**TUESDAY, 27 OCTOBER 2020**

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

The Council met at 15:00.

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

**VIRTUAL SITTING CONSTITUTES A SITTING OF THE NATIONAL COUNCIL OF PROVINCES**

(Announcement)

The CHAIRPERSON OF THE NCOP: Thank you very much. Let me take this opportunity to remind delegates that the rules apply in the process for the virtual sitting - whatever processes and so on apply. Therefore, the Rules and process apply. Before we proceed, I would like to remind you of the following: the virtual sitting constitutes a sitting of the National Council of Provinces. The place

of the sitting is deemed to be Cape Town where the sit of the National Council of Provinces is. Delegates in the virtual sitting enjoy the same powers and privileges that apply in a sitting of the National Council of Provinces. For the purpose of the quorum, all delegates who are logged in or on to the virtual platform shall be considered to be present.

Delegates must always switch on their videos. Delegates should ensure that the microphones on their gadget are muted and must always remain muted. The interpretation facility is active. Any delegate who wishes to speak must use the raise your hand function. By now, I’m sure that hon members are familiar with the raise your hand function or icon. I’ve been told that there will be no notices of motions or motions without notice in terms of Council Rule 247. We will, therefore, proceed to questions to the President.

However, before we proceed I would like to take this opportunity to welcome the President. Welcome, Mr President. [Applause.] Hon members, I would like to make the following remarks: the time for reply by the

President to a question is five minutes. All the four supplementary questions are allowed a question and the four includes the person who shall have asked the initial question. A member who has asked the initial question will be the first to be afforded an opportunity to ask a supplementary question. The time for asking supplementary question is two minutes, and the time for reply to a supplementary question is four minutes.

The supplementary question must emanate from the initial question. I will now proceed to the first question on the Question Paper which was asked by hon S E Lukas. I now call the hon President to respond to Question 1. Hon President!

**QUESTIONS FOR ORAL REPLY**

Question 1:

The PRESIDENT OF THE REPUBLIC: Hon Chairperson of the Council of Provinces and hon members, before I begin, allow me to express my appreciation to the hon members for agreeing to the postponement of the question session scheduled for 15 October to accommodate me with regard to

the special Joint Session of Parliament, where we represented the economic recovery plan. I apologise if this caused any inconvenience. I am grateful that you have given me the opportunity today to reply to the questions posed by the hon members.

On the first question from the hon Lukas, the violence that men perpetrate against women of South Africa is a crisis that affects the entire nation. Although no community is spared from this scourge, government has identified several so-called ‘hotspots’ where the incidence of gender-based violence is at its highest. Government is working to give these areas specific attention. One of the most direct responses is to provide shelter and support for survivors of gender-based violence so that they can escape unsafe environments where they find themselves and receive the care that they need.

From an assessment of the current provision of shelters in all districts and metros, we found that while the country has 136 shelters, only 117 are deemed as shelters that have been established. 45 of our districts and

metros have at least one shelter, while seven districts have no shelter whatsoever. This is a shortfall that we are now working on to correct. As we said that we want every district in our country to have a place of safety for women who are abused and children who are also abused.

The Department of Public Works and Infrastructure has allocated several properties across the country for use as shelters. These include four properties in Tshwane Metro, six properties in the Western Cape and two in Johannesburg. Additional properties to be allocated for shelter purposes are being assessed in all other provinces. I personally welcome this gesture from the Department of Public Works and Infrastructure because they have demonstrated their willingness to go out of their way to make available a number of buildings that are not in much use. We are focused on efforts to ensure there is a model gender-based violence, GBV, one-stop centre in each of the identified 30 hotspot areas. These centres provide multidisciplinary services such as psychological and health support, and also provide investigation and prosecution. But more than that they

are also becoming places of assistance at an economic level for women and also help with housing problem as well.

We are, therefore, working to expand the Khuseleka One- Stop Centres, in the first phase, in Cape Town, Sol Plaatje Municipality, eThekwini, Mangaung, Ehlanzeni, Tshwane and Johannesburg. In the second phase, we will identify buildings in the Eastern Cape, North West and Limpopo to enhance the existing Khuseleka Centres and expand on sheltering services in the provinces. As these shelters are being expanded, the government has developed a Victim Support Services Bill as part of the enhancement of legislation to focus on victims of crime and violence.

The draft Bill has gone out for public comment and the Department of Social Development is now consolidating the inputs received from the public. The Bill is victim- centred and touches on the importance of state-owned facilities and the accreditation of providers of sheltering services. This in many ways will ensure that service providers are qualified to provide professional services to survivors. As part of our response to the

coronavirus pandemic, each Minister and Deputy Minister has been allocated to a district to champion the implementation of coronavirus disease, Covid, prevention and management strategies and to support programmes to end gender-based violence.

Chairperson, as part of this, each municipality is called on to develop and support community capacity to deliver gender-based violence prevention interventions. This should be implemented through training community-level activists as well as volunteers and the GBV service organisations to roll out prevention programmes. The district champions are working to integrate the gender- based violence and femicide, GBVF, prevention into more comprehensive violence and crime prevention strategies.

These are also linked to alcohol and drug abuse interventions since there is a link between alcohol and drug abuse. So, Chairperson, yes, a lot is being done in this regard and we should be grateful for much of the work that is underway. Thank you very much. [Applause.]

Ms S E LUKAS: Thank you very much, hon Chairperson. I thank you very much, hon President, for the comprehensive

response, although it is really a tragedy that women are experiencing the kind of violence and the abuse that they are experiencing in South Africa as other designated groups also. I would like to convey the appreciation of many women that have participated in our process of their Women’s Charter Review in districts and in provinces.

They have expressed the gratitude, Mr President, for your decisive leadership, particularly with regards to the speed with which to ensure that government tables the three gender-based to enforce legislation.

Furthermore, the issue, Mr President, is that many women still feel that more efforts must be employed to intervene consistently to ensure that we change the attitude of the police and the justice sector to the plight of gender-based violence victims or survivors.

They are also requesting the ... [Inaudible.] ... for that forensic processes for victims of rape in particular.

Therefore, Mr President, I want to ask just, is there a process of ensuring that gender-based violence hotspots have more support services such as forensic testing while

facilitating and that is the most important one. Continuous engagement without police force to show the necessary compassion and empathy towards victims of gender-based violence, particularly at our police stations, at our crime scenes of our gender-based violence as well as at the safe houses as the one-stop centres the President is speaking about. Just that question, hon President. Thank you very much.

The PRESIDENT OF THE REPUBLIC: Thank you very much, hon Chairperson. With regards to how we want to improve the hotspots, we are absolutely right that one of the better ways is to capacitate them and to make sure that they are also able to conduct forensic investigations, and also to say to the police that the police themselves should be well-trained. And we have embarked on a massive training process for our police that when they have to handle gender-based violence cases, they should be able to do it in a way where they show compassion, they show understanding and they show full support to victims of gender-based violence. This they will only be able to do if they are well-trained, but we also want the training to extend beyond being enable to do forensic.

We should get people who are well-trained in forensic investigations so that they are able to do forensic so that they also perpetrate violence against women and children should know that they will not escape the focus of the law through technicalities. Once forensic investigation has happened even in those hotspot areas, they will be able to be dealt with in terms of the law.

I welcome your comments about the Women’s Charter Review. It demonstrates our determination to ensure that the rights of women are respected. Therefore, we will carry on with all the work that we need to do to ensure that the dignity and the respect that should be given to our women is there, including when they face great challenges, when they have to be serviced or paired for our shelters. Thank you very much, hon Chairperson.

Ms D C CHRISTIANS: Thank you very much, Chairperson. Mr President, do you know in the state of the nation address in February while talking on gender-based violence, you mentioned that we should upgrade our culture of reporting crime when we see being committed. This battle, Mr President, can only succeed if it is taken on by the

whole of society and if we build a formidable social compact of our formations. The ... [Inaudible.] ... on the ground is that when the victims of gender-based violence go to police stations, they are more than often not assisted. The SA Police Service, SAPS, members often refuse to open cases and tell them to go home and make peace. When victims are too far from police stations, they are not assisted because stations are underresourced and are insufficient vehicles to get out to what many officers considered to be a lesser crime.

There are many incidences where rape kits are not available and many stations do not have appropriate facilities where victims can be assisted with dignity and privacy. Mr President, the first refuge over victims should be the local police station. This should be the sanctuary. This is where your citizens need government to be accessible to provide the service that taxpayers fund and that people need. It is still not happening. Gender- based violence undermines the health dignity security and autonomy of its victims. Yet, in South Africa it is still remain shrouded in a cultural silence.

Mr President, time to talk is over and it is time to take serious action. When you instruct Minister Cele in issuing national instruction to ensure that all gender- based violence cases are opened on request of victims and that every station be improved to ensure that victims are treated with respect that they deserve. And furthermore, will you want to take to ensure that each and every police station in South Africa is capacitated with a person who is appropriately trained in order to assist victims of gender-based violence with respect and dignity. Thank you, Chairperson.

The PRESIDENT OF THE REPUBLIC: Thank you, hon Chairperson. I want to support what the hon Christians has said and the matters that she has put before us are precisely the matters that we continue to address.

Indeed, we are saying that when people see a crime has been committed they should be prepared to report such, but more particularly when it comes to victims of gender- based violence. She complains that they are not assisted as much as we would like them to be. Yes, there are such isolated cases, but we are improving on an ongoing basis. We are now working very hard to make sure that every

police station has a desk that is dedicated to dealing with gender-based violence cases.

We are also making sure that every police station has the kits that are necessary to deal with rape cases. We want to ensure that every station has well-trained police officers who will be able to deal with these cases so that no police station should be ever be able to turn any woman or any child away. Yes, we also want every police station to be the very first place of refuge for the women and the children of our country. Things, however, have improved from what they used to be and we want to keep on improving on an ongoing basis.

A number of police stations now have well-trained personnel who are able to deal with empathy with various cases that have to do with gender-based violence. Yes, we will continue directing Minister Cele to make sure that police stations are turned into good places of refuge. We will continue insisting that every police station should have the necessary kits and that every police station should, indeed, have personnel who are not going to turn people away.

We have heard a number of stories where people are turned away, women are turned away and we want to minimise this as much as possible and to bring it to an end so that women in our country are no longer turned away when they go to complain in our police stations. Therefore, I would like to thank hon Christians for raising these matters because they are serious and we will continue improving as she has suggested. Thank you very much, hon Chairperson.

Ms M O MOKAUSE: Thank you, Chairperson. Mr President, we cannot talk about gender-based violence without taking into cognisance the effect and extent to which lesbian, gay, bisexual, transgender, queer, intersex and asexual, LGBTQIA+, community is affected and yet, excluded, Mr President, when mapping out policies and interventions related to gender-based violence. Considering, Mr President, the incompetence and lack of sensitivity training of SA Police Service members when dealing with domestic violence cases over heteronormative nature and based on the will change when dealing with transgender, intersex, gay and lesbians and all other related complaints.

Mr President, can you today assure the LGBTQIA+ community of your commitment in making sure that all their complaints are going to be taken at all levels of police stations and be attended to. Thank you.

The PRESIDENT OF THE REPUBLIC: Yes, hon Chairperson, I would like to say to hon Mokause that yes, indeed, the interests of the LGBTQIA+ community is very prominent not only in my mind, but also in our mind as government. This is a vulnerable community that needs the support of government. Therefore, we have made it a point that in keeping with the precepts of our Constitution, we will protect their interests and their rights. We will, yes, be able to assure them that when they do go to police stations, they should be given the respect and the dignity that they deserve as South African citizens.

Their condition is such that support, respect and recognition should be given and offered to them.

In our various policies we always go out of our way to ensure that we do highlight the needs and the situations of the LGBTQIA+ community, so that we are prepared to do, and I’m willing to continue extending that message to our

SA Police Service personnel and insist that they should take care to treat this community with respect that it deserves. However, thank you very much for raising the matter. Thank you.

Mr S E MFAYELA: Hon Chairperson and hon President, regarding the fact that police officers often have little understanding of the provision of various legislation which result in some sexual offenses not being filed properly and subsequently not resulting in a successful prosecution. I would like to know whether the government has any mechanism in place to improve efficiently in the SAPS. Thank you, Mr President.

The PRESIDENT OF THE REPUBLIC: Thank you, hon Chairperson. I would like to say to hon Mfayela that, yes, we will continue to make efforts to upskill our personnel to reskill them and to make sure that their skill base keeps improving on an ongoing basis. The work base learning discipline and culture is being inculcated in the public service and also particularly in the police service. As I said earlier, we are ensuring that every police station does have a police officer or officers who

are well-schooled, well-trained and well-skilled in the way in which these very sensitive crimes should be handle, particularly because these are crimes that have victims that are vulnerable and that need a deep understanding of how people should be cared for have victims as women and children. These are citizens that we need to show a great deal of compassion to.

Therefore, the skilling of our officers has to be directed at making sure that they handle these matters with the sensitivity that is required. However, more importantly that as they investigate these matters they should be focusing on how the perpetrators can be brought to book and can be punished for the crimes that they perpetrate against the women and the children of our country. So, the focus then has to be compassion, but it also has to be a resolute determination to make sure that they do get convictions so that those who perpetrate these acts do not go scot-free and that they are dealt with effectively by the arm of the law. Thank you, hon Chairperson.

Question 2:

The PRESIDENT: Hon Chairperson, members, as you may be aware, I directed that documentation, including correspondence and reports, relating to the visit to Zimbabwe by Minister of Defence and Military Veterans, Ms Nosiviwe Mapisa-Nqakula, be made public. This has been done. It has been made public for everyone to look at and to scrutinise.

Thus, as I expressed publicly, I received a written request for travel from Minister Mapisa-Nqakula, dated 7 September 2020.

The Minister requested permission to travel to Zimbabwe from 8 to 10 September 2020 to conduct a bilateral meeting with her Zimbabwean counterpart. This is the normal request that comes my way because I have to give Ministers permission to leave the country.

As I was not in Gauteng at the time the Minister submitted her travel request, I gave the Minister verbal approval of the travel on 8 September 2020 and signed the relevant documentation upon my return to Gauteng. This

often happens, where Ministers are able to get approval verbally.

On 10 September, the Presidency sent the Minister written confirmation that the President had approved her travel.

The Minister travelled on a South African Air Force aircraft, which also conveyed senior leaders of the African National Congress. I have since issued the Minister with a formal reprimand for conveying the ANC delegation to Zimbabwe on an aircraft of the South African Air Force.

I took this action after considering the Minister’s initial report and a supplementary report that I had directed the Minister to provide on the circumstances that led to the ANC delegation travelling on a South African Air Force plane.

While the Minister was on an official trip for which I had given permission and for which she was entitled to use an Air Force aircraft, I found that it was an error

in judgement on her part to use the plane to convey a political party delegation.

I directed the Minister to make sure that the ANC reimburses the state for the costs of the flight to Harare and I understand that this has now been done. I thank you.

Ms C LABUSCHAGNE: Chairperson, Mr President, there have been rumours that you plan to fire the Minister of Defence. It seems rather ironic considering the inconsistent facts that have come out of this pockhammer Maher, that possibly implicate you as well.

According to the Minister’s report that you refer to - the public one to you, not the supplementary one - regarding the diplomatic trip, you approved the set trip on 10 September. You said now that it was written on 10 September, but that was a full day after the delegation had returned. This would surely mean that the Minister acted in contravention of the Ministerial Handbook, which requires approval two weeks in advance. However, on 1 October, your office released a statement saying that you

gave the verbal approval for the trip on 8 September. That was exactly the day the Minister and the delegation had left.

This shows that both you and the Minister contravened the Ministerial Handbook because the handbook says two weeks in advance. If that is the practice, it is a big problem.

It is your responsibility and your legal duty to properly apply your mind to all legal requirements before your approval. It is also very suspicious that, after the delegation had returned and only after public outrage, you chose to give written approval for the trip. This clearly indicates that you attempted to cover your tracks from any wrongdoing, but the facts are clear, Mr President.

The truth is that you did not give verbal approval. That was a last-minute attempt by your office to cover up, to provide you with some distance from this matter. And Mr President, you also did not give me the grounds for the approval of this trip and for the people in it, although

you said that you found it to be wrong. So, what were the grounds?

Mr President, why did you lie to the South African public?

The CHIEF WHIP OF THE NCOP: Chairperson, I am rising on a point of order: It is incorrect for the hon member to make an assertion that the President lied to the nation, when the President has just, for record, presented the matter and the course of events that have unfolded regarding the trip in question. It is incorrect and unparliamentary. Thank you.

The CHAIRPERSON OF THE NCOP: Hon Labuschagne, I am sure that you will understand, as I make the comment, that the whole question of using words that are not appropriate such as lying has been raised a number of times in the House. Can you please ensure that you use an appropriate word?

Ms C LABUSCHAGNE: Chair, yes, I withdraw the word lie. I will ask the President why he is not giving us all the

facts on the things that I have raised. Why is the President saying that he approved this afterwards, while the Ministerial Handbook clearly states approval has to be given two weeks in advance and why can he not give us the information on that and on the grounds as well? Thank you.

The PRESIDENT: Chairperson, I would like to say that the grounds for the trip was that the Minister was going to have a bilateral with her counterparts in Zimbabwe. Allow me to explain - maybe not to go into too much detail - that this meeting was going to take place in the wake of an earlier meeting that had taken place with the organ of SADC, which had to deal with a number of security matters that affects a number of countries in our region. It also had to deal with a very tricky and delicate situation in one of our member states. They, as Ministers of Defence had been involved in discussion on how best some of these very difficult and tricky security matters can be dealt with. That required a fairly urgent meeting to be held.

This then takes me to what is set out in the Ministerial Handbook. It is true that we have a notice period say of

two weeks, but it has often happened that matters happen on an exigency basis, on an urgent basis where Ministers have to meet either their counterparts or travel outside the country. There are some trips that are planned well in advance, but some that have to be embarked upon at short notice, to deal with real urgent matters. Then we say that all members of Cabinet do not leave the Republic of South Africa without seeking permission from the President.

So, the President has to sign off on every trip where Ministers leave South Africa. And that is precisely what happened. I did say in my initial answer that I was not in Gauteng when permission was sought. The Minister explained to me the reason for the trip, which I was quite aware of and I gave her permission. I later turned the permission down, as required by our processes. That is precisely what happened. Thank you.

Mr M DANGO: Mr President, the majority of members in this House endorses and applauds the timely corrective measures implemented by yourself regarding the flight to Zimbabwe. My question is on the timing of urgent action

required to resolve conflicts in the SADC region, including Zimbabwe, through South Africa’s foreign policy of facilitating just and equitable peace through negotiation, as opposed to gunboat diplomacy.

Further, in my limited experience of witnessing attempts to silence the guns, second-track diplomacy, at times, is more successful than regular diplomatic channels. Again the question of urgency arises to urge the AU organ seized with the matter to engage in African challenges, African solutions to African problems. Further, I had the occasion outside the country of having to leave wherever I was in two hours, never mind 24. Thank you.

The PRESIDENT: Hon chairperson, I could not agree more with what ambassador Dango has said. The type of diplomacy that we need, that we have to get involved in requires quite a lot of dexterity. It also requires flexibility, all within the confines of our rules, processes and the law.

We are living in a period where the security of many countries is challenged and where we need to ensure that

we make every effort to not only silence the guns, but to prevent the guns from erupting. And as one does that, we need to embark on yes, second-track diplomacy, we need to embark on diplomatic efforts of a positive nature where we will prevent conflict erupting and where we will be seeking to engage in talks and collaboration with a variety of countries in our region. This should be seen as having been part of that. Thank you very much.

Mr A B CLOETE: Chairperson, Mr President, I think we should not confuse the issues at hand. One is the diplomatic travel and that is the one issue. There is another issue that has been missed and that is that the lockdown regulations imposed in terms of the national disaster management stipulated very clearly that all international travel is prohibited accept in exceptional cases and only if approval was obtained beforehand. The Minister Zulu also stated the ANC is ... [Inaudible.] ... at being mandated by the national executive committee to go, hinted that, due to the covid-19 lockdown, it had no other means to go to Harare.

Considering that the diplomatic visit was also an ANC trip, since the ANC already acknowledged this and basically paid back the money, are you of the view that the regulations had been contravened, if so what actions will be taken against those individuals who are in contravention of those regulations?

The PRESIDENT: Hon Chairperson, hon Cloete, as you may well know, there are a few processes that are underway. The Public Protector has also embarked on an inquiry process that is underway, with regard to the executive action that I took to allow the Minister to visit. We also need to look at exactly how the Disaster Act Regulations were contravened and this would also impact on Home Affairs and all this.

So, all of that is still in process and I am confident that, with all the proper answers that will be given, we will be able to see the light on this matter. Thank you very much.

Ms M O MOKAUSE: Chairperson, Mr President, the most spectacular thing to emerge out of this Zimbabwean trip

is how you conveniently removed yourself from any responsibility for a trip, which your members, members of the party that you lead, mandated by you undertook, using state resources.

However, that is not our interest in this matter. The situation in Zimbabwe is deteriorating daily and there is a complete disregard for the rule of law by authorities in Zimbabwe. What is the long-term situation with the problems in Zimbabwe and what actions are you taking to ensure that there is rule of law in that country to make sure that Mr Mnangagwa and these people accept democratic outcomes in the future? Thank you.

The PRESIDENT: Chairperson, hon Makause, the Republic of Zimbabwe is a sovereign state. Much as it is a sovereign state, it is also a country that has sister countries in the region, united under SADC. The developments in Zimbabwe are of interest, not only to Zimbabwe, but also to other countries in the region.

We, in ensuring that we live as good neighbours with Zimbabwe and other countries, have been paying interest

in what is unfolding in Zimbabwe. To this end, I appointed envoys led by former Minister Mufamadi. They went to Zimbabwe and they had a discussion or dialogue process with the leadership of Zimbabwe, including President Mnangagwa. They returned and reported back to me, and the governing party at a party-to-party level felt that it also needed to engage to the Zimbabwe African National Union - Patrotic Front, Zanu PF, in Zimbabwe.

All this is a clear demonstration South Africa’s interest in what is happening in Zimbabwe. Whilst acknowledging or recognising that Zimbabwe is a sovereign state, it is a state that is a sister country to ours in the region and we have deep dealings with Zimbabwe at a number of levels.

When there are issues between us, we need to sit down and discuss those. We continue to be in dialogue with Zimbabwe at a number of levels, economically, socially, matters of transport, matters of immigration, and also in the end, matters of human rights.

So, all these matters are discussed. We have exchanges and discussions. As we speak now, there are going to be further discussions and deliberations between ourselves and our colleagues in Zimbabwe. This matter requires our attention on both sides, as we are neighbours and we have to continue being good neighbours, in the interest of the people of both Zimbabwe and South Africa. This we never forget. Thank you very much.

Question 3:

The PRESIDENT: Thank you very much, hon Chairperson. Government responded swiftly and decisively to allegations of corruption in the award of COVID-19- related contacts. The measures it has taken include the establishment of a fusion centre, which brings together nine law enforcement agencies with a view to share information and resources and ensure a co-ordinated response in dealing with acts of criminality.

On 23 July 2020, I issued a proclamation to the Special Investigating Unit to investigate COVID-19-related maladministration and unlawful conduct in any state institution during the national state of disaster. The

Special Investigating Unit, SIU, is currently looking into 932 matters under the issued proclamation, and all these matters are at different stages of investigation. The SIU has, to date, provided me with two interim reports which outline the progress that they have made in the investigations, including where investigations have been finalised. The reports of SIU investigations will be made public once all the necessary processes have been completed and there is no risk of jeopardising ongoing investigations.

On 5 August 2020, Cabinet set up a ministerial team to compile and publish details of all COVID-19-related contracts awarded by the state. These have now been published on the Treasury website and will be updated on a monthly basis. The SA Revenue Service, Sars, has established a COVID-19 project team to investigate and audit cases as well. Some of its reportable outcomes highlight that, as at end of September, there were 307 cases with an estimated tax revenue loss of

R300 million. There are 139 companies referred for potential tax evasion investigation.

The rise in serious commercial crimes and incidents of COVID-19 procurement corruption have meant that we are fast-tracking the establishment of additional commercial crimes courts and also increasing the capacity of existing ones. We are looking to establish additional special commercial crimes courts in Polokwane, Mbombela, Mahikeng, Mthatha and Mangaung. The National Prosecuting Authority, NPA, is also doing quite a lot of work in this regard. A lot of work is happening with a view of ensuring that we do handle all these COVID-19-related cases. Thank you.

Ms M N GILLION: Thank you very much, Chairperson. Thank you, hon President for the elaborated answer to the question. Today is also a day where we celebrate the born day of O R Tambo. In the spirit of O R, Oliver Tambo, I want to also tell you, Mr President, that yes, there has been some corruption in the personal protective equipment, PPE, procurement process. And yes, it must be investigated and those found guilty must be punished. Mr President, my next question is, how successful was the overall procurement of PPEs, and what role did the

procurement of PPEs played in the fight against COVID-19? Thank you, Mr President.

The PRESIDENT: Hon Chairperson, the procurement of PPEs, diagnostic as well as therapeutic material, was quite decisive in helping us to fight the pandemic. I think we have been blinded by the corruption that has ensued which we regret. But at the same time we must say that the provision of PPEs and the fight against COVID-19 pandemic has been quite effective. It has been so effective that we have been able to ensure that South Africans become used to the culture of using PPEs, using masks and also those who work in the health sector to be well protected. But what it has also spunned is a manufacturing base for us – the manufacturing of masks and a number of other preventative items, up and including things like ventilators.

Whilst there has been corruption, we can look at the positive aspect of having deployed PPEs. When we look at the money that we had to deploy which runs into as few billions and what in the end has been abused, we find that, yes, we must deplore those who have sought to

corrupt this wonderful process – the process of providing PPEs to our people that has actually been quite a good one. But because we are living with this virus, and have to live with it for a lot longer than we might have anticipated, PPEs will continue to be provided. I think the actions we are taking in dealing with corruption are going to put us in good stand to prevent further corruption as we continue to rely on PPEs to curb the spread of the infection. Masks are here to stay for a very long time. For health workers gloves and all the sheets that they have to use are here to stay and we must now make sure that all the procurement processes for PPEs going forward are done properly and are done without any form of corruption. That would be the benefit that we would have achieved out of all these much as we regret the corruption that ensued. Thank you very much.

Mr F DU TOIT: Thank you, hon Chairperson. Mr President, initially you indicated that corruption will not be tolerated during the pandemic. You were so serious about this that you met with the Auditor-General where it was decided that the real time audit will be conducted.

Nearly five months went by since you announce that steps

will be taken against those individuals who were acting irregularly. My question is, were you made aware of possible corruption during real time and did you act immediately against those individuals? Thank you, Chair.

The PRESIDENT: Thank you, hon Chairperson. I must say that it was my honest wish and hope that there wouldn’t be any form of corruption with the procurement of PPEs. And it was to this end that I had a discussion with the Auditor-General. As we discuss the matter the Auditor- General said we will be able to do audits as this process unfolds and we should be able to get an indication of how it is unfolding. But as it turned out those who also wanted to defraud the system did so almost right at the beginning. We were procuring these PPEs right across the country. The process has become so decentralised and the Treasury had also given permission because it was a very urgent procurement that we are dealing with. It had allowed some lieu way that, yes, procurement should happen because we were in a war situation. Being in a war situation requires that you should relax certain of your processes and regulations. It was through this that we opened the chances and the opportunities for those who

had criminal intent to see the gap and do all that they needed to do. As you may well have seen many of those were not even on the customer lists that the National Treasury and a number of other departments have. So it opened up a gap. We have learnt a lesson - we have really learnt a lesson.

Was I aware at the very early stage? The answer is, no. I only became aware later. As you may recall I did address the nation in this regard, deploring and decrying the fact that many of our compatriots have seen an opportunity of defrauding the system. Let me immediately say without even trying to be defensive that a number of countries around the world have gone through exactly the same experience that we have been through. In a number of countries there was corruption in the system where people of criminal intent saw opportunity. Some of them were as highly placed as Ministers in a number of countries. What I am grateful for is that we were able to notice it and to deal with it and now it has also led to a very positive spin-off of getting nine crime fighting agencies to work together. In my view the working together is going to transcend and go a long way beyond the COVID-19

moment. It is now going to look at fighting corruption throughout.

This COVID-19 that we’ve been through has also revealed what I may say is a sort of bit silver lining because corruption really is heard in the ugliest of ways. All of us as South Africans demonstrated our abhorrent on corruption and we have as a collective people said that we are not prepared to tolerate this and we want to see the back of corruption. Many organisations from church organisations, sporting and social organisations clubbed together against corruption because the stench of corruption is what concerned many of our people. I think and do believe firmly that we are now on a different path with regard to fighting corruption. It has emboldened us and it has given us strength and we must decry the fact that we have to go through. Maybe it was a cephalic moment we had got through to have our resolve reinforced in fighting corruption. Thank you, hon Chairperson.

Mr S ZANDAMELA: Thanks, Chairperson. President, the government has a history of setting up many commissions and task teams to investigate issues of corruption. We

see the same cycle being repeated here with the COVID-19 corruption and procurement irregularities where government officials are at the centre of allegations.

President, how much money will these investigations cost South African taxpayers? Where will the funds come from?

Lastly, President, how do you plan to ensure that these investigators result in convictions and justice being served to the South African people? Thank you, Chairperson.

The PRESIDENT: Thank you hon Deputy Chairperson and hon Zandamela. Fortunately, with these investigations we do not have to set up a commission. We are utilising the existing institutions - nine of them united in investigating all these. These are institutions that exist. All we have done is to strengthen their resolve and get them work on a specific issue and see how well they are going to work. Through that we build a foundation for future collaboration and working together. Prior to this they didn’t even really work together or share information and now they do. They already have personnel in each of all these institutions. Yes, we do

have to strengthen some of them here and there by bringing in people because they have either been understaffed or underfunded. That will happen in the normal course. In the normal processes of doing their work they will be able to investigate as they are already are. They have already identified a number of cases and working together they have done so. The costs are going to be much more reduced than they ordinarily would have been if we have set up a commission of inquiry. And I have said that I did not want to set up a commission of inquiry. The way they are collaborating had helped us not to set up a commission of inquiry because they are working so well together. We will be able to get convictions out of these. That is precisely what they are doing. They are investigating every contract - every contract that has been entered into between the state and third parties. Everyone is being looked into very closely with a totohcom and that in itself is a very good and positive sign.

Where there is wrongdoing and where there has been malfeasants yes, that will be identified, that will be processed through the prosecuting system and those who

are found to have violated particular rules, laws and processes will have to face the music unfortunately. There has to be accountability. We leave that to the courts. All they ever do is just to give me a progress report. They do the rest because they are independent and we have said to them that they must do all these without any fear or favour or any form of prejudice.

Hon Chair, I am very pleased that they have stuck to that. They have not even for a moment asked the President to interfere or would I want to interfere. They must take the decisions and they are the protectors of our nation’s adherence to the rule of law. Thank you very much, hon Chairperson.

Mr T J BRAUTESETH: Thank you hon, Chairperson and Mr President. Mr President, you got the Auditor-General’s report on COVID-19 corruption which you requested and was published on 2 September 2020. You read serious malfeasances in the departments of Health, Social Development, Labour and Employments, Agriculture and Arts and Culture. You preside over the appointment of the directors-general of these departments. When will you

take decisive steps to suspend each one of these accounting officers pending the resolutions of the investigations into their professional negligence and or criminal negligence behaviour?

Mr President, while we have you here today, there have been many rumours floating around and have been supported by some of your premiers and some of your candid Ministers saying that the country is going back to Level

3 or Level 5 lockdown measures in the very near future.

Are you prepared to put this to bed today? There are many South Africans who are very anxious about this. Can you put it to bed today so that people can move forward with their preparations and their business activities and get rid of this nonsense once and for all? Thank you, Mr President,

The CHAIRPERSON OF THE NCOP: Can I just warn members to please avoid asking new questions. I know that... [Interjections.]

Mr T J BRAUTESETH: Please, Chairperson, I’m sure the President will help us.

The CHAIRPERSON OF THE NCOP: ...please, just not do that. Thank you very much. Let’s proceed.

The PRESIDENT: Thank you, hon Chairperson for seeking to save me there. Let me say that, yes, unfortunately, there have been reports of malfeasants which are more disturbing - malfeasants that has been found in a number of departments in government. That was one of the reasons why we empowered the Special Investigating Unit working together with all other criminal justice entities to investigate all these contracts and PPE procurement process. That is underway and we are going to get reports on who did what, how they did it, where they did it and at what cost. I would like to invite all of us to wait for the moment when that report come through so that we are then able to deal with all these matters holistically. Let’s not put the cart in front of the horse at this point in time.

With regard to these rumours that are going around regarding whether we are going to Level 1, Level 5 or Level 3, I would like to say that we are continuing to actively analyse and manage the situation with the

assistance of the medical advisory group where they are analysing the incidents of infections as they are unfolding throughout the country. We are, I must say, beginning to see some signs that are of concern to us. As South Africans we are not all adhering to the protective measures such as wearing our masks and washing our hands. We have been reading about reports of how groups of people have gone to various manifestations, it could be meetings, it could be parties where infections have been reported and where people have gathered together and have become super spreaders where the spreading of the infection has ensued. That is worrying and we must continue to say that. AS South Africans we need to make sure that we heed the adherence to the measures that have been put to us by the medical advisory committee. If we can do that - even the Minister of Health who has contracted COVID-19 with his wife - is insisting in saying that COVID-19 is serious. It is a serious condition and we all need to adhere to those measures particularly now as a nation we move towards that fun period of December where people will let their guard down. That is what is of concern and we are watching that. I received a report today. I want to look at the

report very closely and also then have an opportunity in the coming days - possibly next week – of being able to address the people of South Africa about what we now need to do in the light of what we are going through.

I don’t want to be an alarmist. I don’t want our people to be alarmed with rumours such as we are going to Level

3. That is simply not true. I want to assure everyone that that is not true. If it ever gets there I will be the one to advise the nation where we are and where we are going to. For now all we need to do is to adhere to our preventative measures. Wear your mask! Today, I was at a function unveiling the stature of our revered leader Oliver Reginald Tambo at O R Tambo International Airport. I was pleasantly pleased that everyone who was at that function wore a mask. Everyone without exception! If all of us as South Africans were to do precisely that, wear a mask every time we are in public, that will go a long, long way in limiting the number of infections. We will talk about that in the coming week but at the moment we are observing the situation. There is no need to be alarmed. Thank you very much.

Question 4:

The PRESIDENT OF THE REPUBLIC: Hon Chairperson and hon members, there are many municipalities that have been experiencing severe difficulties in achieving financial sustainability and providing services to residents. This is mainly due to poor governance and leadership failures, weakening oversight and accountability, and poor co- ordination among different spheres of the state.

For many municipalities, there is a broader problem of a limited revenue base, where there is insufficient economic activity to meet the needs of our residents.

This is possibly the number one problem that many of our municipalities are having.

The Department of Co-operative Governance and Traditional Affairs, Cogta, and National Treasury are working on a strategy to jointly support dysfunctional municipalities in a coherent and co-ordinated manner.

Cogta will perform an overall co-ordinating role through the Back to Basics programme and take the lead on all governance and service delivery matters. The National

Treasury itself, together with the provincial treasuries in our provinces, will take the lead on financial management responsibilities.

The purpose of the municipal systems improvement grant is to assist municipalities to perform their functions and stabilise institutional and governance systems. In this financial year alone, the grant aims to support municipalities through the implementation of the Integrated Urban Development Framework and in the improvement of their data management, records management and IT infrastructure. It also aims to support and monitor municipalities in the implementation of the district development model, particularly in the rolling out of staffing regulations and competency frameworks.

In the past, various support programmes and capacity- building grants were introduced, which were aimed at improving capacity and performance of the local government sphere. Due to the unco-ordinated and fragmented nature of local government, we have found that it is necessary that we proceed with these programmes.

Many of them have yielded some outcomes but not all the desired outcomes that we wish for.

The repurposing of the municipal systems improvement grant will be aligned with the district development model. This approach in itself ensures that the district municipalities and their local municipalities receive evidence-based support programmes on an ongoing basis.

In conclusion, I wish to commend the various provincial delegations to the NCOP for the visits they are undertaking as part of provincial oversight week to their respective provinces under the theme: “Ensuring capable and financially sound municipalities”.

These visits demonstrate the importance that this House, the NCOP, places on the effective functioning of municipalities in our country, particularly as municipalities are the frontline of service provision and local development. I thank you.

Mr A B CLOETE: Thank you, Chairperson. Thank you, Mr President. I wish I could have had you visit Matjhabeng

in the Free State in the past week where residents didn’t have water for nearly a week. But, Mr President, they do have a mayor and we are working on that in the Free State.

Mr President, it is apparent that municipalities are not staffed adequately. These officials are either not willing or not able or both. In the meantime, the government has embarked on a programme that is not sustainable. South Africans can simply not afford to pay nearly R1 billion every year for consultants, whilst municipalities should be able to be self-reliant.

Mr President, in the meantime, unions are holding not only government, but, ultimately, residents ransom with poor performances and poor performance management results. The very same officials who should be held accountable are not, and they are allowed, enabled and permitted to keep the status quo whilst consultants are appointed to do the very same jobs they should have done in the first place. And, we have seen the Auditor- General’s reports, Mr President. Ultimately, municipalities show no improvement in finances and

service delivery. We are paying double, Mr President, for no improvement, and the Auditor-General said this in his recent report.

So, what is the plan, Mr President? Should municipalities, whose salaries on average amount to 60% of their budgets, continue to allow municipal officials to be unable or unwilling or both and let consultants do their work, or should your party’s cadre deployment policy be reconsidered and capable and willing people be appointed in municipalities? Thank you, Chairperson; thank you, Mr President.

The PRESIDENT OF THE REPUBLIC: Thank you, hon Chairperson, and hon Cloete. I am familiar with the story that you are relating and it is precisely this story that we are making all efforts to put right. We know that a number of officials who are occupying key positions may not be well qualified to be in those positions; and those, as you say, who are unwilling or incapable of performing those tasks, need to be dealt with, because, it’s quite clear that if they can’t do the work or not

willing to do the work, they don’t belong where they are right now.

When we say we want to go back to basics, that basically means that that is not only how the work should be done but also about the people who will do the work in a dedicated manner, completely committed to serving the people of South Africa – where we will have capable people, people with the know-how and the skills – and that is why we are putting so much emphasis on training and making sure people are well skilled and well capable of doing their work. We want to turn this ship around. We want our municipalities to provide high-quality services to our people, and they will be able to do so if they have the right people in the right jobs performing absolutely high-end tasks and delivering high-end services to our people.

We will be able to move forward effectively with our Back to Basics programme by adhering to modern methods of delivering service to our people, making sure those who provide those services are well skilled. Where skills are weak and in short supply, we need to train those people

and empower them with good skills and, when we do so, that will also lift their morale and their level of productivity will also go up.

So, we have to use a combination of approaches to make sure, in the end, that good services are delivered to our people. This we are committed to doing, and the Back to Basics programme is going to encompass all of this so that, in the end, our municipalities are better positioned than what they are.

There are, however, some really outstanding municipalities, one must say, municipalities that produce really good results, both financially and operationally, and that are also able to collect revenue from residents and are able to give a good service to our people. We must applaud those. We must support those that have shown weaknesses and we must correct those municipalities where there has been total dysfunctionality. I’m sure that we should be able to turn the corner in no time as we move forward. Thank you, hon Chairperson.

The CHAIRPERSON OF THE NCOP: Thank you very much, hon President. We move on to the second supplementary question from the hon Ryder. I know that he has been having problems connecting. Hon Ryder, are you there?

Mr D R RYDER: I’m here, Chair. Thank you very much.

The CHAIRPERSON OF THE NCOP: Okay. Please proceed.

Mr D R RYDER: Thank you, Chair, and thank you, Mr President. Mr President, there are a number of municipalities that are failing right now. Now, your district model that you have told us is going to be the solution is going to take a substantial amount of time to implement. The skills are just not in place to make it work and the pilot projects are already showing problems, because one size simply doesn’t fit all. So, if we look at the Emfuleni municipality, it is collapsing with sewer and electricity issues that are not being resolved.

The Free State hasn’t got one functioning municipality in the eyes of the Auditor-General and of Ratings Afrika.

Nelson Mandela Bay has lost more than 46% of its

expensive, treated potable water through a leaky system during a water crisis. Four municipalities in the Northern Cape had their power supply from Eskom cut two weeks ago, and the Mpofana municipality in KwaZulu-Natal is sitting with the same problem.

The Emalahleni and Govan Mbeki municipalities in Mpumalanga owe Eskom R6,3 billion, and the Mogalakwena Local Municipality in Limpopo sits at R1,13 billion in unauthorised, irregular and wasteful expenditure. The entire North West province had to be placed under administration in 2018, because not even the then provincial government was able to support local government.

I’m not telling you anything you don’t know, Mr President. The only standout here, and you alluded to it, is the Western Cape where things seem to be working satisfactorily, if not always perfectly. [Interjections.] We need an answer now. What is your plan to give South Africans the basic services that they are paying for, that they were promised by your government and that they deserve now, Mr President?

The PRESIDENT OF THE REPUBLIC: Thank you, hon Chairperson, and hon Ryder. The problems and the challenges that you have articulated are well known to us as South Africans. We know the challenges, the pain and the anguish that many of our people who live in some of these municipalities are going through. The municipal sector is generally facing enormous challenges in our country. It is for that reason that we felt we needed to come up with a supportive measure or structure for municipalities through the district development model, a model which will be set out or established in 48 municipalities including eight metros, adding up to 52.

It is going to be much better in helping us to address the challenges that our municipalities are going through.

Much as you are absolutely right – one size does not fit all – we will be able to have generic issues that need to be addressed throughout the country. With that, we will be able to have a good template that enables us to deal with the issues.

One of those is going to speak to the economic plans, and, more importantly, a plan that is going to cascade

from the bottom right up to the provinces and to national level. A good example is the Economic Reconstruction and Recovery Plan that we announced. I am pleased to say that our districts are looking at it very closely to see how best it can apply to them. Our infrastructure plan is also focused on various provinces, but at a district level as well. That’s where implementation is going to be.

So, we are going to be addressing the governance issues and the financial issues as we deal with the development process for many of these municipalities. We now have a system – we now have a template – that we can use to improve the municipalities of our country.

I have no doubt that that is going to give more focus to our municipalities, because implementing our recovery plan through infrastructure and through better governance is going to ensure that those municipalities become more focused. This will also help to incentivise the people who work at those municipalities. So we are looking forward to a virtuous cycle emerging in all our municipalities. Yes, some things will take time, but I

have no doubt that we have embarked on a wonderful system that is going to ensure that government works in an integrated way at national, provincial and local levels and not in a desperate or divided way. It is going to be a joined-up government, focusing on the implementation of one plan, one district, one municipality, one national department and one government.

So, we are on the path – having realised what our weaknesses are and what our challenges are – to ensure that we do put things right, and we will, hon Ryder.

Thank you very much.

Mr S E MFAYELA: Hon Chairperson, hon President, in view of the R6,5 billion municipal irregular expenditure in KwaZulu-Natal, does the government have any mechanism in place to tackle noncompliance with legislation, policies and procedures that it would administer in KwaZulu-Natal municipalities? I thank you, Chair.

The PRESIDENT OF THE REPUBLIC: Hon Chairperson, we have said that we do want accountability. Accountability is one of the most important elements of our governance

process. We want those who have not been playing according to the rules and who have not been complying to be accountable, and, if need be, to face the might of the law, because losing R6,5 billion is a huge amount of money that robs our people of development and service delivery. So, yes, we want compliance and compliance and compliance, and those who do not comply must know that we will not tolerate that. Thank you very much, hon Chairperson.

Mr T S C DODOVU: Thank you very much, hon Chair, and thank you very much, Mr President, for your pointed and always honest responses. Mr President, the overwhelming majority of our people indeed appreciate how you lead them, especially during difficult moments like this coronavirus pandemic, like how you have tackled the economic crisis facing us, and like how you have tackled the scourge of violence against women and the scourge of corruption. They indeed appreciate what you are doing.

Your leadership reminds us of how president Oliver Tambo, whose birthday we are celebrating today, provided leadership to our people in pursuing the struggle for national liberation.

Now, indeed, we agree with you, hon President, that there is a need for a municipal turnaround in our municipalities. My question is: In view of this, are you, as the head of state, confident and satisfied that the measures that your government has put in place – such as the district development plan, the municipal finance improvement grant and the skill revolution that is needed at municipal level – will ensure that our municipalities become capable and financially viable and help us to improve that situation? Thank you, Chairperson.

The PRESIDENT OF THE REPUBLIC: Thank you, hon Chairperson, and hon Dodovu. I am confident that we will be able to turn things around. I’d like to believe that we can’t get much worse than where we are now. Everybody agrees that many of our municipalities are dysfunctional for the variety of reasons that I set out. One of those is, unfortunately, that many of them do not have a viable tax basis. When you don’t have a source of revenue that is viable and you have to rely on the central fiscus, it becomes a problem.

However, having said that, we have now established various mechanisms. The first was the Back to Basics mechanism, and we have also come up with the district development model. But the overarching mechanism is how we want to get on to strengthen the state. I have said that the top priority that we should have is that we should strengthen the capacity of the state. When we first delivered the state of the nation address, we started with the economy and all that, and ended up with the state at the bottom. I felt that we now need to focus more on improving the capacity of the state, because when we are able to improve the capacity of the state at all levels – local, provincial and national – we are then able to address some of the challenges that we face. The focus would be to have a more and more efficient state and a committed state that is developmental, that is ethical and from which we will be able to get better outcomes. We are determined to get to that level.

So, I am confident that we will indeed be able to accede to higher levels of governance. Much as it may be difficult at a number of levels, we will get there. That

is the plan, that is the mission, that is the determination. Thank you very much, hon Chairperson.

Question 5:

The PRESIDENT OF THE REPUBLIC: Hon Chairperson, the Special Investigating Unit, SIU, has made progress, as I was saying earlier, in their investigations since the proclamation was issued on 23 July 2020.

The SIU is currently investigating 1,274 contracts from

85 departments, provinces, municipalities and public entities. That is a combined cohort of entities where investigations are happening.

To date, it has referred 34 criminal matters to the National Prosecuting Authority, NPA, and 33 disciplinary referrals to State institutions.

The SIU has instituted cases in the Special Tribunal for cancellation of contracts to the value of R223 million and the recovery of funds.

The investigations are ongoing. As I indicated earlier, the reports of SIU will be made public once all the necessary processes have been completed and there is no risk of jeopardising ongoing investigations.

I wish to commend the SIU for the outstanding work they have been doing under very difficult circumstances and conditions to have these investigations completed urgently and diligently. They have assured me that they are pulling out all stops and laying out their very best personnel to investigate all these areas. They know that the national standing and ethos of our country are at stake. They are now working around the clock to make sure that they investigate this so that we can be redeemed as a nation and ensure that there is accountability and follow through if one transgresses the provision and regulations of our laws. So, I wish them luck and strength as they continue to do their work. Thank you very much, hon Chairperson.

Mr T J BRAUTESETH: Chairperson, there will be no surprises on this one. Mr President, thank you for your reply and I am sure that many South Africans will be

encouraged by your reply. However, Mr President, it is also true that many South Africans are suffering from promise fatigue and want to see real results which your office is responsible for.

Mr President, we touched on it earlier in the previous question but the ground was laid for this entire situation by the disastrous Treasury Instruction Note 8. That directive from Treasury suspended the conditions of the Public Finance Management Act, PFMA, and literally flung-open the barn door for the corruption hyenas to move in and eat at will. This happened on your watch, Mr President.

Can you take South Africa into your confidence and acknowledge that that mistake was made? Can you advise South Africans how you will immediately move to get rid of Treasury Instruction Note 8 and make sure that all procurements of PPEs happen according to the correct PFMA regulations? Also, will you please acknowledge the massive mistake and the lack of foresight made by your government for the corruption that happened and the consequences thereof? Thank you, Mr President.

The PRESIDENT OF THE REPUBLIC: Hon Chairperson, I did say earlier that this issue of procurement of PPEs happened in the wake of the worst health disaster that our country has ever faced since 1918. In 1918 our population was much smaller than what it is now.

As the COVID-19 disaster descended on us, the country went into lockdown and we embarked on the biggest health response we have ever seen in the history of this country, it became necessary to characterise what we were going through as an absolute emergency situation.

In an emergency ... and let me digress for a moment, in Cabinet we debated long and hard and this also included debates in various political parties whether we needed to utilise the emergency laws, as allowed in our Constitution, or whether we should go with the Disaster Management Act and we went with the Disaster Management Act.

The Disaster Management Act means that you are facing an emergency situation which then allows you to put in suspense a number of other processes and it is this that

inspired Treasury to say that as we are dealing with this disaster we need to act quickly and procure PPEs for health workers because we couldn’t expose them to infections, and unfortunately a number of them have since contracted the disease and have died.

We also knew that the nation needed protection by procuring these PPEs and we could only procure them fast enough through the Treasury suspending the regulations of the PFMA which is possible and done in terms of that provision and yes, in the end it did.

The question will always be: With hindsight, did we act correctly to do so? It is exactly the same as having to consider with hindsight whether we did the right thing to go into lockdown or whether we didn’t do the right thing. And in the end it is not so much that it is a value judgement but it is a fact that it was a decision that had to be taken and it was a leadership decision. If anybody has to be blamed, I should be blamed.

As President of the Republic I had to say this is where we should go because we were facing a very dangerous

situation that I characterised as akin to a war situation where many of our people could die. Yes, decisions had to be taken and with those decisions obviously comes risks and one of the risks was precisely what I was talking about earlier that there would be people who would see gaps and indeed people with evil and criminal intent saw the gaps.

Let me say to you that we are not the only country that has experienced this. Many other countries around the world also suspended their normal regulations and embarked on an emergency footing that enabled their treasuries or procurement agencies or entities to procure therapeutics and diagnostics on a ... and remember, we were also competing against a number of countries in the world.

There was a time when we were told that all the PPEs had been already bought by your more developed economic countries and we were in a race against time and needed to act very quickly and unfortunately there are those who took advantage of us. With hindsight we now know that we

need to be better prepared for any pandemic that could come or any similar type of calamity.

So, in this regard I must say that I think we acted as well as we could have and now we are involved in following up those who were involved in malfeasance.

This, as I have said earlier, could be seen as a silver line because it basically means that we have drawn a line in the sand against corruption as a nation and we will no longer allow people to be involved in corruption now and into the future.

To me it was necessary to act as we did. We have learned lessons and we are going to make sure that this does not happen ever again - that is corruption. Thank you very much, hon Chairperson.

Mr M C MFAYELA: Hon Chairperson, to the hon President, I want to know whether any progress has been made on the lifestyle audit and pre-audits for all procurements, and with actions against those implicated as the KwaZulu- Natal Premier promised in August 2020? Thank you, Mr President.

The PRESIDENT OF THE REPUBLIC: Hon Chairperson, the issue of lifestyle audits is being finalised. I know I spoke about it sometime ago. We then got a report which was just too bulky to go through and we have now been working on it with professionals to ensure that we have a simple, straightforward but also probing process that cannot be circumvented.

I felt that we needed to do it right from the beginning and even be able to catch those who might want to get involved in some measure of malfeasance once we layout the system. The system is being completed now and it is going to be introduced. We have delayed and we will own up to that but it is in the process of being finalised. Thank you, hon Chairperson.

*IsiNdebele:*

Kkz D G MAHLANGU: SiHlalo, ngithatha leli ithuba ngilotjhise kuMengameli ngokuzithoba okukhulu.

*English:*

Hon President, as a prelude to my follow-up question, allow me to join millions of South Africans to

congratulate your leadership during these trying times for restoring critical competencies and capabilities in our criminal justice system. Our law enforcement institutions have, over the recent past, made strides in the reported investigations and arrests of corruption suspects. South Africans also appreciate the responsiveness of the COVID-19 governance model that has brought greater cohesion and integration among different spheres and different sector departments.

Having said that, my follow-up question is: How will the government strengthen the innovative approach of the fusion centres and the real time audits that have proven so effective in detecting and investigating corruption? What are the government’s plans to sustain the momentum? My question is twofold: What is the plans the plans to sustain the momentum of our criminal justice system of swift investigations and arrests of suspects?

*IsiNdebele:*

Ngaphambi kokuthi ngihlale phasi, angitjho ukuthi sithokoza uburholi bakho. Ngiyathokoza.

UMENGAMELI WERIPHABHLIKI: Mma Mahlangu, ngithokoza khulu begodu ngithi lotjha nakuwe.

*English:*

With regards to how we will sustain this positive process that we have embarked upon, I would like to say that our colleagues who are involved in these nine institutions feel so encouraged, so empowered, so embolden and are committed to serve the people of South Africa through the work that they do, and we have given full recognition to their efforts.

Let me say that they themselves realised that they needed to work together and we have just given it a seal of approval. It is almost like a test drive; they are test driving it and it is working extremely well.

We see this being sustained into the future because it actually enhances joined up government in an integrated government process where government does not work in silos but in an integrated manner; where there is sharing of information, resources and processes. Through this we are then able to save money. Achieving wonderful outcomes

that you were talking about is almost guaranteed because people are now working extremely well together.

It transcends personalities, it is about institutions finding a way of working together in a very structured and co-operative way. This is co-operative governance being played out in a most positive way. Will it be sustained? Yes, it will be sustained because it has proven to be most effective and a really fantastic method of fighting criminality and dealing with malfeasance in our country.

More than that, it is a process that is restoring the rule of law in our country where institutions were weakened and are now being strengthened; where institutions were working in silos and are now working together; and where institutions didn’t have a clear vision and they now have a very clear vision ahead of them and are now serving the people of our country.

The other benefit of having all these institutions working together is that there is check and balance; they check and balance each other. There is no single

institution that will be compromised because they check each other and work on projects collectively. So, it will be sustained; it is a wonderful system that we can take forward. Thank you very much.

Ms S A LUTHULI: Chairperson, to the President, the recent arrests by the Hawks do not fool some of us. We need a criminal justice system that is able to investigate and successfully prosecute corrupt criminals in this country, regardless of who they are and what position they hold.

We know for a fact that departmental officials perform these corrupt dealings at the instruction of politicians who are more often insulated from taking responsibility.

President, what sorts of engagement have you had with both the Hawks and the National Prosecuting Authority, NPA, to get guarantees that the fight against corruption is given their necessary support and urgency, and that those arrested will be prosecuted speedily? Thank you.

The PRESIDENT OF THE REPUBLIC: Hon Chairperson, to the hon Luthuli, my engagements with our criminal justice entities are through the Minister of Justice because he

works with them through the Minister of Police to the extent that if I do have any meetings and dealings with them it is usually about resources.

They often come running to say they do not have enough resources and they are short staffed. Right at the beginning when I became President I made it clear that I will not want to get involved in their operational work; they must do their work without any fear, favour or interference. Where they need resources or their work to be strengthened then we talk just as we talk with any department.

It could be the Department of Defence when they need to procure or when they need more money. It could be the Department of Health or any other department. Where they need their hand to be strengthened and need resources we are then able to meet and talk about that and for the most part we then say that we have the law that regulates your activities, implement the law and work in terms of the legislation. You have a very clear template and do not need a President to tell you how you should execute your work; go ahead and execute it. If you need any

support in the form of either equipment or personnel or just enabling your processes, then yes you can come and lean on the President who will then lean on the Treasury.

But then again all these things are set out in budgets so



it becomes a lot easier. It is a very easy conversation because all I need to do is encourage people to do their work and to say that they become loyal and faithful to the people of South Africa and not to an individual.

Thank you very much.

Question 6:

The PRESIDENT OF THE REPUBLIC: Thank you, hon Chairperson and hon members. The continuous damage, sabotage, theft and vandalism of our rail infrastructure that we have been experiencing is one of the worst forms of economic crime in our country. It has a direct impact and bearing on the lives of millions of South Africans who rely on

commuter rail services to travel to work and to study. It

undermines economic growth and places a further strain on public resources. As we mobilise resources for a substantial investment in commuter rail infrastructure as part of the announced Economic Reconstruction and

Recovery Plan, we are taking decisive measures to improve security on these various rail lines.

The National Treasury has granted approval of

R900 million for the implementation of the Passenger Rail Agency of SA, Prasa, Security Plan to combat the theft and vandalism of rail infrastructure. Part of the plan is to immediately appoint security personnel and to deploy remotely piloted aircraft systems to conduct virtual patrols of high-risk infrastructure. This capability will work together with specialised investigations and armed response. The plan will also involve the creation of an internal security capability for armed response, control room operations as well as increasing the number of physical security officials on the ground. I must say that this has already commenced.

An e-guarding solution will be introduced for the protection of mission critical assets such as substations for electricity, relay rooms and communication sites, with early warning security technology and defence security systems. The plan will also introduce specialised investigations with legal support and access

to criminal laboratories. We believe that this capability will improve the quality of investigation reports, leading to an improved prosecution rate.

As we substantially improve security measures on the commuter rail network, in the end our most effective defence against such crimes is the vigilance of rail users and their active involvement in the efforts to protect this very vital national resource. We call on all South Africans to take a stand against these types of crimes and to be part of the effort to build public transport that is safe and reliable, as well as an affordable public transport system. This type of public transport will be in the service of our people to transport the millions of South Africans on a daily basis from home to work, students from home to study and many others who travel from home to various places. We want this to be done in safety as well as in comfort.

Mr K MMOIEMANG: Thank you national Chair and let me also take this opportunity to express my gratitude to the President for the detailed and comprehensive manner in which he responded to the complex question around

vandalism and the theft of our rail commuter assets. Indeed, the leadership that the President is displaying is a clear illustration that he learnt a lot from the epitome and the paradox of the sense of leadership that was displayed by our President Oliver Reginald Tambo.

Keep it up President! The leadership that you also displayed in our Economic Reconstruction and Recovery Plan is a clear illustration of that sense of leadership.

President, you will concede that there is consensus that the theft and destruction of public rail is a challenge, and this you also displayed by signing the Critical Infrastructure Protection Act on 20 July, which indeed is also a reinforcement to the Criminal Matters Amendment Act, which is mainly geared towards punishing the perpetrators of economic sabotage.

In this regard, it will be interesting to know from the President if there has been any multidisciplinary study conducted to ensure the efficacy of the existing legislation to mete out appropriate punishment for this crime. If not, why not; if so, what are the relevant details. Thank you, President.

The PRESIDENT OF THE REPUBLIC: Thank you, hon Chairperson and hon Mmoiemang. Yes, we have been working on a multidisciplinary process to be able to ensure that those who have committed acts of vandalism and acts of criminality are identified and brought to book, because we cannot just carry on as though nothing has happened when people have actively vandalised our infrastructure.

Those who vandalise infrastructure are acting against the people of South Africa and we therefore need to ensure that they are dealt with effectively. So, as we protect this infrastructure, we are also embarking on ensuring that we very, very thoroughly identify those who have been involved in vandalising, destroying and stealing infrastructure that is meant to support the livelihoods of our people.

So, we will be proceeding. It will be foolhardy to give the full details here because we don’t want to make those people who have been involved in this any wiser as we have got to ensure that we stop this scourge of destroying infrastructure that is meant to improve the

quality of life of our people as they travel from place to place.

Mr A ARNOLDS: Thank you, Chairperson. Mr President, indeed, theft and vandalism of critical railway infrastructure not only places the lives and livelihoods of those who rely on trains in danger but it also has dire consequences for the economy.

However, Mr President, bearing in mind that it is your government that has presided over the systematic degradation of public transport infrastructure, without a reliable and dependable public transport system there will be no economic growth in the country.

So, we need to hear from you the specific targets, because every time you come with decisive measures to improve but I think we need to see those targets in terms of what you are saying.

Then, what will you do to ensure that the rail system is protected from vandalism? You have mentioned some of it but I think if we go out and ask communities we will see

there is no tangible difference in what we see in the country.

The other question is whether you have found out if these acts of vandalism are deliberate acts of sabotage.

The PRESIDENT OF THE REPUBLIC: Thank you, hon Chairperson. Do we have reliable targets? The answer is yes. What steps are we taking? We are taking lots of steps. As I said earlier, we are going to implement a number of projects supported by the finance that the Treasury has allocated. We are going to ensure that we beef up security at key rail installations and we will make sure that, using technology, we are then able to identify those who get involved in criminality. We will be using drones to oversee rail lines. We will be using all manner of technology and the security efforts that we are going to put into this is aimed at ensuring that there is no vandalising of these important assets.

Hon Arnolds, you are absolutely right that the transport system is extremely important. Our task is to safeguard that and our task is also to ensure that it works as

efficiently as possible, because it is really the lifeline that supports our economy. People being able to move up and down and being economically active can only happen if you’ve got an important rail line being supported by a variety of initiatives that we are going to embark upon.

So, I can assure you that we are going to protect our rail lines. We have received funding that has been set aside for that. That is our aim and that is our resolve.

Mr S F DU TOIT: Thank you, hon Chair. Mr President, it’s quite a coincidence. During the lockdown period, I posed a written question to you that speaks to priorities of crime prevention, and if you will allow me I want to quote two paragraphs of the answer that I received. Open quotes: The operational deployment of the SAPS members is informed by the crime threat analysis and the crime pattern analysis. The outcome of these analyses guides the deployment of resources in response to identified crime threats, irrespective of the geographical location.

The last paragraph states that, government is committed to a crime prevention approach that values the lives and property of all South Africans equally and will continue to deploy law enforcement personnel and other resources according to the assessed need.

Now, Mr President, during the lockdown period, between

230 and 300 000 South Africans were arrested for contraventions of the COVID regulations, and if your answer that you gave me is correct, my question is the following. Was the crime pattern analysis and the crime threat analysis not done with regard to the vandalism caused on railways and at about 2 000 schools? That’s the first one.

Secondly, if I can make a note: If government did act according to the crime threat analysis that was supposed to have been made, R900 million from the Prasa Security Plan wouldn’t have had to be spent now at this time.

The PRESIDENT OF THE REPUBLIC: Thank you, hon Chairperson. Well, this is funding that has been found to be necessary to deal with both the security situation

and, in some instances, also to see how best we can identify the way in which we can restore what has been destroyed. So, this is necessary money that will help to deal with this very situation.

We could go into a lengthy conversation about what led people to embark on acts of vandalism in the way that they did. They were motivated by a variety of things. It could’ve been frustration; it could’ve been criminal acts, particularly ... those who vandalised schools, which I also found most disturbing. It was just as disturbing as I found the vandalising of rail network stations.

All these things have to be looked at in a holistic manner. We need to look at them and try to curb them as much as we possibly can. Indeed, we need to curb school vandalism, and we need to curb station vandalism and rail line vandalism. Our problem is multifarious. It’s very broad and we cannot just limit our problem to one area only. We need to look at all and I’m sure that when we do so, we will find that we are able to find solutions because we will be doing so in a much clearer and pointed

way. I’m confident that, with the efforts that we are now going to put in place, we will be able to get to the bottom of what causes people to embark on these acts.

Mr T J BRAUTESETH: Thank you, Chairperson and thank you for your brilliant handling of the session today. Mr President, of all the freight moved in South Africa, only three per cent of that freight is moved by rail, and that has had a massive impact on our national road network.

This has primarily been as a result of the theft and vandalism of our rail infrastructure.

Mr President, when you were Deputy President and I was a member of the National Assembly, we passed the Criminal Matters Amendment Act in the National Assembly and it came into effect on 1 June 2016. That Act allowed the state to impose a sentence of up to 30 years on somebody who vandalised or stole state infrastructure, such as rail infrastructure.

Mr President, unfortunately the government which you now lead failed in its duty to have an implementation plan and as a result the Critical Infrastructure Protection

Act, which hon Mmoiemang referred to, was only passed ... In fact, it was only presented to you for your signature in December 2019 and it only came into effect this year. The end result of that, Mr President ... The end result of the dilly-dallying of your government is that since 2016, there has been one ... only one conviction in terms of that legislation.

Now, Mr President, can you explain why your government has waited four years to get the right qualifying legislation in place to properly deal with the miscreants that are stealing and vandalising our rail infrastructure and costing our South Africans billions and billions of rand? Can you please answer why your government has failed in that regard?

The PRESIDENT OF THE REPUBLIC: Thank you very much. If you care to know, I am just as frustrated as you are about the length of time we take to either pass an amendment or pass a law. I think the lead time to passing laws that should be aimed at solving social problems and economic problems needs to be much shorter. We need to

see the time that we take to embark on more process reform, or otherwise, being shortened much more.

Yes, we do find that in the course of time we are unable to effect the changes that will enhance economic performance and that will also improve the lives of our people, and criminal activity just continues to increase.

I’m just as frustrated as you are and I’d like to see that addressed. I’d like to see how we can shorten that time so that we don’t wait for too long to have laws amended or passed in Parliament.

However, having said that, our resolve is now much stronger. There would’ve been a number of problems, where for instance the criminal justice system was not as alert as it should’ve been on a number of these matters ... in getting convictions. I think we are now going to get into top gear. We are now going to be able to ensure that those who get involved in acts of malfeasance are able to face the might of the law as quickly as possible. It should never have been that in all this period only one person has been able to get a conviction. Our intention

is very, very clear in terms of the Criminal Matters Amendment Act. In the end, we do want severe sentences of up to 30 years for people found guilty of these horrible and horrendous criminal activities. We will get there.

The resolve is there.

I’m particularly pleased with the way that our criminal justice entities are now functioning because they will leave no stone unturned in order to ensure that things are done properly in our country within the parameters of the laws that we have. That is what gives me hope; that we are returning to a state that most South Africans have always yearned to see; that our institutions work better; and that our institutions are seen to be working for all the people of South Africa and not just a few. So, we are on the way to being better and to reforming, and I look forward to walking this journey with all of you as we move forward, indeed, to build a South Africa; yes, a South Africa of our dreams. I would like to know that we are doing this collectively as the state with the national House of our provinces, the National Assembly and all of us in the executive working together with

various entities that make up our state, including the judiciary.

This is a promise that we have made to the people of South Africa; all of us as we were sworn in as Members of this Parliament. I think it’s a promise that we must keep up to. I say that, moving forward, we are going to make things happen and are going to be a lot brighter. Thank you very much, hon Chairperson. [Applause.] [Interjections.]

The Council adjourned at 17:31.