

# MINUTES OF PROCEEDINGS

## OF THE

# PARLIAMENT OF THE PROVINCE OF THE WESTERN CAPE

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THURSDAY, 13 AUGUST 2020

1. The House met at 14:15.
2. The Speaker took the Chair and read the prayer.
3. [14:16] The Speaker made a general announcement regarding the sitting of the Western Cape Provincial Parliament in accordance with Rule 1A of the Standing Rules pertaining to Members in remote attendance by electronic means.
4. [14:20] Interpellations.
5. [15:00] Questions.
6. [16:00] Statements by Members.
7. [16:22] Response to statements by Members by Mr T A Simmers, Minister of Human Settlements.
8. [16:25] Motions with Notice.
9. [16:31] Mr F C Christians moved without notice: That the House extends its sincere condolences to the family of Deon Sampson (46), a traffic officer, who died on Friday night, 7 August, in the line of duty while stationed at a roadblock in Khayelitsha; notes that while Officer Sampson was doing his job checking license discs on vehicles as part of an integrated operation with the South African Police Service (SAPS), died a horrific death when he was run over and dragged nearly 200 m before his body was forced out of position; and further notes that Officer Sampson leaves behind his wife, Lucian Sampson, to whom he had been married to for almost 20 years, and their three children: sons Dyne (17) and Liam (13), and their daughter Jemma (10).  
  
Agreed to.
10. Mr P Marran moved without notice: That the House notes with sadness the passing away of Duncan Davids, an EMS official from Witzenberg, who lost his life due to lung complications earlier this week; notes further that Davids was a selfless employee who dedicated his life to saving the lives of the people of Witzenberg; and conveys condolences to his family, friends and colleagues.  
  
Agreed to.

11. Ms D M Baartman moved without notice: That the House notes the passing away of Councillor Rukeya Meyer on 5 August 2020; further notes that she was a committed and passionate South African who worked tirelessly for the betterment of her community; further notes that Rukeya at various times served as Laingsburg's Deputy Mayor, Speaker and Executive Mayor; further notes that she also served as an elected councillor from Laingsburg to the Central Karoo District Municipality, and later as a MMC for the municipality; extends our sincere condolences to the friends, colleagues and family of Rukeya Meyer; and call on all public representatives to follow her glowing example of dedication to her community and honestly in government.

Agreed to.

12. Mr P Marran moved without notice: That the House commiserates with the families and friends of all the COVID-19-related victims; and sends condolences to the loved ones of Worcester and Hex River Valley farmer Alexander (Boetie) Kriel (63).

Agreed to.

13. Mr D G Mitchell moved without notice: That the House extends its sincerest condolences to the family and loved ones of the late Cape Town Traffic Officer, Mr Deon Sampson; notes that Officer Deon Sampson was a valued member of the Cape Town Traffic Department for many years; further notes that Officer Sampson sadly passed away while on duty on 7 August 2020 as a result of a criminal act; and our thoughts and prayers are with his loved ones during this difficult time.

Agreed to.

14. Mr M Kama moved without notice: That the House welcomes the support that has been given to Azola Phaphu in celebration of his 6th birthday; notes that appreciation is being sent to the SAPS Public Order Police team that went to visit him and gave him gifts; and applauds that these police members went in a different police uniform than the one they would wear in a protest as that gesture educates Azola that policing is not about a war against people but exists to enforce the laws of the Republic.

Agreed to.

15. Mr R I Allen moved without notice: That the House extends its sincere condolences to the family and friends of radio personality Bob Mabena; notes that his voice on the radio and presence in the entertainment and news industry will be missed; and our thoughts and prayers are with his family, friends and colleagues.

Agreed to.

16. Mr M Kama moved without notice: That the House notes the urgency required to address the imbalances of the past that contribute to gender-based violence; further notes that the former system of governance has long made women of all races secondary citizens; and that all need to realize the importance of defending and championing the interests of women in all institutions of governance and the commanding heights of our economy.

Agreed to.

17. Ms N Makamba-Botya moved without notice: That the House notes with sadness the death of 19-year-old Osiphayo Zenani; further notes that Zenani was shot and killed last week by 63-year-old Anthony van Jaarsveld during land protests in Kraaifontein; further notes that her death comes at a time when the country celebrates the bravery of women in their fight against all forms of oppression and their deprivation of basic human rights, such as the right to shelter; further notes that to this day not much has changed on the side of women since the colonial and apartheid times, as black women continue to live in a male-dominated, racist and patriarchal society and in a nation and province where whites still regard black people as subhuman and of little significance; further notes that Osiphayo's bravery and efforts that resulted in her death will not be in vain; further notes that we, as the EFF, will not be deterred and we will continue to fight for land until we obtain it; and may her soul rest in peace.

Agreed to.

18. Mr M Kama moved without notice: That the House notes that the Western Cape police arrested 712 suspects over the weekend for various crimes, including murder and attempted murder; also notes that altogether 1 443 fines of R1,65 million were issued for breaking the Disaster Management Act; and commends the police for the sterling work done.

Agreed to.

19. Mr M K Sayed moved without notice: That the House notes that various interactions with civil society role players and Members of this House took place over the past two weeks to promote the role of gender justice as part of our celebration of National Women's Day, for example the joint event between the Southern Suburbs Legal Advice Centre and Women of Hope in Retreat, and the webinar hosted by the Siyakwazi Youth Network.

Agreed to.

20. Mr M K Sayed moved without notice: That the House notes that, since protection was given to the Bo-Kaap cultural area, developments have been shelved that would have changed the district and would have assisted in a general gentrification that would have strangled the community's ethos and heritage.

Agreed to.

21. Mr P Marran moved without notice: That the House notes that the coronavirus pandemic is still active in areas such as Witzenberg where schools and an old-age home in Ceres had to bite the bullet lately.

Agreed to.

22. Ms W F Philander moved without notice: That the House notes the celebration of National Women's Day on 9 August 2020 and pays tribute to the struggle behind the commemoration of this day; further notes that this year we pay tribute to the females on the frontline and those who continue to suffer under gender-based violence; and commits our support for women and wishes them a happy Women's Month.

Agreed to.

23. Mr L L Mvimbi moved without notice: That the House notes that a Cape Town taxi driver was arrested for murder after a traffic official, Deon Sampson, inspected the taxi's licence disk at a roadblock and the taxi unexpectedly sped off while dragging the officer for 200 m under the vehicle; and notes that he died on the scene.

Agreed to.

24. Ms W F Philander moved without notice: That the House congratulates Gift of the Givers on celebrating its 38th birthday; and extends its sincere appreciation for their effort and contribution in revamping the Lentegour Psychiatric Hospital.

Agreed to.

25. Mr M Kama moved without notice: That the House notes that violence broke out again in Bloekombos after the Cape Town metro evicted people from land; further notes that demonstrations over the weekend saw a girl of 19 years being killed in a shooting; and calls for calm in all areas and for cooperation with the police who have to deal with the transgressors.

Agreed to.

26. Mr R D Mackenzie moved without notice: That the House extends a special vote of thanks to Vodacom for the R9 million donation in support of the communication strategy of the WCG in its fight against COVID-19.

Agreed to.

27. Mr L L Mvimbi moved without notice: That the House notes that George traffic officer Janneke Bergman was shot in the face with her own service pistol by a motorist on Friday; further notes that she is now recovering in hospital; and bids her a speedy recovery.

Agreed to.

28. Mr L L Mvimbi moved without notice: That the House notes that at least nine people died on Western Cape roads over the long weekend that has just ended; further notes that in the latest crash three people were killed on Monday on the Tulbagh–Wolseley road and six people were killed on Sunday night on the R27 near Silver Stream.

Agreed to.

29. Mr M Kama moved without notice: That the House notes the high prevalence of missing women and children in the province; welcomes the renewed focus by the SAPS leadership on strategies and more resources when dealing with missing people; thanks all who helped to find Constable Sandiswa Rum who had been missing since Monday; asks everyone to find 3-year-old Anothando Mhlobo who was last seen by his mother on 10 August in Hout Bay's Imizamo Yethu; and lastly calls on the provincial Department of Community Safety to assist the police.

Agreed to.

30. Ms R Windvogel moved without notice: That the House notes that many health officers are among the emergency staff members who have tested positive for the coronavirus; further notes that in the George Hospital alone 76 staff members have contracted the disease; and thanks all who selflessly continue to serve their communities in the most laudable ways despite the dreaded pandemic.

Agreed to.

31. Mr M Xego moved without notice: That the House notes that on Sunday 9 August 2020 South Africa celebrated the National Women's Day; further notes that the day traditionally and historically commemorates the national march of women who in 1956 petitioned against legislation that required African people to carry passes everywhere they went and not to enter certain areas reserved for whites; further notes that it is the day on which women carried the nation on their shoulders (as they always do) to fight for the liberation of all those were oppressed by colonial and apartheid racist laws; further notes that despite their leadership, hardship, endurance and victories, women today continue to be subject to all forms of oppression and institutional abuse, from forceful sterilisation to rape culture, physical abuse and murder; further notes that their bravery inspires us all; and let us all join hands in the fight to protect and embrace our women, to implement laws and legislation and to adopt a culture that accords with such a spirit.

Agreed to.

32. Ms R Windvogel moved without notice: That the House notes that the Thusong emergency field hospital in Khayelitsha was closed after Doctors Without Borders treated 241 COVID-19 patients there since mid-June; also notes that 23 virus-related deaths were recorded there; further notes that the equipment, including beds and oxygen tanks, have been moved to hotspots in KwaZulu-Natal and the Eastern Cape; and finally thanks these doctors for their selfless service during difficult times.

Agreed to.

33. Mr M Kama moved without notice: That the House notes that the Western Cape Liquor Authority has suspended 37 licences of lockdown transgressors; and calls on this authority to keep up the good work.

Agreed to.

34. Ms N Makamba-Botya moved without notice: That the House notes with sadness the passing away of radio broadcasting legend Bob Mabena; further notes that Bra Bob passed away on Monday 10 August 2020 as a result of cardiac arrest; further notes that his passing away comes at the time when he was still mourning the death of his grandmother who had passed away two months ago due to COVID-19; further notes that Mr Mabena will always be remembered as a cultural icon who paved the way for black voices in the radio during the late 80s; further notes that his radio career spanned for over 31 years at various radio stations, such as Kaya FM, Metro FM, Heart FM, Power FM and the SABC; and sends our heartfelt condolences to his family, friends and colleagues; may his soul rest in peace.

Agreed to.

35. Mr M K Sayed moved without notice: That the House notes that the Northern Cape Education MEC MacCollen Jack died yesterday after two weeks of treatment in a Kimberley hospital; and sends condolences to the family, friends and comrades of that MEC and legislature.

Agreed to.

36. Mr M Kama moved without notice: That the House notes that Khayelitsha has as recently as a week ago suffered another mass murder when two people were killed and an attempt was made to kill another; and commends the police for their swift action to arrest and deal with the situation.

Agreed to.

37. Ms P Z Lekker moved without notice: That the House notes that South Africa commemorated the brave women of 1956 on Sunday; further notes that these women took racism and patriarchy in our country head on by marching to the erstwhile apartheid Union Buildings to demand an end to unfair discrimination; and remembers them every year on this our National Women's Day.

Agreed to.

38. Mr M Kama moved without notice: That the House commends the Western Cape SAPS for arresting 11 suspects for the possession of unlicensed guns and ammunition in one weekend.

Agreed to.

39. Ms P Z Lekker moved without notice: That the House notes that this coming Monday, 17 August 2020, the late MPL John James Issel would have turned 74 years; and notes that the celebrated Johnny Issel was a political activist, apartheid detainee, regional secretary of SASO, a UDF member and former public representative of note.

Agreed to.

40. Mr L L Mvimbi moved without notice: That the House congratulates former South African sevens rugby team head Paul Treu on his appointment as coach of the University of the Western Cape; and wishes him and the team success in future.

Agreed to.

41. Mr L L Mvimbi moved without notice: That the House notes that a Steenberg Village restaurant waiter Brenden Cannoo (22) of Cape Town died last week when he went after thieves who had stolen a patron's cellphone; and notes that he was thrown off the bonnet of the speeding getaway car.

Agreed to.

42. [17:36] Draft Resolution:

Mr C M Dugmore: That the House, in accordance with of Rule 119 of the Standing Rules of the Western Cape Provincial Parliament (March 2019), appoints an ad-hoc committee consisting of a representative of each political party represented in the House to investigate the Deputy Speaker who allegedly prevented a labour inspector from entering the premises of a factory in Maitland on 4 April 2020; and further resolves that the Deputy Speaker be suspended for the duration of the investigation and until the legislature has considered the report and made a resolution on the findings.

Ms M M Wenger (DA) moved an amendment to the motion as follows:

*"To omit all the words after "That" and to substitute:*

*"the House, mindful of its constitutional powers and obligations in general, and mindful, in particular, of its powers in relation to investigating allegations of misconduct of its Members, noting that the allegations levelled at the Deputy Speaker do not relate to her conduct as a Presiding Officer, resolves that the Member's alleged misconduct falls within the scope and jurisdiction of the Conduct Committee of the WCPP, which is the Committee earmarked and best suited to pursue the matter further in terms of the provisions of its own Code of Conduct."*

Debate concluded.

Question put: That the amendment to the Draft Resolution moved by the Hon Member Wenger and the amended Draft Resolution be adopted.

The Presiding Officer announced that there were currently 36 Hon Members present and entitled to vote and the House was therefore a quorate.

AYES – 22 Allen, R I (DA); America D (DA); Baartman, D M (DA); Bosman, G (DA); Botha, L J (DA); Bredell, A W (DA); Christians, F C (ACDP); Fernandez, S G (DA); Fritz, A T (DA); Mackenzie, R D (DA); Madikizela, B S (DA); Maseko, L M (DA); Maynier, D J (DA); Mbombo, N (DA); Meyer, I H (DA); Mitchell, D G (DA); Philander, W F (DA); Schäfer, B A (DA); Simmers, T A (DA); Van der Westhuizen, A P (DA); Wenger, M M (DA); Winde, A R (DA).

NOES – 13: Bakubaku-Vos, N G (ANC); Bans, A P (ANC); Dugmore, C M (ANC); Herron, B N (GOOD); Kama, M (ANC); Lekker, P Z (ANC); Makamba-Botya, N (EFF); Marran, P (ANC); Mvimbi, L L (ANC); Sayed M K (ANC); Smith D (ANC); Windvogel, R (ANC); Xego, M (EFF).

Hon Marais, P J (FF Plus) was no longer present when votes were recorded.

Question agreed to.

Motion, as amended, agreed to

#### 43. [18:34] FIRST ORDER

Consideration and Finalisation of the Western Cape Laws Repeal Bill [B 5–2019] (Minister of Social Development.)

Debate concluded.

Question put: That the Consideration and Finalisation of the Western Cape Laws Repeal Bill [B 5–2019] be approved.

Question agreed to (ANC dissenting).

The Consideration and Finalisation of the Bill accordingly approved.

#### 44. [18:48] SECOND ORDER

Consideration of Report of the Standing Committee on Finance, Economic Opportunities and Tourism on the National Gambling Amendment Bill [B 27B–2018] (NCOP), dated 22 November 2019 (see Announcements, Tablings and Committee Reports, No 59, dated 30 July 2020, p 179). (Ratification of final mandate.)

Declarations of vote made on behalf of the ANC, EFF, GOOD, ACDP and DA.

Question put: That the Report of the Standing Committee on Finance, Economic Opportunities and Tourism on the National Gambling Amendment Bill [B 27B–2018] (NCOP) be adopted.

The Presiding Officer announced that there were currently 34 Hon Members present and entitled to vote and the House was therefore a quorate.

AYES – 20: Allen, R I (DA); America D (DA); Baartman, D M (DA); Bosman, G (DA); Botha, L J (DA); Bredell, A W (DA); Fernandez, S G (DA); Fritz, A T (DA); Mackenzie, R D (DA); Madikizela, B S (DA); Maynier, D J (DA); Mbombo, N (DA); Meyer, I H (DA); Mitchell, D G (DA);

Philander, W F (DA); Schäfer, B A (DA); Simmers, T A (DA); Van der Westhuizen, A P (DA); Wenger, M M (DA); Winde, A R (DA).

NOES – 13: Bakubaku-Vos, N G (ANC); Bans, A P (ANC); Dugmore, C M (ANC); Herron, B N (GOOD); Kama, M (ANC); Lekker, P Z (ANC); Makamba-Botya, N (EFF); Marran, P (ANC); Mvimbi, L L (ANC); Sayed M K (ANC); Smith D (ANC); Windvogel, R (ANC); Xego, M (EFF).

Abstain – 1: Christians, F C (ACDP)

Question agreed to.

The Report accordingly adopted.

The mandate conferring authority on the Western Cape Provincial Parliament's delegation in the NCOP not to support the Bill was ratified.

45. The House adjourned at 19:05.

ROMEO ADAMS  
Secretary to the Provincial Parliament