***PROCEEDINGS OF THE NATIONAL ASSEMBLY***

# TUESDAY, 9 JUNE 2020

The House met at 14:00.

The House Chairperson (Ms M G Boroto) took the Chair and requested members to observe a moment of silence for prayer or meditation.

# END OF TERM OF OFFICE OF THE AUDITOR-GENERAL

(Draft Resolution)

THE CHIEF WHIP OF THE MAJORITY PARTY: Hon House Chairperson, I move without notice:

That the House –

1. notes that the term of office of the Auditor-General is due to end on 30 November 2020;
2. establishes in terms of Rule 253(1)(a) an *ad hoc* committee on the appointment of the Auditor-General, the committee to –
	1. nominate a person in terms of section 193 of the Constitution for appointment as Auditor-General;
	2. consist of 11 members of the National Assembly, as follows: ANC 6, DA 2, EFF 1 and other parties 2;
	3. exercise those powers in Rule 167 necessary to assist it in carrying out its task; and
	4. report to the House on the nomination of the Auditor-General by 31 August 2020.

Mr S N SWART: House Chair, some of our members are struggling to link up still and they are wondering ... obviously but we’ve got no objection. Just to indicate there are a number of members still signing-in to the host room. Thank you.

The HOUSE CHAIRPERSON (Ms M G Boroto): Okay. If we can be assisted by our ICT to bring in all those members that are on virtual. Please assist us.

Hon members, let me say that if members in this chamber are speaking there’s no way you can be muted and there is a terrible feedback when people are watching back home. So, please let’s know that, that is happening and try to avoid it. We can’t mute the House but we can mute the gadgets.

Motion agreed to.

# ROTATION OF CLUSTERS FOR QUESTIONS TO MINISTERS

(Draft Resolution)

The CHIEF WHIP OF THE MAJORITY PARTY: Hon House Chair, I move without notice:

That the House notwithstanding Rule 138(2), which provides for rotation of clusters for Questions to Ministers on a weekly basis as determined by the Rules Committee, mandates the National Assembly Programme Committee to make decisions regarding the combination of clusters of government portfolios and the rotation of clusters based on the determination of priorities as and when necessary for the duration of the 2020 annual session.

Motion agreed to.

# CONSIDERATION OF FIRST REPORT OF NATIONAL ASSEMBLY RULES COMMITTEE, 2020 (VIRTUAL MEETINGS)

The CHIEF WHIP OF THE MAJORITY PARTY: Hon House Chair, I move to this august House to adopt this report. Thank you.

The HOUSE CHAIRPERSON (Ms M G Boroto): Are there any objections to the report as read by the Chief Whip? No [Interjections.]

Mr N F SHIVAMBU: Yes. There is an objection from the EFF.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Shivambu, your objection is noted.

Mr N F SHIVAMBU: House Chair!

The HOUSE CHAIRPERSON (Ms M G Boroto): Yes, hon Shivambu.

Mr N F SHIVAMBU: We also want to call for a division. We want to vote against this virtual [Inaudible.] because one thing

... this virtual [Inaudible.] thing ... Parliament,

particularly under these current circumstances. We had considered it differently when we debated in the National Assembly Programme Committee ...

The HOUSE CHAIRPERSON (Ms M G Boroto): Okay. Calling for division doesn’t mean you have to explain; just tell us you are calling division. We hear you; that’s how we operate.

The EFF calls for division; the division is allowed ...

Mr N F SHIVAMBU: Ya [Yes], we are calling for division, we’re going to make a declaration ...

The HOUSE CHAIRPERSON (Ms M G Boroto): ... and then the bells will be rung for two minutes. 10 minutes, yes. I’m asked 10 minutes; it was not prepared for. Thank you. It will ... I’m told that most people are still trying to log in so we have to wait for 10 minutes so that people can log into their gadgets for virtual. Thank you very much. So, we have the whole 10 minutes to ourselves. Thank you.

No, it’s not a break but you can move out.

DIVISION

[Bells rung for 10 minutes]

The HOUSE CHAIRPERSON (Ms M G Boroto): Thank you, hon members. We are back to the House now. Hon members, the Speaker has determined that in accordance with the Rules, Manual Voting Procedures will be used for this division. Firstly, in order to establish a quorum, I would request the Table to confirm that we have the requisite number of members physically present in the chamber and on the visual platform to take this decision. Party Whips ... [Interjections.] I will read it later. I will read the number later; I have been given the number. Party Whips will then be given an opportunity to confirm the number of their members present and indicate if they vote for or against the question. A member ... [Interjections.]

Mr N F SHIVAMBU: House Chair, can we please ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): What’s happening hon

... [Interjections.]

Mr N F SHIVAMBU: House Chair!

The HOUSE CHAIRPERSON (Ms M G Boroto): Yes, hon Shivambu!

Mr N F SHIVAMBU: We want to ... Can you please establish the quorum issue, like how many people are in this platform because ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Yes, I will read. I will tell you ... [Interjections.]

Mr N F SHIVAMBU: In this virtual platform it says 478 and there are so many people who are not Members of Parliament who are in that poor system. How do you determine? Can you give us the exact number of the people there and from where?

The HOUSE CHAIRPERSON (Ms M G Boroto): Thank you, hon Shivambu. Please do not disturb. Let me read and I will tell you exactly how many people we have later. Before we vote, I will tell you that. Party Whips will then be given an opportunity to confirm the number of their members present and indicate if they vote against the question. A member who wished to abstain or vote against the party vote may do so by informing the Chair.

Having confirmed that we have a requisite forum, now this is where I am going to give the numbers as given to me by the Secretary to the NA, confirmed by our ICT: On virtual platform, we have 252 members; and, in the House, we have 51 members. So, we continue as such. Voting ... [Interjections.]

Mr N F SHIVAMBU: Chair!

The HOUSE CHAIRPERSON (Ms M G Boroto): I don’t see your hand! I don’t see your hand! Can you raise your hand instead of shouting, hon member?

Mr N F SHIVAMBU: It’s hon Shivambu, here!

The HOUSE CHAIRPERSON (Ms M G Boroto): Yes, I am aware, hon Shivambu. You don’t just switch on and talk; there is a process that put Rules in the House. [Interjections.]

Mr N F SHIVAMBU: Yeah, just quickly, before you conduct that vote: On what basis are you conducting that vote because there is no Rule that gives us the power to vote on anything now? On what basis are you conducting this vote now? [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Haai, hon Shivambu, I just read ... [Interjections.]

Mr N F SHIVAMBU: Because the Rule has not been approved. So, on what basis are you approving it now? [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Shivambu, please be quiet, I will explain to you if you didn’t hear me when I started reading what we are going to do. There is a Rule ... [Interjections.]

Mr N F SHIVAMBU: Ja, please explain like any!

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Shivambu, Rule 6, section 2 agrees that the Rule may be framed by the Speaker and read it on. I am not going to read it all. Should I have to read it? Okay:

A Rule framed by the Speaker remains in force ... [Interjections.]

Yes, Rule 6, section 2!

... until the House, based on the recommendations of the Rules Committee, has decided thereon.

This has happened in the Rules Committee; and we have agreed. That is why I have read this guide now, so that every party should understand and remember what was agreed upon in the Rules Committee about the voting in this House. Please, let’s not be disturbed. Let’s continue! [Interjections.]

Mr N F SHIVAMBU: But, House Chair! ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Shivambu, please, you are disturbing! [Interjections.] Yes!

Mr N F SHIVAMBU: House Chair! House Chair! [Interjections.] But, I am calling for order. It is permissible on order. The Rule that was adopted by the Rules Committee was speaking in relation to committees. There was not specification in relation to the House. So, can you give the section in this Rule which you are saying we must adopt the things that the House can sit and vote in this particular format? Please give us that Rule!

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Shivambu ... [Interjections.]

Mr N F SHIVAMBU: Can you give us the Rules that explains that because the one that ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Shivambu, I have documents in front of me which are a confirmation of what happened in the Rules Committee. It is on document! Can you please not waste our time if you have forgotten what was decided.

*Afrikaans*:

Asseblief! Ons gaan voort!

Mr N F SHIVAMBU: I have not forgotten anything. Can you give us a specific Rule?

*Afrikaans*:

Die HUISVOORSITTER (Me M G Boroto): Ons gaan voort!

*English*:

Mr S N SWART: House Chair, I rise on a point of order, please!

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Swart, yes, you are recognised.

Mr S N SWART: Chair, I would like to rise on a point of order: If the hon Shivambu would like to raise a point of order, let him, and rule on it. We can’t have a dialogue between him and the Chair. Thank you. [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Thank you very much. I wanted to clarify this. Thank you, hon Swart. There is a document that is adopted by the Rules Committee and the Virtual Rules are on it. We are doing nothing untoward; we are very prepared for these sittings. Thank you very much. Hon member, we now continue to the voting part. [Interjections.] The voting will now commence. I will ... [Interjections.] Is there any point ... [Interjections.]

Dr M Q NDLOZI: Point of order! Point of order!

The HOUSE CHAIRPERSON (Ms M G Boroto): Who is that hon ... [Interjections.]

Dr M Q NDLOZI: Point order, hon Chair!

The HOUSE CHAIRPERSON (Ms M G Boroto): Can you check who is

... [Interjections.]

Dr M Q NDLOZI: Ndlozi!

The HOUSE CHAIRPERSON (Ms M G Boroto): Who is speaking? I don’t see a hand; I see a picture. [Interjections.]

Dr M Q NDLOZI: Ndlozi!

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon members, I am not allowing any other points of orders because you don’t even raise your hands; you just speak. [Interjections.] I continue! Hon members, ... [Interjections.]

Dr M Q NDLOZI: Chair, can I please be recognised because ... we do have raise hands ... but you don’t recognise them. [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Having consent that we have the requisite forum, we will now proceed.

Dr M Q NDLOZI: On a point of order! On a point of order, Chair!

The HOUSE CHAIRPERSON (Ms M G Boroto): Voting will now commence. The doors of the chamber will be locked and members will be allowed ... [Interjections.]

Mr N F SHIVAMBU: No, but there is a point order! House Chairperson, there is a point of order! [Interjections.]

Ms H O MKHALIPHI: House Chair!

The HOUSE CHAIRPERSON (Ms M G Boroto): ... To enter the virtual platform until voting is concluded. [Interjections.] The ICT, can you note everybody now? [Interjections.] I am speaking! Can you note when I am speaking ... [Interjections.]

Hon people in ICT, ... [Interjections.]

The CHIEF WHIP OF THE MAJORITY: Don’t address it like: Wena!

The HOUSE CHAIRPERSON (Ms M G Boroto): ... Please assist me by muting because we have to continue. [Interjections.] Mute everybody!

Ms H O MKHALIPHI: What are we on about? The Chair?

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon ... Mr Xaso, it possible to mute everybody so that we continue, now? [Interjections.]

Ms H O MKHALIPHI: No, don’t run ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Members of the EFF! [Interjections.]

Mr N F SHIVAMBU: Chairperson, can I raise a point of order?

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon members of the EFF, can you please be quiet? Because, you all in a discussion and I don’t know what you are discussing. [Interjections.]

Mr N F SHIVAMBU: Chairperson, just recognise a point of order!

The HOUSE CHAIRPERSON (Ms M G Boroto): And, we can’t continue because you are disturbing us!

Mr N F SHIVAMBU: Chairperson!

The HOUSE CHAIRPERSON (Ms M G Boroto): Who is speaking now, because there is no hand here? I would like ICT to mute

everybody now. We must continue; we can’t be held to ransom by them!

Mr B A RADEBE: Why are they not doing it?

The HOUSE CHAIRPERSON (Ms M G Boroto): Voting will now commence. The doors of the chamber will be locked and members will not be allowed to enter the virtual platform until the voting is concluded. So, clearly, even those at home will not enter now if they have not logged in already. Whips would confirm the number of your members present in the chamber and on the virtual platform, and indicate if they vote for or against the question. The Table will assist if needs be.

I believe that the Table has got the records from ICT as to how many members have logged in and that the Chief Whips be aware of that. This is so that as they say their numbers, they should correspond with what our ICT system has. I hope that is clear. Our voting will now commence.

The CHIEF WHIP OF THE MAJORITY PARTY: Hon Chair, I think it will be very much important that ICT, through the Table staff, assist us in terms of logging in, because we have not logged in here. So, we depend on those that are in ICT. They must

tell us the numbers so that we can also include these ones that are here physically in plenary and those that are virtually connected.

That process was supposed to be smooth because we agreed that as people are logging in, they are going to log in accordance to their political parties. This is so that we can know how many members are there per political party. Thank you.

The HOUSE CHAIRPERSON (Ms M G Boroto): I think that is very clear. Hon Mazzone!

The CHIEF WHIP OF THE OPPOSITION: House Chair Boroto, I wonder if I could assist here because I followed the instructions to get into here by Mr Xaso. I can tell you that on behalf of the DA, I carry the mandate for 27 members who are online, who vote in favour of the motion; as well as 18 members in the House who vote in favour of the motion.

The HOUSE CHAIRPERSON (Ms M G Boroto): Thank you. We will confirm that as I asked you. However, that information does assist. To all other Chief Whips of parties, this kind of information assists. Yes! Okay! If we can just continue, maybe those that are still verifying will do so. Let me just call.

To the DA: Can you please call it again so that they can just record it?

The CHIEF WHIP OF THE OPPOSITION: House Chair, there are 18 members in the House in favour of the motion; and 27 members online in favour of the motion.

The HOUSE CHAIRPERSON (Ms M G Boroto): Thank you very much. EFF?

Mr N F SHIVAMBU: House Chair, we were calling a point of order in terms of these ... [Inaudible.] [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): We are now voting, hon Shivambu. Are you voting?

Mr N F SHIVAMBU: And you utilise the technology to ... [Inaudible.] And, that is unprocedural because in Parliament we have got the permission and the right to speak and raise concerns on the issues that you are raising. [Interjections.]

Mr B A RADEBE: Chairperson, what happened ... [Inaudible.] ... point of order ... [Interjections.]

Mr N F SHIVAMBU: Because, we have got a right to raise the issues that we have to raise here. You can see that this system is not ... [Interjections.]

Mr B A RADEBE: ... [Inaudible.] ... No point of order during voting!

Mr V PAMBO: Hon Radebe, why are you howling the Deputy President, now?

The HOUSE CHAIRPERSON (Ms M G Boroto): Let me pass: IFP?

Mr B A RADEBE: There can be no point of order during voting! [Interjections.]

Mr N F SHIVAMBU: We were raising the point of order before the voting started. [Interjections.] We raised the point of order before the voting started! [Interjections.] We have called the point of order before the voting started and then you prevented us from doing so! [Interjections.]

Mr B A RADEBE: ... [Inaudible.] ... You don’t know a point of order. The Chairperson ruled on a point of order! [Interjections.]

HON MEMBER: Wena Radebe, who are you to ... [Inaudible.] ... of the Chair? [Interjections.]

Mr B A RADEBE: Who are you to ... [Inaudible.] ... Radebe? Who are who? [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon members of the EFF, the Rules of the House allow that! [Interjections.]

Ms H O MKHALIPHI: What are you saying? Just running the meeting very smoothly, allow the Chief Whip of the ANC ... [Inaudible.] ... the members!

The HOUSE CHAIRPERSON (Ms M G Boroto): And, I have ruled on the matters. We are now continuing. I don’t know what you are talking about. The Rules of the House shall be observed! [Interjections.]

Mr N F SHIVAMBU: We have raised a legitimate concern to say which Rule are you voting now on? Where does it say that the National Assembly must deal with this thing? [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Order! Can they mute so that I talk to the members to understand where we come from? [Interjections.]

Ms H O MKHALIPHI: Look at the abuse! We are being abused on this platform! People are coming with their kids here. So, please clarify in terms of the Rules because we want to know how we are going to move forward with this abuse here in this platform. Don’t rush to mute our microphones. Clarify to us: What is the Rule – the specific ... [Interjections.]

An HON MEMBER: ... [Inaudible.] ... Wena, who appointed you? Who appointed you; you are making ... [Inaudible.] ... [Interjections.]

The CHIEF WHIP OF THE OPPOSITION (Ms N W A MAZZONE): Point of

order, Chair! [Interjections.] I rise on Rule 91 as a point of order. I ask you to please take actions against the members who are online, who are deliberately disturbing ... [Interjections.] ... and, it is very clear that the members who are abusing the online system in an attempt to disturb Parliament and to make sure that this House is ungovernable.

Just as you would eject them out of the House ... [Interjections.]

HON MEMBER: [Inaudible.] ... This is not a meeting of the ANC, maan! Why only ANC members have the right to talk here? ... [Inaudible.].

HON MEMBER: We are not in the meeting of the EFF either. We are in Parliament. [Interjections.]

The CHIEF WHIP OF THE MAJORITY PARTY: [Inaudible.] ... the

Chief Whip of the Opposition, that we cannot be abused in the manner in which the EFF is doing right now. [Inaudible.]

... [Interjections.] ... Or you take members out of this meeting because we can do things procedurally. Thank you. [Interjections.]

Ms N V MENTE: Which Rule are we voting for? Which Rule? Which Ruling are we voting? Now, we are voting in a vacuum. We must be quoted a Rule in which we are voting under. We can’t just take votes and there is no Rule that is guiding us. Everything is working according to the Rules. Read us the Rule that has been adopted to allow the voting of this process.

HON MEMBER: I think we must go to Cape Town.

Mr N F SHIVAMBU: Our members are struggling to enter this platform because someone must approve there to be part of this platform. They are struggling. The President of the EFF cannot even enter this meeting and you want us to vote based on what?

*IsiZulu*:

ILUNGU ELIHLONIPHEKILE: Akahlale lapho emnyango lowo. Uzoza nani vele?

*English*:

Mr N F SHIVAMBU: You want us to vote based on what? [Interjections.] On what basis ... [Inaudible.] [Interjections.] Based on what?

Mr V PAMBO: Deputy Speaker, people are waiting for their R350s there ... [Inaudible.] [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): We are still struggling to remove them; I can’t hear you ... [Inaudible.] [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): We are still struggling to mute them. I can’t hear you. [Interjections.] Thank you very much. IT, everybody who is on this platform, let me tell

you that, IT, please mute everybody who comes in unrecognised and if you continue to speak whilst we are busy we are going to take you out of the House and by House, I mean even the house you are in because this is a virtual meeting.

Hon members, let me explain that we are not going back. We have explained that these Rules are Rules that we have all adopted. Now, the only issue that made us to stop for a while was because they are still trying to get the numbers so that the Whips in the House can be assisted. I think that is what the Chief Whip was talking about to saying, that they must assist us with the numbers and so on. Maybe that is one think Parliament has overlooked. But anyway, we continue.

We already have the numbers for the DA. The EFF, when I asked them to give the numbers, they talked about something that we have ruled on and I am not going back there because we have ruled on that. I will pass to the IFP, IFP, if you can give us what your members are saying and how many. Are you still waiting?

Ms L L VAN DER MERWE: House Chairperson, hon Singh will address.

The HOUSE CHAIRPERSON (Ms M G Boroto): If he is not ready, may I pass to the next party. We will come back to whichever party is ready. FF Plus?

Dr C P MULDER: Hon Chairperson, the FF Plus, three members in the House vote in favour of the report and seven members through the virtual platform. Thank you.

Mr S N SWART: House Chair, we support the motion, one physically in the House, two on virtual and Marie Sukers is still trying to join the platform. She is waiting to be accepted so I don’t know what her status is but there is a challenge for her.

The HOUSE CHAIRPERSON (Ms M G Boroto): We said that those that are in we will lock it. We will try to bring them in but we have a quorum and whoever is not logged in now we will log them out. But they will be allowed to come in after this vote. IT, please assist us. Allow those members in because as we continue with our work today we will be calling for names so make sure you are ready to connect those people that we will be calling. We don’t want a choir to come in. Please assist us IT as we continue.

UDM, is there a member of the UDM? Any member of the UDM, there are only how many by the way? [Interjections.] Two, any one of them who is in?

*IsiZulu*:

USIHLALO WENDLU (Nk M G Boroto): Baba u-Kwankwa ukhona? Hhayi! Siyakudlula baba.

*English*:

The HOUSE CHAIRPERSON (Ms M G Boroto): ATM? [Interjections.] No, they have to; when I call the party, they have to unmute the person. They know exactly what should happen. The IT people must tell us if there is a problem. [Interjections.]

*IsiZulu*:

Ngikhuluma nobani?

AN HON MEMBER: There is no unmuting of one person.

USIHLALO WENDLU (Nk M G Boroto): Hhayi wena thula!

*English*:

Liezl! I’m sorry, hon Liezl?

Ms L L VAN DER MERWE: Hon Chairperson, I wish to record that we’ve got seven IFP MPs on the virtual platform in favour and me in the National Assembly in favour so we are eight.

The HOUSE CHAIRPERSON (Ms M G Boroto): Smooth, that is how it should go. ATM there is no response. GOOD, do we have anybody? NFP?

Mr A M SHAIK EMAM: Hon House Chair, the NFP, one in the House, one is attempting to get on the virtual platform, both NFP members support and in favour of this.

The HOUSE CHAIRPERSON (Ms M G Boroto): AIC? Cope?

Mr W M MADISHA: Chair, Cope members participating are two, one in the House and the other one on the virtual platform, both agree with the motion. Thank you.

The HOUSE CHAIRPERSON (Ms M G Boroto): PAC?

*IsiZulu*:

Ukhona ubaba we-PAC, ngathi ngimbonile. [Ubuwelewele.]

*English*:

Okay! Can you speak in the mike hon member and tell us your vote.

Ms N V MENTE: Can we speak as well.

Mr M NYHONTSO: I’m in the House.

The HOUSE CHAIRPERSON (Ms M G Boroto): Yes ...

*IsiZulu*:

... baba siyabonga, sicela ivoti.

*English*:

Mr M NYHONTSO: I am voting in favour.

The HOUSE CHAIRPERSON (Ms M G Boroto): AL-JAMA AH? Not

available. I will go to those that I have left out. I will go back. It was the ANC. They are still verifying? Okay. Can we read it all afterwards? Can we continue? Is it allowed? [Interjections.] Oh! We have to wait. Okay! Hon members at home, they are still verifying the numbers. The Whips are still verifying the numbers and we can’t continue to the next item. We have to wait until we are done with this order that we are on.

Ms N V MENTE: House Chair!

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Mente?

Ms N V MENTE: House Chair, on a point of order: You have locked our members out of the voting system yet you are saying we must give you numbers. IT is refusing to allow them, but they have been on the line before the voting was called, before the doors were closed. How do you then lock them out when they have been waiting to be accepted by IT?

The HOUSE CHAIRPERSON (Ms M G Boroto): I don’t think that is how we work hon Mente. Hon Mente, everybody who was logged in before the voting should remain logged in and only those that were not logged in yet have to wait for after this. That can be verified by IT. There is no problem about that. Thank you. Can I get the numbers from the EFF for now, if you are done, if you are not, we pass.

The CHIEF WHIP OF THE MAJORITY PARTY: Hon Chair, on a point of order: I thought I understood you very well saying that those who have already logged virtually and those that are physically in the House are the first group to vote then after

this you are going to allow those who were logged out to vote separately then combine all the voting.

The HOUSE CHAIRPERSON (Ms M G Boroto): No! No! No! Ma’am,

maybe you didn’t hear me well, Chief Whip. I said for now quorate and we log them out like we usually close doors when they are outside because there is a quorum. There is no problem. We are not going to allow them to come in and vote again, but they will vote on other items that we still have to go to. I am not aware that members are being ... [Inaudible.] [Interjections.]

Dr M Q NDLOZI: Hon Chair!

The HOUSE CHAIRPERSON (Ms M G Boroto): No! Please, let’s leave it. I am just waiting for the verification of the numbers.

Whoever is calling ... are you going to give me ... EFF, can I have the EFF giving me the numbers and not ... can I get the numbers of the EFF.

Dr M Q NDLOZI: Hon Chairperson!

*IsiZulu*:

USIHLALO WENDLU (Nk M G Boroto): Ngikhuluma nobani ngoba mina ngifuna isandla. Akunasandla la. Angifuni ubuso ngifuna isandla.

*English*:

Dr M Q NDLOZI: But I keep raising the hand but nobody ever recognises me. I keep raising the hand. [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Ndlozi, I can see your hand now. [Interjections.]

Ms M D HLENGWA: ... for the 20th time.

*IsiZulu*:

USIHLALO WENDLU (Nk M G Boroto): Mama uHlengwa ungahlupheki. Thula mama! Thula mama uHlengwa. Khuluma baba u-Ndlozi. EFF khulumani, sifuna amanani.

*English*:

Dr M Q NDLOZI: Hon Chairperson, the challenge that we have is that we want to vote but we don’t know because you did not explain when asked to. Remember that you can’t treat us as political parties. You have to treat us individually as

members and that is how the voting should be legitimately taken.

So, you were supposed to explain how we on the virtual platform under which Rule is supposed to vote and do so how. You did not do that.

The HOUSE CHAIRPERSON (Ms M G Boroto): Thank you, hon Ndlozi. I have explained that at length. Those who were listening heard me and they know what is happening. I am not going to do that. What I want now from the EFF is the number, whether you vote positively or negatively.

Dr M Q NDLOZI: So what is the number of the ANC? How did they vote, the people of the ANC? I am curious to know.

The HOUSE CHAIRPERSON (Ms M G Boroto): They are still verifying.

Dr M Q NDLOZI: Or the DA, how did they vote? How did they vote?

Ms T MAHAMBEHLALA: Chair, I think that we must stick to the Rule book of Parliament. If all of us were in this House, we

would have been waiting for the results of the voting to come out and not interacting with any member that is here inside this House. So we need to follow the Rules of Parliament. I don’t see any need for you to entertain people who are howling virtually and not waiting for the outcome of the voting. I think we must sit here quietly and wait for the outcome of the voting, having received the numbers from the other Chief Whips of the parties. Can we quietly wait for the outcome? Thank you.

The HOUSE CHAIRPERSON (Ms M G Boroto): Thank you for the advice. Mister Xaso, Mr Xaso!

Ms H O MKHALIPHI: I have been raising my hand on the platform, can you recognise me? Chairperson! Chairperson Boroto!

The HOUSE CHAIRPERSON (Ms M G Boroto): No, I won’t recognise her.

Ms N V MENTE: Why are we being told now by nonentities?

Ms H O MKHALIPHI: Chairperson Boroto! Are you sleeping in that chair as usual?

Ms T MAHAMBEHLALA: Just ... [Inaudible.] ... numbers. Stop calling the Chair. Give numbers. You do not want to give numbers.

AN HON MEMBER: We are not your voting cattle.

Ms N V MENTE: Did you give the numbers? How do you even get the numbers? We are not your voting cattle. [Interjections.]

AN HON MEMBER: ... [Inaudible.] ... charlatans. [Inaudible.] [Interjections.]

AN HON MEMBER: ... [Inaudible.] ... too special in this Parliament that this Parliament is yours. It is not yours. This Parliament belongs to all of us. You EFF people; you think it’s your Parliament. That is why you don’t even mute your speakers.

AN HON MEMBER: Keep quiet!

AN HON MEMBER: You will get a heart attack.

AN HON MEMBER: You are making a lot of noise. [Interjections.]

AN HON MEMBER: You think you are smart. You are not smart.

AN HON MEMBER: We are smart. We are smarter than the ANC. [Interjections.]

AN HON MEMBER: People are listening to what you are saying, that the Parliament belongs to the ANC.

AN HON MEMBER: It is not your Parliament as well.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon members, they are still verifying the numbers from IT that I have been given and we are also waiting for the ANC’s numbers. We will continue.

We have to be very patient. This is another way of doing Parliament’s work, but we have to be patient. Thank you. Thank you very much. We are now back. The ANC was still verifying.

Chief Whip of the ANC can we have your vote.

The CHIEF WHIP OF THE MAJORITY PARTY: Chair, ANC, there are 99

members present on the virtual platform. Here physically in the House the ANC has 24 members present and all these members are voting in favour of that motion. Thank you.

The HOUSE CHAIRPERSON (Ms M G Boroto): I just want to go back to the EFF and let them give us their number. EFF, can you give us your vote?

Mr N F SHIVAMBU: Chairperson, you gave the ANC more than 30 minutes to verify and they were assisted by the IT people there. We do not have that privilege. We are still verifying as well. Can you please give us an opportunity, we will come back to you after like a period of time and then we will tell you and we still are raising a concern about the basis of this vote. But, give us time like you gave the ANC and then we will come back to you and tell you what our vote is.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Shivambu! Hon Shivambu, it is ... [Interjections.]

Mr N F SHIVAMBU: The ANC was given more than 30 minutes to ... [Inaudible.] ... this process.

The HOUSE CHAIRPERSON (Ms M G Boroto): Keep quiet and let me speak. I didn’t give the ANC time I gave parties that had not given their vote on time and it is not done by me, it is done by IT so; we have to verify with IT and as we speak now. Let me help you.

Mr N F SHIVAMBU: Can IT help us. Can you tell IT to help us as well?

The HOUSE CHAIRPERSON (Ms M G Boroto): Yes, that is what I am going to say, listen to me. IT has given us ... [Interjections.]

Mr N F SHIVAMBU: Tell IT!

The HOUSE CHAIRPERSON (Ms M G Boroto): ... hon Shivambu, please let me help you.

Mr N F SHIVAMBU: We have not been contracted by IT here. We want IT to be contracted to us, to help us like they helped the ANC.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Shivambu! Hon Shivambu ... how many are they in ... okay, hon Shivambu, let me help you. We have been working with IT and after this vote every Chief Whip can verify. IT has told us that the people on the virtual platform from the EFF are 28 and in the House we have two. So, hon Shivambu ... [Interjections.]

Mr N F SHIVAMBU: Exactly our point Chair that the entire caucus of the EFF is supposed to be in this meeting and has been disallowed to participate in this. How do you want us to vote when you have disallowed members of the EFF of Parliament to participate in this platform? What kind of Parliament is this that disallows democratically elected members from participating?

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Shivambu! Hon Shivambu, can you not waste our time? Unfortunately, I can’t

... [Inaudible.] ... you. Can you mute hon Shivambu IT? Thank you.

Ms H O MKHALIPHI: But he is the Chief Whip of the EFF. He must talk.

The HOUSE CHAIRPERSON (Ms M G Boroto): Can you mute them all. Why are you switching them on? Hon Shivambu, hon Chief Whip of the EFF ... [Interjections.]

Mr N F SHIVAMBU: But how do you want us to vote when you have closed our members ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): All the members that were not logged in when we started the vote are locked out from all parties.

Ms H O MKHALIPHI: That is not true. We have been there, that is not true.

The HOUSE CHAIRPERSON (Ms M G Boroto): So, you have 28. If you don’t give the numbers, we will take it that you are abstaining and we continue with, we can’t be held to ransom.

We continue. If you not going to give us your vote, then you must tell us. You must just give us the number, no more arguing because in all your arguments we are trying to help but you do not want to be helped. So please tell us if you are not voting and that you are abstaining. For the last time, I am asking and if you don’t give me that I will take it that you have abstained. Hon Shivambu, please speak.

Mr N F SHIVAMBU: House Chair, we are not going to participate in an unlawful, unprocedural ... [Inaudible.] [Interjections.] Also, these people whom we say are voting, they don’t even know what they are voting for. [Interjections.] [Inaudible.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Thank you very much. Thank you. Thank you for that answer. Can you mute Mr Shivambu so that we can continue? Can you hon Shivambu, we are fine.

Can you calculate all the numbers that were given except for the abstinence of the EFF? Can we have all the numbers? No others? Okay. Hon members even on the virtual platform ... [Interjections.]

Mr S N SWART: House Chair, I am sorry. May I assist you because there is a Rule this issue ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): No, don’t worry about the Rules now we are going forward. We will continue otherwise

... we understand there are Rules that are really helping me and I appreciate your help but now let us just continue.

A quorum being present in terms of Rule 98(1), voting commenced.

AYES –193: (ANC –123; DA-45; IFP –8;FF Plus -10; ACDP –3; NFP

1;Cope -2;PAC –1).

NOES–1: (EFF –1). In terms of Rule 114 a member calling for a division must vote against the question put by the presiding officer.

ABSTAIN –29: (EFF –29)

Motion agreed to.

Report accordingly adopted.

# CONSIDERATION OF RECOMMENDATION OF CANDIDATES TO FILL SIX VACANCIES ON COUNCIL OF INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA (ICASA)

(Report of Portfolio Committee on Communications)

Mr B M MANELI: House Chair, hon members, fellow South Africans, I am introducing this committee report at a time when the country like others worldwide is dealing with the fight against Covid-19 pandemic, where Independent Communications Authority of South Africa, Icasa, is still expected to play an important role as a sector regulator.

We are also reporting at a time when the country has started marking and acknowledging struggles of the youth in particular their role in challenging the status quo for the better at all material times. Particularly today, we recall the heroic role played by the late young lion Peter Mokaba who passed away on

this date in 2002. May his soul continue to rest in eternal power.

It is also during this historic moment that the world has observed the rampant rise in racism which makes the project of building a nonracial society in South Africa more relevant. In terms of the committee process, the portfolio committee having considered the referrals from the Minister of Communications and the Acting-Speaker on the 6th and 7th of August 2019 declaring five vacancies in Icasa. A recruitment process ensued guided by section 5 of the Icasa Act and a subcommittee set up by the committee constituted proportionally by political parties represented in Parliament. Twenty candidates were shortlisted out of the 75 nominations received as stated in the report.

Whilst the process of finalising the subcommittee recommendations was underway, another council member resigned creating another vacancy making up six vacancies. Guided by the Icasa Act, the committee made its recommendations on filling all six vacancies with a full four-year term. The following candidates are thus recommended unanimously by the committee in order of priority informed by skills required performance in the interviews, gender balance and demographics

without undermining the need to balance all other important imperatives. They are Dr Keabetswe Modimoeng, Ms Yolisa Kedama, Ms Zolani Kgosietsile Matthews, Mr Peter Zimri, Adv Luthando Mkutumela, Dr Charles Lewis, Ms Amanda Cuba, Ms Sandisiwe Ncemane, Ms Dikeledi Mushi and Mr Ashraf Patel.

Hon House Chair, let me conclude by stating that the truth of the matter is that the report is as a result of the following observations during the processes. Even though parties could be tempted to represent their party interest’s members chose South Africans hence sufficient consensus characterised decision making. We did not only comply with the law but throughout the process we sought to respect the rule of law. Even if it meant postponing decision making until there is legal clarity.

For this, we thank the committee support staff, the Parliament Legal Services team and the Office of Institutions Supporting Democracy, OISD. We took the decision recommending the filling of all six vacancies not only for financial prudence but, more importantly for the stability and business continuity of Icasa given the task at hand. This report is tabled for consideration of the House with the firm belief that the political parties declarations will still be loyal to this

truth and this truth is looked at from the lens of OR Tambo when he said “Let us tell the truth even if the truth coincides with the enemy’s accusations.” I present the report for consideration. Thank you.

There was no debate.

Question put: That Dr Keabetswe Modimoeng, Ms Yolisa Kedama, Ms Zolani Kgosietsile Matthews, Mr Peter Zimri, Adv Luthando Mkutumela, Dr Charles Lewis, Ms Amanda Cuba, Ms Sandisiwe Ncemane, Ms Dikeledi Mushi and Mr Ashraf Patel be recommended for appointment to the Council of Independent Communications Authority of South Africa. Declarations of vote made on behalf of the Democratic Alliance, Economic Freedom Fighters, Inkatha Freedom Party, African Christian Democratic Party, National Freedom Party, Congress of the People, Al Jama’ah and African National Congress.

Declarations of vote made on behalf of the Democratic Alliance, Economic Freedom Fighters, Inkatha Freedom Party, African Christian Democratic Party, National Freedom Party, Congress of the People, Al Jama’ah and African National Congress.

Question agreed to. Dr Keabetswe Modimoeng, Ms Yolisa Kedama, Ms Zolani Kgosietsile Matthews, Mr Peter Zimri, Adv Luthando Mkutumela, Dr Charles Lewis, Ms Amanda Cuba, Ms Sandisiwe Ncemane, Ms Dikeledi Mushi and Mr Ashraf Patel accordingly recommended for appointment to the Council of Independent Communications Authority of South Africa.

The HOUSE CHAIRPERSON (Ms M G Boroto): Siyathokoza mhlonishwa. (Thank you hon member.)

Hon members, the request for declaration of vote have been received. And the process is that every member who wish to make a declaration should submit their name. I will now welcome hon van Damme from DA.

*Declaration of Vote:*

Ms P T VAN DAMME: Hon Chairperson, no offence! It is just the difficult times. We have a huge problem in that this government has made it undesirable for the best minds in our country to avail themselves to serve in boards of state-owned enterprises, SOEs. You will say that the problem is because the salaries are higher in the private sector. But that is not the only reason, is it? It is because they know that they would harassed, bullied and forced to compromise the integrity

by a government that wants independent boards to tow the ANC line. There are many patriotic South Africans who would gladly take up the mantle to do country duty. But they are simple unwilling to subject themselves to the mistreatment that many of good board members have had to suffer at the hands of government.

It is time for the ANC to clean up its act in order to attract the best minds across industries to join in building a better future for our people. We need to attract talented mavericks, innovators, upstream swimmers and not the dry boring - we have always done it this way, squares and unquestioning yes men.

The lack of talent was clearly visible when we interviewed candidates to serve on the Icasa Council. So difficult was our task that of the nine names required to provide to the Minister, we could only scrap together five. I would just like to correct the Chairperson here. While we did indeed work very well together and there was consensus, we made it very clear that we had issues, so it was not a unanimous decision.

It is not to say that the names before us are not apt, some were, but apt is not what we were looking for. We are looking for the best and real talent. So we want to make it very clear

to those who will eventually be appointed to the council that it would not be an easy ride for you. You will do right for the people of South Africa and you will deliver excellence and progress.

A key failure by Icasa that has been apparent by as our country is in lockdown is a lack of internet access. Icasa’s own report found that 93% in South African have smart phones with 99,7 3G coverage across our country. Imagine if this was coupled with affordable data, those smart phones would not be mere communication devices but an important tool to access an economy that has left many locked out. Affordable data would have made the fight against Covid-19 easier with digital innovations such as telehealth, which allows healthcare professionals to use technology to communicate with patience without being in the same room using phone calls, video chats, emails and text messages.

If you look at international trends in this regard, South Africa is far behind. In the USA, UK, Finland, Taiwan and parts of Europe telehealth has been incorporated into their healthcare systems. Telehealth is the future and Icasa must facilitate this process by making sure that there is affordable data. The access to internet is no longer a nice to

have but it is a necessity in one could venture a human right. It is key to survival in a digital world.

The first order of business when this council takes office must be the finalisation of the draft regulations on mobile broadband services. This can no longer be delayed as is the usual order of business.

The anticipated auction of spectrum can also not be delayed as it is key to lowering the prices of data. The point is this Chairperson, the Covid-19 pandemic would mean that there are huge changes in the global economy. It is only those countries that have prioritised technology and innovation that will survive. Many countries would be left behind including South Africa. This would deepen the unemployment and poverty crisis our country is currently facing.

South Africa can emerge from this period stronger and more connected to the global society and economy. To achieve this, government should be finding new and innovative technological problems to the old problems we face. Key to this is Icasa making sure that there is access to affordable data.

Of course, we want Icasa to succeed because its failure means that South Africa fails. As for this reason, we would be uncompromising in our oversight. Icasa we are going to be on you like a bad perm. Thank you.

The HOUSE CHAIRPERSON (Ms M G Boroto): May I plead with members who are on the virtual platform to mute their mics. We don’t want to hear those throat clearing coughs and those tea cups, please. You are disturbing the process. Actually, even the videos should be muted. You will only switch on your video when it’s your time to speak.

Dr M Q NDLOZI: Chairperson, these are indeed a very confusing and difficult times demonstrated by the vote that just happened. And we want to indicate as the EFF that we reserve our right to challenge what we think is a fundamental violation of the democratic rights of each of member of the House to express themselves in a vote freely and fairly. This right has been violated in this House because if you could force the learners of South Africa to go back to work or to schools, why are we not opening Parliament so that we are able to meet and exercise the duties in a proper way. [Interjections.] So, we reserve our right in that regard.

The EFF confirms that indeed the report in relation to the appointment of the Independent Communications Authority of South Africa, Icasa, councillors reflects the true deliberation of the portfolio committee which prioritise deliberative democratic methods to reach decisions proposed by the majoritarians. Nevertheless, the leadership of Icasa has increasingly had very little to do with the choices Parliament gives to the executive in terms of the candidates to lead the institution. The parlour of the telecommunications and broadcasting monopolies still drives the agenda and key decisions of the body. Most of these decisions have been slow in progress in relation to the transmission of ownership patterns in both industries. Most recently Icasa took the most reactionary decision to exempt broadcasters from complying with specific programming licenses conditions and content quotas during the national state of disaster to deal with COVID-19. For instance, this exception allows the radio to depart from having to play local content music. It allowed the television broadcasters to commission or rent content from outside the country ignoring the local film productions. If the reasoning is that films have ceased to be produced due to COVID-19 which is a global phenomenon, then why would you think that you will get them from elsewhere unless you will be getting the outdated repeated content which you could have as

well have attained from the local markets. The reality is that this exemption is a lazy solution to diminish content production that gives broadcasters and escape as oppose to forcing them to first proof that there is no content locally before going anywhere in the world. Also an option could have been given to the broadcasters to first purchase content from the continent and not simply go to the usual Euro-American white supremacy biggest nations.

Needless to say, there are still challenges of Icasa regulations relating to online broadcasting in which Icasa forces SABC to apply for permission whilst private broadcasters are not. To this day, many of the returning councillors and the new ones that have been recommended have not robustly transformed or challenged the regulations which saw MultiChoice benefit at the back of SABC audiences at no cost. We have long called for an independent commission of inquiry into the passing of these masscre regulations because we believe that the lobby groups, in particular MultiChoice, possible using money to attained these in an unfair and obviously criminal way.

Finally, we put on record that the majority of the candidates could also not answer a simple question particularly the ones

that are being recommended today. Which broadcasting moving online, what would be the role or even need of Icasa? How would Icasa enforce regulation since broadcasting online does not require any licenses? In essence, even this crop of new candidates we are recommending have not applied their minds into the evolution of broadcasting and obvious conversion with telecommunications. This single fact makes the reduction of the cost communication in more urgent and fundamental. [Time expired.] But data prices must fall and must fall ...

Ms Z MAJOZI: Hon Chairperson, in the interest of keeping time at the outsets the IFP supports this report and debate for Icasa councillors. I wish to thank the committee secretary and members of the portfolio committee who made valuable and insightful contributions during this process of filling the Icasa vacancies during the difficult times of COVID-19. We congratulate the final nominees on their candidacy. It is our hope that their respective qualifications will support the work of telecommunication regulator.

While as a committee believe that these candidates will assist in improving the regulator in terms of delivery on their core mandate of South Africans, we are hopeful that their efforts will indeed translates into real actions. We all know that

Icasa is responsible for regulating the telecommunication broadcasting and postal services industries, but knowing this is not enough. We need to feel the impact of the work of these councillors at Icasa. As we are making public financial commitment to these board members for the next four years, opening up spectrum, driving down data cost, fast-tracking broadband infrastructure and ensuring a competitive and innovative transition into the Fourth Industrial Revolution, is what we need to focus on at Icasa.

The role of Icasa councillors over the next four years will be tough, but we as a committee and as Parliament must hold this body accountable so that they are acting in the best interest of South Africans. Far many years have been wasted at Icasa.

The leadership issues and political interference must stop in order to restore the functioning of Icasa just like it was intended to serve all South Africa and as Communication Act was interceded for it.

With that being said the job at hand will not be easy and I am hopefully that these candidates will be ready to hit the ground running. I thank you.

Mr W M THRING: Chair, the ACDP welcomes the short listing of the candidates to fill the vacancies of the Independent Commuications Authiority of South Africa. The Icasa council is the organisation’s highest decision-making body consisting of nine members. It makes regulations and policies to govern broadcasting and telecommunications in the public interest, in fairness, in a diversity of views and monitors the environment and enforcement compliance with rules, regulations and policies. It hears and decides on the disputes and complaints in the industry, plans and managges the frequency spectrums and protects consumers from unfair business practices or quality services and the harmful and inferior products.

The ACDP will call on the newly appointed councillors of Icasa to deal with the internal challenges of the organisation which has a history of staffing issues. Between 2013 and 2018, Icasa dismissed 16 employees for reasons related to gross negligence, theft, misconduct and insubordination. [Sound went off.] ...staff members. Two of these were dismissals related to theft and the third was an employee dismissed because of gross negligence. According to their 2019 annual report, there were five dismissals and 10 resignations with 10 labour relations cases due to misconduct and disciplinary actions.

The new Icasa councillors must ensure that good governance

with the application of consequence management is the order of the day.

The ACDP is cognisant of the importance of the appointment of these councillors given that this year the regulator is said to hold a long-awaited auction, an allocation of high demand spectrum for mobile operators after completing a temporary allocation during the lockdown to cope with the increased demand for telecommunication services. The allocation of radio frequency spectrum will allow data service providers to cover a wider geographical area with existing towers while caring more data traffic thereby producing a positive outcome of reduced data cost for millions of South Africans. Indeed, the ACDP reiterates data cost must fall.

In addition as I conclude, the Icasa councillors will need to facilitate the fast-tracking of the much-delayed migration from analogue to digital television. This migration has been looming for 15 years and South Africa missed numerous deadlines including an international deadline to carry out the switch by 2015. It is now expected that the process will be completed by 2021 and there is no doubt that there will be a number of hurdles to clear before that can happen. The ACDP

will continue to play its oversight role in the Icasa space. I thank you.

*Declarations of vote (cont)*:

Mr A M SHAIK EMAM: Hon House Chairperson, first of all I’m a little bit confused. I’m confused about the fact that it appears that there’s some restriction on us attending Parliament. As far as I’m concerned Parliament is open and all members are entitled to come to Parliament at free will. [Applause.]

With the report before us, the NFP supports the recommendations as they are tabled and we are quite satisfied that this committee, with political party participation by all political parties, has done justice in terms of identifying those suitable candidates to fill these vacancies that have risen.

What is very, very important is this, we do know and I think we have learnt and we’ve had statements being made by the executive recently that in future people will be appointed on merit with the capacity to be able to perform their duties; and I think if this is moving in the right direction, indeed, we must welcome it.

This particular council has a very important responsibility in terms of putting together policies and things; and I think what is often in question in this country is the independence, particularly of the media and particularly its reporting. So, we are hopeful that this committee will conduct itself without any fear or any favour whatsoever.

The NFP has done due diligence, has done some research into the candidates that have been nominated by the committee or the recommendations put forward and we are quite satisfied that these candidates are credible candidates and indeed, that they will do justice to this council.

The NFP supports the report and the recommendations. Thank you very much.

The HOUSE CHAIRPERSON (Ms M G Boroto): Before we get to hon Molala, because those are the only names I’ve been given and is from the ANC; even from home, is there any party that would want to declare and has not submitted a name? I’m opening up. Oh, Cope is there. Yes, you’re allowed, Cope!

Mr W M MADISHA: Hon Chair and hon members, permit me to reaffirm that Independent Communications Authority of SA,

ICASA, is extremely important and its long-term of absence from operation has not taken the country forward.

Yes, the committee had very long discussions on the matter and of course, over a very, very long period of time. And though there initially were disagreements, the legal processes were invited and we looked into that. Hence Cope has finally risen to agree that we proceed with the names and put them in the ICASA Committee.

We, however, call on the new committee to be, indeed, independent and ensure that all parties and all persons, whether they disagree with the ruling party or not, they are given a chance to put their positions.

Centralization, I want to emphasise, is not democracy; and Cope is, therefore, saying, yes, we agree, but let us decentralize; let’s make sure that all South Africans are given a chance and ICASA must, indeed, be an independent body. Thank you very much. We support.

Mr M G E HENDRICKS: Hon House Chair, I have appeared before ICASA as a representative of a community radio station six

times and I have always been very impressed with their high standards.

We are looking forward to an exciting four years with the new committee and I would like to request them to consider democratising the 5G. I know that the previous committee has allowed the 5G to be used; and as we know COVID-19 will be with us for the next two to three years and during this we would like them to consider democratizing the 5G so that it doesn’t go on auction and only the rich companies and those with power and influence get to unleash the benefits of 5G.

In this way, hon House Chair, Al Jama’ah feels that the benefits of 5G will reach the poor in the country. But this auction business is just another way of monopoly ... whatever monopoly you want to call it. We earnestly request that the 5G be unleashed for the South African community for the next two years. Thank you very much. And we wish the new members everything of the best.

*Declaration of vote*:

Mr L E MOLALA: House Chair, I rise on behalf of the ANC to welcome the portfolio committee and its recommendations. I do so mindful of the strides we have made as a country on our

journey to a free, nonracial, nonsexist, democratic and prosperous South Africa.

The report before the House today speaks to the process of filling six vacancies in the Independent Communications Authority of South Africa, Icasa Council. This process is vital for the stability of the council and will augment the entity’s capacity to carry out its mandate and serve our people.

For the ANC, the most critical part of the mandate of Icasa is access, access and access; access to communication, broadcasting and postal services to the millions of the rural and urban poor. The Independent Communications Authority of South Africa plays a vital role in ensuring that our people are not left behind in the march towards the digital economy. Fundamental to the success of our digital economy is the availability of the high-demand spectrum to expand broadband access and reliability. As the ANC, we believe that broadband infrastructure services and accessibility of free Wi-Fi are central to this economic development.

The devastation brought by Covid-19 has affirmed the analysis of the ANC that we need a developmental state working together

with all our social partners and regulatory bodies. The Independent Communications Authority of South Africa and the public broadcaster have ensured that ongoing TV and radio broadcasting in all official languages including Sign Language and disseminating Covid-19-related public announcements are done on time.

The Independent Communications Authority of South Africa has enabled access to data which has been critical for communications purposes during the period of the lockdown. We commend the effort of Icasa in this regard within the sector and finding a possible way of radio frequency spectrum relief for the duration of the declared state of national disaster to ease congestion and to ensure a quality of broadband services enable licensee to lower the costs of access to consumers particularly in relation to education, emergency and other social services. Furthermore, to the extent that the licensee will wish to tailor packages, specifically data packages, to respond to the pandemic. The authority has gone further and will consider the relaxation of the tariff notification, filing requirements, to enable the speedy roll out of such packages.

Over and above this intervention, the subsequent broadcast services licensees have been requested to open both their audio and television bouquets to consumers that do not subscribe to their services. This will assist the public to have access to information that they can use to be informed during this time of Covid-19. The postal services sector has been requested to Icasa on measures they have taken to assist the customers during this disaster period.

The authority has recently sought to enable the use of TV White Spaces spectrum roll out of data services particularly in rural and remote areas to ensure that rural and marginalised communities are also catered for during this period. The Independent Communications Authority of South Africa has also called on all service providers who meet the proposed minimum certification requirements to make use of a database for purposes of providing affordable and free access to data in the rural communities. The reduction of data costs is an important step to improve the lives of our people and also bring people into a digital economy and stimulate online business. We have seen the spirit of innovation amongst our people that the digital economy is truly becoming a driver of growth and creator of employment.

Having considered all the legalities and the support that we got from all the opposition parties to the additional vacancy created by the resignation of Ms Nomonde Gongxeka-Seopa against the Icasa Act and the critical role played by Icasa, the ANC wishes to support these appointments. Thanks. [Applause.]

Question agreed to.

Dr Keabetswe Modimoeng, Ms Yolisa Kedama, Ms Zolani Kgosietsile Matthews, Mr Peter Zimri, Adv Luthando Mkutumela, Dr Charles Lewis, Ms Amanda Cuba, Ms Sandisiwe Ncemane, Ms Dikeledi Mushi and Mr Ashraf Patel accordingly recommended for appointment to the Council of Independent Communications Authority of South Africa.

# CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON SOCIAL DEVELOPMENT - SOCIAL ASSISTANCE AMENDMENT BILL

The HOUSE CHAIRPERSON (Mr M L D Ntombela): I now recognise the hon Chief Whip of the Majority Party from the chamber.

There was no debate.

The CHIEF WHIP OF THE MAJORITY PARTY: House Chair, I move that the House adopts this report. Thank you very much.

The HOUSE CHAIRPERSON (Mr M L D Ntombela): The motion is that the report be adopted. Are there any objections?

No objections.

Motion agreed to.

Report accordingly adopted.

# SOCIAL ASSISTANCE AMENDMENT BILL

(Second Reading Debate)

Mr M GUNGUBELE: Hon Chairperson, I stand hereby to table the Social Assistance Amendment Bill, which is an attempt to respond to crisis of the load that is becoming unmanageable based on the system that is at play at the moment. There is not doubt that the biggest challenge, especially after Covid-

19 is going to be the desperation for access to means of survival - grants, being that major being response to that.

I know when I say the following I will be speaking of the committee, that: Our concern – the biggest one of all – is efficient running of this system, but key is the healthy balance between developmental interventions versus the grant system. It is our view as the committee that a lot of resources need to go to the developmental aspect of this actual exercise.

The Bill seeks to address the following: That under the existing Children’s Amendment Act, before children access the grant on foster care, the court order need to be granted; there is also need for renewal, which takes place within two years – the combination of that has actually of that has actually overloaded the system. The Children’s Amendment Bill at some stage was declared illegal by the court, which has been given a series of extensions – the last one being November this year.

However, in the instance or during that period, Social Assistance Amendment Bill seeks to intervene where it can whilst we are amending the Children’s Amendment Act. There are three areas where it can intervene. For instance, the Children’s Act can be actually organised to be assessed by the same candidates for foster care. That is the first amendment.

The second amendment actually requires that if an applicant has submitted an application, and SA Social Security Agency is not in agreement, there should be a period of 90 days’ appeal back to SA Social Security Agency and another 90 days later to the higher institution. This Bill seeks to actually fast track that.

Lastly, an inspectorate is another amendment which seeks to actually facilitate that whilst we are trying to amend the Children’s Amendment Bill, this amendment on the Social Assistance Amendment actually relieves those areas where it can relief. The amendments were actually supported unanimously in the committee. So, I table this amending Bill accordingly. Thank you. [Applause.]

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| Rev | K R J | MESHOE: The Chairperson must unmute! |
| The | HOUSE | CHAIRPERSON (Mr M L D Ntombela): Am I audible? |
| Rev | K R J | MESHOE: Now, you are, sir! |
| The | HOUSE | CHAIRPERSON (Mr M L D Ntombela): Thank you very |

much!

*Declarations of vote*:

Ms B S MASANGO: Hon Chair, the foster care crisis first garnered widespread attention in 2011, when the Minister and the Department of Social Development were taken to court by the Centre for Child Law over the 120 Foster Care Grants that had lapsed and stopped being paid, and the further 300 000 that were at risk of lapsing. Since then, the North Gauteng High Court, for the sake of children who are in a foster care system, had to extend these expired foster care orders to allow continued payment of grants.

The failure of successive Ministers of Social Development and the department over the past decade, to develop a comprehensive legal solution to deal with the foster care crisis has resulted in the North Gauteng High Court having to extend the 2011 foster care court order three times in 2014, 2017 and 2019 respectively. The 2017 and 2019 court orders made it clear that the delay by the Minister to develop a comprehensive legal solution is unconstitutional because of the resultant violation of children’s rights.

The DA supports the Social Assistance Amendment Bill. We trust that it will bring about some relief to the child protection system. It would also ensure that deserving children receive

their grants without interruption and free social workers and magistrates who have been bogged down by the ongoing backlogs to do equally important preventative and protective work in the child protection system. The Bill empowers the Minister to provide a top up to the Child Support Grant for categories of children in need. This will enable a top up for relatives caring for orphaned children. This is the first part of the comprehensive legal solution. Once the Bill is passed by the NCOP, we call on the department to act efficiently to finalise the regulations to enable the top up to be in place before the high court order expires. Otherwise, a forced extension of this high court is going to be required. The DA also hopes that with this Bill, the department’s dependence on the court to fix its problems can be broken once and for all.

Our social workers are a scarce resource which should be used strategically. We have at the moment no less than 4 000 of these social workers who are trained by government and are sitting at home while the sector needs them so desperately. We call upon all departments to absorb these social workers in fighting Covid-19 and beyond.

We consider this amendment Bill at time when the vulnerability levels of children in this country is at its highest given the

ever-increasing statistics of child hunger, severe acute malnutrition and a shocking 27% stunting that has remained static for the last two decades. Now, more than ever, we need the department to do everything in its power to support the vulnerable children and their families.

We therefore hope that the Minister and the acting director- general will make decisions that are in the best interests of all children in South Africa. Thank you.

The HOUSE CHAIRPERSON (Mr M L D Ntombela): The next person is the hon Ngwenya from the EFF who is speaking on the virtual platform.

Ms D B NGWENYA: I am actually in the House Chair, thank you very much.

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Oh! You are in the House?

Ms D B NGWENYA: Yes I am.

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Okay hon member, you can continue.

Ms D B NGWENYA: Hon Chairperson, the EFF is not in opposition to the broad aspects of this Bill. We support the Social Assistance Amendment Bill to provide top up for the recipient of the child support grant and the foster care grants. This intervention is particularly important for child headed households and social relief of distress during a disaster. It is particularly important that the Bill must come into effect during this time when many vulnerable groups in society are under a lot of strain due to Covid-19.

Up to this day, the Department of Social Development has no clue about the real circumstances under which child headed households are going through during this time. And, we have no comprehensive database for all the households headed only by children. The Bill should have gone further and made the administrative requirements less of a burden to children who have lost both parents.

We know for a fact that most children in South Africa do not know where their fathers are and the only parent they know is their mother. The requirements to have children provide details for their fathers are an unnecessary and painful administrative burden for those children, who must not only

deal with the absence or the loss of the mother, but also be reminded about their fatherlessness.

We support the provision for the establishment of an independent tribunal to consider appeals against decisions made by the South African Social Security Agency, SASSA. Often times, the decisions made by SASSA are politicised and used as a vehicle to abuse poor people and beat them up using their vulnerabilities for submission and into thinking that their continued access to these social relief measures is dependent on their continued voting for the ruling party. The presence of this independent tribunal will help reduce this vulnerability and we fully support it.

The amendment Bill also makes provisions for establishing the inspectorate as a government component. We are fully in support of this provision. However, it must be noted that the amendments made on this Bill does not deal or assist in the reduction of the backlog within the foster care. The budget allocated for 2019-20 financial year, is not enough considering the number of child headed families who lives in extreme social economic conditions.

According to 2015 statistics, there are 55000 child headed households and over 70% of those families are accounted for in KwaZulu-Natal, Eastern Cape and Limpopo. It is fair and wise to treat these statistics with caution as little effort has been done in conducting these kinds of surveys.

So, we do support the legislative intervention proposed in the Bill but urge the department to beef up its administrative capacity to be able to reach each and every vulnerable South African child in need of assistance. I thank you Chair.

Ms L L VAN DER MERWE: Hon House Chairperson, the amendment Bill before us was necessitated due to a foster care crisis caused by the inaction of the former Minister of Social Development, Mrs Bathabile Dlamini, this while we all ... [Inaudible.] ... the constitutional responsibility to ensure that every child’s basic right are met. In realising this responsibility, we have to ensure that we act in the best interest of the child at all times.

The Social Assistance Amendment Bill gets effectively ... [Inaudible.] ... obligations. Currently there is a huge monitory discrepancy between the child support grant and the foster care grants, which makes the foster care grants a more

viable option. We therefore welcome the amendment that empowers the Minister of Social Development to make additional money available to the child support grant after consultation with the Minister of Finance. This provision could substantially alleviate the current pressure and crisis in the foster care system.

There are currently hundreds and thousands of children in foster care. This reality had put immense pressure on the courts and social workers reviewing these cases, leading to the lapsing of a vast number of these foster care orders. Over 90% of the foster care grants go to children in the care of their relatives.

The proposed top up to the child support grant - a grant with a very simple application process - is hope to effectively reach millions of vulnerable children especially those living with their relatives which could alleviate the current crisis in the system. During deliberations on the Bill, the IFP strongly urged that the appointment of members to a tribunal, to consider appeals against SASSA, cannot be the sole discretion of the Minister of Social Development to avoid political interference.

Considering that SASSA has just emerged from a crisis which was solely due to the rogue action of its former Minister, it was critical that we needed to strengthen Parliament’s oversight role. The IFP is pleased that our concerns were heard and that version B of this Bill now provides that the Minister must, and I quote: “after consultation with Parliament” appoint an independent tribunal.

Lastly, Covid-19 and the state of disaster lockdown regulation implemented by our government, has deprived many vulnerable children from their only meal a day at school. Vulnerable children have been placed at risk of malnutrition and further risk of abuse. In months to come, vulnerable children will be at greater risk as unemployment and poverty rises.

To that end, the IFP appeals once more to our government to ensure that the 5000 social workers it has trained, are employed and deployed to communities where children are most in need of our help.

I wish to thank our committee staff and all MPs who serve on this committee as well as the leadership and guidance of our Chairperson. The IFP supports this report and the amendment Bill. I thank you.

Ms T BREEDT: Thank you Chairperson, I hope everybody can hear me. This Bill as most legislation and programmes this government’s enact and plans have the best of motives and they sound noble for the betterment of South Africa as a whole.

However, if we take a closer look, we will see that it is a carefully constructed plan to keep the dependent forever dependent. We also see that once the legislation exists, the implementation thereof is more times than not, the real problems with these Bills.

The Bill has many positives but it also has a number of concerns. An independent tribunal is a step in the right direction and it is welcoming that the department agreed to the amendment as proposed by the portfolio committee. And, that the independent tribunal will be appointed after consultation with Parliament, this builds an oversight but this is still not enough.

If South Africans’ livelihoods are at stake, it is important to be as transparent as possible. As the department and especially SASSA, has been hampered by corruption and people trying to use the system for their own self enrichment, an independent inspectorate is most probably the only way to go.

This should however not again be at the ever increasing expense of the South African tax payer.

Furthermore, it is troubling that the Minister, with the concurrence of the Minister of Finance, made a ... [Inaudible.] ... additional payment linked to the grants. This is yet again proves that the state following an Animal Farm, the book by George Orwell motto; “all are equal, but only some are more equal than others”. This does not create equal opportunities for all, but rather opportunities to a select few.

Creating further inequality will not address the problem of severe unequal society. We cannot write laws because of apparent incumbent. We also cannot rely on the night and shining armour. We need to be realistic. We need to be realistic that even though the Bill, very nobly provides for Treasury, through the means of the Minister of Finance, to have a say whether there is money or not.

South Africa cannot handle an additional burden that this Bill will affect. My last remark is my worry is the social relief of the distress grant - as we have seen during Covid-19 - such relief is of the outmost necessity. The trouble with ...

[Inaudible.] ... is unacceptable and we have a very long way from success during disaster such as this and this is needs to be addressed.

In conclusion, the reality is we don’t have the means to give the ... [Inaudible.] ... legislation even ... [Inaudible.] ... We need to prioritise job creation and economic growth. But the FF Plus will support this Bill. I thank you Chair.

Ms M E SUKERS: House Chair, the ACDP supports the social assistance amendment Bill as it will extend support to the most vulnerable children in our communities and address the impact of a prolonged delay by the Department of Social Development on finding a legal solution for the foster care backlog. It is sad that it took almost eight years for this Bill to be brought before Parliament.

In support the Bill the ACDP wish to note the critical need for us to shift our thinking and application of social support assistance programmes. The Covid-19 pandemic will definitely result in a massive increase in the number of people who will become reliant on the state. There is a critical need for the department to increase efficiency in fulfilling its mandate of providing protection against poverty and protecting the

vulnerable, in order to widen its partnership with communities and the private sector.

The ACDP believes that it would benefit government over the long term to couple child support grants of which the recipient’s parents, guardians are able bodied persons with skills development programmes and employment opportunities such as the Employee Wellness Programme, EWP.

We have to move people from state reliance to self-reliance in the long term. This is an avenue that would assist people in acquiring skills that could well result in them finding permanent employment and thus reduce their reliance on the state.

It is time for the state to partner with community-based organisations who can assist government by training up an able-bodied person who is currently reliant on the state to care for under age children in our communities.

The strategic objective of the department to increase its capacity and responsiveness in fulfilling its mandate is critical to ensure all sectors of society work in partnership

with one another to address the need of the poor and vulnerable.

Whilst the ACDP with others expect the number of dependence on the state to rise due to the impact of Covid-19, we also see the opportunities and initiatives that can assist to reduce these numbers significantly and move our people to self reliance. It is critical for South Africa to develop those who currently receive state assistance as it will improve their overall well-being and in future could play a significant role in increasing our economic outputs.

Lastly, it is important for us to link the services in our support programmes. Children receiving grants should be in school and should be attending after school programmes such as the Isibindi programme and our food programme**.** In doing so we will improve the well-being...

*Afrikaans*:

Die HUISVOORSITTER (Mnr M L D Ntombela): Ek is jammer, agb lid, maar ek moet jou in die rede val om te sê dat jou tyd verstreke is.

Mr A M SHAIK EMAM: House Chair, the NFP supports the amendment as tabled here today. We are quite satisfied that all due processes have been completed and that the public hearings were held and indeed there were submissions made by different organisations.

It is clear that we have been caught wanting particularly with the pandemic before us. I think one of the reasons for that is... I don’t think there is a single municipality or ward in the length and breadth of this country that has a proper database of all the people who live in that particular ward.

And that’s what we as the NFP want to encourage so that when you come to a situation and a crisis like we are faced here, where government has to provide social relief and assistance you have a database of all the people who live there, who get get social assistance who are employed and unemployed and the number of disabled people.

Another problem that we find more often than not and that is the norm today. Whilst social grants are being provided and this is a great initiative in delaying any payments particularly to those vulnerable children. I want to emphasize, it is not only absent mothers but it is also absent fathers and mothers - more often than not children are living

with grandparents or relatives or with outsiders. So we must be cognizance of that.

What is very important Chair is that, there is no process to monitor that indeed that social assistance and relief you are providing is reaching those children. That those children are going to school and doing justice. There used to be a process where that used to be monitored. And that is no longer taking place. We want to urge the department in supporting this, to please look at these challenges that we have and close that gap so that ultimately, the intended purpose here which is to benefit those children those children would indeed benefit from it appropriately. The NFP supports the amendments tabled here today. Thank you very much.

Mr W M MADISHA: Hon Chair, the latest figures from Stats SA put unemployment among black people at 34,2% in the ages 25 to

34 and 55,2% in the ages 15 to 24. However, in my own opinion I want to emphasize that there can’t be any empirical evidence in so far as this whole thing is concerned. I say that because, like I cited I think last year when you go out to assess the people who are faced with these horrendous problems that the people of South Africa are faced with, the people who would be accounted it will be a thousand or about two thousand

with people going to urban areas etc. But in the deep rural areas where some of us come from the people are not checked. That is why I am saying in my own opinion, we need to check a proper empirical evidence to fix this particular situation.

To describe this situation as explosive is to state the obvious. When people have no incomes they must rely on those who do however meagre or take to the streets. Despite redistribution which in itself is not proper, the social grant system has failed to generate upliftment from destitution.

The new mandates of the Department of Social Development is and I quote:

To provide social protection services and lead government efforts to forge partnerships through which vulnerable individuals, groups and communities become capable and self-reliant participant in their own development.

The social development blunders have caused the taxpayers lots of money. Numerous failures on the other side have left families running around. And we all must say and acknowledge that even our people in the queues you have seen will collapse and die etc. That has got to be looked into by this

Parliament. Cope supports the amendments but hope that government will not fail the elderly people and the poor. [Time expired.]

Mr M G E HENDRICKS: Hon Chair, we know many fathers and mothers don’t make the cut to be parents. Former President Nelson Mandela makes the revolution start with how care provisions for kids. By that it seems is where the revolution starts. We need every child to be guaranteed a living care grant in addition to the healthcare President Mandela gave to children.

It’s obliged in the democratic free South Africa if there is no nutrition amongst children. It’s already obliged that the African child leaves in place sobriety. These are always a good start and we support it but it’s not revolutionary enough, hon Chair.

South African children must get the best care of all children living in the world. This will be a real revolutionary state to kill the inequality to South Africa.

Hon Chair, our children want to breeds. Don’t leave it to Treasury. Parliament must just be bold enough and make decision. Thank you very much, hon Chair.

Ms A MOTAUNG: House Chair, the ANC rises in support of the Social Assistance Amendment Bill. Hon members, the Social Assistance Amendment Bill is not only tabled for adoption during Youth Month but tabled at the hills of the Child Protection Week.

Last week Saturday on 30 May 2020, Minister Zulu launched Child Protection Week in Rustenburg, North West province. The annual Child Protection Week is a national campaign initiated by the department and civil society organisations to mobilise society to play their part in building and caring society that protect and promotes the rights of children. And in part, is the essence of the amendment in the Social Assistance Bill.

The Bill firstly deals with the rolling out of the inspectorate faster and timorously and focuses on investigations and manages the fraud in the SA Social Security Agency, Sassa.

Secondly, it provides a top up for children looked after by their family members and reduce the burden on the foster care grant system as well as the adoption system.

It’s the first comprehensive legal solution that addresses the backlog in the foster care grant system. The substantive amendment relates firstly, to the Minister of Social Development with the concurrence of the Minister of Finance make available additional payments to social grants based on a certain criteria.

Secondly, remove the reconsideration requirement from Sassa so that grant application can go directly to appeals tribunal as it shortens the process.

Thirdly, changes the inspectorate organisational structures from being a government department to a component.

The ANC thanks the public for commenting on this amendment, which contributed the engagement which we had in the committee. The public contributions provoke our thoughts and contributed to sharing the quality of our engagement which was robust in the committee.

The committee had robust discussion on clause 5 which amends section 13 on the Social Assistance Act which deals with the social relief of distress.

The main concern raised in the committee was on the clarification of time frames on the disbandment of the social relief of distress to those that are affected by disasters according to the Disaster Management Act. This was clarified as the primary aim of the clause 5 is for harmonisation.

Social relief of distress is not only disasters but of other forms of distress that household’s experience, clause 7 which amends section 8 of the Social Assistance Act which deals with the appeal against decision of agency. The main concern raised in the committee was on who appoints conducts of oversight over the agency. This was raised in the context that the committee is the oversight authority over department and Sassa. The committee agreed and harmoniously that the Minister after consulting Parliament appoint an independent tribunal and clause 8 which amends section 24 of the social Assistance Act which deals with the impertorate for social assistance.

The main concerns were on the final responsibility or supervision of the Minister over the inspectorate and the independence of the inspectorate. It was our concern indeed in

the committee. This was clarified. The Minister has the responsibility for the inspectorate proper functioning but no one should interfere in its functioning.

A case in point is the relationship between the Minister of Justice exercises entire responsibilities for the Justice Department but does not interfere in the daily functions of the National Prosecuting Authority.

Hon members, this amendment will ensure that social assistance system caters for kingship care. It will reduce increase backlog on the foster care grant system, therefore, contributing to alleviating extreme levels of poverty. It will in part, will enable better social security provision for our children. It will create security for children that are raised by their own extended families. It will enable the country to advance the best interest of the child or children which is paramount importance as enjoin by section 29 of the Constitution of the Republic of South Africa as well as ensure that we advance section 27 on the Constitution ensure everyone has a right to social security appropriate social assistance.

The ANC support the Social Assistance Amendment Bill [B8B – 2018]. I thank you, Chair. [Applause.]

Bill accordingly read a second

# CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON JUSTICE AND CORRECTIONAL SERVICES ON PRESCRIPTION IN CIVIL AND CRIMINAL MATTERS (SEXUAL OFFENCES) AMENDMENT BILL

There was no debate.

The Chief Whip of the Majority Party moved:

That the Report be adopted.

Motion agreed to.

Report accordingly adopted.

# PRESCRIPTION IN CIVIL AND CRIMINAL MATTERS (SEXUAL OFFENCES) AMENDMENT BILL [B 22B - 2019] (NATIONAL ASSEMBLY – SECTION 75)

(Second Reading Debate)

There was no debate.

Declarations of vote made on behalf of the Democratic Alliance, Economic Freedom Fighters, Inkatha Freedom Party,

Freedom Front Plus, African Christian Democratic Party, National Freedom Party, Al Jama’ah and African National Congress.

Adv H Mohamed, as a member of the committee, addressed the House on the Bill.

Adv H MOHAMED: Thank you very much, House Chairperson. The Portfolio Committee on Justice and Correctional Services, having considered the prescriptions in Civil and Criminal Matters Amendment Bill, referred to it and classified as a section 75 Bill, reports with amendments. The committee further reports that on 14 June 2018 the Constitutional Court in the Levenstein matter declared that section 18 of the Criminal Procedure Act 1977, is in consistent with the Constitution in so far as it bars the right to institute prosecution for all sexual offences after 20 years has elapsed from when the offence was committed by section 18(f),(h)and

(i) of the Act.

The Constitutional Court gave Parliament 24 months to enact remedial legislation that is before the 14 June 2020. On 27 November 2019, the Bill was Tabled and referred to the committee proposing amendments to section 18 of the Criminal

Procedure Act in sections 12 and 13 of the Prescription Act. In response to the calls for public comment, we held public hearings on 04 March here in Parliament. Several of the submissions expressed the concern that the retrospective declaration of constitutional invalidity of section 18 of the Criminal Procedure Act to 27 April 1994 meant that the 20-year restriction will still be applicable in respect of certain sexual offences committed before 27 April 1994.

The committee is of the view that section 18, with specific reference to the right to institute prosecution, once amended, will also apply to the right to institute a prosecution in respect of the category of the offences which were committed before 27 April 1994 which were excluded from the ambit of section 18 of the Criminal Procedure Act. With regard to the concerns that were raised, with regard to the retrospective application of section 12(4) of the Prescription Act, the committee is of the view that this may be misplaced because only the restriction that applies in terms of section 12(4) of the Prescription Act, which deals with when the prescriptions begins to run, is that the proceedings should be instituted within a specific period after a person has recovered from certain stipulated impediments. In other words, section 12(4) does not apply retrospectively.

The committee is therefore is of the view that it unnecessarily includes a reference of 27 April 1994. House Chair, in conclusion, many of the submissions proposed to remove the start of the civil prescription all together in respect of all sexual offences. The committee however, is of the view that such an amendment is of substantive nature and should be carefully considered amongst others, with specific reference to the horizontal application of fundamental rights. Chairperson, the Report is submitted for adoption. Thank you.

*Declaration(s) of vote:*

Mr W HORN: Thank you, House Chair. The DA supports this Bill. As stated in the Report of the portfolio committee on the Bill introduced by the hon Mohamed here today. The aim of the Bill is to get the effect of the judgement of the High Court as confirmed by the Constitutional Court in the well publicised case of Levenstein versus the Estate Frankel.

In essence, the Constitutional Court stated that the primary rationale behind the differentiation between sexual offences in section 18 of the Criminal Procedure Act, seem to be based on the belief that certain sexual offences are more serious than others. The court found this to be irrational, stating that the use of the prescriptive periods in section 18 as a

basis to distinguish between rape or compelled rape and other forms of sexual assault, the harm they cause to survivors is similar, is irrational. The court also heard that by overemphasising the significance of the nature of the Criminal Procedure Act at the expense of the harm that it produces to survivors, section 18 failed to serve as a tool to protect and advance the interest of the survivors of sexual assault. This was because section 18 precluded some survivors of sexual offences from access to criminal legal recourse while protecting others.

Professor Liz Kelly in her seminal book; *Surviving Sexual Violence,* published in the early 1990s, convincingly pointed out that sexual violence is best viewed on the ... [Inaudible.] ... not in a ... [Inaudible.] ... and that sexual assault and rape are apples of the same theoretical tree of gender-based violence. She also wrote that the physiological impact is not necessarily correlated with the type of ... [Inaudible] ... survivor experiences, as she puts it. With the important exception of sexual violence which results in death, the degree of impact cannot be simplistically inferred from the form of sexual violence. There is no standard victim ... [Inaudible.] ... based on the type of harm experience.

Therefore, this Bill is a good Bill. Though the court properly removed an arbitrary distinction and in the process also enabled the victims to not only seek criminal justice but also a civil compensation. However, hon House Chair, the net effect is that as we are going forward we could grapple with potential results of a further expansion in custodial sentences imposed on offenders. Allowing more survivors of sexual violence to exercise their rights has the potential to increase the number of people incarcerated. Overcrowding is unfortunately one of our hallmarks of our correctional system and it will be for years to come.

We live in a time where we as a nation feel a justified sense of outrage in respect of the senseless violence that women and children are being subjected to in this country. One of the consequences is the hardened and emotional stance that stricter laws ... [Inaudible.] ... protocols and harsher sentences is the only end-based approach through which the scourge of gender-based violence is to be ... [Inaudible.] ... However, it is also without a doubt the case that due to overcrowding and the inability of the correctional services to deliver on its rehabilitation mandate, incarceration will not address the root of that problem and may cause a further cycle of violence including sexual violence in correctional centres

against those convicted, increasing in the process is the likelihood of those offenders repeating the violence when they are reintroduced into society.

Therefore, as a country we ought to also seriously consider a rehabilitative remedy that could heal harmed parties in educating, reform abusive parties about power, power relations and how to relinquishing balanced power in order to prevent future sexual violence. Chair, in this regard it is really shameful that the process agreed to by the presidential summit on gender-based violence in November 2018, already has seemingly stalled this year. As we speak, the interim steering committee has been dissolved more than a month ago. In March 2019, it was agreed that by May this year, a gender-based violence and femicide council would have been in place to steer, co-ordinate and drive the development of an integrated approach to cut out, radiate and kill the cancer, that is; the gender-based violence and femicide in South Africa. But this council, Chair, is nowhere to be seen. It must be setup immediately. Thank you.

Dr M Q NDLOZI: Hon Chair, on the 14 June 2018, the South African Constitutional Court issued a unanimous judgment confirming that there will be no more time limit in which to

institute a criminal prosecution for any sexual offence in South Africa, regardless of how long ago it was committed, or whether the survivor was a child or adult.

According to this Bill, it seeks to enact this into our law with the necessary amendments to realise this ruling. Sexual offences, particularly rape, are central to the disruptions of people’s lives long after they were committed against them.

There is no measuring the psychological effect of rape and other sexual offences on victims of any age or gender.

It is indeed the progressive law and amendment which was all welcome. Nevertheless, over they years, we have seen how it is not so much in how progressive our laws are but whether the institutions charge with giving them material manifestation are working or not.

What good is such a law if the prosecution authorities will not be able to pursue cases if indeed victims of rape and sexual offences open cases in police stations tomorrow? What good is such a law if when victims arrive at the police station or any police station today, they will be either laughed at if they are male claiming to have been raped when they were boys ... [Inaudible.] ... any moral degenerate name?

What good is such a law if a gogo [granny] walks into a police station to lay a charge against her baas [boss] who abused her over 20 years ago if white privilege will protect such a white man from full prosecution?

Such amendments are ... [Inaudible.] ... in a society that does not respect from it everyday cultural practices the sexual dignity of children and women in general. If young boys are being raped in prison today, it must be seen as done under the custodianship and the watch of the state. The state must be held accountable and seen as ... [Inaudible.] ... crimes against humanity. How can state where young boys are raped daily in prison ever guarantee that it will investigate a rape and properly prosecute that comes from 20 years ago?

We must welcome the Bill but note that rapists, paedophiles and sexual offence perpetrators are really not scared of the law because institutions charged with it, like the police and the NPA, never bites when it comes to sexual offences. I thank you.

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Hon Msimang from the IFP is on the virtual platform.

Mr N SINGH: Hon Chairperson, this is hon Singh. Hon Van Der Merwe will replace him because he is having some connectivity problems.

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Okay, hon Singh. Hon Van Der Merwe, you can take over.

Ms L L VAN DER MERWE: Hon House Chairperson, sexual offences remains amongst the highest and most grievance offences committed in South Africa, with a staggering 50% of South African women estimated to have been victims of sexual violence during their lifetimes, and only 35,5% of these sexual offences being reported to the South African Police Services and the conviction rate is even much lower.

The amendment Bill before us aims to address the constitutional inconsistencies as raised by the Constitutional Court and the Levenstein matter whereby section 18 of the Criminal Procedure Act was declared unconstitutional as regards to prescription, and that it did not make allowance for the right to institute prosecution for all sexual offences after a lapse of 20 years but rather only certain offences as listed in section 18(f), (h) and (i). The Bill corrects this inconsistency and the IFP supports this.

The horrific number of cases of sexual offences and violence in our country speaks to a greater societal crisis that cannot be corrected at judicial level. Whilst our laws must be stringent and enforced in this regard, society must also play its role in reversing and eradicating the scourge of sexual violence from our communities. Let us be a part of a clarion call to action, to unite once more, to reduce all levels of sexual offences and violence in South Africa.

It is now 9 months since President Ramaphosa and his government announced an emergency plan to fight gender-based violence, yet, nothing much has changed. There is still no council to fight gender-based violence. NGOs have not received any of the R15 million that has been promised to them.

Shelters still go underfunded. We still don’t employ enough social workers, and the Gender-Based Violence Command Centre is ineffective and doesn’t have effective referral pathways. And, we still spend about R350 on a perpetrator of violence in jail while we only spend about R50 on a woman and child in a shelter.

So while this amendment Bill is a step in the right direction, it is really time for us to move beyond empty rhetoric in our

fight against gender-based violence and start saving lives. I thank you.

Mr F J MULDER: Hon House Chair, it is only knowable that South Africa is in the midst of sexual offences epidemic. The recent national crime statistics reflects that 52 426 sexual offences have grown in 2019, which is 4,6% increase since 2018. Being a survivor of a sexual offence is undoubtedly difficult and to make things worse, the inadequacies of our legal system certainly adds insults to injury.

Our law should be more proactive than reactive, especially concerning crimes of this nature which greatly affects our women and children. It is important to note that an amendment to the statutory provisions relating to the prescription of civil claims, a criminal prosecution arising out of sexual offences, does not cure the disease of violence against women and children, but rather treats its symptoms by ensuring that survivors has opportunities to appropriately be compensated and the offenders can still be prosecuted despite lengthy lapses in time.

It provides protection to children that have victims of any sexual offence by allowing them to come forward many years

after the offence took place. This Bill is a step in the right direction but it is unfortunately reactive in nature. Chair, the time has come for South Africa to come up with proactive solutions and legislative frameworks which deal with the root cause of violence against women and children.

*Afrikaans*:

Die Parlement en sy komitees sal dringend ondersoek moet instel na die werklike kern oorsake van geweld teen vroue en kinders, en werkbare, pro-aktiewe oplossing implementeer.

Dankie.

Mr S N SWART: Hon House Chair, the ACDP shares the public outrage at the high levels of sexual abuse in society. The question is what about the situation where a child who has been abused by a family member, an uncle or even a father may well know that abuse is a bad thing, that it causes shame and hurt but she may have no idea of the role that the abuse plays in problems she might have with school, with peers, relationships, employment, substance abuse, intimacy issues and depression. Often it is only as an adult that she discovers the true impact of the abuse when she seeks help later in life from mental health professionals. These come when she is facing crisis such as divorce, retrenchment and

then she is forced to face up the issues which have affected her whole life.

Now, during the period between 1970 and 1989, the children that became known as the group called the Frankel Eight, were between the ages of six and 18 years old. Sidney Frankel was alleged to have sexually assaulted them. As a result of the sexual assaults they suffered physical, emotional and psychological trauma.

We know abuse cases are often shrouded in secrecy and victims may only consider legal action many years after the effect.

The crime of rate does not prescribe but until recently the sexual abuse other than rape or compelled rape prescribed after 20 years. The effect of the 20 year prescription period imposed by Section 18 for all sexual offenses other than rape or compelled rape meant that the right to prosecute Mr Franco for sexual assault he allegedly perpetrated against the Franco Eight Group prescribed between 1998 and 2011 as did the right to claim civil damages. This is what other speakers have indicated was remedied in the *Levenstein VS Estate of Frankel* Constitutional Court matter which has resulted in this Bill today which the ACDP supports.

It is important for us to reflect on what the court had to say. The court indicated that paragraph 56 that of pivotal importance to the case before the court is that the systemic sexual exploitation of women and children depends on secrecy, fear and shame. Too often survivors are stifled by fear of the abusers and the possible responses from their communities if they disclosed that they have been sexually assaulted.

Evidence before the court consistently shows that one in three rape survivors seeks assistance from formal social systems.

The court said it is clear from the proceeding analysis that there is no rational basis for the right to prosecute to lapse off after 20 years. That was [Inaudible.] in the Constitutional Court decision and the Bill and the ACDP would like to welcome and support this Bill. In doing so we recognise the role that the Frankel 8 has played in seeking justice, not only for themselves but for all children as well as survivors women of sexual abuse. Through their brave stand they have changed the landscape for all survivors of historical sexual abuse and for that we thank you and salute you. I thank you.

Mr A M SHAIK EMAM: Hon House Chair, the NFP welcomes the amendment tabled here today. Indeed I think it will go a long way in providing added protection but support to those victims

of sexual abuse that may have taken place many years ago. Previously there have been restrictions and as a result many of these perpetrators have been getting away with it. Whilst this will go a long way with dealing with the perpetrators it clearly is not enough in terms of protecting the rights of our women and children.

The question and the NFP have a different view in terms of this. What I think we need to address is the root causes of the high levels of sexual abuse against women and children in South Africa. It is common knowledge and the statistics speaks loud that most sexual offenses are committed by those closest or known to the victims. What is the root causes of this? We can come out and find all kinds of ways of trying to deal with the perpetrators but shouldn’t we rather concentrate on trying to prevent the abuse of our women and children? The abuse of our women and children in South Africa and gender-based violence is rife; there is no doubt about it. Some of the causes of it are: We know the challenges of alcohol and yet we support the sale of alcohol; we know the challenges we face, particularly in the socioeconomic conditions, the poor housing, the high unemployment rate, lack of water and sanitation but we do very little or nothing about them. We are not willing to address the root causes of it and as long as we

do not deal with the root causes our people are going to continue to be at the mercy of these perpetrators of violence against women and children.

In fact, it is a norm, not only in high profile people. We have heard about the cases of sex for jobs. If you want a job you give me sex and if you do not give me sex you cannot get a job. If you do not maintain giving me sex after you get the job I will fire you. So these are the kind of things that we are responsible for in this country and very little or nothing is being done about it. So while this amendment will go a long way in providing some kind of reassurance, protection and opportunity but we need to equally deal with the perpetrators of this violence in as more appropriate manner. The NFP supports the amendment tabled here. Thank you very much.

Mr M G E HENDRICKS: Hon House Chair, Aljamaah hopes that the amendment is not all about thunder and no lightning. Aljamaah agrees with other honourable members that sexual violence must be broader and include any form of gender-based violence. Only then our women will feel that something is really being done and one day justice will be done. Then we will be careful not to engage in gender-based violence as it might catch up with them in their old age. [Inaudible.] smack is as good as a

pervert sexual act and that is why more considerations have been given are to the definition of sexual violence to embrace the harm that is caused by the gender-based violence. Thank you very much, hon Chair.

Ms H O MKHALIPHI: There is Ntshayisa there, hon Chairperson.

Mr L M NTSHAYISA: Hon Chairperson, can you hear me?

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Yes, we can hear you.

Mr L M NTSHAYISA: I was saying I would be going for the Seventh Order and not on this one.

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Hon Ntshayisa, yes I have heard you. I can hear you hon Ntshayisa. We will reserve you a slot later. Thank you very much.

Ms W S NIEWHOUDT-DRUCHEN: Hon Chairperson, members of the House and fellow compatriots, the ANC rises in support of the Prescription in Civil and Criminal Matters Sexual Offences Amendment Bill. On 08 March 2020, the world celebrated International Women’s Day with the theme: Each for equal - an

equal world is an enabled world. In overall International Women’s Day was held in 1911, 109 years later the struggle for equality still continues. The rates of gender-based violence, femicide and the abuse of women, children, the lesbian, gay, bisexual, queer, questioning, and intersex, LGBQQI, community and persons living with disability are at an all time high.

There is a war on the bodies of women and children.

As we have gathered here today, we are reminded of the words of Mahatma Ghandhi who said:

Of all the evils for which man has made himself responsible, none is so degrading, so shocking or so brutal as his abuse of the better half of humanity to me, the female sex.

Our society is seized with many challenges, violent against women and children being one of the main challenges. We are living in dangerous society where women are objectified. The root of many of our problems is the patriarchal society.

The ANC in its 53rd national conference in Mangaung, noted that there is still a need to continue systematically fight against patriarchy and any other forms of abuse against women

in the society. The 54th national conference reaffirms this position.

Chairperson, Prescription in Civil and Criminal Matters Sexual Offences Amendment Bill arises from the Constitutional Court judgment *Levenstein and Others vs Estate of the Late Sidney Lewis Frankel* and Others, commonly refried to as the Levenstein matter. Before the judgment all sexual offences other than rape or compelled rape prescribed after 20 years.

In a fact, this resulted in victims of many sexual offences being excluded from recourse in the criminal justice system.

Mrs Nicole Levenstein and seven others applicants saw justice for sexual crimes meted against them as children. As adults the applicant brought an action against Mr Sidney Frankel the alleged perpetrator and others. But it was entirely irrational and overtly to create a random cut-off period of 20 years for prescription of sexual offences where there is sufficient body of evidence demonstrating that these offences inflict deep continuous trauma on survivals.

The High Court also noted that many survivors suffered quietly and either never disclosed the offences at all with the

perpetrator escaping all consequences, or disclose other varying length of time after the offences were committed.

The Constitutional Court declared section 16 of the Criminal Procedure Act unconstitutional to the extent that it bars in all circumstances the right to institute a prosecution for all sexual offences other than those listed in section 18(f),(h) and (i) of the Act after the lapse of the period of 20 years from the time when the offence was committed.

Essentially, the Bill seeks to comply with the Constitutional Court judgment. The amendments contained in the Bill will provide the National Prosecuting Authority with a wider discretion to institute the prosecution of sexual offences cases that were committed even 20 years earlier.

Chairperson, this amendment Bill will ensure that victims of sexual abuse are better protected and women are afforded the justice that they are entitled to human beings and our citizens of South Africa. Further, this case will serve as an example in years to come as more nations decide to take the allegations of sexual violence seriously. Women have the right to be free from all forms of violence irrespective of the

nature of the sexual violence and whether the violence was perpetrated when the victim was an adult or a child.

We welcome the commitment made by President Ramaphosa that government is going to overhaul and modernise the national register of gender-based violence offenders provided for in the Sexual Offences Act to ensure that it is effective in combating gender-based violence.

The national register of offenders will list all the main convictions of acts of violence against women and children [Sound interruption.]

In closing, I end off on a quote by a renown political activist Dr Fatima Meer:

They fought because they did not want to carry a pass. I carry my pass every day in my heart. Because as a woman I can't walk freely on the streets.

We can't claim our freedom as women in this country and so we must continue the fight. The ANC supports this Bill. Thank you, Chair.

# RECOGNITION OF CUSTOMARY MARRIAGES AMENDMENT BILL

(Consideration of Bill and of Report)

There was no debate.

The CHIEF WHIP OF THE MAJORITY PARTY: Chair, I move:

That the Report be adopted.

Motion agreed to (Democratic Alliance dissenting).

Report accordingly adopted.

# RECOGNITION OF CUSTOMARY MARRIAGES AMENDMENT BILL

(Second Reading debate)

Adv H MOHAMED: House Chairperson, the Portfolio Committee on Justice and Correctional Service having considered the Recognition of Customary Marriages Amendment Bill referred it and classified as a section 76 Bill report the Bill. The committee further report that in the matter of Ramuhovhi and others versus the President of the Republic of South Africa,

the Constitutional Court found in this case that section 7(1) of the Recognition of Customary Marriages Act to be inconsistent with the Constitution and invalid in that it limit the right of human dignity, discrimination, unfairly against women in polygamous marriages, customary marriages entered into before the recognition of the Customary Marriages Act commence.

The Constitutional Court however suspended the declaration of that invalidity for 24 months to afford Parliament an opportunity to enact remedial legislation that is before 30 November 2019. The suspension of the declaration of invalidity was accompanied by an order however for interim relief that will continue to apply should Parliament fail to correct the defect by the time set.

House Chairperson, on 2 September 2019, the Bill was introduced and referred to the committee for consideration and report. In response to the core for public comment, the committee received about five written submissions. We held public hearings on 15 February this year.

During the committee’s deliberations a concern was raised to the effect that the Bill fails to define the forms of property

ownership as at customary laws such as marital property, house property, family property and personal property.

The committee however is of the view that the insertion of a definition of these terms in the Bill will require in-depth research as well as extensive conclusion or consultation with the relevant stakeholders to avoid unintended consequences to the determent of women in customary marriages to whom the Bill aims to protect.

The committee notes, there is a SA Law Reform Commission with the Department of Home Affairs, is reviewing the South African marriage regime and the committee agrees that this process is better placed to investigate conditions of forms of property ownership as at customary law and therefore, request that the Ministry bring the matter to the attention of the commission for investigation. House Chairperson, the report is submitted for adoption. Thank you very much. [Applause.]

There was no debate.

*Declarations of votes*:

Adv G BREYTENBACH: House Chair, hon members, the DA would like to begin by expressing its deep and sincere condolences to the

hon Mohamed on a loss of his sister last week. We really are very sorry.

The purpose of the Recognition of Customary Marriages Amendment Bill is to amend the Recognition of Customary Marriages Act of 1998 after the Constitutional Court confirmed the Constitution invalidity of section 7 (1) in the matter of Ramuhovhi versus President of the Republic of South Africa.

The amendment changes the regime applicable to polygamous customary marriages by determining that husbands and wives or hinds forth have joined and equal ownership and rights to marital property, house property and family property.

The Bill seeks to get effect to two judgements of the Constitutional Court, the Gumede versus President of the Republic of South Africa and Ramuhovhi and others versus the President of the Republic of South Africa.

Pre 1994, the law Bill recognise customary marriages as opposed to marriages entered into in accordance to the Marriages Act 25 of 1961. Women in customary marriages were regarded as perpetual minors that could not acquire or earn property in their own rights and in some parts of the country

customary husbands had absolute ownership of household property and personal property including the earnings of their wealth. The gradual recognition of customary marriages prejudice immeasurable the evolution of the rules governing these marriages.

Section 211(3) of the Constitution provides for the application of customary law by the courts were is applicable subject to the Constitution and any other legislation that deals with customary law.

One of the pieces of legislation enacted in this regard was the recognition of Customary Marriages Act 120 of 1998. Since this Act came into force in December 2000, it has brought back legal and social changes to the institution of marriage. The recognition Act sought to ensure that the parties to a customary marriage enjoy quality of status within the marriage and to improve women’s access to economic resources from a marriage.

Section 6 of the Act provides that women have full status and capacity and equal rights to acquire and expose a property in a customary marriage.

The recognition of customary marriages that come into force on

15 November 2000 and both monogamous and polygamous customary marriages are legally recognised under the Act. The mutation in the Act resulted in the two Constitutional Court judgements already mentioned. One consequence of a judgement was that the High Court held that section 7 (1) was constitutionally invalid in that it discriminate and unfairly against women in pre-act polygamous customary marriages on the basis of gender and race, ethnic or social origin.

The consequences of section 7(1) made it possible for the deceased to decree the greater share of the estate to a second civil law wife to the disadvantage of its customary law was.

In a Constitutional Court judgement Madlanga J writing unanimous judgement commented that in a sense the Ramuhovhi application was seeks court legal care. In the words of the Constitutional Court, and I quote: “It is to the disparity between the proprietary regimes applicable to pre-Act and new polygamous customary marriages that the ensuing debate relates.”

The courts also note that in almost 10 years since Gumede, the legislature had not filled the gap nor explain how section

7(1) continues to govern pre-Act polygamous customary marriages.

The Constitutional Court in a Ramuhovhi matter gave the order with regard to section 7(1) of the Act a retrospective effect remaking that and I quote: “The discrimination at issue here is so odious.” That it should be a failure of justice to declare declaration of invalidity prospective whilst in pre- Act polygamous customary marriage which continues being subjective to the indignity and a pigment unfair discrimination of being unable to earn and control marital property.

The DA holds the view that our Constitutional invalidity is address by this Bill on a technical level, and therefore meet the minimum requirement impose on us as legislatures. The Bill fails to ensure that whilst in polygamous marriages will hence forth be able to exercise the rights afforded to them in theory. Despite the observation of the Constitutional Court on shortcomings of the legislature the failure to fill the gap that is precisely what we are doing again here today.

The Bill fails to define the terms marital property, house property and family property. Therefore, creating a loophole

through which traditional leaders and husbands in polygamous marriages may determine property that rightfully should fall within these categories be designated so that such property falls within the sole control of a husband a so called personal property.

The department and the ANC majority in the committee refused to accept proposed definitions of these terns during the public hearings on the basis that it may lead to unintended consequences examples of which could not be supplied.

The DA is of the view that to support this Bill will mean to fail women living according to customary practices and who are still subject to this type of odious patriarchy describe by the Constitutional Court and a continued refusal there by secretes. We therefore do not support this Bill. I thank you. [Applause.]

Dr M Q NDLOZI: House Chairperson, in terms of the section 7

1. of the Recognition of Customary Marriages Act and the applicable indigenous custom wide and old polygamous customary marriages acquired no property right or control over marital property. When divorced women depend on the virtue of their husbands whether they will acquire property or not, nothing in

law forced the ex husband to share property with the wife she divorces if they were in a polygamous marriage.

The Thohoyandou High Court in the Ramuhovhi matter a ruling was found by the Conditional Court. It found that section 7(1) of the Recognition of Customary Marriages Act is insistency with the Constitution and invalid. In that it limit the right to human dignity and discriminate and failure on the basis of

* 1. on gender (b) race, ethnic or social origin against women in polygamous customary marriages entered into before the recognition of Customary Marriages Act, 1998 comment.

The biggest that a long overdue requirement in our democratic system, it must be welcome as a fact in the right direction in articulating our society from the hatred it has legalised against women in institution like customary polygamous marriages to subject a woman divorced out of polygamous marriage to property left back is violent against women. It is the same as denying them inheritance of land which as if as a customary practice in many villages across the country.

Indeed, the hatred of women finds it institutionalisation in laws like marriage laws and their practices. We must be unapologetic that the dignity of women is a non-negotiable in

face of called religious or customary practices, however old. It’s such law which give credibility to the treatment of women as substadian being.

How many early childhood men grow up in households were women are considered unworthy about property. They are simply slave to men desire. In fact often the attitude that allows the man to divorce the woman who bore children to care of his and her children domestic affairs for many years without sharing any property is the magnitude informing entitlement over women and their body in a patriarchal and the toxic masking in society. It gives power to men to render women in or out of property at their own will. It’s the basis many women hasn’t take divorce as well because the law does not guarantee them property to raise their children or survive after the harsh economic condition of divorce. We must never allow any custom tradition however old to hold women in indignity at the pick of patriarchal masculinity. They must be welcome on the condition as well that the national problems pointed out in many of the public consultations are dealt with when the broader amendment Bill in the marriage regime acted at a later stage. Thank you very much.

Mr N SINGH: Hon Chairperson, this is Chief Whip Singh here. I will speak on behalf of Professor Msimang, if I may proceed. Can I proceed, Chairperson? Chairperson, I am waiting for your directive.

The HOUSE CHAIRPERSON (Mr C T FROLICK): Yes, I received the name of hon Van der Merwe.

Mr N SINGH: Yes, that was an error. Sorry, Professor Msimang is having connectivity problem. So, I will place the IFP decision before the House.

The HOUSE CHAIRPERSON (Mr C T FROLICK): Okay. Please, go

ahead.

Mr N SINGH: Thank you very much. Hon Chairperson, firstly the IFP feels that the Recognition of Customary Marriages Amendment Bill, is a fundamental step forward in the quest for equality in our society, particularly for women who are married customarily and even more so, for those in polygamous marriages. The Constitutional Court in the Ramuhovhi and others President of the Republic of South Africa case made an important ruling that affirmed the rights of women in our democracy, specifically; the right to be free from unfair

discrimination based on any grounds but in this case unambiguously based on the basis of gender, race, ethnic or social origin and merits of status of women in polygamous customary marriages.

The Bill is ... [Inaudible.] ... not mainly because of ... [Inaudible.] ... order but also because South Africa is and should be plural society and which diverse existences are celebrated and afforded equal protection by the law. Women, who elect to be married under customary law in a democratic South Africa, should not be excluded from the protection of the Constitution as the highest law of the land simply because they are not chosen to marry in terms of the other legislations that extend equitable property rights and human dignity to marriage rule.

The amendment remedies the omission of women who are in polygamous customary marriage. The Inkatha Freedom Party believes that it is in the best interest of both women from a personal property rights position and family units to have such rights protected by law. The amendment will now allow women to elect customary marriage without the fear of being left destitute and ... [Inaudible.] ... upon the death of their spouses and offers a comprehensive approach that awards

due status to customary marriages similar to civil marriages. The Bill reiterates the IFP’s commitment to cultural diversity of ... [Inaudible.] ... settlements. The IFP notes the objections of the women’s league centres and others regarding the definition in the Bill and echoes the sentiments regarding the current undertaking of the SA ... [Inaudible.] ...

Commission and the Department of Home Affairs of reviewing the SA marriage regime. That process we believe will be in due course addressed here fore mentioned objections. The IFP supports this Amendment Bill. Thank you, Chairperson.

Mr S N SWART: Thank you, House Chair. The ACDP supports this Amendment Bill, which as other speakers have indicated to amends section 7(1) of the Recognition of Customary Marriages Act. That section before the amendment read that; the propriety consequences of customary marriages entered into before the commencement of this Act continue to be governed by customary law. That obviously, resulted in a number of problems highlighted first in the Gumede case where it was stated that the Recognition of Customary Marriages Act sorts to quote “... [Inaudible.] ...” inequality within customary marriage and the marital power of the husband by providing for the equal status in capacity of spouses.

Again, it was dealt with as it was indicated in the Constitutional Court decision of Ramuhovhi where versus the President where it was found that section 7(1) did not assist women in the situation before the Recognition of Customary Marriages Act was passed, hence this Amendment Bill. We know that there are thousands of vulnerable women in South Africa living in polygamous marriages who suffer the hardships of the non recognition of the propriety rights due to customary law rules. As they do not have equal control of propriety within their marriages they are vulnerable to evictions, homelessness, destitution and they may also have children to care for in circumstances where finding employment or alternate home is particularly difficult. This can be particularly harsh on old the women and it is clearly untenable. As the courts points it out, the fact of not owning or not having control over marital property renders wives in the pre-Act on polygamous marriages particularly vulnerable and at the mercy of the husbands.

There was a section, which was section 7(4), contained in an attempt to assist such situations but the court said that that was called comfort if not pie in the sky given the requirement that the husband will need to consent to a change of the marital regime. Worst of all the court added that, if not most

wives in these marriages may not even be aware of section 7(4). Thus, they have not managed to extricate themselves from the pre-recognition at wilful situation. This has now been dealt with in this Act. We appreciate the concerns about the definitions and we agree that these aspects can be remedied in due course. The ACDP supports this Amendment Bill. I thank you.

Mr A M SHAIK EMAM: Thank you, hon House Chair. The NFP notes and welcomes the Report Tabled here today. The primary aim of the Recognition of Customary Marriages Amendment Bill was to amend section 7(1) and section 7(2) of the Recognition of Customary Marriages Act, 1998, which we all know that the Constitutional Court had found to be constitutionally invalid.

The Bill also amended the definition of traditional leading section 1 of the Act to be inline with the Traditional Khoisan Leadership Act of 2019. The Constitutional Court found that section 7(1) discriminated against women in polygamous marriages entered into before the Act was passed in so far as it provided that the propriety consequences of such marriages continue to be governed by customary law according to which wives had no right of ownership and control over marital

property. This Bill sorts to provide the spouses in such marriages with joint and equal rights over marital properties.

Section 7(2) was amended to remove the distinction made between monogamous customary marriages entered into before and after that was passed. Then, hon House Chair, it is common knowledge particularly in the country with the number of men that are entering into polygamous marriages and particularly on the demise on what happens to those the wives and children who are often not provided for. Sometimes you find the one wife and her child benefiting at the expense of the other. So, indeed the NFP believes that this is going a long way in addressing the marginalisation or victimisation of certain women that have entered into either polygamous or customary marriages. The NFP supports the amendment tabled here. Thank you very much.

Mr M G E HENDRICKS: Thank you very much, hon Chair. It is discriminatory for a Xhosa, Zulu, Sotho, Moslem, Khoisan and Malay Indian women to be treated differently when it comes to human dignity in matters of their marriages. This we have not seen even in the worst days of apartheid.

Hon Chair, the Constitutional Court has directed changes to this Bill. However, when the Constitutional Court declares that the Nikah marriage is a valid marriage, which still must then wait for four more years to get their dignity, the Department of Home Affairs still ... [Inaudible.] ... the dignity of Moslem women marriage in a Nikah for 40 years to have the entry on the death certificate of their spouse that says that they were never married. Can’t they just leave out this entry?

You know, hon Chair, with these Covid-19 deaths, the Moslem women doesn’t even see her husband. From the hospital he goes directly to the cemetery and still all she has is a death certificate which says that she has never married in spite of the fact that she has been married to this man, he paid the lobola (dowry), which we call the ... [Inaudible.] ... she was

... [Inaudible.] ... This is an indignity to women. I can’t understand how this Parliament that is so passionate about women’s rights ignores the rights of Moslem women. Thank you very much.

Mr Q R DYANTYI: Hon House Chair, the enactment of the Recognition of Customary Act of 1998 was a significant moment in the lives of Africans in particular. The democratic

government as led by the ANC gave legal recognition to a type of marriage which has been in existence since time immemorial. African customary marriages were afforded the same legal status as civil marriages. The Act reinvigorated the sense of pride and identity in the culture of Africans.

This could only have happened under an ANC-led government. As we discuss this Amendment Bill I pause and reflect on Women’s Charter of 1954 which was adopted at the founding conference of the Federation of South African Women. The women of South Africa from all walks of life boldly declared:

We resolve to struggle for the removal of laws and customs that deny African women the right to own, inherit or alienate property. We resolve to work for a change in the laws of marriage such as are found amongst our African, Malay and Indian people, which have the effect of placing wives in the position of legal subjection to husbands, and giving husbands the power to dispose of wives’ property and earnings, and dictate to them in all matters affecting them and their children. We recognise that the women are treated as minors by these marriage and property laws because of ancient and revered traditions and customs which had their origin in the

antiquity of the people and no doubt served purposes of great value in bygone times.

We cherish the Recognition of the Customary Act of 1998 and it has not been without limitations. The property rights of some women have been constrained and women in polygamous customary marriages still experience unfair discrimination. This Bill seeks to address such issues. This Amendment Bill seeks to amend the principal Act by further regulating the propriety consequences of customary marriages entered into before the commencement of the Act so as to bring the provisions of the Act in line with the judgement of the Constitutional Court in *the Ramuhovhi and Others vs. President of the Republic of South Africa and Others 2018*. The court found in section 7(1) of the Act to be constitutionally invalid because it discriminates unfairly against women in polygamous customary marriages who entered into such marriages before the commencement of the Act on the basis of gender, race, ethnic or social origin. Section 7(1) of the Act provides that the propriety consequences of the customary marriages entered into before the commencement Act continue to be govern by the Customary Law in terms of which wives have no right of ownership and control over marital property which right is reserved solely for husbands.

In Gumede VS the President of the Republic of South Africa the Constitutional Court declared in section 7(1) of the Act to be constitutional invalid in so far as it relates to the de facto monogamous customary marriages but left open the question whether section 7(1) was constitutional valid in so far as it applies to polygamous customary marriages. This Bill Chairperson is indeed progressive as it is a step closer towards legalising equal propriety rights between men and women engaged in monogamous and polygamous customary marriages. It is a reflection of the wishes and aspiration of those bold and courageous women who drew up the Women’s Charter.

As I end Chair, I do want to reflect and acknowledge the difficulty that the DA has through Glynnis Breytenbach. There are two things. The DA has a difficulty in supporting the Constitutional Court judgement purely on the basis that that judgement is not prescriptive and so they want certain specifics and are not happy. We are here dealing with the Constitutional Court judgement that we are trying to work on.

*IsiXhosa*:

Asinamona, asinanzondo kwaye siyayidumisa i-ANC. Enkosi kakhulu Sihlalo weNdlu.

Agreed to.

Bill accordingly read a second time (Democratic Alliance dissenting).

# CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON INTERNATIONAL RELATIONS AND COOPERATION ON BUDGET VOTE 6: INTERNATIONAL RELATIONS AND COOPERATION

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON POLICE ON 2020/21 BUDGET, ANNUAL PERFORMANCE PLAN AND 2020-2025 STRATEGIC PLAN OF PRIVATE SECURITY INDUSTRY REGULATORY AUTHORITY (PSIRA)**

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON POLICE ON 2020/21 BUDGET VOTE 24, PERFORMANCE PLAN AND 2020 -2025 STRATEGIC PLAN OF INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE (IPID)**

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON POLICE ON 2020/21 BUDGET, ANNUAL PERFORMANCE PLAN OF CIVILIAN SECRETARIAT FOR POLICE SERVICES (CSPS) VOTE 21**

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON POLICE ON 2020/21 BUDGET VOTE 28, ANNUAL PERFORMANCE PLAN OF DEPARTMENT OF POLICE (SAPS)**

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON SPORT, ARTS AND CULTURE ON BUDGET VOTE 37: SPORT, ARTS AND CULTURE**

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON HUMAN SETTLEMENTS, WATER AND SANITATION ON BUDGET VOTE 33: HUMAN SETTLEMENTS, STRATEGIC PLAN FOR MEDIUM TERM EXPENDITURE FRAMEWORK (MTEF) PERIOD AND ANNUAL PERFORMANCE PLAN 2020/21**

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON HEALTH ON BUDGET VOTE 18: HEALTH, STRATEGIC PLAN AND ANNUAL PERFORMANCE PLAN OF DEPARTMENT OF HEALTH**

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON BASIC EDUCATION ON BUDGET VOTE 16: BASIC EDUCATION**

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON HIGHER EDUCATION, SCIENCE AND TECHNOLOGY ON BUDGET VOTE 35: SCIENCE AND INNOVATION (2020/21)**

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON SOCIAL DEVELOPMENT ON BUDGET VOTE 19, ANNUAL PERFORMANCE PLANS OF DEPARTMENT OF SOCIAL DEVELOPMENT AND ENTITIES FOR 2020/21**

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON EMPLOYMENT AND LABOUR ON BUDGET VOTE 31: EMPLOYMENT AND LABOUR, STRATEGIC PLANS OF DEPARTMENT AND ENTITIES 2020/21 – 2024/25 AND ANNUAL PERFORMANCE PLANS OF DEPARTMENT AND ENTITIES 2020/21**

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON PUBLIC ENTERPRISES ON BUDGET VOTE 10: PUBLIC ENTERPRISES AND ANNUAL PERFORMANCE PLAN FOR 2020/21 OF DEPARTMENT OF PUBLIC ENTERPRISES**

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON PUBLIC WORKS AND INFRASTRUCTURE ON BUDGET VOTE 13: PUBLIC WORKS AND INFRASTRUCTURE**

**CONSIDERATION OF REPORT OF STANDING COMMITTEE ON FINANCE ON BUDGET VOTE 8: TREASURY**

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON MINERAL RESOURCES AND ENERGY ON STRATEGIC PLAN 2020 – 2025, ANNUAL**

**PERFORMANCE PLAN FOR 2020/2021 AND BUDGET VOTE NO 34 OF DEPARTMENT OF MINERAL RESOURCES AND ENERGY**

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON SMALL BUSINESS DEVELOPMENT ON BUDGET VOTE 36 OF THE DEPARTMENT OF SMALL BUSINESS DEVELOPMENT FOR FINANCIAL YEAR 2020/21**

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON TRANSPORT ON BUDGET VOTE 40: TRANSPORT AND STRATEGIC PLANS AND ANNUAL PERFORMANCE PLANS 2020-21 OF DEPARTMENT OF TRANSPORT AND ENTITIES**

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON COMMUNICATIONS ON BUDGET VOTE 30: COMMUNICATIONS AND DIGITAL TECHNOLOGIES**

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON COMMUNICATIONS ON BUDGET VOTE 4: GOVERNMENT COMMUNICATION AND INFORMATION SYSTEM (GCIS)**

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON HIGHER EDUCATION, SCIENCE AND TECHNOLOGY ON BUDGET VOTE 17: HIGHER EDUCATION AND TRAINING**

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON JUSTICE AND CORRECTIONAL SERVICES ON STRATEGIC PLANS AND ANNUAL PERFORMANCE PLANS 2020/21 OF DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT, NATIONAL PROSECUTING AUTHORITY, LEGAL AID SOUTH AFRICA, SPECIAL INVESTIGATING UNIT, PUBLIC PROTECTOR SOUTH AFRICA, SOUTH AFRICAN HUMAN RIGHTS COMMISSION AND INFORMATION REGULATOR; AND BUDGET VOTE 25: JUSTICE AND CONSTITUTIONAL DEVELOPMENT FOR 2020 MTEF**

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON JUSTICE AND CORRECTIONAL SERVICES ON STRATEGIC PLAN FOR 2020/21 – 2024/25 AND ANNUAL PERFORMANCE PLAN FOR 2020/21 OF OFFICE OF THE CHIEF JUSTICE AND BUDGET VOTE 27: OFFICE OF THE CHIEF JUSTICE AND JUDICIAL ADMINISTRATION**

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON JUSTICE AND CORRECTIONAL SERVICES ON STRATEGIC PLAN FOR 2020 – 2025 AND ANNUAL PERFORMANCE PLAN FOR 2020/21 OF DEPARTMENT OF CORRECTIONAL SERVICES, AND BUDGET VOTE 22: CORRECTIONAL SERVICES**

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON DEFENCE AND MILITARY VETERANS ON BUDGET VOTE 26 DEPARTMENT OF MILITARY VETERANS**

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT ON 2020/21 ANNUAL PERFORMANCE PLAN AND BUDGET OF DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT AND ENTITIES, VOTE 29**

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON PUBLIC SERVICE AND ADMINISTRATION ON STRATEGIC PLAN 2019/20—2023/24, ANNUAL PERFORMANCE PLANS 2020/21 AND BUDGET VOTE 14 OF STATISTICS SOUTH AFRICA**

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON PUBLIC SERVICE AND ADMINISTRATION ON STRATEGIC PLAN 2019/20—2023/24, ANNUAL PERFORMANCE PLANS 2020/21 AND BUDGET VOTE 12 OF PUBLIC SERVICE COMMISSION**

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON PUBLIC SERVICE AND ADMINISTRATION ON STRATEGIC PLAN 2019/20—2023/24, ANNUAL PERFORMANCE PLANS 2020/21 AND BUDGET VOTE 11 OF DEPARTMENT OF PUBLIC SERVICE AND ADMINISTRATION**

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON PUBLIC SERVICE AND ADMINISTRATION ON STRATEGIC PLAN 2019/20—2023/24, ANNUAL PERFORMANCE PLANS 2020/21 AND BUDGET VOTE 9 OF DEPARTMENT OF PLANNING, MONITORING AND EVALUATION**

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON PUBLIC SERVICE AND ADMINISTRATION ON STRATEGIC PLAN 2019/20—2023/24, ANNUAL PERFORMANCE PLANS 2020/21 AND BUDGET VOTE 7 OF NATIONAL SCHOOL OF GOVERNMENT**

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON ENVIRONMENT, FORESTRY AND FISHERIES ON STRATEGIC PLAN 2019/20—2023/24, ANNUAL PERFORMANCE PLANS 2020/21 AND BUDGET VOTE 32 OF DEPARTMENT OF ENVIRONMENT, FORESTRY AND FISHERIES**

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS ON 2020/21 ANNUAL PERFORMANCE PLANS AND BUDGETS OF DEPARTMENT OF COOPERATIVE GOVERNANCE, DEPARTMENT OF TRADITIONAL AFFAIRS AND ENTITIES**

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon members we will now take all Orders from number nine to 41 together as they appear of the Order Paper. These are the reports of the portfolio committees on budget votes. It has been agreed to by all parties there will be no declaration of votes on these reports and parties will have an opportunity to make declarations during the consideration of the votes scheduled on Friday 12 June 2020.

However, I will allow parties to indicate their objections to the specific reports should they wish to do so. I now recognise the hon Chief Whip of the Majority Party.

The CHIEF WHIP OF THE MAJORITY PARTY: I moved that the Reports be adopted.

Motion agreed to.

The CHIEF WHIP OF THE OPPOSITION PARTY: Hon House Chair, just for clarity, would you like me to just declare which items we are objecting to in one go.

The HOUSE CHAIRPERSON (Mr C T Frolick): That is correct, Chief Whip of the Opposition.

The CHIEF WHIP OF THE OPPOSITION PARTY: Right, in that case the DA objects to Order 15 – Report on Human Settlements and Sanitations; Order 16 – Health Report; Order 20 – Report on Employment, Labour and Strategic Plans, Order 21 – Public Enterprises; Order 23 – Treasury; Order 31 – Strategic Plan for the Office of the Chief Justice; Strategic Plan of the Correctional Services; Order 34 – Annual Performance Plan Report on Agriculture, Land Reform and Rural Development;

Order 39 Strategic Plan for National School of Government; and lastly, Order 40 – the Department of Environment, Forestry and Fisheries. Thank you House Chair.

The HOUSE CHAIRPERSON (Mr C T Frolick): Thank you very much, hon Chief Whip, you have set a very good example we wish the other parties would do likewise.

Ms N V MENTE: Hon House Chair, the EFF objects to all the reports that are there except for Order 31. We support Order

31 – Office of the Chief Justice; Order 35 – Statistics SA and we object to everything else. Thank you.

Mr N SINGH: Hon House Chairperson, the IFP supports all the reports as tabled in the Order Paper from Nine to 41. Thank you.

Mr W W WESSELS: Hon House Chairperson, the FFPlus objects to the reports on Trade and Industry and Treasury. Thank you.

Mr S N SWART: Hon House Chair, the ACDP objects to the reports on International Relations and Co-operation; Public Enterprises; Public Works and Infrastructure; Correctional

Services; and Agriculture, Land Reform and Rural Development. That is what we are objecting to at this stage. Thank you.

Mr A M SHAIK EMAM: Hon House Chair, the NFP supports all the reports from number nine to 41. Thank you.

Mr W M MADISHA: Hon House Chair, Cope supports, thank you.

Mr M G E HENDRICKS: Hon House Chair, Al Jama Ah has no objections but will have a lot to say on Friday.

Mr N SINGH: What about the ANC?

The HOUSE CHAIRPERSON (Mr C T Frolick): That is why I have asked hon Singh. [Laughter.] The ANC is silent. Hon members, those objections will be recorded next to the name of the political parties and report is thus agreed to.

Report on Budget Vote 6: International Relations and Cooperation accordingly adopted (Economic Freedom Fighters and African Christian Democratic Party dissenting).

Report on 2020/21 Budget, Annual Performance Plan and 2020- 2025 Strategic Plan of Private Security Industry Regulatory

Authority (PSIRA) accordingly adopted (Economic Freedom Fighters dissenting).

Report on 2020/21 Budget Vote 24, Performance Plan and 2020 - 2025 Strategic Plan of Independent Police Investigative Directorate (IPID) accordingly adopted (Economic Freedom Fighters dissenting).

Report on 2020/21 Budget, Annual Performance Plan of Civilian Secretariat for Police Services (CSPS) Vote 21 accordingly adopted (Economic Freedom Fighters dissenting).

Report on 2020/21 Budget Vote 28, Annual Performance Plan of Department of Police (SAPS) accordingly adopted (Economic Freedom Fighters dissenting).

Report on Budget Vote 37: Sport, Arts and Culture accordingly adopted (Economic Freedom Fighters dissenting).

Report on Budget Vote 33: Human Settlements, Strategic Plan for Medium Term Expenditure Framework (MTEF) period and Annual Performance Plan 2020/21 accordingly adopted (Democratic Alliance and Economic Freedom Fighters dissenting).

Report on Budget Vote 18: Health, Strategic Plan and Annual Performance Plan of Department of Health accordingly adopted (Democratic Alliance and Economic Freedom Fighters dissenting).

Report on Budget Vote 16: Basic Education accordingly adopted (Economic Freedom Fighters dissenting).

Report on Budget Vote 35: Science and Innovation (2020/21) accordingly adopted (Economic Freedom Fighters dissenting).

Report on Budget Vote 19, Annual Performance Plans of Department of Social Development and entities for 2020/21 accordingly adopted (Economic Freedom Fighters dissenting).

Report on Budget Vote 31: Employment and Labour, Strategic Plans of Department and entities 2020/21 – 2024/25 and Annual Performance Plans of Department and entities 2020/21 accordingly adopted (Democratic Alliance and Economic Freedom Fighters dissenting).

Report on Budget Vote 10: Public Enterprises and Annual Performance Plan for 2020/21 of Department of Public Enterprises accordingly adopted (Democratic Alliance, Economic

Freedom Fighters and African Christian Democratic Party dissenting).

Report on Budget Vote 13: Public Works and Infrastructure accordingly adopted (Economic Freedom Fighters and African Christian Democratic Party dissenting). Report on Budget Vote 8: National Treasury accordingly adopted (Democratic Alliance, Economic Freedom Fighters and Freedom Front Plus dissenting).

Report on Strategic Plan 2020 – 2025, Annual Performance Plan for 2020/2021 and Budget Vote No 34 of Department of Mineral Resources and Energy accordingly adopted (Economic Freedom Fighters dissenting).

Report on Budget Vote 36 of the Department of Small Business Development for financial year 2020/21 accordingly adopted (Economic Freedom Fighters dissenting).

Report on Budget Vote 40: Transport and Strategic Plans and Annual Performance Plans 2020-21 of Department of Transport and entities accordingly adopted (Economic Freedom Fighters dissenting).

Report on Budget Vote 30: Communications and Digital Technologies accordingly adopted (Economic Freedom Fighters dissenting).

Report on Budget Vote 4: Government Communication and Information System (GCIS) accordingly adopted (Economic Freedom Fighters dissenting).

Report on Budget Vote 17: Higher Education and Training accordingly adopted (Economic Freedom Fighters dissenting).

Report on Strategic Plans and Annual Performance Plans 2020/21 of Department of Justice and Constitutional Development, National Prosecuting Authority, Legal Aid South Africa, Special Investigating Unit, Public Protector South Africa, South African Human Rights Commission and Information Regulator; and Budget Vote 25: Justice and Constitutional Development for 2020 MTEF accordingly adopted (Economic Freedom Fighters dissenting).

Report on Strategic Plan for 2020/21 – 2024/25 and Annual Performance Plan for 2020/21 of Office of the Chief Justice and Budget Vote 27: Office of the Chief Justice and Judicial

Administration accordingly adopted (Democratic Alliance dissenting).

Report on Strategic Plan for 2020 – 2025 and Annual Performance Plan for 2020/21 of Department of Correctional Services, and Budget Vote 22: Correctional Services accordingly adopted (Economic Freedom Fighters and African Christian Democratic Party dissenting).

Report on Budget Vote 26 Department of Military Veterans accordingly adopted (Economic Freedom Fighters dissenting).

Report on 2020/21 Annual Performance Plan and Budget of Department of Agriculture, Land Reform and Rural Development and entities, Vote 29 accordingly adopted (Democratic Alliance, Economic Freedom Fighters and African Christian Democratic Party dissenting).

Report on Strategic Plan 2019/20—2023/24, Annual Performance Plans 2020/21 and Budget Vote 14 of Statistics South Africa accordingly adopted (Democratic Alliance dissenting).

Report on Strategic Plan 2019/20—2023/24, Annual Performance Plans 2020/21 and Budget Vote 12 of Public Service Commission accordingly adopted (Economic Freedom Fighters dissenting).

Report on Strategic Plan 2019/20—2023/24, Annual Performance Plans 2020/21 and Budget Vote 11 of Department of Public Service and Administration accordingly adopted (Economic Freedom Fighters dissenting).

Report on Strategic Plan 2019/20—2023/24, Annual Performance Plans 2020/21 and Budget Vote 9 of Department of Planning, Monitoring and Evaluation accordingly adopted (Economic Freedom Fighters dissenting).

Report on Strategic Plan 2019/20—2023/24, Annual Performance Plans 2020/21 and Budget Vote 7 of National School of Government accordingly adopted (Democratic Alliance and Economic Freedom Fighters dissenting).

Report on Strategic Plan 2019/20—2023/24, Annual Performance Plans 2020/21 and Budget Vote 32 of Department of Environment, Forestry and Fisheries accordingly adopted (Democratic Alliance and Economic Freedom Fighters dissenting).

Report on 2020/21 Annual Performance Plans and Budgets of Department of Cooperative Governance, Department of Traditional Affairs and entities accordingly adopted (Economic Freedom Fighters dissenting).

The House adjourned at 17:39.