

**OPENING REMARKS BY THE DEPUTY CHAIRPERSON OF THE NATIONAL COUNCIL OF PROVINCES, HONOURABLE MS S. E. LUCAS, ON THE OCCASION OF THE MINISTERIAL BRIEFING BY THE MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS AND THE INTER-MINISTERIAL TASK TEAM (IMTT) ON THE NORTH WEST INTERVENTION IN TERMS OF SECTION 100 (1) OF THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996 TO TABLE AND PRESENT A PROGRESS REPORT OF THE IMTT**

**DATE:** 03 DECEMBER 2020      **VENUE:** VIRTUAL      **TIME:** 14H00

**Chairperson of the National Council of Provinces, Honourable Mr Masondo**

**Minister of Co-operative Governance and Traditional Affairs, Honourable Dr Nkosazana Dlamini-Zuma**

**Deputy Minister of Co-operative Governance and Traditional Affairs, Honourable Mr Parks Tau**

**Members of the Inter-Ministerial Task Team**

**House Chairperson for Committees and Oversight, Honourable Mr J. Nyambi**

**House Chairperson for International Relations and Members' Support, Honourable Ms W. Ngwenya**

**Chief Whip of the NCOP, Honourable Mr S. Mohai**

**Permanent and Special Delegates**

**Ladies and gentlemen**

Programme director, I appreciate the opportunity to make the opening remarks on this occasion of the ministerial briefing by the Minister of Co-operative Governance and Traditional Affairs and the Inter-Ministerial Task Team (IMTT) on the North West intervention in terms of section 100 (1) of the Constitution of the Republic of South Africa, 1996 to table and present a progress report of the IMTT.

In terms of Section 100 of the Constitution, national interventions in a provincial administration, may take place when a province cannot or does not fulfil an executive obligation in terms of the Constitution. The Constitution provides that national executive may intervene by taking any appropriate steps to ensure the fulfilment of the obligation.

The steps taken by the national executive may include the following:

- Section 100 (1)(a) – where a directive is issued to the provincial executive, describing the extent of the failure to fulfil its obligations and stating any steps required to meet its obligations;
- Section 100 (1)(b) – where a responsibility is assumed for the relevant obligation in that province to the extent necessary to maintain essential national standards or meet established minimum standards for the rendering of a service; maintain economic unity; maintain national security; or prevent that province from taking unreasonable action that is prejudicial to the interests of another province or to the country as a whole.

In respect of the above, in April and May 2018, the national Cabinet invoked the Section 100 intervention and specified each intervention for all the 10 departments which were involved. The national cabinet further established the Inter-Ministerial Task Team and also notified the National Council of Provinces of the intervention in the North West. The affected departments were as follows:

- Department of Social Department (Section 100(1)(a))
- Department of Local Government and Human Settlements (Section 100 (1)(a))
- Department of Finance, Economy and Enterprise Development (Section 100(1)(a))
- Department of Tourism (Section 100(1)(a))
- Department of Rural Economy and Agricultural Development (Section 100(1)(a))
- Office of the Premier (Section 100(1)(b))
- Department of Health (Section 100(1)(b))
- Department of Education and Sport Development (Section 100(1)(b))
- Department of Transport and Community Safety (Section 100(1)(b))
- Department of Public Works and Roads (Section 100(1)(b))

Having been notified of the intervention, the NCOP established the Ad Hoc Committee, to inquire on the North West intervention. The purpose of the committee was to facilitate inquiries and also to conduct oversight in terms

of Section 100 of the Constitution, in order to pronounce on whether the intervention was duly warranted or not.

In October 2018, the Ad Hoc Committee resolved that the intervention was indeed warranted. In its report, the committee made recommendations to give meaningful effect to its purposes and mandate, as well as the implementation, monitoring and evaluation of the intervention. There was some progress recorded in respect of the responses to some of the recommendations of the committee.

Importantly, the following were some of the cross-cutting issues that, in terms of the recommendations, were to be followed up by the 6<sup>th</sup> Parliament:

- The Departments of Public Service and Administration, the Cooperative Governance and Traditional Affairs, the National Treasury and the Department of Planning, Monitoring and Evaluation should develop legislation to guide the implementation of the intervention, in terms of Section 100(3) of the Constitution. Honourable Members will recall that this matter came out strongly during the Local Government Week in September this year.
- The Inter-Ministerial Task Team should ensure the sustainability of the progress and systemic improvements made post the intervention, with particular reference to:
  - Sound financial systems
  - Internal controls, governance and accountability systems
  - Improvement of supply chain management processes

- Improved service delivery
- Prevention of irregular expenditure, unauthorised, fruitless and wasteful expenditure
- Addressing audit findings on a continuous basis.

The Ad Hoc Committee also recommended that the NCOP must, while the intervention continues, review the intervention and make any appropriate recommendations to the national Executive.

### **Honourable Members,**

Today's briefing is intended for the tabling and presentation of a progress report of the Inter-Ministerial Task Team. This will assist the NCOP in making its own assessment of the extent to which the intervention has assisted to address the challenges faced by the North West government.

### **What the Constitution requires**

On the basis of the principle of co-operative government intergovernmental relations as envisaged in section 41 of the Constitution, the three spheres of government are distinctive, but they have a duty to co-operate in mutual trust and good faith with one another and have respect for another's institutional integrity.

An intervention in the affairs of the spheres of government must first and foremost not flout the principle of co-operative government. The guiding principle must always be, to underscore the well-being of the citizen of the province in concern.

We must always strive to put in place systems that will enable people to become their own liberators and advance precepts of a state that is people centred and people-driven.

**Thank you**