## **THE SPEAKER**

Thank you, Hon Mitleni and thank you to all political parties for the comments that they have made on the progress reports from the Members of the Executive Council.

## **8. ANNOUNCEMENTS**

Are there any announcements? Hon Deputy Speaker, you are recognised.

## **THE DEPUTY SPEAKER**

There is no announcement about food, I know everybody is waiting for that. We have decided that we will discuss the issue of lunch looking at the COVID-19 regulations and all that.

There is a phone which somebody left in the bathroom. If somebody needs it, it's with Mr Ngobeni.

**MS MONYAMANE**

Thank you, Hon Speaker. Members of the Portfolio Committee on Social Development are requested to remain in the House after the Sitting. Thanks.

**THE SPEAKER**

Thank you.

**9. ADJOURNMENT**

Honourable Members, this House is adjourned to Thursday, 08 October 2020 in this Lebowakgomo Legislative Chamber.

**[THE HOUSE IS ADJOURNED]**