**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

# THURSDAY, 3 SEPTEMBER 2020

***PROCEEDINGS OF THE NATIONAL COUNCIL OF PROVINCES***

The Council met at 14:00.

The Chairperson took the Chair and requested members to observe a moment of silence for prayers or meditation.

The CHAIRPERSON OF THE NCOP: Hon Delegates, before we proceed, I would like to remind you that this virtual sitting constitutes a sitting of the NCOP and the place of the sitting is deemed to be Cape Town, where the seating of the NCOP is.

In addition to the rules of virtual sittings, the Rules of the NCOP, including the Rules of debate apply.

Delegates should note that anything sent to everyone via the shared screen is deemed to have been said to the House and may be ruled upon.

Delegates enjoy the same powers and privileges that apply in a sitting of the NCOP and for the purpose of the quorum, all delegates who logged in shall be considered to be present.

For the duration of the sitting, delegates must mute their microphones, unless they wish to speak. Any delegate that wishes to speak should use the raise-your- hand function. By now, members are expected to be familiar with the raise-your-hand function.

Hon Delegates, please note that the adaptation facilities are active and delegates are reminded to please keep their videos on for the duration of the sitting.

To proceed, hon delegates, I have been informed that there will be no notices of motion and motions without notice, accept the motion on the Order Paper in the name of the Chief Whip.

The CHIEF WHIP OF THE NCOP: Draft Resolution (Chief Whip of the Council): That, notwithstanding Rule 247(1), which provides that a sitting of the Council will be dedicated

for oral questions, the Council considers the Judicial Matters Amendment Bill and Report of Select Committee on Co-operative Governance and Traditional Affairs, Water and Sanitation and Human Settlements.

Question put: That the Motion be agreed to.

IN FAVOUR: Eastern Cape, Free State, Gauteng, KwaZulu- Natal, Limpopo, Mpumalanga, Northern Cape, North West.

AGAINST: Western Cape.

Motion accordingly agreed to in accordance with section

65 of the Constitution.

An HONOURABLE MEMBER: Chairperson, you have faded.

The CHIEF WHIP OF THE NCOP: I would suggest that the Deputy Chair take the Chair, so that we can attempt to deal with the technical glitch that we are experiencing

The DEPUTY CHAIRPERSON OF THE NCOP: Is the Chairperson continuing or should I continue?

The CHIEF WHIP OF THE NCOP: I propose that you continue, Deputy Chair, so that the Chairperson can be assisted.

The DEPUTY CHAIRPERSON OF THE NCOP: Hon Chief Whip, the Chairperson concluded the voting on the motion. The motion is agreed to and we will continue with the ...

The CHAIRPERSON OF THE NCOP: I am back, Deputy Chair.

# QUESTIONS TO THE DEPUTY PRESIDENT

Question 7:

The DEPUTY PRESIDENT: Hon Chairperson, hon members, our government has taken a view that Eskom must be supported, to implement a comprehensive turnaround programme to ensure that the utility develops and enhances its requisite institutional capabilities to meet the country’s energy needs.

Our country’s rapid economic growth and recovery are likely dependent on our ability to ensure the security of energy supply, in order to support industrialisation, and

equally ensure that there is no disruption to people’s livelihoods through electricity disruptions.

It is this consideration that Eskom remains a central pillar to South Africa’s plans of reigniting the economy, further impacted negatively by the Covid-19 pandemic.

In the main, our support to Eskom focuses on the following: ensuring that Eskom strengthen its leadership, governance and accountability system; addressing the debts and liquidity challenges, including the payment of debt owed to Eskom by government entities and municipalities; the implementation of an effective plan and plant maintenance programme to minimise energy disruptions; accelerating the completion of the new built programme that will deliver additional energy capacity and in this case, we refer to Medupi and Kusile; fast- tracking the emergency procurement of additional energy generation, in the main, from the IPPs.

We would eventually appreciate that the restructuring of a company of Eskom’s magnitude would not be an easy task and it would be taken in a very serious light. It can

take even longer to restructure this company. That is why the President, on 18 February, appointed a political task team on Eskom, under the leadership of the Deputy President, as an institutional co-ordinating platform that will bring all key role players within government and outside government together, to provide leadership and technical assistance towards the resolution of all the challenges that are facing the utility.

Since then, the political task team has been hard at work in ensuring that the restructuring plan is expeditiously implemented. This builds on the Eskom Special Paper, published by the Department of Public Enterprises in October 2019, which in essence details the electricity reform process of ensuring that South Africa has an appropriate electricity supply system, capable of responding to the demands of a rapidly evolving world to which South Africa needs to be responsive.

To this end, this restructuring of Eskom is being implemented in a phased manner to effect stabilisation, optimisation and the growth of this entity.

The stabilisation phase deals with the strengthening of the balance sheet, attending to the dwindling cash flow, overturning government failures, rooting our corruption and improving plant performance, both in the generation fleet and distribution network. This is an important step, as it sets the organisation on a sustainable path.

The optimisation phase starts to amend Eskom’s business model by implementing the restructuring, as outlined in the Department of Public Enterprises’ roadmap. This will help address the fit for purpose question that Eskom and the industry have been engaging on. It will further provide delegation, responsibility and accountability to each of the new subsidiaries and its executives.

Lastly, the growth phase will set Eskom ...

The DEPUTY CHAIRPERSON OF THE NCOP: Please, conclude. The time is running out. I know that you are moving towards conclusion. Maybe you will get an opportunity later to...

The DEPUTY PRESIDENT: We are pleased with the progress we are making towards better transforming Eskom and towards

the performance of Eskom, under the leadership of the new CEO. Therefore, the reorganisation of Eskom along the lines of a new distinct, yet complementary business and operational model has begun. Thank you very much.

Mr T B MATIBE: Hon Chairperson, thank you to the Deputy President for that response. We also wish you good health, Deputy President. While recognising and appreciating the efforts that you are making, we really understand that restructuring Eskom will not be an easy task. The follow-up question is: Has government or the political task team set a timeframe for the various phases that you have put in place? How long will the optimisation phase, the stabilisation phase and the growth phase take?

I am asking this because the issue of Eskom is a serious concern to committee members in our constituencies because, as we speak now, you might find that some of the members might not be able to participate because of load- shedding. So, I just want to check whether there is a clear timeframe so that select committees are able to do oversight and not have timeless restructuring where we

are not able to measure the progress in relation to each phase. Thank you very much.

The DEPUTY PRESIDENT: Chairperson, the timeline can be up to 2022. We hope that, by that time, we would have completed the restructuring of the whole entity, divided into three entities.

We must apologise for the continued disruptions in terms of energy supply. This is because of our maintenance challenges. Our people and hon members will understand that we are dealing with a very old fleet and from time to time, it presents operational problems.

We are confident that with the introduction of Medupi and Kusile into the grid - I think Medupi would be operational by probably the end of the year, if everything goes well - it will gradually reduce the pressure on the generation of electricity.

The further introduction of the IPPs will reduce the pressure that we are facing currently and the disruptions of load shedding. Thank you very much, hon Chair.

Mr A CLOETE: Hon Chairperson, I was wondering whether hon Matibe could have predicted that this question will come a day after load shedding stages two and four, because this opens up a whole can of worms on this question, today. Yesterday, Eskom announced that due to the continuing severe generation supply constraints as a result of multiple unit breakdowns, Eskom will continue to implement load shedding from 8:00 to 10:00. That was yesterday. I quote: “With their unreliable and aged generation and infrastructure, together with a number of risks on running units, there is a high possibility or probability that additional stages of load shedding maybe implemented at short notice.”

While restructuring of Eskom is underway, like you said, South Africans and the economy lose billions due to load shedding. Now you are saying that our people will understand but they don’t understand. We had stage two and four yesterday. The South African public also have to brace themselves and I would like to know from you, are high levels of load shedding ...[Inaudible.] ... over the next couple of weeks, are people ... [Inaudible.]

The DEPUTY PRESIDENT: Chair, we have said this over and over again that our fleets, our power stations are very old. The maintenance of these power stations presents a problem. From time to time, given the pressure exerted on them, they fail. Some units will fail and the leadership of Eskom came out openly to say that they are not going to avoid load shedding, as we implement routine maintenance and as we deal with disruptions of failure of certain units in the system.

However, South Africans must be confident that we will get out of this problem. Why am I saying so? There is a new built programme that allows the introduction of additional capacity. This additional capacity will come from Medupi and Kusile. We will see Medupi coming into operation into the system but we are also opening another window of Independent Power Producers, IPPs. It will come. We are expecting more than 2 000 megawatts that will come from that direction. We hope that will stabilise the pressure that is on the system and allow us to fix these old power stations and give us some time to fix them. Some will probably be taken out of the system and be replaces. Thank you very much.

Question 7 cont:

Ms H S BOSHOFF: Chair, good afternoon to the Deputy President. Deputy President, we’ve heard you now speaking about the new model, the turnaround strategy and how South Africans must remain confident because you are going to add so many more megawatts. But on hindsight, once you add, another plant breaks. South Africans are really tired at this point of hearing from you that we must remain confident and accept that everything is old. You should have known that the plants are old and started long ago.

My question to you is: Does this turnaround strategy and new model include the revival of the nuclear deal with Russia? If so, what is the budget that has been set aside for nuclear generation and over what period? Thank you, Chair.

The DEPUTY PRESIDENT: Hon Chair, we have said this again and again that we have an old fleet that has not been adequately maintained and we have accepted that. In the recent past the fleet was not adequately maintained and

that is why it keeps on giving us continuous problems. We have accepted that.

The only way to get out of this maintenance problem is to introduce new units that will bring fresh energy in the system. These are the two power stations and the Independent Power Producers, IPPs. So, I have confidence that as days go by we are going to be out of this problem. As we introduce Medupi and Kusile our energy supply will stabilise, and as we introduce the IPPs there will be abundant energy to meet the demand.

With regard to the question on the budget, I am not sure of the figures and the Integrated Resource Plan, IRP, has indicated all the set of options available before us as a country. We are going to go into gas and nuclear. We are not discarding any option before us. You can go into the IRP and see all these options.

But as and when money is available to implement a few options ... maybe gas will come before nuclear. Who knows? Depending on the availability of money, I think

the country’s energy landscape is going to change. Thank you very much.

Mr C F B SMIT: Chairperson, the Deputy President’s response that we will see as we go and as money becomes available is actually quite discouraging.

Chairperson, I would like to know, we frequently get a generic response when we ask about the nuclear deal. That is “South Africa will acquire it as it can be afforded by the country”. As the Deputy President has said that when money becomes available because we are obviously not in a good financial state currently.

So, I would like to know from the Deputy President: Can you please tell us what is considered affordable for South Africa in the current fiscal climate?

The DEPUTY PRESIDENT: Well, in view of the challenges that we are facing, Covid-19 has taken us backward. Our financial situation is not in a good state and it will therefore be very difficult to venture into new programmes.

However, I am aware that in terms of our infrastructure built, some projects that are directed at energy supply will be considered and those projects will be taken by government and funded by the government together with the private sector. Those will be announced by the President as and when everything has been completed in terms of preparations.

We are currently relying much on coal for generation of energy. I can tell you that this situation is going to gradually change because of the problem of emissions from burning of coal. We are going to find better technologies that will reduce these emissions by looking into new energy generation models that will be free from these emissions.

Yes, we might have not taken appropriate decisions at the right time, probably in 2018, to invest more into energy generation and this is catching up with us now. But now that we are dealing with the problem I am confident that as a country we are going to get out of this. This is going to be a problem of the past.

Ms M O MOKAUSE: Chairperson of the NCOP, to the Deputy President, we are still not assured that the intention is not to actually privatise Eskom with all this restructuring that is happening, especially with the CEO, the COOs and others who have serious interests in Eskom as shareholders of companies supplying Eskom with services - handpicked suppliers.

Can you assure us, as South Africans, that whatever you are meddling with in Eskom, the intention is to privatise or not to privatise? We want to hear it from the governing party. Thank you, Chairperson.

The DEPUTY PRESIDENT: I think, hon member, it will be incorrect for me to cast aspersions on the administrative leadership of Eskom that they have ulterior interests rather than the interests of the country.

As announced by the President, Eskom is going to be divided into three subsidiaries; generation, transmission and distribution. All these entities will still be under Eskom but operate independently with their own asset

registries and raise money on their own to deal with their operations.

There was never an intention to privatise from the beginning – from the announcement by the President. Government is the sole shareholder in this public entity and has no intention to privatise. We can be rest assured of that intention and that commitment. Thank you very much.

*IsiNdebele:*

Kkz D G MAHLANGU: Sihlalo, sithokoza kuZimu nabezimu nabasipholisele wena Sekela lakaMongameli.

Ngiyanilotjhisa ngokuzithoba okukhulu. Angitjho ukuthi esikufundileko ngabosomabubulo abakhulu bangeqadi kukobana abanatjisakalo yokusekela ngeemali abosomabubulo abasakhasako.

NgeLesibili seveke le, uNgqongqotjhe wezokuThuthukiswa kwamaBubulo amaNcani ...

The CHAIRPERSON OF THE NCOP: Can I ask the Table Staff to ensure that there are no disturbances, and on that note request hon Mahlangu to proceed.

Ms D G MAHLANGU: My question therefore with the statement made above is: What measures will government put in place to ensure that our people and black companies become beneficiaries of any private funding models for agriculture, including blended financing options for farmers who are beneficiaries of land reform for farming and farm ownership?

Chairperson, I hope I have made the right follow-up question because I raised my hand and indicated that I would like to make a follow-up on Question 3 which is number eight according to the Question Paper.

The DEPUTY PRESIDENT: Hon Chair, in terms of the order of our questions, we are still dealing with the question on Eskom which is Question 7. We have not started with Question 8.

The CHAIRPERSON OF THE NCOP: Deputy President, we are now on Question 8. The main question was from hon Smit and the supplementary questions are from hon Mokause, which we have dealt with. The next one is from hon Mahlangu, which we are supposed to be dealing with now, and the last one will be from hon Cloete. [Interjections.] Go to Question 8.

The DEPUTY PRESIDENT: Chairperson, I thought I must answer the main question first before taking supplementary questions.

Mr S J MOHAI: Chair, the Deputy President is correct. You have taken follow-up questions while there is a main question to be responded to first. The Deputy President is in order. I think we can proceed in that fashion.

The CHAIRPERSON OF THE NCOP: Hon members, let us ensure that we don’t get off the rails and move to all kinds of directions. We have dealt with question 7 and the main question was posed by hon Mathibe. We then proceeded to supplementary questions and they were asked by hon Cloete, hon Boshoff and hon Smit. We are now on Question

8. The main question was meant to be asked by hon Labuschagne but there were some changes and it was asked by hon Smit. Supplementary questions came from hon Mokause, Mahlangu and Cloete and we are now on a response from ... [Interjections.]

Ms M O MOKAUSE: I am rising on a point of order, Chairperson.

The CHAIRPERSON OF THE NCOP: What it the point of order?

Ms M O MOKAUSE: Chairperson, we cannot be confused at the beginning of a session. You have taken a lot of follow-up questions on Question 7, including Mahlangu’s and that is actually wrong. Can we move according to the sequence of the questions so that members who have asked questions on the Question Paper are not confused? We are now confused at the beginning of the session, Chair and it is absolutely incorrect.

The CHAIRPERSON OF THE NCOP: There in no confusion, hon Mokause. We have done Question 7 and we are now on Question 8. We are done with the supplementary question

from Mokause and we are now on a follow-up question from Mahlangu. [Interjections.]

Mr D R RYDER: On a point of order, Chair.

The CHAIRPERSON OF THE NCOP: Yes?

Mr D R RYDER: Chairperson, in the case of the sequence of the events, once a question is asked, the question that is being posed to the Deputy President in writing must be answered first. As that is being done, the hands that have been raised are supposed to be lowered and a fresh round of hands to be put up and recognised for the next round. That did not happen in this instance, Chairperson.

So, in order to be fair, as the Deputy President is answering the question that was provided to him beforehand, the hands that are in the right-hand column, the blue electronic hands get lowered and create an opportunity for members, just like it happens in the House, Chair. If we can ask for that to take place and then we all get a fair chance to put our hands up in sequence. Thank you, Chair.

The CHAIRPERSON OF THE NCOP: Thank you very much. Hon members, I would like to plead with you. Please allow the situation to unfold so that we deal with all the issues. We are done with hon Mokause and the hon Mahlangu has raised a question. Can we get the Deputy President to respond to that?

Mr C F B SMIT: Hon Chair, on a point of order. It’s hon Smit.

The CHAIRPERSON OF THE NCOP: What is your point of order?

Mr C F B SMIT: The Deputy President did not answer Question 8 that was raised by hon Labuschagne that I am sitting in for. In terms of the process, the first supplementary question is given to the member who raised the original question. So, I should have the opportunity to raise the first follow-up question, in fact. Thank you, Chair. [Interjections.]

The CHAIRPERSON OF THE NCOP: Thank you very much. Let us go back to you then, hon Smit.

Ms M O MOKAUSE: Chairperson?

The CHAIRPERSON OF THE NCOP: Hon members, I am not going to allow any disturbances from now on. [Interjections.]

Ms M O MOKAUSE: But it is not disturbance, it is a point of order. Chairperson? [Interjections.]

Mr A J NYAMBI: Hon Chair, it’s hon Nyambi.

The CHAIRPERSON OF THE NCOP: Hon Nyambi, yes?

Mr A J NYAMBI: Hon Chair, the mistake that is happening is that the Deputy President was supposed to start by answering the question that was asked by hon Labuschagne...[Interjections.]

The CHAIRPERSON OF THE NCOP: Labuschagne is not here

...[Interjections.]

Mr A J NYAMBI: Yes! [Interjections.]

The CHAIRPERSON OF THE NCOP: ... and the question was raised by hon Smit. [Interjections.]

Mr A J NYAMBI. Yes! Let us allow the Deputy President to respond to that question. After that then you are going to recognise hon Smit. [Interjections.]

An HON MEMBER: Agreed, Chair?

Mr A J NYAMBI: First allow the Deputy President to respond to the main question. Probably some of the members will be covered in terms of the response from the Deputy President. Then from there you will recognise hon Smit as the first person that will be standing in for Labuschagne. But now ... [Interjections.]

The CHAIRPERSON OF THE NCOP: Thank you very much. Let us do that. Hon Deputy President? [Interjections.]

An HON MEMBER: Chairperson, Chairperson? Hon Chairperson? [Interjections.]

An HON MEMBER: They must raise their hands. This is a Zoom meeting; they must raise their hands, please.

The CHAIRPERSON OF THE NCOP: Yes, we should start with that. That is very helpful. Hon Deputy President?

Question 8:

The DEPUTY PRESIDENT: Chairperson, I thought I should answer the main question first before taking supplementary questions.

Mr C F B SMIT: Agreed. Agreed, what is going on? ... [Interjections.]

Mr M KHAWULA: Can I just ... on a point of order, Chair. The Deputy President is correct; you have taken follow-up questions. There is a main question, which is the second question that should be responded to. And I think the Deputy President is in order, we can proceed in that fashion. [Interjections.]

The CHAIRPERSON OF THE NCOP: Hon members, this is so that we don’t get off the rails and move in all different

directions. We have dealt with Question 7, and the main question was posed by the hon Mathibe. We proceeded to supplementary questions, and the supplementary questions were asked by the hon Cloete, the hon Boshoff and the hon Smit. We are now on Question 8. The main question was asked by the hon Smit, but it was supposed to have been asked by the hon Labuschagne as there were some changes there. The main question was asked by the hon Smit.

Supplementary questions ... [Interjections.] ... come from the hon Mokause, Mahlangu and Cloete. We are now on responses, hon Deputy President from ... [Interjections.]

Ms M O MOKAUSE: I am rising on a point of order ...

The CHAIRPERSON OF THE NCOP: What is your point of order, hon member?

Ms M O MOKAUSE: Chairperson, we cannot be confused at the beginning of the session. You have taken a lot of follow- up questions on Question 7, including Mahlangu’s. That is actually wrong. Can we move according to the sequence of the questions so that members who have asked questions on the Question Paper do not get confused. We are now being

confused at the beginning of the session here, and it is incorrect - absolutely incorrect.

The CHAIRPERSON OF THE NCOP: There is no confusion ... [Interjections.] We have done Question 7, and we are now on Question 8. We are done with the supplementary question from Mokause. We are now dealing with the supplementary question from Mahlangu ...

Mr M S MOLETSANE: On a point of order, Chair, can I ... [Interjections.] Can I speak, Chair?

The CHAIRPERSON OF THE NCOP: Ryder, on what point are you rising?

Mr M S MOLETSANE: Chair ... [Interjections.]

The CHAIRPERSON OF THE NCOP: Ryder. Are you Ryder?

Mr D R RYDER: Yes, I am here, Chair. Thank you very much, I just wanted ...

The CHAIRPERSON OF THE NCOP: Ryder, on what point are you rising?

Mr D R RYDER: Chairperson, in the case of the sequence of events – once the question is asked, the question that is being posed to the Deputy President in writing should be answered first. As that is being done, the hands that are being raised are supposed to be lowered and a fresh round of hands are to be put up and be recognised for the next round, and that did not happen in this instance, Chairperson. So, in order to be fair, the Deputy President should answer the question that was provided to him beforehand. The process is that all of those hands in the right-hand column, the blue hands - the electronic hands, get lowered and creates an opportunity to be given to members, just like it happens in the House, Chair. If we can ask for that to take place, and then we can give a chance for hands that are up in sequence. Thank you, Chair.

The CHAIRPERSON OF THE NCOP: Hon members, I would like to plead with you. Please allow the situation to unfold, so that we deal with all the issues. We are done with the

hon Mokause. The hon Mahlangu has raised a question. Can we get the Deputy President to respond to that. [Interjections.] Deputy President, proceed.

Mr C F B SMIT: Hon Chair, I am rising on a point of order. [Interjections.]

The CHAIRPERSON OF THE NCOP: What is your point of order?

Mr C F B SMIT: Hon Chair, the Deputy President did not answer Question 8 that was raised by Cathlene Labuschagne that I am sitting in for. In terms of normal process, the first supplementary question is directed to the member who raised the original question. So, I should have the opportunity to raise the first follow-up question, in fact.

The CHAIRPERSON OF THE NCOP: Let’s go back and give you the opportunity, hon Smit. [Interjections.] Hon Smit ... [Inaudible.] ... [Interjections.] Hon Deputy President.

Mr A J NYAMBI: Hon Chair. [Interjections.] It’s the hon Nyambi. [Interjections.] Hon Chair, the mistake that is

happening ... [Interjections.] ... The hon Deputy President was supposed to start with the question that has been asked by the hon Labuschagne.

The CHAIRPERSON OF THE NCOP: Labuschagne is not here, and the question has been raised by the hon Smit ... [Interjections.]

AN HON MEMBER: Let’s allow the Deputy President to respond to that question, then afterwards that we are going to recognise the hon Smit. [Interjections.] First allow the Deputy President to respond to that question, probably some of the members would be covered in terms of the response from the Deputy President, then from there we will start recognising the hon Smit as the first person that will be standing for Labuschagne, but now ... [Interjections.].

The CHAIRPERSON OF THE NCOP: Thank you very much; let’s do that. [Interjections.]

AN HON MEMBER: It is a zoom meeting; they must raise their hands, please. [Interjections.]

The CHAIRPERSON OF THE NCOP: That is very helpful. Hon Deputy President?

The DEPUTY PRESIDENT: Thank you very much, hon Chairperson. [Interjections.] I am now responding to Question 8. Through the government’s land reform programme, we are taking a very responsible and measured path of restoration, redress and dignity for all our people who are the real beneficiaries of their ancestral land. Although there is still much work to be done, which has been compounded by the devastating impact of Covid-19 pandemic, we have found the work of the Minister of Agriculture, Land Reform and Rural Development to be satisfactory. We are encouraged by the leadership focus and direction provided by the department to ensure that key policy and programme interventions are developed and implemented to fast-track land reform.

We have no doubt that, with the repositioning of the department, the overall institutional capacity has improved to ensure that government accelerates land reform. The Minister’s response to the National Assembly referred to by the hon member provides a historical view

of what government has accomplished through the implementation of various policy interventions to advance meaningful land reform. This includes investments that government has made in providing comprehensive farm development support, to ensure that acquired and restituted farms remain productive.

Historically, various assessments and evaluations at national and provincial levels have highlighted challenges that have impacted on the productivity of farms. Among others, these include Communal Property Associations governance challenges, alleged corruption in land reform transactions, and inadequate post-settlement support due to fiscal constraints.

For the Inter-Ministerial Committee on Land Reform and Agriculture, the functionality and productivity of land reform farms remain high on the agenda to ensure that the agricultural sector promotes economic inclusion, increases aggregate production output and contributes significantly to our desired economic growth.

As part of this work, the Department of Agriculture, Land Reform and Rural Development has prioritised a comprehensive assessment of all land reform farms with a view of ensuring that appropriate policy interventions and post-settlement support measures are effectively implemented to enhance the productivity of all land reform farms.

Based on the assessment of each farm, appropriate support packages will be designed and implemented to improve functionality and productivity. In this regard, the department has appointed technical teams to undertake this comprehensive work. It is expected that the teams will commence next month. Given the scope of what needs to be covered, this process may take up to two years. It is expected that interventions will be implemented on farms where assessments have been completed.

Alongside this, the department has finalised a Comprehensive Producer Support Policy for approval by Cabinet. In terms of this policy, a more targeted and differentiated approach to supporting various categories of farmers is being proposed. Based on the needs

assessment of each farm, it is expected that land reform beneficiaries will be supported in a more focused and effective way.

As part of this, co-ordinated farmer support centres will have to be implemented at district level to ensure that government support services are integrated and made accessible to all farmers. Farmers should always find it easy to access an integrated suite of government services. This requires better co-ordination between national, provincial and local governments.

While core funding for land reform is expected to come from government, it has become clear that the fiscal space is constrained and limited, and therefore, private sector capital and partnerships are critical pillars for our funding and financing model for all our agricultural projects, including blended financing options for farmers who are beneficiaries of land reform farms.

With specific regard to the Eastern Cape province, as alluded to in the hon member’s question, we have been advised by the Department of Agriculture, Land Reform and

Rural Development that while challenges remain, a great deal of progress has been made towards supporting all land reform farms. There is ongoing post-settlement support provided by the department in terms of technical support, infrastructure and mechanisation to ensure that farms remain productive and functional.

During the 2020-21 financial year, land development support will be extended to the identified 147 projects within the Pro-Active Land Acquisition Strategy in all nine provinces. This programme speaks to the category of farms totalling 2,2 million hectares which were acquired by the state and leased out to qualifying farmers with a view of expanding participation in the agricultural sector. These farms are on the books of government, and post-settlement support is provided on an ongoing basis.

Going forward, all reform farms in the country will form part of the comprehensive assessment process that the department will undertake. All nonproductive farms will be prioritised for specific support packages to ensure better functionality and productivity. Thank you very much, hon Chair.

The CHAIRPERSON OF THE NCOP: We now move on to the first supplementary question which was supposed to be asked by the hon Labuschagne but will now be asked by the hon Smit.

Mr C F B SMIT: Chairperson, it is quite horrifying that the president and his government are satisfied to continue with land expropriation without compensation despite there being an admission of your department, Deputy President and you Cabinet. There is no proof of successful or failing land reform programmes due to the absence of evaluation mechanisms of such programmes. We have R53 billion spend since 1994 and R3 billion in recapitalisation. Instead if dealing with what is a clear shortcoming of the department in terms of monitoring and evaluation processes, this government now wants to eradicate property rights to cover up their own failures. Will you today undertake to implement effective monitoring and evaluation systems so that South Africans can be fully informed of whether or not land reform efforts undertaken by this government since 1994 has been effective or not.

Mr M KHAWULA: I actually do not have an icon to raise my hand on my device. I may not be the only one but when I raise my hand it clapped, but I am not actually clapping

The DEPUTY PRESIDENT: Chair, let me first take this opportunity to condemn killings of farmers and farm workers and to further indicate that farmers are a very important resource to our country and the nation. We will continue to ensure that our criminal justice system responds decisively to such criminal acts that undermine the sector and the economy as a whole. Coming to the question, we are taking serious steps to assess the productivity of all land reform farms that were given to people that are not productive. I have said that the department is undertaking this work and out of that work we are going to be guided by what needs to be done to support these farmers. This is done with the intention solely to support these farmers. We are sying that the support that we are going to give these farmers will be located at the district. We are going to use the district development model where all spheres of government will

co-operate, come together and support these farmers. It is important to take a view of what went wrong in these

farms. There are some farms that are very successful, but that does not mean that we should not broaden participation in the sector by allowing new entrants in the form of people who have claimed their land to have access to their land. We are proposing mechanisms to restitute these pieces of land to their rightful owners. So, let us not really confuse these processes. There are farms that have already been restituted and we need to ensure that they are productive but we still need to open up for new entrants. We are going to support people by availing state land and by ensuring that land that has been claimed by individuals is returned back to these individuals. Thank you very much.

The CHAIRPERSON OF THE NCOP: Hon Mokause, I guss you are covered ... [Inaudible.] ... the process.

Ms M O MOKAUSE: Hon Chairperson, I am rising on a point of order. I have never a word here and my member who should be at the podium is the hon Moletsane.

The CHAIRPERSON OF THE NCOP: Okay.

Ms M O MOKAUSE: And the point that I wanted to raise earlier on, I hope you don’t get confused. I still have Question 10 ... [Inaudible.]

The CHAIRPERSON OF THE NCOP: So, remove the hon Moletsane then. The second supplementary question should be taken by the hon Moletsane.

Mr M S MOLETSANE: Deputy President, the effect of land inequality has been abandoned obviously for decades.

Moreso, now during the Covid-19 pandemic, homeless people and those living in informal settlements were left vulnerable and exposed as evictions were carried out in the Western Cape, leaving many destitute. Clearly, this land reform programmes and agricultural support are inadequate in immediately addressing the need of the people. What has the Department of Agriculture, Land Reform and Rural Development done during this time that has produced tangible and substantive results in aid of food security and therefore, are you satisfied with the result? Thank you, Chairperson.

The DEPUTY PRESIDENT: Hon Moletsane, thank you for the question. I think over here the land reform programme has yielded good results. Of course, when we assessed the progress made, we found some challenges in terms of the pace at which land get transferred to the rightful owners. The willing-buyer, willing-seller approach was found to be very limiting. Therefore, that is why we are proposing this one way of ensuring that land is given to its rightful owners as quickly as possible. Of course we found all the farms that were transferred to the people through the land reform programme. Yes, some of the farms are productive, and some of the farms are lying fallow, hence the assessment that the department is planning to make with the intention of trying to improve these farms so that we increase the productivity of the country in terms of agriculture.

We must not confuse this land reform programme with the issues that are going on there. We are going to attend to these evictions and we want to call upon all our farmers out there that they should be patient with government ... [Interjections.] ... the farm workers that are residing in their farms so that before a farmer can take a

decision to evict people we should have a discussion and see how best we can deal with the farm dwellers problems who might need a place to reside. We have just agreed as government to release land for human settlement. And this is going to happen in all the towns; it is going to happen in all the farms - like for instance, if in a certain farm there is an eviction, we think people need to be relocated to a place which will be called their own place.

Government will do that, but that should be allowed to happen by the help of farmers who take the department into confidence and discuss options. It is not right to just evict people and put them on the road. That is not welcome. Yes, we agree that poverty is still a problem, that is why we want to increase productivity; we want to open more space for new entrants in agriculture so that we can produce food – food for the nation. Thank you very much.

Question 8 (cont):

*IsiNdebele:*

Kkz D G MAHLANGU: Sihlalo, angithokoze iSekela lakaMongameli, ngithokoze godu noZimu nabezimu abasipholisele wena bebakuphephisa. Ngikhulumela abantu bePumalanga nebeSewula Afrika yoke.

Sekela lakaMongameli, tjhebetjhebe ngomraro obekhona ekuthomeni nangibuza wona umbuzo lo. Ngisusela lokhu kilokho esikundlalelwe nguNgqongqotjhe wamabubulo amancani, ngaphakathi kwayo yona iNdlu le ihloniphekileko, mayelana nabosomabubulo abanganayo itjisakalo yokusiza abosomabubulo abasakhasako.

*English:*

My question is: What measures will the government put in place to ensure that our people and black companies become beneficiaries of any private funding and financing models and options for farmers who are beneficiaries of land reform and farm ownerships?

*IsiNdebele:*

Sekela lakaMongameli, nathi siyikomidi yokwabiwa kweemali besisakhuluma izolo. Into eletha umraro kukobana kubonakala kwangathi kiyo yona i-R15 billion kukhona

abantu abazuza ukudlula abanye bamabala amanye ngokuphikisana ne-*BEE*.

Sithokoza umbuso okhona lo ngombana sikwazile ukuthola ikomidi yokwabiwa kweemali ye-Cogta kobana bazositlhadlhula. Abe asiyisoli indlela esibona ngayo. Ihlelo le-*BEE* limthethomgomo wombuso lo okhona.

Ngiyathokoza.

Mr D R RYDER: Before we continue, Chair, I have a point of order.

The CHAIRPERSON OF THE NCOP: What is your point of order?

Mr D R RYDER: Chair, it is a point of clarity. If the hon Mahlangu can advise what she means by the phrase [Inaudible.] ... [Interjections.]

The CHAIRPERSON OF THE NCOP: That is not a point of order, Ryder. Please. [Interjections.]

Ms D G MAHLANGU: We will meet next week, Ryder.

The DEPUTY PRESIDENT: Hon Chair, let me thank hon Mahlangu for the support that was given to us during our period of illness, and also to all members of this House, thank you very much.

With regards to the question, we have a programme called Proactive Land Acquisition Strategy that the department or the government has followed to acquire land. We have acquired almost 2,2 million hectares of land through this strategy. This land is then leased to farmers.

We are calling upon new entrants. Those who want to farm must apply to the department. There are still some farms that are available that can be leased to new entrants.

Those new entrants will be supported through various options; they can either receive a grant or a loan from government. That is why we call it a blended finance option.

I am aware that some small farmers who have applied for assistance during this difficult time of Covid-19 have not received the required assistance they so desire. We are prepared to open up again and listen to those farmers

or direct them to the office of the Deputy President and the office of the Minister of Rural Development so that we can look at all applications made and see what kind of assistance we can give.

We are doing this because we want to increase food productivity in the county. The country must produce food and we must therefore support those people who produce food. So, yes we are willing to hear them and see how best we can support them.

The agricultural sector is one sector that can quickly turn the situation around in terms of economic growth and trying to get people into employment and move people away from hunger. This is one sector that can turn things around. Thank you very much.

Mr A B CLOETE: Chairperson, thank you to the Deputy President for acknowledging the importance to attend to farming and I would also like to wish him good health. I also welcome the fact that at the end of the question he started speaking about food production and food security.

When we look at land and food production we understand what the relationship between land reform and food security is. A recent study by the Institute for Poverty, Land and Agrarian Studies, PLAAS, warns that land reform now only serves to preserve the well off, with 44% of the beneficiaries being urban based, business individuals, former state bureaucrats and glocal politicians. Only 18% of the farms that the institute studied were allocated to farm workers - many of whom have left their unsuccessful farms to seek employment elsewhere.

In fact, data gathered on 66 land reform projects across the country found that land reform has shifted from being pro-poor to being pro-elite; that majority of land recipients have essentially dropped out of production as a result of a number of constrains on their farms; and that only one out of ten of the total 2,5 million small- scale farmers actually produce surplus food, the rest produce only for household consumption.

[Inaudible.] ... but history will judge you by your actions towards land reform and food security. Your party persists with the notion that white people stole land but

this study shows that it is politicians and bureaucrats who keep land from the poor your government promised to serve.

Now, my question is twofold: What is government doing to ensure that food security persists after land is reformed and what measures has the government implemented to ensure that land is not captured by political and bureaucratic elites?

The DEPUTY PRESIDENT: Hon Chair, to hon Cloete, I am very happy about your observation that food insecurity, hunger and poverty still persist. That means that the legacy was too deep. The problems that affected farm dwellers, in the main black people working in the farms, were too deep.

We are in a process of trying to address this problem. Of course this is a very long journey and we are mindful of the hiccups and the challenges along the way. But with this renewed process that is very much energised, we want to open access to land allowing more young farmers and women to enter the sector.

We are now seeing a lot of gender-based violence cases in our society and some instruments to empower women must be put in place. We must also, deliberately, find a permanent place for farm workers. Farm workers that have been working in a farm for many years end up being evicted. So, we must find them places where they can settle and raise their families.

In the process we should allow for small-scale farmers that are producing not for the sake of selling their food but for subsistence. These are farmers who farm enough for them to eat. These kind of farmers also need to be supported.

We must allay these fears that government want to take land from one sector of people to another sector of people. We are trying to redress the problem that was created in the past while mindful that we don’t create a new problem in the process.

As a country we are going to foster nation building, we are going to ensure that there is social cohesion and that we live together as a country, but that does not

mean we should not redress the problems that we have inherited in the past. We are going to do it in a manner that is constitutional and ensure that we follow the law. the President has repeated this many times. Thank you very much.

The CHAIRPERSON OF THE NCOP: Thank you, Deputy President. We now come to Question 9 asked by hon Ncitha. [Interjections.]

Mr T S C DODOVU: Chairperson, I was supposed to ask a follow-up question.

The CHAIRPERSON OF THE NCOP: Only four supplementary question are allowed, hon Dodovu.

Mr T S C DODOVU: My party, the ANC, had two follow-up questions ... [Interjections.]

The CHAIRPERSON OF THE NCOP: Listen first. The first supplementary question came from hon Smit, the second supplementary question came from hon Moletsane, the third

came from hon Mahlangu and the fourth came from hon Cloete. Is that clear, sir?

Mr T S C DODOVU: No, my party, the ANC, had two questions; the first and the second. It is okay, but check your list in the future. I note it, it is okay.

Ms M O MOKAUSE: Chairperson, on a point of order.

The CHAIRPERSON OF THE NCOP: What is your point of order, hon Mokause?

Ms M O MOKAUSE: Chairperson, we cannot be abused here by people mentioning their party affiliation. We work according to sequence and the sequence is that we have four supplementary questions. If members do not acclimatise themselves with the procedures of the House, then that is their problem.

The CHAIRPERSON OF THE NCOP: That is not a point of order. We will proceed, hon members.

Question 9:

The DEPUTY PRESIDENT: Hon Chairperson, since the confirmation of the first COVID-19 case in the country on

5 March this year, this pandemic has spread to all nine provinces with community transmission taking root. When the World Health Organisation declared COVID-19 a Public Health Emergency of International Concern, we immediately took measures as government to ensure the detection, referral and management of cases.

This called for a better co-ordinated and strengthened response to the pandemic. Therefore, some resources had to be reprioritised to ensure availability of diagnostics, of personal protective equipment for frontline workers and of other emergency response supplies, as well as addressing critical gaps in health and community systems. This included strengthening laboratory networks, supply chains and community engagements.

However, the reprioritisation of resources to respond to COVID-19 did not mean diverting resources away from HIV and TB. For instance, provincial departments of health have started experimenting with combining TB and COVID-19

screening at some of their locations in districts, in order to ensure continuity of this service. By offering HIV self-screening at COVID-19 screening sites, the Department of Health is able to reach people who would otherwise be missed by their standard HIV programme.

Community health workers across the country are screening for the coronavirus, while conducting their normal door- to-door HIV and TB monitoring work, such as ensuring that patients are taking their antiretroviral medication.

Our government and its partner donors, including the United States President’s Emergency Plan for Aids Relief and the United Nations Global Fund to Fight Aids, Tuberculosis and Malaria, are leveraging existing resources in order to assist the COVID-19 response. This is done while ensuring that HIV and TB services remain accessible to those who need them. The HIV and TB programmes have integrated HIV testing and TB screening into the COVID-19 response programmes.

The Department of Health sets targets for HIV testing and treatment for those diagnosed and eligible for treatment

initiation. The funds for required commodities and medicine are based on our annual targets. These funds are ring-fenced through the Schedule 5 conditional grant and cannot be shifted without prior approval of the accounting officer of the national Department of Health. Therefore, funds for HIV test kits and ARVs have not been reduced or shifted in the current 2020-21 financial year.

As hon members would know, through the SA National Aids Council, Sanac, other departments are also implementing programmes that respond to HIV and TB. In this regard, measures announced by the Minister of Finance in the Budget Readjustment, which was tabled before Parliament in June 2020, clearly outline government’s commitment to ensuring that health and frontline services are not disrupted.

Some of these programmes and interventions include capacity-building of social service practitioners and social and behaviour change programmes, including those focusing on men and boys in response to addressing various social ills.

During our COVID-19 oversight visit to the Free State, we witnessed the scaling up of this capacity as we handed out certificates to 92 social workers that the province was appointing to address the social challenges that we have referred to above.

We must assure South Africans that, despite the impact of the colliding pandemics globally, it remains paramount that we put more emphasis on our programme of fighting and supporting the HIV and TB programmes as much as we are focusing our resources on addressing the impact of the COVID-19 pandemic. So, our response to the COVID-19 pandemic and to HIV and TB will be made together.

It is important that we use our limited resources very efficiently by focusing on targeted interventions and integrating our programmes for even greater impact.

We call upon our leaders across various sectors of society and the political divide to ensure that the public funds allocated for the COVID-19 response are not misused and misappropriated. Any acts of corruption will

be dealt with as they deprive us of a speedy response in defeating this pandemic. Thank you, hon Chairperson.

*IsiXhosa*:

Nksz Z V NCITHA: Nksz Z V NCITHA: Mandibulele kuwe Sihlalo weBhunga leSizwe lamaPhondo, ndibulise kumaLungu eNdlu nakuSekela Mongameli. Ndibulela ngempendulo ecacileyo andinike yona kumbuzo ebendithe ndawubuza.

Ndiyafuna ukubuza nangakumbi kuwe Sekela Mongameli, siye saqwalasela ingxuba-kaxaka phakathi kwabantu abathatha amachiza eNtsholongwane neSifo uGawulayo kunye namagosa omthetho nocwangco, amapolisa.

Ingaba ibikhona kusini na ingcaciso ethe yenziwa phakathi kwamapolisa nabo bantu bafanele ukuba balande amachiza abo onyango kumaziko ezempilo, ukuze bacacelwe bazi ukuba bazakwenza njani? Kaloku sonke besikwimeko yonxunguphalo sivaleleke emakhaya kungekho mntu uvumelekileyo ukuba aphume ngaphandle. Iqale apho ke Sekela Mongameli ingxuba-kaxaka. Ingaba belukhe lwenziwa kusini na

uthetha-thethwano, ukuqinisekisa ukuba ingxaki eloluhlobo ayenzeki? Enkosi Sihlalo.

The DEPUTY PRESIDENT: Thank you very much, hon Chair. The announcement of the lockdown by the President necessitated that all of us stay in one place and ensure that we limit our movements, except for certain categories of people that were responsible for doing certain and very important work, like your frontline workers and your health workers that were allowed to do their work in all the provinces. They were supported by your HIV and Aids and TB workers in each and every province. So we call these workers – combined – frontline workers. They were permitted to do their work because they were the people who were testing, screening and contact tracing. In the process, these frontline workers were allowed to support and assist people with HIV and Aids and people with TB.

I must say that our figures are showing that the rate of recovery of people affected by TB is showing some improvement. That means that people are adhering to taking their medication – that they are not skipping taking their medication. They are supported by our workers in the different provinces. So, yes, as much as all of us were locked down, our frontline workers and our

medical teams were out there working. We must take this opportunity to congratulate them. Some of them had to lay down their lives for the sake of all of us, because they were screening and testing people. Also, some of them were affected by COVID-19. These are people who loved their country and who died in the line of duty. Thank you very much, hon Chairperson.

Mr M KHAWULA: Hon Deputy President, funds were redirected to a very important issue: that of fighting COVID-19. But in the process the funds that were redirected to COVID-19 were looted. The corruptors corrupted this money and, as a result – as you said - our frontline staff in many departments were put in danger, because some of the union people were ... [Inaudible.] ... considered protesting and picketing at their workplaces because of shortages in PPE. All of this was caused by the fact that funds were looted and corrupted.

Now, I would like to know, hon Deputy President, what government is going to do to ensure that, one, the culprits are arrested; and, two, to ensure that the culprits are made to pay back the money that was

corrupted, not the usual suspension, Deputy President, and not the usual commissions because they don’t bite. Commissions don’t bite. Your suspensions don’t bite.

People go on suspension and they still get paid, and when they come back to ... [Inaudible.] ... it’s just a slap on the wrist. I want to find out from you, on behalf of the people of South Africa, how you are going to get this money back and to arrest all the culprits, so that they face the full might of the law. Thank you, Deputy Chairperson.

The DEPUTY PRESIDENT: Thank you very much, hon Chair. This is a very unfortunate situation that has arisen, in which as a country we were all mustering our energy to face this very storm, this storm that has taken lives. We have put forward everything that we can to fight this and in the process money was misappropriated. The President has spoken about this. The real answer to this is that, as a country, we must be agile and ready to confront such situations wherever they arise. That means that we need to build very strong institutions.

In our country, therefore, we need to support the National Prosecuting Authority – all our law enforcement agencies. It is important that we support them; that we capacitate them to deal with corruption. If you look at this, you could say that it’s only corruption in government, but I would say no. Those people who are in government live within society. That means that this virus of corruption that has attacked those people who are in government – who are working in government – has also infected society. That means that corruption is now spreading in our society. We must remember that those people who are supplying the PPE are also businesspeople and companies in the private sector. So you can see that this corruption now involves the two sectors: the public sector as well as the private sector.

Therefore, we need to step up our fight, and the only way to stepping up our fight is to have very strong institutions that can weather the storm. In good times and in bad times those institutions must stand strong and protect the country.

It is also quite clear that since the advent of democracy, we have been seeing this element of corruption growing. This probably presents an opportunity for us to really take the time to strengthen these institutions so that we deal decisively with corruption. Otherwise, corruption can destroy all the gains we have made as a country and as a nation. Thank you very much.

Question 9 (cont):

Mr H S BOSHOFF: Thank you very much, hon Chairperson, to the hon Deputy President, since 1st December 2019, this is the first time I’ve heard you mention anything about HIV/Aids and I thank you for that. We are all aware that there was a lockdown etc, etc. But hon Deputy President, on ground level the story that is painted is completely different. We have done our oversight and have spoken to many people that have contracted HIV/Aids and tuberculosis, TB. They have not visited clinics because they are too afraid to contract COVID-19 as well and they’ve not been visited by any medical people like our nursing staff etc. This is very, very disconcerting as these people need to take their medication on a regular basis - they cannot skip. By not getting visitation, they

then forfeit their medication and that puts them in a position of danger and they become susceptible to other diseases, as I said if I can use that.

It’s very good to hear from you that you visited Free State and handed out certificates and so forth. But what I’d like to know from you today, hon Deputy President is: would you commit today seeing that we are in lockdown level 2, that you will go out to any area like you’ve done by handing out certificates to our frontline workers, and visit people with HIV/Aids and TB, to obtain information on how the virus is impacting on them, and share these steps that you will take to assist these vulnerable patients in obtaining their medications on time and at the same time protecting them against the impact of COVID-19? I thank you, hon Chair.

The DEPUTY PRESIDENT: Thank you very much, hon Chairperson and hon Boshoff, it might be helpful to get exactly the list of those people that were exposed to so that they can be assisted. Hon Boshoff, be aware that as the Department of Health and the government as well as the country, we were aware that we have 7,5 million

people who are living with HIV and Aids. These figures have been confirmed as of March 2020. Now 5,3 million of these people are already on treatment that means they are receiving antiretroviral treatment. By implication, it means there are missing 2,2 million people that are supposed to be introduced and we took it upon ourselves to go out there and find those people.

It is our responsibility as South African National Aids Council, civil society, government and business to go out there and find those people and introduce them into this treatment. So, if you have happened to come across some of these people, please let’s help them. Let’s introduce them into treatment. There are people that are missing, especially TB patients. According to our calculation, we have 128 000 missing people that are affected by TB. Gradually, we are going out there to test people and we are encouraging people to come forward on their own to go and test. After testing, if they find that they are positive they must take treatment.

We have enough medication in our institutions. There is no doubt that all our patients are receiving medication

on time because it is available in all our institutions. We have not had a situation where we ran out of medication, especially antiretroviral drugs. They are available.

Yes, we are going to go out there. We have this COVID-19. We are looking at the second wave of the infection. We are going to take precautions by following restrictions as announced by the government, but the intention is for all of us to go there and deal with this missing number of people that must be introduced to treatment. Thank you very much.

Mr S ZANDAMELA: Thank you, hon Chairperson, to Deputy President, considering all allegations of corruption that have surfaced in the Eastern Cape with regard to the allocation and management of COVID-19 relief funds.

Deputy President was it a wise idea to implement austerity measures and redirect funds away from much- needed services towards COVID-19, only for those funds there to be squandered? Thank you, Chairperson.

The DEPUTY PRESIDENT: Thank you, hon Chair and hon member, when we took the decision to redirect resources in order to strengthen our fight against COVID-19, we did that in a way of trying to protect our people and to get the health system to be ready to deal with any eventuality. Unfortunately, we never knew that some of these monies would get stolen along the way, but that does not mean the intention to redirect resources, to fight COVID-19 was a wrong decision. I still insist it was a right decision. However, as government, society and people, we must uproot these elements within society and government that are corrupt because corruption can destroy what is good for the country.

So, really, we must not be ashamed that we have taken this decision to redirect resources to fight this COVID- 19, not aware that along the line some people will steal those resources. However, like we have said we are going to strengthen our institutions. We hope all those who have stolen and misappropriated these monies will be found. We are going to strengthen our institutions; we are going to support them with the necessary resources such as human resources so that they are capable of

dealing with the scourge of corruption. Thank you very much.

Question 10:

The DEPUTY PRESIDENT: Chairperson, we want to reaffirm the response we gave during our oral Question session in the National Assembly on 25 June 2020 on a similar question regarding the investigation of allegations against the chief operations officer, COO, of Eskom. As stated, we have no basis where we are sitting to doubt the fairness and the integrity of the investigation process as conducted against the COO.

The report makes no reference to any hindrance experienced by the senior counsel in carrying out this investigation and in compiling this report.

Section 9(3) of the Constitution states that:

The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sexual orientation, age

disability, religion, conscience, belief, culture, language and birth.

That is why the governing party aptly outlined this in its 2019 election manifesto that amongst its key priorities, is to advance nation-building and social cohesion by stepping up the fight against racism, sexism, homophobia and other intolerances that exists in our society.

It would therefore be incorrect to suggest that senior executives at Eskom are protected from disciplinary processes on the basis of the colour of their skin. Let us give space to the board and the management of Eskom to do their work, and at an appropriate time, hon members of this Council will find time to engage with the report and ask the necessary questions they want to ask. Let us work together and desist from divisive statements which are not contributing to social cohesion and nation-building. We have a responsibility to build this nation.

We further reiterate as government that we remain committed to clean governance and that is why we

appointed a competent, experienced and capable board, which is expected to effect clear mechanisms to hold all the people and the executives accountable. It is our expectation that the board is empowered to run Eskom’s affairs in that entity in a diligent manner and adopt a zero tolerance approach to corruption including any conduct that undermine our efforts of building a financially sustainable energy utility that is orientated to meet its developmental imperatives.

As we focus on restructuring Eskom into an efficient and financially sustainable utility, we are clear that the board and the executive management must put in place the necessary mechanisms and systems to tackle any acts of corruption, including legacy issues that have contributed to its current state and this includes, taking the necessary action through due process against anyone found to have been involved in corruption. We find comfort in the commitment expressed by the chief executive officer, CEO, that anyone found to have done something wrong, the CEO and the executive will act. Thank you very much.

Ms M O MOKAUSE: Thank you, Chairperson of the NCOP, Mr Deputy President, despite interest being expressed and a commitment made to clean up Eskom and rid the entity of corruption, Eskom’s COO, Mr Jan Oberholzer, remains firm in his position despite his own admission of bridging the provisions of Eskom’s procurement policy while others with similar allegations levelled against them were severely punished while some were even fired, how so? Why is Eskom’s COO so powerful? Eskom’s management structure remains dominated by arrogant, incapable and racist white males despite talks of transformation even within the board of Eskom itself to act on all happening within the entity. Why is the COO so superior even to the President and the Deputy President?

In your own words on public platform, you once said that you were misled and this was in relation to load shedding. Can you safely say, Mr Deputy President, that Eskom has gone to the dogs?

The Minister of Public Enterprises refuses to save the power utility and why are you still keeping him there because he keeps on failing to save the power utility?

The DEPUTY PRESIDENT: Hon Chairperson, I think the racism allegations raised by the hon member are worth investigation. These are serious allegations. As a country, we stand opposed to racism. We are not going to take these allegations very lightly.

With regards to the COO, an investigation was conducted by an independent person appointed by the board. A report has been produced. We didn’t receive any acts of intimidation and hindrances encountered by the person investigating. The report that has been tabled does not find anything wrong against the COO. It would be incorrect to say in public that the COO has done something wrong because the report that, I hope in the end, will find its way to Parliament and you will at a later stage find an opportunity to interrogate both the report and the board so that this misunderstanding that suggests that it looks like there is something hidden and that there are people being protected can be cleared.

I must say that I will be firm and will do my work and ensure that the utility is being transformed and assisted

so that it can give energy to the country. We are going to assist Eskom to deal with corruption.

Before us, in the task team, is a list of cases. We have to note the available cases and their whereabouts. A lot of work is being done. I am sure in the end; these cases will be made public.

The current leadership of Eskom is doing everything in its power to restore governance, deal with corruption and ensure that a new culture of working is brought to Eskom. I have no doubt on the leadership and no reason not to support them. Standing here, I support them because supporting them, I am supporting all the efforts that are meant to help the power utility. Thank you very much.

Mr T J BRAUTESETH: Chair, Deputy President, the Public Administration Act signed into law by President Jacob Zuma in December 2014 proudly boosted the establishment of the unit to promote integrity, ethics and discipline in the civil service. Six years have passed and still this unit does not exist. The unit was supposed to *inter*

*alia* conduct lifestyle audits on senior officials and the Cabinet.

Mr Deputy President, will you follow the lead of the Western Cape government and fast-track the lifestyle audits of the Cabinet Ministers and senior officials and will you lead by example, sir, by submitting yourself and your records for the first lifestyle audit to be conducted? I thank you.

The DEPUTY PRESIDENT: Hon Chairperson, I was not part of the administration when that decision was taken and of course, there was an announcement by the President that the lifestyle audits are going to be carried out by this administration. I want us to leave it to the President. If that is done, all of us will be subjected to that decision by the President. I don’t think we are different from any other person in the Sixth Administration. I am sure if all processes have been put in place and these lifestyle audits being implemented are agreed upon, all of us are going to present ourselves. There are no qualms and fusses about it. Thank you very much.

Mr T S C DODOVU: Hon Chairperson, I am quite confident with the work that the government is doing to clean up Eskom as an important electricity utility in the country, that we are going to ensure that it is competent and is able to deliver on its mandate. Part of that is that the government has appointed a very capable, talented and inclusive board of directors to guide and provide leadership to Eskom, and this is quite commendable and it must keep up the good work that it is doing, especially in the last two years.

Now, my question is to check with the Deputy President that other than appointing a capable board of directors of Eskom to deal with all the challenges it faces, what are other systems that the government has specifically put in place to ensure that it deals with all the challenges that Eskom faces so that Eskom can continue to contribute to the economic growth and development of our country. What are those systems and measures other than appointing a very capable board that is beginning to turn the tide at Eskom? Thank you very much, hon Chair.

The DEPUTY PRESIDENT: Hon Chairperson, well, besides the appointment of the board, the board has itself finally appointed the CEO and other executive directors in the utility and that continues to strengthen the ability and the capacity of Eskom - which is a good outcome, the President has appointed a task team led by the Deputy President and Ministers in the energy cluster to further give support to Eskom with all the other challenges that might arise. So, we will be able to co-ordinate ourselves and find a way of assisting.

Beyond that, the President has directed Treasury to look at ways and means of dealing with the debt that is faced by Eskom. As much as part of the problem of the financial viability of Eskom is the responsibility of the task team, the bigger part rests with the National Treasury.

Our part is to ensure that those who owe Eskom must pay and that includes national departments, municipalities as well as ordinary citizens. Therefore, it would be appropriate to once more call upon our people to pay for the electricity that they use. It is the right thing to do. Otherwise, we are going to collapse this entity if we connect illegally to the system, if we steal energy and

if we don’t pay for the energy that we consume. Thank you very much.

Question 11:

The DEPUTY PRESIDENT: Hon Chairperson, firstly let me take this opportunity to thank all of you for your understanding and empathy in allowing some changes in your programme as a result of my inability to appear before you on some scheduled dates due to ill-health. Our commitment to the culture of accountability remains strong, and we will continue to accord this House the respect it deserves.

The details of programmes which have been requested are part of the responsibilities that have been delegated by the President to the Deputy President for strategic leadership and co-ordination. These programmes are directed towards ensuring that South Africa’s poverty alleviation programme realises the democracy dividend as summarised in the preamble of our Constitution, that of improving the quality of life of all our citizens and freeing the potential of each and every person.

In the same list of delegated responsibilities, there is also support to the President in building a better Africa as a special envoy to the Republic of South Sudan to facilitate their peace process. This is the work that intensified in the latter part of last year and early part of this year, where we engaged in the peace process facilitation on 13 January 2020, the ...[Inaudible]...of January, the 06 February and the 22 February 2020, which was the culmination of the coming into effect of the Revitalised Transitional Government of National Unity in South Sudan.

We are very and proud of the achievement of the people of South Sudan led by President Salva Kiir Mayardit and the opposition led by the Vice President Riek Machar. They have demonstrated their love for their own country.

On the 18 February 2020, the President further delegated the responsibility of being Chairperson of the Political Task Team on Eskom, which is an institutional co- ordinating platform of key players within government, to provide leadership and technical assistance towards the resolution of all challenges that are facing Eskom. This

adds to other responsibilities that are not in the original delegation of responsibility from the President.

However, what the hon member is asking of us, is to provide a diary of meetings since the beginning of this year, in relation to some of the responsibilities. We do think that we will not be really ...[Inaudible]... than sharing what we have done in advancing these areas of work in the period under review. We are going to further do that in writing and provide the hon member with the list of meetings that we have attended.

On co-ordinating government programmes to accelerate land reform and support agriculture, the Inter-Ministerial Committee on Land Reform and Agriculture held a meeting on 21 February 2020. The meeting seized itself with a plan of action for the allocation of land parcels that are ready for release, including the release and utilisation of government owned land for agricultural production and human settlements; integrated funding models for agriculture and analysis of all land’s related legislation.

Furthermore, the meeting considered government’s response to drought, its impact on the agricultural sector and water shortages in the drought stricken provinces. This followed the visit we have undertaken to the Northern Cape Province in October 2019, to assess the impact of drought in the area. We took note of the measures planned to address the drought in an intensified and integrated manner within the context of the District Development Model. We also agreed to revisit time frames in responding to and declaration of national state of disaster. This has finally led to the Minister of Cooperative Governance and Traditional Affairs declaring South Africa as a disaster area, owing to the impact of the persisting drought conditions in many parts of the country and provinces.

Following our response to the challenges of drought, the outbreak of COVID-19 pandemic was declared as a national state of disaster on the 15 March 2020. This has since meant reprioritisation by government and all sectors of society towards focusing on the implementation of the country’s COVID-19 eight stages of our response plan.

In effort of maintaining a dedicated balance between saving lives and livelihoods, the National Coronavirus Command Council has had held weekly meetings to date, presented to Cabinet regulation to this adjusted approach of the nationwide lockdown and championed economic, social and health plans towards countering the COVID-19 pandemic and its undesirable effects. However, we must indicate that the Deputy president is part and parcel of all those who are participating in the National Coronavirus Command Council that is Chaired by the President.

We are encouraged by the partnership that we have formed with various national and provincial stakeholders which demonstrated active citizenry in the fight against COVID-

19. This work continues in advancing behavioural change and encouraging adherence to the set of health protocols across society and addressing the threat of hunger and poverty. It is also important to also call on our people to make sure that they observe these protocols, social distancing, the wearing of masks and ensure that they wash their hands all the time.

In the same spirit of reversing the ills of the past through the revitalisation of our rural areas and townships, the Office of the Deputy President has continued to engage and to work with the National Planning Commission, provinces and other stakeholders over the two colloquiums held on the 12 May 2020 and the 23-24 June 2020. The focus of this work has now been expanded to taking into consideration the implication of COVID-19 pandemic on our country’s transformation agenda.

A spotlight has been shone on informal and small businesses in rural areas and townships to ensure that their specific realities are taken into account as the country’s economic recovery is being conceptualised, towards ensuring that these economies are supported to play their rightful role in society. Government has also ring-fenced COVID-19 economic response intervention for small businesses and the informal sector. As we resolved during our Covid-19 visits to the Free State and North West Provinces on 05 and 12 June 2020 respectively, provinces have been encouraged to establish structures that will focus on coordinating efforts to resuscitating

economic activity at district level and also continue to measure their province’s growth on an ongoing basis.

In the same spirit of ensuring sustainable strategic nodal investment, the Office of the Deputy President continues to work closely with the Department of Cooperative Governance and Traditional Affairs in the institutionalisation of the District Development Model and ... [Inaudible]... priority districts and service delivery hotspots. I can see that the hon Chair is requesting me to ... [Time Expired.] Thank you very much.

Ms H S BOSHOF: Thank you Chair. Deputy President, considering the Covid-19 pandemic and also the fact that the Debt Relief support is in such a mess as well as the

...[Inaudible] ... 10 years Unemployment Insurance Fund, UIF debacles. The latest debacle that we read about was the suspension of *inter alia* the commissioner and the chief financial officer due to alleged corruption which has left many citizens in an even more destitute position. I would like to know hon Deputy President, as cost custodian of the antipoverty initiatives, you have spoken widely and you have given us information on what

you are doing. Have you initiated any intervention to ensure that this debacle at the UIF, the Debt Relief Scheme and the SA Social Security Agency, Sassa, debacles are speedily resolved to ensure that all those who qualify receive what is owed to them? We can no longer be contacted by these people on a daily basis, saying that they are in dire state because the government has failed them. I thank you.

The DEPUTY PRESIDENT: Hon Chair, I must say that we must create a communication line between myself and hon Boshoff, because all of us represent and work for the country so that some of these cases and the people that are phoning can get assistance.

Now, collectively as the National Coronavirus Command Council, realising the impact of COVID-19 under the leadership of the President, we decided to assist our vulnerable people in society by first of all ensuring that we provide food parcels. That was done by the Department of Social Development. Of course, there were hiccups, some food parcels were misdirected and could not

go to the rightful beneficiaries. That programme of food parcels is currently still ongoing even currently.

The CHAIRPERSON OF THE NCOP: What is the problem there? We will ask the table to please assist there, we seem to be muted there, Deputy President. We could not hear the last of what you were saying. I hope we did not lose much. I will ask the table again to please assist. Hon Deputy President the last part was not audible. If you can just repeat the last sentence or two. Once again, I am requesting the table there to assist and ensure that we hear the last part of what the Deputy President was saying. One sentence or two, right at the end. Hon Deputy President are you still there?

The TABLESTAFF: Hon Chair, we are trying to assist, apparently, it is because of load shedding. Yes, Chair the Deputy President needs to unmute.

The CHAIRPERSON OF THE NCOP: Hon Deputy President, just the last two sentences, right at the end.

The TABLESTAFF: Hon Chair, the Deputy President is muted. Can he unmute please.

The DEPUTY PRESIDENT: Hon Chair, am I audible now?

The CHAIRPERSON OF THE NCOP: You are audible now.

The DEPUTY PRESIDENT: Thank you very much and sorry for that disruption. We were saying, the monies that were mishandled and misappropriated in the UIF Scheme for assisting our vulnerable people has been attended to. I am assured that our law enforcement agencies are really dealing with this matter.

As government we were quite aware of the severe pressure that our people faced during this lockdown because they were entirely at home, some of them have lost their jobs. That is why we agreed on this suite of support, food parcels, UIF intervention trying to assist companies. In that process then, some people found an opportunity to steal the money. In that way we are activating the law enforcement agencies to ensure that those monies are recovered. Thank you very much.

*IsiZulu:*

Nk S A LUTHULI: Ngiyabonga Sihlalo, Sekela Mongameli siyakuqonda ukuthi ubungekho ehhovisi isikhathi esiningi kulo nyaka wezimali. Sithanda ukwazi ukuthi ubuqoke bani ukuthi abambe izinto ezenzakalayo ehhovisi lakho? Uma ngabe Sekela Mongameli ungazange unikezwe imininingwane, singayitholaphi leyo mininingwane? Nokuthi kwenzakaleni ngenkathi ungekho ehhovisi lakho? Ngiyabonga.

The DEPUTY PRESIDENT: Hon Chair, I must say to the hon member that I was not in office for almost a month. All meetings that I was supposed to attend and convene were then shifted. Meetings that were convened by the hon President, Cabinet, National Coronavirus Command Council, I then tendered my apology. So, correctly speaking, we must pick up from where we have ended. We must call those meetings; like this Friday we are having the Inter- Ministerial Committee, IMC, on Land Reform which was supposed to be held prior. We are picking up on this programme mindful that pressure on the COVID-19 response is starting to ease down and Ministers are more relieved and free to attend to a number of responsibilities.

I must say that the COVID-19 programme took almost all our time. You would realise that National Coronavirus Command Council meetings, if we give you that list of those meetings that we have attended, dominated the meetings during this COVID-19 period. In the main, all energies and focus was given to COVID-19. A lot of National Coronavirus Command Council meetings were called, some during weekend, Saturday and Sunday respectively. I am happy that all the efforts from our colleagues in Cabinet, led by the President is starting to bear some fruits. We can see that the effect of the pandemic is starting to slow down. The rate of infection is going down. The number of people that are dying, everything is showing some signs of going down.

However, we must caution our people that there might be a second wave of this infection. So, our behaviour must change. We must ensure that we keep the required distance, amongst ourselves. We wear our masks all the time. We ensure that we clean our hands because it looks like for the foreseeable future, we are going to live with the pandemic. Thank you very much.

Ms A D MALEKA: Hon Chair, may you please allow me to wish the first lady of Mpumalanga a blessed happy birthday.

Happy birthday our hon Premier, Refilwe Mtsweni-Tsipane.

Hon MEMBER: She is not the first lady; she is the first citizen.

Ms A D MALEKA: Thank you for that correction, the first citizen. Happy birthday Premier. Hon Deputy President, I would also like to join the other members of the Council in expressing out the utmost support of the work that you do and to also wish you good health.

Your response has demonstrated that you remain at the forefront of our national effort to not only wait for a tireless war towards HIV and Aids, poverty and the COVID-

19 pandemic. In your work at South African National Aids Council, Sanac, to what extent has SANEC been working jointly with the virus structures that were at the forefront of guiding government’s response to the COVID-

19 pandemic, especially in ensuring that we have a comprehensive response that takes into cognisance the vulnerable and those with HIV and Aids. Thank hon Chair.

The DEPUTY PRESIDENT: Hon Chair, thank you to the hon member. Well, in the intervening period since the declaration of COVID-19 lockdown, we managed to hold one IMC meeting on the South African Aids Council and we managed to hold one plenary of the South African National Aids Council. In the main, we were not able to hold a few meetings because we gave all our attention to Covid-19.

In the process we carried along as the Department of Health and government programmes that seeks to fight HIV, TB, Malaria and all other programmes of the Department of Health were carried.

I can say without any fear of contradiction that we have been able to pull the programmes on HIV, Tuberculosis, TB, and we have not redirected resources away from those programmes as much as we were putting more attention on COVID-19 and the success we have achieved as a country.

So yes, we are now going to pick up on the work of the South African National Aids Council. As we are easing the restrictions, we are going to try and get moving and increase our movement and our contact with people. We are still observing the restrictions currently that is

why meeting this way.as the NCOP. We are meeting virtually because we are still trying to observe some limitations and the restrictions that are imposed by the government in a way of trying to save our people from the COVID-19 pandemic. Thank you very much.

Mr W A S AUCAMP: Thank you hon House Chair. Hon Deputy President, with response to the implementation of Rapid Response Service Delivery interventions in hotspots in 2019, you were tasked with a duty to undertake a survey delivery monitoring visit to Sebokeng in the Emfuleni District to inspect the Sedibeng Regional Sewage Scheme which you did and you also indicated your utter disappointment at the slow progress and vowed to return within two weeks for a follow up visit.

Considering that this follow up visit did take place, what was the outcome of this meeting as the experience on the ground is that nothing has changed, with more leaks being reported like never before, more sewage flowing down the street? The situation on the streets is actually very devastating. What are your views or your opinion on that? Thank you very much.

The DEPUTY PRESIDENT: Thank you Hon Chair. Yes, we visited the area of Sebokeng almost twice. The problem of sewage spillage there is worrisome. It is an indication of neglect of that infrastructure for a long time. The spillage is all over causing some health hazard to children and to all the people staying there.

It is a very dire situation, that is why they... [Inaudible] and took a decision to deploy the Defence Force to go and assist. I must take this opportunity to thank the members of the Defence Force for the work done. They did a very sterling work because all the plants were blocked were ...[Inaudible] and sewer is now being recycled. Some of the areas that were blocked were unblocked.

I can say that half of the work when we visited there was achieved but there was still a bigger part of the work that was still left unattended. We were told by the Defence Force that they were awaiting some payments from there and there because the department is not having money. It is not utilising its own money. the Department of Human Settlements, Water and Sanitation is the one

responsible. On the day that we were there, they confirmed that an amount of money is going to be paid to the National Defence Force so that they continue. We followed up that commitment and indeed that money was paid.

The progress on the builds programme was quite satisfactory but we needed to do more, I was really not quite happy about the progress given the extent of the problem, because the problem when you go there calls for attention. You cannot live in that environment without doing something. I am really calling upon those that are there to try and speed up their programmes and ensure that we deal with this crisis, otherwise this is going to be a health hazard.

Your concern hon member is well placed. Your criticism is well placed. Those who are supposed to do something there must stand up and do something. Thank you very much

Question 12:

The DEPUTY PRESIDENT: Hon Chairperson, the Infrastructure Investment Plan, IIP, which Cabinet has approved on 27

May 2020 is in response to the recognition that public infrastructure spending has been declining in recent years. This plan responds to the call made by the President in February this year, to leaders of development finance institutions that the overall infrastructure spending in South Africa’s investment needs must grow to 30% in the coming years to achieve the National Development Plan, NDP, growth targets.

In the face of the current economic and social challenges that have been brought about by the COVID-19 pandemic, our Infrastructure Investment Plan is the main driver to reignite South Africa’s infrastructure-led economic recovery.

On 23 June this year, during the Sustainable Infrastructure Development Symposium, the President officially launched the Infrastructure Investment Plan following a process of consultations with premiers, members of provincial executive committees responsible for Public Works and Infrastructure, and the SA Local Government Association, Salga.

The plan provides a comprehensive focus on infrastructure investment in the immediate, medium and long-term and deals with all aspects of the infrastructure life cycle. The projects outlined in this plan will be implemented through the Sustainable Infrastructure Development Symposium Methodology for project planning, assessment and evaluation towards building a comprehensive infrastructure project pipeline that aligns infrastructure investment to the development goals of our country.

These infrastructure projects address the following: energy, water and sanitation, roads and bridges, human settlements, health and education, digital infrastructure and transport. As these projects will be implemented in the community spaces of our ordinary South Africans, the approach to their immediate implementation will be based on the following principles: Ensuring spatial justice and advancing social cohesion; promoting job creation ... [Inaudible.] ... , with specific focus on women, youth and persons with disabilities; ensuring skills transfer, localisation, and the empowerment of small, medium and micro enterprises.

To achieve sustainability over the medium to long-term, the current National Infrastructure Plan will be expanded to a National Infrastructure Plan 2045, in accordance with the principles contained in the Infrastructure Development Act, Act 23 of 2014.

As per the mechanisms of this Act, projects that are of economic significance and social importance will be prioritised. This will build on the progress we have made in developing new economic centres through Special Economic Zones, revitalisation of industrial sites as well as business and digital hubs that are located and spread across various provinces of our country. These are also based on comparative advantages of each province and location.

The long-term infrastructure plan will ensure both stability and consistency in the planning, investment, implementation and maintenance of infrastructure in the short, medium and long-term. This will also see provinces re-establishing technical and financial engineering capacity, which we have seen being reduced within the state over time. Coupled with this are the technical,

financial, legislative and developmental reforms that Cabinet approved, and that are relied on for infrastructure implementation to be prioritised.

These reforms are in the process of being actioned, in order to ensure that the trend of underspending on infrastructure across all spheres of government and State Owned Enterprises, SOEs, is corrected. For its part, Cabinet has approved the evolution of the Investment and Infrastructure office in The Presidency, to become Infrastructure South Africa.

This is part of the reconfigured Department of Public Works and Infrastructure to ensure a single entry point for all infrastructure assessment, co-ordination and prioritisation of investment, which will, in turn, report to the Presidential Infrastructure Co-ordinating Commission.

This development ensures that the strategic focus for investment and infrastructure in the country, is located at the highest level to streamline planning and execution.

Infrastructure SA will assess and evaluate all infrastructure projects, ensuring that they are aligned to the key priorities of the country as well as being technically, legally and financially viable.

Mr K M MMOIEMANG: [Inaudible.]

The HOUSE CHAIRPERSON OF THE NCOP: Can I ask the table to assist. You are not audible, hon Mmoiemang.

Mr K M MMOIEMANG: ... opportunity ... let me also take this opportunity ... Is it better now?

The HOUSE CHAIRPERSON OF THE NCOP: Yes, it is better. Just start again.

Mr K M MMOIEMANG: Thank you, Chair, I think the Deputy President has responded in an eloquent way to the questions that I posed, more so given the fact that yesterday we had an opportunity to get the presentations from the Minister of Public Works and Infrastructure and Dr Ramokgopa on the same issue. I therefore, don’t have any follow up to make other than just asserting the fact

that the Deputy President has affirmed that the quality of infrastructure is important with regards to ensuring that our economy is more efficient, that it improves productivity and raises long-term growth and living standards.

This means that infrastructure investment will not only change South Africa’s economic prospects over the medium to long-term but it can also mitigate the short-term impact of COVID-19. However, to capitalise on the economic benefits of infrastructure investment, we need to ensure that it forms partnership, plan and implement it in the best and most innovative way and that is exactly what the Deputy President has articulated; affirming that the leadership they are providing in infrastructure and growth in the country is much more efficient. Thank you Chair.

*IsiZulu:*

Nk L C BEBEE: Ngiyabonga kakhulu Sihlalo weNdlu, ngibingelele uSekela Mongameli ohloniphekile ngokukhethekile nezithunywa zonke eziphuma ezifundazweni zonke esinazo kanye nezithunywa zami zaKwaZulu-Natali

ezilapha phakathi kwethu. Sekela Mongameli sibonge ukuthi uwuphosile umbalane okusho ukuthi uphilile ukanye nathi namhlanje.

Sekela Mongameli enye yezinto ezibaluleke kakhulu ekwakhiweni kabusha kwezingqalasizinda ukuba neqhinga elizokwenza ukuthi sikwazi ukukhulisa inzuzo ifinyelele kumaphesenti angamashumi amathathu ngonyaka wezi-2023 ukuze sikwazi futhi ukufinyelela ezinhlosweni esinazo. Lokhu kuzodinga ukuthi uhulumeni ukwenza imizamo edingekayo emikhakheni yezimali ngobuchwepheshe kanye nobujiniyela emikhakheni ezimele naleyo engasese. Nokuthi Sekela Mongameli iyiphi indima edlalwa yizimboni ezizimele ekusizeni nokulwa nalolu bhubhani lokhovane esibhekene nalo phecelezi i-COVID-19? Ukhovane yi-COVID-

19. Ngiyabonga Sekela Mongameli, ngibonge nakuwe Sihlalo onginikeze ithuba.

The DEPUTY PRESIDENT: Hon Chairperson, I think the decision by the President to focus on infrastructure is based on the assertion that we must as a country invest more of our resources and move away from consumption into investment. Infrastructure offers us that platform to

invest the money that we have for the foreseeable future and that investment will help lift the growth of the country to a different level.

It is therefore, very important as a country to support this initiative and support the creation of the infrastructure fund and call upon business to partner with government and ensure that we invest and lift up our investment. This has been done after realising that our investment in infrastructure as a country is not enough. We are not investing enough on roads, social and economic infrastructure. We must do more. This initiative must be supported.

When it comes to the support by business in the fight against COVID-19, we must thank all those that have contributed to the solidarity fund. I must say, hon member, without singling out individual business people, business has contributed and we want to thank them all so that together as a country we can fight the COVID-19 pandemic. Thank you very much.

Mr T J BRAUTESETH: Hon Deputy President, the announcement of the Infrastructure Development Fund announced earlier this year, envisaged the establishment of an implementing entity, Infrastructure SA, to be housed under the umbrella of the Department of Public Works and Infrastructure. Now, hon Deputy President, given the department’s seemingly inability to provide sufficient details on this venture coupled with the extremely sketchy history of clean infrastructure expenditure, for example, Nkandla and more recently, the Beitbridge fence fiasco, what measures has the Deputy President taken to ensure that this entity is established with persons with the required integrity, skills and knowledge in order to avoid this fund becoming yet another looting feast for connected hyenas in the national democratic revolution mafia movement? I thank you.

The HOUSE CHAIRPERSON OF THE NCOP: Hon Tim, I am sure you know that the language we use should be very carefully chosen. For you to speak of the mafia movement, it is a bit of a problem. You also know that if you want to articulate those kinds of ideas, you need a substantive motion to do so, so that issues can be dealt with quiet

effectively without using those words and that everybody would have an opportunity to deal with them. I will request you to please withdraw the word mafia.

Mr T J BRAUTESETH: Hon Chairperson, my words are very well-chosen ... [Inaudible.] ... I withdraw

The DEPUTY PRESIDENT: Hon Chairperson, I think the Minister of Public Works and Infrastructure is doing everything in her power to strengthen the capacity of the department. We welcome that development and we are going to support the Minister. You will understand that this infrastructure initiative is initiated at The Presidency, driven by the President himself with support that would be brought in to support the fund so that we get capable people to look after the fund. We are going to get capable professionals in the built environment to come advice and support government. So, this has been carefully looked at mindful of our past experiences and we seek to improve from that. However, that cannot deter us from going forward and invest on our infrastructure and growing the opportunities of our country and the economy and allow more of our people to find employment

because we believe that by allowing this infrastructure programme to be implemented, we going to get more of our people to be employed.

It is not going to be permanent employment but for that interval, when these projects are still being executed, our people are going to find employment. We support this and are mindful of the past that we think is not good and that it only serves as a platform that can help us to improve our situation, the way we do business, our capacity and our programmes. Thank you very much.

The CHAIRPERSON OF THE NCOP: Thank you very much. We have now come to the end of the Question session.

*IsiZulu:*

Sekela Mongameli angibonge kuwe ithuba othe wazinika lona ukuba ube nathi lapha kuMkhandlu kaZwelonke weziFundazwe.

*English:*

Your presence and your company has been greatly appreciated. As the Deputy President departs ... [Inaudible.] ... important responsibilities, please allow

me to hand over to the Deputy Chairperson, hon Lucas, to take us to the part of our programme.

# CONSIDERATION OF JUDICIAL MATTERS AMENDMENT BILL [B 13B – 2019] (NATIONAL ASSEMBLY – SEC 75) AND REPORT OF SELECT COMMITTEE ON SECURITY AND JUSTICE THEREON

Ms S SHAIK: Hon Deputy Chairperson, hon members of this Council, good afternoon. Hon Deputy Chairperson, the Judicial Matters Amendment Bill was referred to the Select Committee on Security and Justice on 18 March 2020, and the committee would like to report as follows:

On 23 October 2018, the Constitutional Court in the Holomisa matter declared section 7(3) of the report at 1979 to be constitutionally invalid to the extent that it excludes a spouse married out of community of property who has not entered into an ante-nuptial contract or an express declaration in terms of section 39(2) of the now repealed section 39 of the Transkei Marriage Act 1978.

The Constitutional Court found out that section 7(3) of the Divorce Act unfairly discriminate against women

married under the Transkei Marriage Act, as it excludes them from the benefits of a possible fair transfer of assets on divorce. The Constitutional Court ordered that the declaration of invalidity be suspended for 24 months to allow Parliament to remedy the legislative defect. The deadline therefore was 22 October 2019.

However, the Constitutional Court provided a read-in provision which will continue to apply until the amended legislation is passed and accented to. On 13 August 2018 in Corruption Watch and others versus the President of the Republic of South Africa and others, the Constitutional Court declared sections 12(4) and (6) of the National Prosecuting Authority Act 1998 to be constitutionally invalid, as these sections undermine and compromise the independence of the office of the National Director of Public Prosecution, NDPP.

The Constitutional Court ordered that the declaration of invalidity be suspended for a period of 18 months to allow Parliament to remedy the legislative defect. The term therefore was 12 February 2020, however once again, the Constitutional Court provided a reading provision to

apply until the remedial legislation is passed and accented to. Hon Deputy Chairperson, briefly the Bill proposes to amend section 7(3) of the Divorce Act 1979, to give effect to the judgement of the Constitutional Court in the Holomisa matter.

The Bill also proposes to amend sections 12(4) and (6) of the National Prosecuting Authority Act 1998, by removing the powers of the President to extend the term of office of the National Director of Public Prosecution or a Deputy National Director by providing that the period of suspension of the NDPP or a Deputy National Director may not exceed 12 months, and providing that these officials are entitled to their full salary during the period of the suspension.

The select committee received the briefing from the Department of Justice and Constitutional Development on

29 May 2020, and thereafter at the trial cycle for written submission in the print media, on electronic platform and various radio stations. The committee received a total of 10 written submissions. Only one stakeholder proposed an amendment that the 12 month’s

suspension contained in the Clause 2 of the Bill should remain six months as determined by the Constitutional Court.

On 13 July 2020, the select committee received a briefing from the Department of Justice and Constitutional Development on the written submissions in respect of the proposed amendment regarding the six month’s suspension. The department informed the committee that sitting up for disciplinary process was a lengthy procedure, and six months would be insufficient time to conclude the process, hence the 12 month’s suspension contained in the Bill.

The committee was satisfied with the department’s response on the written submissions and agreed to the adoption of the of the Bill without any amendments. Hon Deputy Chairperson, the Select Committee on Security and Justice, having considered the Judicial Matters Amendment Bill, referred to it on 18 March 2020 and classified by the joint training mechanism at a section 75 Bill recommends that the NCOP pass the Bill. I thank you, Deputy Chairperson.

Debate concluded.

The DEPUTY CHAIRPERSON OF THE NCOP: I will now put the Question that the Bill be agreed to. But before we commence with the voting, I shall allow parties the opportunity to make their Declarations to Vote in terms of Rule 63. To make all declarations, it will be about three minutes per Declaration to Vote if they so wish. Can I have any indication if there are parties that want to make the declarations?

*Declarations of Vote:*

Mr S ZANDAMELA: Deputy Chairperson, the EFF supports the amendments to the two matters dealt with in the Judicial Matters Amendment Bill. We welcome the amendment of the National Prosecuting Authority, NPA, that allows the time period between the suspension and removal of the National Director or the Deputy National Director of the NPA by the President to not exceed the 12 months.

Deputy Chairperson, if we do not address this, the likelihood is then open to abuse and political manipulation. We also welcome the amendment of the

Divorce Act which takes progressive stance into recognising customary practices in the African society as worthy preservation and protection of our Constitution and by extension of our rules.

The application of the Roman Dutch Law as the only recognised rule of law all over African lux in an African country has been nothing short of exclusionary and discriminatory. The recognition of equal rights and equal ownership of spouses in particular women in customary marriages is long overdue. But of most importance is that our laws have been aligned with our Constitution not to recognise African custom laws, but also ensures that the rights of women are protected.

The EFF supports the Bill as part of regress and justice for women who have in the past been denied access as far as the laws of western have been endorsed and that did not recognise the customary in all over Africans.

Therefore, Deputy Chairperson, the EFF supports the Bill. Thank you.

Question put: That the Bill be agreed to.

Bill agreed to in accordance with section 75 of the Constitution.

# CONSIDERATION OF REPORT OF SELECT COMMITTEE ON CO- OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS, WATER AND SANITATION AND HUMAN SETTLEMENTS - NOTICE OF INTERVENTION ISSUED IN TERMS OF SECTION 139(1)(C) AND 139(5) OF THE CONSTITUTION, 1996 TO RENOSTERBERG LOCAL MUNICIPALITY, NORTHERN CAPE

Mr T S C DODOVU: Deputy Chairperson, hon members, both permanent and special delegates, ladies and gentlemen. Yesterday on the 2nd of September the Select Committee on Co-operative Governance and Traditional Affairs, CoGTA, Water and Sanitation and Human Settlements held its virtual meeting, where it fully investigated the circumstances under which the Northern Cape Provincial Government invoked section 139(1)(c) and 139(5) of the Constitution, in the Renosterberg Local Municipality.

With a small population of 11 000 people, the Renosterberg Local Municipality is a category B municipality within the Pixley ka Seme District

Municipality; and a plenary tie of a municipality with a plenary executive system combined with a ward participatory system. Its council is constituted by seven councillors: ANC with four seats and the DA with three seats.

By invoking these provisions of the Constitution on the 24th of August, it meant that the Northern Cape Provincial Government was satisfied that the council was unable to fulfil its executive obligations and other laws [audio cut due to Tape change.] that exceptional circumstances existed, which warranted it this solution.

This intervention was subject 139(3) which calls for the provincial government to immediately submit a written notice of the dissolution to the Minister of CoGTA and the NCOP; and that the dissolution will take effect 14 days from the date of receipt of the notice by the NCOP unless it was set aside by the Cabinet Minister or the NCOP before the expiry of the 14 days.

During its meeting yesterday, our committee, which is a multiparty committee, consisting of members from the ANC,

DA, EFF and IFP, interacted with both the internal and external stakeholders from the municipality to solicit their views and opinions on the procedural and substantive matters relating to its dissolution.

In this regard, the select committee received submissions from three of the seven councillors, the four political parties represented in the provincial legislature, namely: ANC, DA, EFF and Freedom Front Plus, as well as from SA Local Government Association, SALGA. For the reason unknown and unexplained to the committee, the mayor, the municipal manager and three other councillors failed to honour the invitation to present their views to the meeting.

The submissions by the stakeholders were preceded by a presentation from hon Bentley Vaas, the MEC for CoGTA in the Northern Cape. The MEC presented the circumstances and reasons which led to the decision to dissolve the Renosterberg Council which broadly entailed the following:

That the municipality was facing serious governance, administrative and financial challenges which resulted in the council failing to fulfil its executive obligations and meeting its financial commitments;

That the council was facing an electricity crisis which compelled the visit by the Premier of the province on the 20th of June this year;

That the intergovernmental relations have collapsed to a point that the municipality displayed a posture of being dishonest and secretive about information;

That it was refusing to attend meetings; that it was failing to implement the National Treasury’s discretionary financial recovery plan;

That the municipality was refusing to accept the technical support on the municipal finance improvement programme;

That the failure by the municipality to appoint senior managers accountable to the municipal manager was a big

problem, and instead the council appointed the municipal manager as the Acting Chief Financial Officer, CFO, and the Acting Director: Corporate Services, in contravention of the Municipal Systems Act;

That the statutory structures like the municipal public accounts committee and the disciplinary board were not in place;

That the Eskom debt has increased astronomically from R1,5 million to approximately R89 million and the municipality was failing to effect 3rd party payments notwithstanding the fact that the employees’ salaries were deducted monthly;

And lastly, that the communities of Keurkieskloof and Vanderkloof were constantly without electricity for about

16 hours in a day and not due to loadshedding. In addition, Eskom transformers were no longer being serviced regularly, affecting an important service point like the police station.

According to the provincial government, all the above problems have not only placed the Renosterberg Local Municipality in a dysfunctional state but they have also impeded the municipality from fulfilling its executive obligations in terms of the Constitution. In order to address these problems, through section 139(1)(a), the Northern Cape government repeatedly directed the Renosterberg Local Municipality to address the crisis situation and the municipality has failed to respond and to co-operate with the provincial government.

Premise on the above presentation by the Northern Cape Provincial Government and based on its analysis on the state of the municipality and the submissions that the different stakeholders made, the select committee is of the view that exceptional circumstances do exist to warrant the invocation of section 139(1)(c) and section 139(5) of the Constitution.

The existence of special circumstances is a prerequisite to the exercise of the power to dissolve any municipal council. The dissolution should be an appropriate step to remedy the situation if exceptional circumstances exist.

Given the undesirable situation at the Renosterberg Local Municipality, the select committee submits that the decision to intervene in terms of section 139(1)(c) and section 139(5) of the Constitution under the circumstances is justified and warranted in the Renosterberg Local Municipality; and that exceptional circumstance do exist since all forms of support in terms section 154 of the Constitution and the directives in terms of section 139(1)(a) of the Constitution were exhausted by the provincial government.

Noting all factors above, Select Committee on Co- operative Governance and Traditional Affairs summarizes its recommendations as follows:

That this House approves the intervention in the Renosterberg Local Municipality in terms of section 139(1)(c) and section 139(5) of the Constitution;

That the MEC for CoGTA in the Northern Cape must appoint a seasoned, competent and capable administrator with clear terms of reference to intervene in the municipality;

That all the vacant posts, especially the senior positions in the municipality, must be filled urgently;

That the administrator must review, rescind and amend all council resolutions, decisions of the municipal manager and to terminate all unlawful appointments of consultants in accordance with the applicable legislative framework;

That the municipality must appoint the municipal public accounts committee and the disciplinary board;

That the municipality must immediately adopt the discretionary financial recovery plan to the National Treasury and submit the section 71 reports timeously;

That the municipality must co-operate with the provincial government in its investigations in terms of section 106 of the Municipal Systems Act;

That the municipality must make the necessary arrangements to meet the financial obligations and commitments to pay the 3rd parties, for example, pension

funds, Unemployment Insurance Fund, UIF, medical aid schemes as well as the Auditor-General;

That the municipality terminates the sale of movable and immovable properties undertaken due to unlawful council resolutions;

That the municipality enters into a repayment agreement with Eskom and to service the debt;

That the Department of CoGTA, where necessary, must take actions including instituting forensic investigations, reporting all unlawful actions, activities of fraud, corruption and malpractices in the municipality and report those to the relevant law enforcement agencies, intelligence committee in the form of the Special Investigative Unit, SIU, the Hawks, the Asset Forfeiture Unit, the Financial Intelligence Centre to recover all irregular expenditures and payments made to service providers, law firms, councillors and officials and to the sale of movable and immovable assets of the municipality.

Having said that, hon Chair, it is important to mention that with the exception of the DA in the committee, all parties including the ANC, EFF as well as the IFP, support this particular recommendation to invoke section 139(1)(c) and section 139(5) of the Constitution to the Renosterberg Local Municipality.

Thank you very much, hon Chairperson.

Question Put.

*Declaration of vote*:

Mr I M SILEKU: Deputy Chair and members, we are not ignorant to the real reasons for this intervention and why it was issued by the Northern Cape provincial MEC to dissolve the municipal council.

While the MEC claims issues ranging from service delivery to expenditure, we are fully aware that the real reasons are purely political.

The current and previous MECs for CoGTA have been conveniently silent on the corruption, malfeasants and

fruitless and wasteful expenditure that have haunted this municipality for many, many years.

It was only when a new municipal manager was appointed and decided to eradicate corruption, stop irregular expenditure and build a capable municipality to deliver services to the community that the previous ANC Mayor, Johannes Olifant, realizing that these efforts will clearly expose his cadres of being involved in such criminal activities, embarked on legally suspending the municipal manager. This attempt fell flat when the municipal manager threatened to sue the municipality.

Olifant was later voted out through a motion of no confidence sponsored by the DA and supported by an ANC councillor. This ANC councillor was subsequently elected mayor; and with the municipal manager, initiated an internal audit on corruption, mismanagement and irregular expenditure in the municipality. This, of course, spooked Olifant, who proceeded to seek help from his provincial government cadres. This materialised in the notice of intervention to dissolve the council.

What any principled MEC would do is declare their full support to a mayor and municipal manager resolute on cleaning up shop in the best interest of the community. Further to this, they would ensure collaboration and sharing of skills between their provincial department and the municipality to help get the local administration back on track. This is the intention of section 139(1)(a) and (b) type of interventions.

Instead, in a similar fashion to the Gauteng Provincial Government in the case of Tshwane, the ANC unjustly and irrationally rushes to a section 139(1)(c) to dissolve the council because it is now in panic mode. What is worse is that the provincial government wants to implement a section 139(5) intervention after dissolving the council. This is irregular. Any financial recovery plan imposed by the provincial government in terms of section 139(5) should be a proactive measure as opposed to reactive means following a drastic council dissolution.

Now, today, the NCOP is once again dragged into ANC disarray with the expectation that we must blindly

rubber-stamp provincial demands. We will not fall for it.

What is further unsurprising is that the details of the DA’s objection to this intervention during the [Inaudible.] in the final report we are voting on today, why was that? We raised legitimate concerns that at very least should have been put on the record. Another floundering process by the ANC to cover up corruption.

We, the Western Cape, do not support ANC corruption cover ups and, therefore, do not support this intervention and irrational dissolution of council; and also noting that there is a dispute lodged by the council in terms of the Intergovernmental Framework. Thank you, hon Deputy Chair.

VOTING

Agreed to.

The Council adjourned at 17:40