

MINUTES OF PROCEEDINGS

OF THE

PARLIAMENT OF THE PROVINCE OF THE WESTERN CAPE

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THURSDAY, 17 NOVEMBER 2016

1. The House met at 14:15.
2. The Deputy Speaker took the Chair and read the prayer.
3. [14:17] The Deputy Speaker made a general announcement regarding the logistical arrangements for all the sittings taking place in the Chambers of the Cape Metropolitan Subcouncil 16 at 44 Wale Street.
4. [14:16] The Deputy Speaker announced that due to the resignation of Mr M L Fransman, a vacancy occurred in the representation of the African National Congress in the Western Cape Provincial Parliament. This vacancy has been filled by the nomination of Ms N D Nkondlo with effect from 7 November 2016, and that the Member had taken the oath in the Speaker's office on 9 November 2016.
5. [14:17] Interpellations
6. [14:50] Questions.
7. [15:54] Questions to the Premier without notice.
8. [16:14] Statements by Members.
9. [16:30] Notice of Motions.
10. [16:40] Ms P Makeleni moved without notice: That the House congratulates Wayde van Niekerk, the 400 m world record holder, who was yesterday crowned as the best male athlete at the 2016 Rio Olympics.
Agreed to.
11. Mr N E Hinana moved without notice: That the DA wishes all the Grades 12 learners the best outcome as they sit for their 2016 examinations.
Agreed to.
12. Ms L J Botha moved without notice: That the House expresses its condolences with the children and the family of Jane Jansen, an assistant pharmacist at the Clanwilliam CDC, who died in a car crash at Graafwater on Saturday 5 November 2016.
Agreed to.
13. Ms P Z Lekker moved without notice: That the House notes with sadness the brutal rape and murder of the 18-year-old Leah Marchant from the Cape Flats early in October; and conveys condolences to her family.
Agreed to.

14. Mr D Joseph moved without notice: That the House condemns the alleged incident where a white man assaulted a 13-year-old girl accusing her of provoking his dog; and condemns all incidents of racism and discrimination in any form as it does not promote nation building and social cohesion.

Agreed to.

15. Mr Q R Dyantyi moved without notice: That the House notes that the Kraaifontein artist Simphiwe Mbunyuza's exhibition in Vallarus, France, in October this year was hailed a success and he was invited to host another exhibition next year; congratulates the artist and calls on the Department of Cultural Affairs and Sport to invest more in the development of artists in the townships.

Agreed to.

16. Mr L H Max moved without notice: That the House congratulates the following award winners at the national Department of Transport's Annual Award Ceremony 2016: Mr Kenny Africa, Chief Director and Western Cape Provincial Traffic Chief, for receiving the best male transport employee award; Mr Yasir Ahmen, Chief Director for Transport Operations, won second place in the best male transport employee category; and Ms Bernie McMahon, Director of Operator Licensing and Permits, won the second place in the best female transport employee category.

Agreed to.

17. Ms P Makeleni moved without notice: That the House congratulates SA world champions Caster Semenya and Wayde van Niekerk on their nominations for the World Athlete of the Year by the IAAF to be announced on 2 December.

Agreed to.

18. Ms L M Maseko moved without notice: That the House congratulates Anton Alexander who was recently named the Western Cape's Agri Worker of the Year 2016. Alexander has been working at the Ouwerf Farm for the past 20 years. Initially employed as a general worker, he has held different positions including that of a tractor driver and supervisor, before being promoted to HR officer.

Agreed to.

19. Mr C M Dugmore moved without notice: That the House notes with concern the brewing taxi violence in Thembalethu, George, after the chairperson of Uncedo Taxi Association, Wesley Sikhumbuzo Mini, was ambushed and gunned down in front of his house on Friday night; notes further the alleged link to the roll-out of Go George in the area as a possible reason for this hit; conveys condolences to his family; and calls for an urgent intervention from both the police and other relevant authorities, including the urgent commencement of a mediation process to resolve the ongoing disputes between Go George and the taxi industry.

Agreed to.

20. Mr B D Kivedo moved without notice: That the House congratulates Anglican Emeritus Archbishop Njongonkulu Ndungane who has been honoured with the Freedom of the City of Cape Town on Friday 10 November 2016.

Agreed to.

21. Ms M N Gillion moved without notice: That the House notes the reported high prevalence of teen suicides recorded at 1 out of 5 youth deaths in the Western Cape by the South African Depression and Anxiety Group; notes further that earlier this week a 10-year-old schoolboy committed suicide at his home in New Crossroads; and calls on the Department of Education and the Department of Social Development to improve their mechanisms to prevent these tragedies.

Agreed to.

22. Mr D G Mitchell moved without notice: That the House extends its sincere condolences to the family and friends of Mr Neville Londt, the former Glenville and Cape Town Spurs striker, also fondly known as the “Athlone Ghost” by his soccer fans, who sadly passed away on Tuesday 15 November 2016. May his soul rest in peace.

Agreed to.

23. Ms P Makeleni moved without notice: That the House congratulates one of the oldest and most beloved cricket clubs in South Africa, Saint Augustine, on its 118th anniversary.

Agreed to.

24. Mr B D Kivedo moved without notice: That the House extends its sincere condolences with the next of kin of Jans Rautenbach, the famous filmmaker, writer, thinker, humanist and philanthropist, who died last week at De Rust in the Oudtshoorn district. May his soul rest in peace.

Agreed to.

25. Mr D G Mitchell moved without notice: That the House congratulates the following teachers for winning the 2016 Annual Western Cape Top Teachers Awards:

- Ms Marika Smit from Bottelary Primary School in Kraaifontein for her excellence in primary school teaching;
- Ms Miralese Wiegman from Hermanus High School for her excellence in secondary school teaching;
- Ms Sharone Opperman from Dellville Park Primary in Pacaltsdorp for her excellence in Grade R teaching;
- Ms Tanya Ernsten from Ligstraal School for LSEN in Paarl East for her excellence in special needs and inclusive teaching;
- Ms Portia Naidoo from Bernadino Heights School in Kraaifontein for her excellence in teaching Physical Sciences (FET);
- Mr Stephen Adams from Bernadino Heights School in Kraaifontein for his excellence in teaching Mathematics (FET);
- Ms Cecelia Campbell from Erika Primary School in Mossel Bay for her excellence in technology-enhanced teaching and learning;
- Ms Dawn Petersen from Blomvlei Primary School in Hanover Park for her excellence in primary school leadership;
- Mr Conrad Koegelenberg from the West Coast School of Skills in Saldanha for his excellence in secondary school leadership; and
- Mr Henry Alexander from Bernadino Heights School in Kraaifontein for his lifetime achievement award.

Agreed to.

26. Mr K E Magaxa moved without notice: That the House notes that thousands of residents have been displaced by informal settlement fires which killed too many others in the past few months in the province; notes further that it is a cause for serious concern that many of these fires occurred outside the dreaded fire season; advises the Premier and her government that it will take more than just smoke detectors to save poor people from these fires; and calls for more meaningful interventions from the relevant departments and municipalities.

Agreed to.

27. Mr B D Kivedo moved without notice: That the House extends its condolences with the next of kin of Nico Carstens, the famous musician and conductor, who died in Bellville recently. May his soul rest in peace.

Agreed to.

28. Mr B D Kivedo moved without notice: That the House congratulates Cape Town-based medical doctor, Imtiaz Sooliman, for the sterling work done by his organisation Gift of the Givers for the last 30 years in ravaged countries and nations throughout the world and being rewarded with a global Humanitarian Award from the UN last week.

Agreed to.

29. Mr C M Dugmore moved without notice: That the House extends its sincere condolences with the families of people who died when the DMJ bus crashed outside Touws River in mid-October killing 13 people on the spot and injuring 43 others, 8 of whom were in critical condition; and calls on this government to increase the numbers of traffic officers in the province – and especially on dangerous stretches of road – to prioritise safety at all times.

Agreed to.

30. Ms P Z Lekker moved without notice: That the House calls for an urgent intervention in the situation of the Dunoon Primary School where teachers and about 1 000 learners are forced to use only two mobile toilets at the school.

Agreed to.

31. Mr M Mnqasela moved without notice: That the House congratulates SALGA Western Cape for conducting a successful elective conference and wishes the newly elected leadership under the stewardship of the Chairperson, Councillor Anton Coetzee, a successful journey going forward.

Agreed to.

32. Mr M Mnqasela moved without notice: That the House commends the Department of Local Government for the launch of its first green Thusong Centre Facility for the province in Ladismith, Kannaland Municipality; and further notes the need for face-to-face interaction between the government and the people, with the primary focus on developing communication and information strategies to empower the poor and disadvantaged in bridging the service imbalances at a local level by bringing the government closer to the people.

Agreed to.

33. Mr Q R Dyantyi moved without notice: That the House congratulates Councillor T Bathembu for winning ward 108.

Agreed to.

34. Mr M Mnqasela moved without notice: That the House congratulates the following winners of the 2015 Greenest Municipality Competition, hosted by the Western Cape Environmental Department, held on 2 November 2016, in which 16 local municipalities and four district municipalities took part:

Local municipalities

- 1st place: Hessequa Municipality – Prize money: R130 000
- 2nd place: Mossel Bay Municipality – Prize money: R70 000
- 3rd place: Swartland Municipality – Prize money: R50 000

District municipalities

- 1st place: Eden District Municipality – Prize money: R130 000
- 2nd place: Overberg District Municipality – Prize money: R70 000
- 3rd place: Cape Winelands District Municipality

Agreed to.

35. [17:00] Draft Resolution.

Mr P J C Pretorius: That the House, noting that:

- (a) In terms of section 1 (e) of the Parliamentary and Provincial Medical Aid Scheme Act (Act 28 of 1975), membership of Parmed, in relation to Members of a provincial legislature, becomes compulsory once a provincial legislature has resolved to confirm such compulsory membership;
- (b) the Rules Committee, on behalf of the Western Cape Provincial Legislature, resolved on 15 April 1996 (Report of the Rules Committee containing the resolution tabled in the *Announcements, Tablings and Committee Reports*, dated 8 May 1996) that the abovementioned provision of the Act would apply to members, thereby confirming the compulsory membership of Parmed of Members of the Western Cape Provincial Legislature;
- (c) pursuant to the adoption of the abovementioned Report and resolution in 1996 membership of Parmed has always been regarded as compulsory for Members of the Western Cape Provincial Parliament, and the Western Cape Provincial Parliament, by its conduct, signified that the resolution was intended to operate in perpetuity,

therefore RESOLVES to:

- (1) affirm its intention for the said Act to apply to its Members; and
- (2) affirm its intention for this resolution to be in force until such time as the Western Cape Provincial Parliament, by resolution, may determine otherwise.

Declarations made on behalf of DA and ANC.

BUSINESS SUSPENDED AT 17:20 AND RESUMED AT 17:25

Mr P J C Pretorius, as a mover of this motion, moved that the motion be withdrawn.

Agreed to.

36. [17:27] FIRST ORDER

Consideration and Finalisation of the Western Cape Liquor Amendment Bill [B 4B–2016] (Minister of Community Safety).

Debate concluded.

Bill finalised (ANC dissenting).

37. [17:37] SECOND ORDER

Consideration of Report of the Disciplinary Committee on the conduct of Members P Uys, S G Tyatyam and R T Olivier dated 15 September 2016. (See *Announcements, Tablings and Committee Reports*, No 73, dated 5 October 2016, p 182.)

Debate concluded.

Report adopted (ANC dissenting).

38. [17:40] Contingent motion:

Mr L H Max: That, in pursuance of the acceptance by the House today of the report of the Disciplinary Committee (see *Announcements, Tablings and Committee Reports*, dated 5 October 2016), and with specific reference to the sanction proposed in paragraph 9(3), the House instructs Mr Uys to forthwith apologise unconditionally to the House and the Speaker verbally.

Motion agreed to.

39. Mr P Uys, having been found guilty of contempt of Parliament by the Disciplinary Committee in terms of section 13(c) of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act (see *Announcements, Tablings and Committee Reports*, no 73, p 182, for the report of Disciplinary Committee), and in pursuance of the sanction proposed by the Committee namely to apologise to the House and the Speaker, and in pursuance further of the acceptance of the House today of the report of the Committee, as well as the instruction by the House for him to apologise unconditionally and verbally, tendered his unconditional apology verbally to the House and the Speaker.

40. The House adjourned at 17:45.

Dr G A LAWRENCE
Secretary to Provincial Parliament