

EASTERN CAPE PROVINCIAL LEGISLATURE

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MOTION WITHOUT NOTICE IN TERMS OF RULE 130

I hereby move, in terms of Rule 130 of the Standing Rules of the Eastern Cape Provincial Legislature, that this House on:

NOTING:

1. That Afrox, a critical supplier of medical gases to public hospitals, has taken legal action in the High Court to recover R360 million in unpaid invoices from provincial health departments, with the Eastern Cape Department of Health being the largest provincial debtor, owing approximately R90 million, threatening liquidity and continuity of supply;
2. That media reports indicate some of the unpaid invoices for the province are nearly a decade old, dating back as far as 2017;
3. That the 2025 Adjusted Budget and Medium-Term Budget Policy Statement tabled by the Eastern Cape Provincial Treasury allocated the Department of Health a net adjusted appropriation of R962.987 million, including R514.2 million specifically allocated to settle accruals;
4. That the amount made available is a drop in the bucket compared to the billions of rands in unpaid health invoices reported by the Auditor-General in the 2024/25 report;
5. That these accruals reflect systemic financial stress and directly undermine the Department's ability to comply with statutory payment timeframes, jeopardise service provider retention, and expose the Province to litigation and possible asset attachment; and
6. That chronic non-payment and accrual build-up represent a systemic risk to the financial viability of small and medium enterprises that support healthcare delivery, potentially resulting in bankruptcies that further strain the health supply chain.

FURTHER NOTING:

7. That non-payment of critical suppliers carries a material risk to patient wellbeing, as disruption of medical supplies and other essential goods and services could jeopardise hospital operations, emergency care, and clinical interventions that rely on continuous supply;
8. That during the Sixth Term of the Legislature, the Democratic Alliance consistently raised motions on Eastern Cape Health's chronic non-payment to suppliers, including Afrox, which motions were rejected by the ANC, indicating a failure to heed legislative warnings regarding fiscal collapse and patient safety; and
9. That this administration deliberately excludes the Department of Health from its publicly available "Have I Been Paid?" invoice tracking system, thereby limiting transparency and supplier recourse, and undermining the statutory objective of prompt payment within 30 days.

THEREFORE, THIS HOUSE RESOLVES THAT:

1. This House affirms its commitment to ethical governance and financial accountability, recognises the hardship that delayed payments place on individuals, families, and businesses reliant on government contracts, and reaffirms the principle that all compliant suppliers must be paid within the 30-day period prescribed by law;
2. The MEC for Health must urgently convene a multi-disciplinary task team comprising senior officials from Health, Treasury, Procurement, and Clinical Operations to secure uninterrupted supplies of medical gases and essential consumables, and report to the Legislature on measures taken to protect patient safety;
3. The MEC for Health must table a comprehensive, time-bound payment plan for all outstanding and compliant supplier invoices, clearly identifying funding sources, payment milestones, and implications for future procurement and service continuity; and
4. The Premier must present a status report to the Legislature on the "Have I Been Paid?" system, specifically including concrete steps to incorporate the Department of Health into the platform to restore transparency and accountability in supplier payments.

I so move.

Hon. Jane Cowley, MPL



**Shadow MEC of Health
Eastern Cape Provincial Legislature**