**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

# TUESDAY, 1 DECEMBER 2020

***PROCEEDINGS OF THE NATIONAL ASSEMBLY***

The House met at 10:01.

The Deputy Speaker took the Chair and requested members to observe a moment of silence for prayer or meditation.

The DEPUTY SPEAKER: Hon members, good morning. We repeat in the interest of safety for all present in the Chamber, please keep your masks on and sit in your designated place. We also request members to sign the attendance slips. The first item on the Order Paper is a motion in the name of the Chief Whip of the Majority Party. The Chief Whip?

*Sesotho:*

The CHIEF WHIP OF THE MAJORITY PARTY: Ha ke lebohe Modulasetulo, ke dumedise maloko kaofela a ntlo ena. Ke ema ke tsitsinya le ho phahamisa hore…

*IsiXhosa:*

... lo mgaqo wama-47(1) othi kufuneka kuqale ingxelo eyenziwa nguMphathiswa kungaqali iingxelo ezisuka ezikomitini. Ndiphakamisa ndicela ukuba ukusukela kwi-Order yokuqala ukuya kuma kwi-Order ye-15 makuqale ezingxelo ze kulandele intetha le iphambili eza

kwenziwa nguMphathiswa ojongene nezoThutho. Ndiyaphakamisa kule Ndlu, enkosi Sekela Somlomo.

Question put.

Motion agreed to.

# CONSIDERATION OF BUDGETARY REVIEW AND RECOMMENDATION REPORT OF PORTFOLIO COMMITTEE ON TRADE AND INDUSTRY

*IsiXhosa:*

UMBHEXESHI OYINTLOKO WEQELA ELILAWULAYO: Sekela Somlomo

ohloniphekileyo, ndiphakamisa ukuba le ngxelo ithiwe thaca ize yamkelwe kule Ndlu.

*English*:

The DEPUTY SPEAKER: Hon members, I will now ... for up to two minutes at a time, for one member from each political party wishing to make a declaration, an opportunity to do so.

Hon members, the clock there is set automatically. If your watch is not functioning properly, you’d better listen to me. [Interjections.] Order! Order! So, that watch will guide me and I comply with it. I don’t contest that watch. So, let’s not debate that today please; not at all ... on any other occasion anyway.

The DA?

*Sesotho*:

Ke motsotso wa hao ntate. Di otle!

*English:*

*Declaration(s) of Vote:*

Mr M J CUTHBERT: Thank you, Chief Whip. [Laughter.] Hon Deputy Speaker, how is it possible that only 68% of the department’s targets were achieved yet 98,9% of the budget was spent for the financial year under review? This must imply that the Department of Trade, Industry and Competition has picked up on the habits of their errant sister departments that have mastered the art of fiscal dumping over a number of years.

While it is convenient for members of the governing party to lay the blame for this poor performance squarely at the door of the coronavirus, we know this is not the truth. Rather, it is as a result of Minister Patel’s ...

The DEPUTY SPEAKER: Hon member on the virtual platform, please look at your system there. Switch off the microphone because otherwise it creates a problem for us in the House. Other members on the virtual platform as well; just switch off your microphones. Go ahead, hon member.

Mr M J CUTHBERT: Thank you, Deputy Speaker. Rather, it is as a result of Minister Patel’s steadfast commitment to his ideology and his inability to command respect from his own team. Certain elements of the commentariat try to portray him as a technocratic reformer but I am yet to see evidence of this. Let’s set out the facts.

During the lockdown crisis, he was the mastermind of several job- killing regulations that prioritised state power over people power. He has openly targeted the scrap metal industry by imposing further restrictions on their ability to trade, even suggesting that an export tax be levied on an already beleaguered industry.

However, his cardinal sin has been his inability to deal with the rogue leadership at the National Lotteries Commission, NLC. Not only has he misled Parliament about the way in which COVID-19 relief funds were disbursed; he has allowed the NLC to violate the Constitution of our country. He has failed to fire the board and

place the entity under administration; all while the looting has continued unabated.

It is clear that you, Minister Patel, lack both the spinal and testicular fortitude to do what is right.

Ms Y N YAKO: Thank you very much, Speaker. Deputy Speaker?

The DEPUTY SPEAKER: Go ahead, hon member.

Ms Y N YAKO: Thank you. Deputy Speaker, we want to say from the onset that the EFF rejects this Budgetary Review and Recommendation Report of the Portfolio Committee on Trade and Industry and economics. The committee has failed to appreciate and expose the fact that there is no relationship between what the Minister has consistently said about South Africa’s industrial policy and what is happening on the ground.

The Department of Trade and Industry and economic development is supposed to be at the centre of job creation and economic growth in this country, but has simply forgotten its mandate and that of its entities. And, the blaming of the COVID-19 pandemic simply does not cut it.

The Minister keeps saying that there are industrial activities in South Africa; there are master plans. There are industrial activities that only exist in his imagination. The reality on the ground does not support what the Minister is saying. In the same way, he imagined the manufacturing of 20 000 ventilators. He cannot tell us where they were manufactured, when and where they were tested and which health facility received the 20 000 ventilators. These ventilators only exist in the Minister’s imagination because he has simply ignored the EFF’s call for a state-owned company that would distribute and manufacture products that the state can manage.

South Africa continues to export the majority of its finished products while manufacturing continues to collapse. Between July 2019 and July 2020, manufacturing lost more than 3 000 jobs — the second-largest job losses after construction; jobs which we will not get back.

According to Statistics SA, manufacturing has shrunk by 74,9%; something that has long been happening, before COVID-19. Instead, the Minister is obsessed with getting his ... [Inaudible.] ... to be the chair of the NLC and appointed panels without legal basis. We know that this is motivated by the intent to influence the awarding of the lottery licence and rights.

Instead of focussing on building ... [Inaudible.] ... capacity, create jobs through the manufacturing ... [Time expired.]

The DEPUTY SPEAKER: Hon member, your time has expired. I warned you. This is not personal. [Laughter.} It’s two minutes. Check your watch please. The IFP?

Mr N SINGH: Deputy Speaker, it’s Prof Msimang.

The DEUTY SPEAKER: Go ahead, Ntate. Is he on?

Mr N SINGH: I see that he is online, but can I go ahead to save your time, Deputy Speaker?

The DEUTY SPEAKER: Yes, go ahead, hon Singh.

Mr N SINGH: Okay. In 2019, President Ramaphosa announced the reconfiguration of government to promote coherence, better co- ordination and improved efficiency. He emphasised the need for a clear focus for the productive sectors of the economy, which included economic transformation and job creation. In 2020, the unprecedented occurred with the worldwide outbreak of COVID-19 and the subsequent hard lockdown of many sectors of the economy, the

economic ramifications of which will still be felt in years to come.

Budget reprioritisation became necessary and were implemented, and the improvement of alignment between economic policies, plans of the state, its agencies, government’s political and economic objectives and mandate currently. Deputy Speaker, extraordinary times requires extraordinary economic strategies. The department must be considering all options to keep trade and industry in South Africa not only alive, but also thriving.

Job-drivers, as we continue to implement the New Growth Path, must be a key for this process, as well as the promotion of exports and the bolstering of foreign investments. Deputy Speaker, the economic crisis and hardships facing millions of South Africans, has as we noticed here draws to a close, have all but tripled the struggling pre-pandemic economy. Clean audits received by the Department of Trade and Industry and most of its entities are encouraging and must be commended.

The department also responded quickly and have put plans and protocols in place to mitigate the negative impacts of hard lockdown as a result of COVID-19. The IFP supports the Budgetary Review and Recommendation Report, BRRR. Thank you.

Mr F J MULDER: Deputy Speaker, the Department of Trade, Industry and Competition as a key department and key player as far as growth of the South African economy is concerned. The Sixth Administration of Parliament is most probably the most critical administration since 1994. It is indeed a make or break term. The economic growth of South Africa is low and foreign investment confidence is at a disturbing low level.

The department has already failed to achieve its strategic objectives prior to COVID-19 and it will now even further decrease budget that we currently have, to take a drastic step away from socialist policies towards the creation of competitive and sustainable markets of the related economy. The current economic crisis facing the country was not as a direct result of the COVID-

19 pandemic, but was caused by poor governance, state capture, corruption and further acerbated by government’s response to the crisis of lockdown regulations of irrational nature.

In a near future, a story will be told that affirmative action measures to address poverty and the redress of injustices by all South Africans, black and white, incurred under three decades of ANC rule, and this time without an exclusion of anyone. To award contracts of millions of rands to people who cannot deliver, and

just because they have political connections, is not empowerment, but nothing else like economic sabotage and theft.

Time has told us that, the intended inclusive economic growth, transformation and job creation, under ANC government resulted in poor governance, corruption, state capture and failed broad-based black economic empowerment, BBBEE, quotas. Quotas is the called setbacks through ordinary pillage that accounts on the premiums that weakens the economy of South Africa, and cannot be afforded anymore.

Time will tell us, with which it was taken and the story will be told some day in the near future. The FF Plus cannot support this report. Thank you, Deputy Speaker.

Mr W M THRING: Deputy Speaker, as we consider the report of the Department of Trade, Industry and Competition, the ACDP is also aware of the critical role that the Department of Trade and Industry has to play in growing our economy. This is because of the precarious position our economy actually finds itself in, with debts spiralling out of control and 80% of Gross Domestic Product, GDP, our budget deficit growing, unemployment of over 52%, our gini co-efficient, as one of the highest, if not the highest in the world, as we catch up our huge inequality and poverty levels.

With that been said, the ACDP welcomes the clean audit obtained by both the Department of Trade and Industry and Economic Development. However, there are those among us who understand that clean audit does not necessarily mean that all is well in the department. The National Lottery’s Commission, NLC, is one of the entities that we are all ought to be concerned about. We had a flawed process in the shortlisting of the Chairman of the board and the NLC is plagued with the allegations of corruption and nepotism, with ongoing investigations into these allegations as we speak.

Our great concern to the ACDP, is the shortcomings of targets achieved for the Department of Trade and Industry, only 17 of 25 or 68% of the targets were achieved. Surprisingly, with only 32% of the targets not met, 98,9% of the budget was spent for the financial year. If there is a programme that must be singled out for poor performance, is the Programme 4, which has a goal of driving industrial development. This programme achieved a dismal 33% with only one of the three targets achieved. Additionally, the Industrial Development Corporation, IDC, was recently downgraded by Morris from Ba1 to Baa3 in the long-term foreign currency ratings.

Clearly, all is not well in the IDC. While the ACDP welcomes the progress made in the development of masterplans and the ease of doing business and the focus on the export capacities of our special economic zones, SEZs, we cannot accept this report.

However, we will continue to champion the cause of beneficiation and localisation, as long as it is a thought of bringing much needed capable employment. I thank you. [Time expired.]

The DEPUTY SPEAKER: Hon Thring, your time has expired. Please time yourself better than that. You know, you can do that. This is your decision by the way, political parties. I am enforcing it. That’s all I will do.

Mr A M SHAIK EMAM: Deputy Speaker, thank you for the opportunity. The NFP supports the of the BRR Report of the Department of Trade and Industry tabled here today. Allow me first of all to welcome the unqualified clean audit that the department achieved. Having said that, Deputy Speaker, the NFP would like to state the following. At least four years ago, the NFP on oversight visit highlighted some of the challenges that these contactors, particularly, in the water and sanitation sector were having as a result of not having financial mass salary resources.

As such, we found that many of these contacts were at the standstill, and suggested as the Department of Trade and Industry, to create an industry and a public private setup, so that it will boost the economy, create jobs in South Africa, but also, will be able to manufacture for local consumption and for exports. We are disappointed that the Department of Trade and Industry have not even considered this today.

We are calling the Department of Trade and Industry in order to boost the economy, which is already suffering as a result of COVID-19, and also prior COVID-19, to try and boost the capacity of local manufacturing in South Africa. One of the ways in doing that is that, we need to be more restrictive in terms of the imports into South Africa.

We also note that some of the challenges we are facing, with particularly with under invoicing and cheap imports that are coming into South Africa which has brought a textile leather plastic into a standstill, adding into a capacity in South Africa by which we are able to enhance the automotive industry in South Africa. So we are calling on the department to play a physical role in creating a more conducive environment for businesses in South Africa to thrive. The NFP supports the report tabled here.

Mr L M NTSHAYISA: Deputy Speaker, having gone through this report, we could see that something has been done. Now, ... [Inaudible.]

... No stone has been left unturned to contribute to the growth of the economy, though it was a very much difficult time during this COVID-19 and the lockdown. We also appreciate now the unqualified report received by this department. Therefore, as the AIC, we do support the report on the Portfolio Committee on Trade and Industry. Thank you very much.

Mr M G E HENDRICKS: Hon Deputy Speaker, Al Jama-Ah supports the budget review, and we wish the department all the success.

However, we would like to ask the department to remove the gatekeepers that prevent and merchandise from many countries, from accessing the Minister and coming forward with trade promotion. I have been struggling for months to get the Minister to meet the ambassador of Pakistan for example. He had to leave, but there is a new one whose proposals are through trade, and this department seems to be unfriendly towards the countries that wants to open the doors for trade. So, this is the only criticism I have for this department. Thank you very much, Deputy Speaker.

Mr D MASONDO: Thank you, Deputy Speaker. We rise in this House on behalf of the ANC to support the Budgetary Review and Recommendation Report on the Department of Trade, Industry and

Competition. The portfolio committee has considered the annual performances of the Department of Trade and Industry as well as Economic Development Department. At the outset, we commend the seamless manner in which the two departments have emerged as part of the reconfiguration of the state also an acknowledgement that inevitably the coronavirus disease 2019, Covid-19, pandemic has impacted on the policy priorities of the two departments.

In the previous year, we recommended to the departments to the needs for a developmental implementation of the masterplans within the context of the reimagined industrial strategy. The department has since developed the poultry retail clothing, textile warehouse and leather industry masterplans. The department is in the process of finalising the sugar, steel and furniture masterplans. We commend the Department of Trade and Industry achieving unqualified audit, a clean audit. The department must support the SA Bureau of Standards, SABS, and the National Regulator for Compulsory Specifications, NRCS, on their audit findings. We also commend the Economic Development Department for the achievement of unqualified audit with no findings. Again, we commend the Economic Development Department through the Competition Commission for undertaking data, market inquiry with outcome has led to the industry committed to the reducing of the data costs. The Competition Commission also conducted the grocery retail market industry which

ended the inclusive... Thank you. The African National Congress supports the Budgetary Review and Recommendation Report [Time expired.]

Motion agreed to (Economic Freedom Fighters, Democratic Alliance and Freedom Front Plus dissenting).

Report accordingly adopted.

# CONSIDERATION OF BUDGETARY REVIEW AND RECOMMENDATION REPORT OF PORTFOLIO COMMITTEE ON SMALL BUSINESS DEVELOPMENT

There was no debate.

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

The CHIEF WHIP OF THE MAJORITY PARTY: Thank you, Deputy Speaker. I move:

That the Report be adopted.

Thank you.

*Declaration of vote (s):*

Mr Z N MBHELE: Hon Deputy Speaker, the key problems that continue to hinder the performance of this portfolio or under capacity of staff as well as calibre of those staff in some instances and corruption or maladministration, rooted in chronic vacancies which are waiting for the Department of Public Service and Administration’s finalisation of the structure of the department. Thankfully, these issues were picked up by the Auditor-General’s forensic audits. In addition, we must highlight our dissatisfaction with the Minister often not being able to appear before the committee which is understandable to a degree due to competing demands and the Deputy Minister does fill-in where possible.

As the DA we would like to see a Small Business Development Department and related entities that work smartly and strategically to maximise on its assets and strength to facilitate and leverage public private partnership that unlock microfinancing to support new and emerging small and microenterprises that with production enable self-reliant livelihoods and get to economy pumping again because they in themselves do not have the resources and means, to meet the scope and the complexity of demand for such

microfinancing. Our country’s post lockdown revival has to start out of the grassroots providing space and opportunities for individuals and households to look after themselves. As long this going forward must be a microenterprise or job in every households and financial assistance for every deserving small enterprise.

Finally, we must reiterate our condemnation of the attacks on immigrants own spaza shops and other micro retailers by the uMkhonto weSizwe, MK, Military Veterans Association over the recent weeks which essentially amount to economic terrorism. The violence and intimidation we have seen perpetrated or dealing a major blow on the micro economy at a time when it can at least afford it. I thank you, Deputy Speaker. [Time expired.]

Ms B MATHULELA: Thank you, hon Deputy Speaker. The EFF rejects the Budgetary Review and Recommendation Report by the Portfolio Committee of Small Business. The report shows that the ruling party does not understand the role of small business. Covid-19 has shown all of us that this department is useless. Young people with start-ups, women in informal economy, people living with disabilities who are part of the broader small businesses network were left on the awe. Lockdown was imposed without a credible and a practical plan to assist millions in small businesses and the informal economy. The reality is that our people in small

businesses and corporatives enter the economy as the last resort - the last ... [Inaudible.] ... between at them and poverty, and sometimes the difference between next meal and empty stomach.

The Covid-19 relief was a scam, it was only existed in paper and the Minister’s imaginations. This was made worse by the fact that people needed to apply online for assistance. The cost of data is too high. Our people do not complex a smartphone and as a result many of them who needed help could not even apply. However, the biggest challenge is the fact that current as we speak, there is no real connection between industrial policy and small businesses. This is why we have attitude in the past that there is no need for the department to exist as a standalone department. It must be moved back to the Department of Trade and Industry and Small Business Development ... [Time expired.]

Prof C T MSIMANG: Thank you very much, hon Deputy Speaker. In considering this report, we are tasked with the responsibility to efficient and effective functioning of the department. We as the IFP support the use of sensitive and similarity civil of business to significantly increase the quality of share of the domestic and international goods and services markets. Availability of capital for small businesses and medium size enterprises is crucial to achieve these goals and the steadiness in the distribution of funds

and resources in the favour of Gauteng and KwaZulu-Natal is therefore a grave concern. Previous provinces such as the Northern Cape and North West deserve urgent attention from the department.

We have noted the ... [Inaudible.] ... lateral and inequalities that exist between provinces. The policies of the department cannot further sustain inequalities. However, hon members, the department and its ... [Time expired.]

Mr W W WESSELS: Thank you, hon Deputy Speaker. Small businesses should be at the core of economic growth and job creation, but there is no need for the Department of Small Business Development as the problems which are facing small businesses and are killing small businesses in South Africa are poor service delivery, the collapse of infrastructure, unnecessary red tape and the fact that they are restrictive legislation that need to be addressed. There is no need for the Department of Small Business Development because what is currently happening is that government departments and labour without government are operating in silence and that should be addressed to actually save our small business sector, and by so doing create jobs and save the economy.

This department is doing the opposite. It is spending too much money on administration and salaries. It is not actually achieving

its goals and it is actually killing small businesses. I thank you.

Mr S N SWART: Deputy Speaker, the ACDP shares concerns that have been expressed in the report by many, and some of the issues that have been raised in the report is an area of underperformance that was, and remains the filling of vacant positions. It is inexplicable that the absence of a permanent director-general still is a severe constraint facing this department. Surely, the filling of the post of the accounting officer is critical and should be expedited and the portfolio committee did point out that this must be done before the end of the financial year. Other senior posts such as deputy director-general and chief directors are also not filled, and this obviously impacts on the mandate of the department.

One of the most glaring weaknesses is the absence of post-funding visits across schemes. This again is pointed out in this report and the Auditor-General has remarked on this as well. The last issue the ACDP would like to raise is that the department has been without an audit committee and this is a substantial severe constraint again in complying with audit requirements. For these reasons, the ACDP will not support this report. I thank you, Deputy Speaker.

Mr A M SHAIK EMAM: Deputy Speaker, the NFP supports the BRRR report of the Portfolio Committee on Small Business Development tabled here today. Allow me to highlight some of the concerns the NFP has, one of course being the loan guarantees that have been given to the banks. As a result of red tape you’ll find that most of this money has not yet been given to the small businesses and that appears to be a serious problem. But very importantly, we want to welcome the initiative by the Department of Small Business Development together with Nedbank to empower 40 000 informal fruit and vegetable traders with R1 000 each to buy stock. However, I think we need to be mindful of, and maybe the department needs to have some kind of staff or subcommittee to deal with ensuring that we empower and improve management and financial skills of these small businesses because many of these people are people who may have lost their jobs and do not have the necessary skills to run businesses. It’s different from putting somebody to run your own business. I think the department needs to put in some initiatives so that they can provide some kind of skill - financial and management put to small businesses. I’m sure they’ll be able to succeed on their own.

The other problem we have is that big businesses still seem to have the cream of the crop and small businesses very often tend to find themselves marginalised if they are in the same sector. To

give you a good example, if you find somebody in the printing sector, you’ll find that more people want to do business with big businesses and that’s why we think the department should come in here and make sure there is some kind of interaction between big businesses and small businesses so that they could actually adopt them. This is so that they too can function and become big businesses. The NFP will support the report that is before us today. Thank you.

Mr L M NTSHAYISA: Hon Deputy Speaker, as the AIC our wish is that this department goes down to the women leading informal businesses in the rural areas. It should also encourage the municipalities through the Local Economic Development, LED to train these women so that they can be in a position to run their businesses. We think the contribution can be made by these small businesses and our women can also be involved in running businesses; and jobs can be created. We therefore support this report, as the AIC. Thank you.

Mr M G E HENDRICKS: Hon Deputy Speaker, Al Jama-ah supports the report. In the state of the nation address President Ramaphosa spoke about 1 000 products that will be localised for those people at the bottom of the economic scale. The Minister has done very well in making this a reality. Already there are 100 of these

1 000 products which have been identified, given shelve space in the major supermarkets and listed with retailers. This will most probably be one of the most successful achievements of the Sixth Parliament. So, we would like to compliment the Minister and the chair of the portfolio committee.

When it comes to the actual budget, the Department of Small Business Development is still a Cinderella and we need more funding. But we understand that in the years to come the budget will be doubled. We look forward to it because so many people will benefit and will be able to create jobs. The department should be strengthened and this country needs such a department. Thank you very much, Deputy Speaker.

Mr F JACOBS: Deputy Speaker, having considered the annual report of the department and its agencies on their finance and non- financial performance, the ANC supports this BRRR of this portfolio. The department achieved an unqualified audit opinion with findings and we urge the department to act on these findings. We also commend Community and Individual Development Association, Cida and Small Enterprise Finance Agency, Sefa for having achieved clean audits. This illustrates sound financial management in these entities. Although there’s room for improvement, they must continue their good performance.

Many small businesses have been severely affected by lockdown. Although not enough, many SMMEs have benefited from the initiatives of the department such as Debt Relief Finance Scheme, the Spaza Shop Support programme and others. We welcome the AG’s findings that there were no irregularities or financial mismanagement on these initiatives in real-time audit of the Covid-19 procurement report.

In line with our growing priorities, the ANC is focusing on inclusive economic growth and this department has initiated negotiations with wholesalers to ensure local products are in our supermarkets and shops. We commend the Cabinet’s finalisation of the localisation policy framework which aims at deepening the industrial base and indeed support “local is lekker” with certain set-asides and also increased focus on beneficiation.

We reiterated the recommendations that the department should finalise the national Small Business Amendment Bill, and its organisational structure. We also asked Sefa to consider insourcing wholesale lending facilities. Lastly, we recommend ... The ANC supports this report. [Time expired.]

Question put: That the Report be adopted.

Motion agreed to (Economic Freedom Fighters, Freedom Front Plus, African Christian Democratic Party and Democratic Alliance dissenting).

Report accordingly adopted.

# CONSIDERATION OF BUDGETARY REVIEW AND RECOMMENDATION REPORT OF PORTFOLIO COMMITTEE ON HOME AFFAIRS

There was no debate.

The Chief Whip of the Majority Party moved: That the Report be adopted.

*Declarations of vote*:

Mr A C ROOS: Hon Deputy Speaker, thousands of South Africans are denied their freedom, denied fairness, denied opportunity every day, by an ANC whose Home Affairs the Constitutional Court has slammed as blatantly incompetent and indifferent. Sindisiwe Shonge is waiting since March 2018 for a passport renewal. Jandre Peet of Bloemfontein had to go to court to get her daughter’s ID to enrol her in a university. Eighteen-year-old Zimpewe Kalepa of Tzaneen has his life on hold, waiting for a birth certificate, as some body is on leave.

It has been left to the DA to be the voice of the people, provide a sympathetic ear and competent ally. Twenty-two of the 34 issues of the 2019 BRRR remain unresolved. A number of these were also on the 2018 report. This includes the investigations into the AG report and employees doing business, while employed by Home Affairs.

Genuine Home Affairs documents are now available from a growing list of service providers in just three days for an extra fee, while at Home Affairs, it takes 12 to 18 months.

Employees look for their example to the CEO of the Government Printing Works who allegedly runs a business from the side. People feel cheated when they see this, when they see the Bushiris Walsh in and out of South Africa, through business of the side.

Home Affairs shows no real desire to fix their own faults in the Sita issue, which allegedly caused Home Affairs systems to be offline, leaving our compatriots stranded. Instead, every conversation to resolve this ends with the Minister calling on the service to be directly procured by Home Affairs. You see, it is not about the people; it is about the tender.

The DA welcomes the procurement of new voter registration devices and next time these citizens queue to vote, they will remember how they were turned away, cheated, treated like naughty children and vote for change. The DA rejects this report.

Ms L F TITO: Hon Deputy Speaker, the EFF rejects this Budgetary Review and Recommendations Report of the Portfolio Committee on Home Affairs. It is shocking that the Minister of Home Affairs, Dr Aaron Motsoaledi, has brought his incompetence from the Department of Health to Home Affairs. There is no integration of IT systems across the Department of Home Affairs. Things done manually are not transferred to electronic systems.

There are too many vacant positions of frontline officers and some critical posts at management level. Many of these positions are not even funded. Home Affairs continues to depend on Sita, Public Works and Sars, without a clear memorandum of understanding or service-level agreement. This has crippled Home Affairs in many ways.

The department spent millions on unnecessary litigations because they do not have internal capacity. The Minister has no way of ending this because he does not have the capacity, even if he wanted to.

We have to talk about the IEC. While there is a Bill before us that deals with substantive matters, we are concerned about the budget cuts made on the IEC budget. The IEC cannot hold sufficient political education sessions for voters. Sometimes we think it is a deliberate strategy to undermine our democracy. Too many people who should vote are not registered to vote and the IEC is failing to get these people on the voters’ roll.

Lastly, we maintain that the artificial colonial borders that separate Africans and their goods and services are the first obstacle that we should solve to resolve Africa’s development. This must happen through consultative processes with other African states - common currency, common language and common education. I thank you.

Ms L L VAN DER MERWE: Deputy Speaker, the Department of Home Affairs was asked to reprioritise its budget, to give away R564 million toward another SAA bailout and the corruption-riddled Covid-19 response. This is like asking a dying man for his kidney. Home Affairs needs more resources, not less.

The great Bushiri escape as well has once again exposed that the department is in deep crisis. Right now, one immigration officer in South Africa is expected to do the work that thousands of

officers do in London. No wonder, border control is failing. No wonder criminal syndicates of human trafficking flourish. No wonder undocumented migrants and illegal migrants within our borders are multiplying.

Then there is the Standing Committee for Refugees Affairs. It only has a handful of employees. Because of this, the current backlog and their asylum seeker system is going to take 68 years to finalise. No wonder then that some economic migrants are able to abuse the system, to live, work and use government services for years on end. It is a fact that this department lacks the resources and the political will to implement its own legislation.

What about services to the general public? Every South African dreads having to visit a Home Affairs office. Endless queues and perpetually failing ITC systems see South Africans having to take time away from their small businesses and their jobs, while spending their last bit of money travelling back and forth to Home Affairs offices, without any resolution.

To make matters worse, corruption is also becoming endemic within this department. Far too many South Africans are still waiting on their passport renewals, their IDs, birth certificates, which puts their futures on hold.

It is becoming increasingly difficult to continue supporting a budget of a department that does not have a plan to fix the grave challenges it faces. I thank you.

Mr F J MULDER: Hon Deputy Speaker, the FF Plus welcomes the actions taken by the committee on holding the Minister and the department accountable for the reports on amongst others, investigations in relation to the Auditor-General provided list for persons with involvements in companies, whilst in the employment of the department within seven days of the adoption of the report; the report back on counter corruption directorate investigations as well as engaging the Hawks to investigate and arrest syndicates that operate outside and within the office; resolving the matter of the system down time by Sita with the Minister of Communication to address front-office service delivery by the department and provide alternative solutions and related budget; engage more urgently with the Minister of Finance regarding the cutting of funding to the already constraint department, which is operating at less than half of its ideal capacity and the effective administration and legislative changes to facilitate laying criminal charges against foreign nationals who submit fraudulent documentation in application of permanent residence.

*Afrikaans*:

Die departement se probleem is egter veel groter as net dit. Die komitee moet in werklikheid meer drasties ingryp, omdat hierdie departement op die rand van ineenstorting staan, veral in sover dit ondoeltreffende grensbeheer, onbillike agterstande met geboortesertifikate en reisdokumente betref.

Terwyl die departement ook meer as R2 miljard se skuldfondse teen hom het, kan die VF Plus daarom nie hierdie verslag steun nie.

Dankie.

Mr S N SWART: Deputy Speaker, the ACDP has studied this comprehensive report and we note that, at the end, there is almost

49 items where the portfolio committee is exercising oversight. So there are massive challenges in this department, including service delivery and corruption.

However, what we do support is the committee’s recommendation that when one deals with the Beitbridge border fence, the committee makes it very clear that the Minister of Public Works must ensure that all officials that were found to have acted in an illegal manner must be held accountable and that the Special Investigating Unit, SIU, report must also be fully implemented.

Secondly, we have a concern about the R52 million reduction in the IEC’s budget. This, in a pre-election year is a great concern and we know that public awareness programmes will be impacted. It is also significant that, as of 28 August, 198 000 death certificate had been issued for the lockdown period. At that time, there were about 11 000 Covid-19-realted deaths. Every death is tragic. It is very clear that there are tens of thousands of people dying of curable and treatable diseases such as HIV Aids, tuberculosis and chronic heart diseases.

The ACDP implores that we also remember all those other people who have also died at this time. I thank you.

Mr A M SHAIK EMAM: Hon Deputy Speaker, the NFP supports the report of the Department of Home Affairs tabled here today. Allow me to start first of all by saying you know the Minister of this particular department inherited a department that was already in grave trouble a long time ago and the problems in the department continued. I mean you should talk to the one Belinda ... [Inaudible.] ... she would tell you the challenges she faced at home affairs at Umgeni Road and the poor treatment that she received there including by the supervisor. Thanks to one Zandile Dlamini who came to the rescue to assist her. However, this appears to be the norm in most branches of home affairs as a

result of course of lack of commitment and passion by the employees and very importantly also the failing integrated of the information technology, IT, system in various departments.

However, I would like the Minister to one day join me and I would show the Minister how easy it is to travel from Cape Town to Zimbabwe with no documentation at all, but with money in your pocket and with no problems what so ever. I want to encourage the Minister to join me. I will show him exactly how porous our borders have become. Take the issue of the Bushiris and I would like this department at some stage can be able to tell us and do a thorough investigation on how the Bushiris left South Africa and through which border control did they leave South Africa and where are really the problems and who obviously colluded with the Bushiris to allow them to escape this country.

The NFP is very reluctantly supporting this report. We believe that the Minister will be very committed like under the Department of Health will do what is necessary to bring this department in order. One of the last things I want to request from the Minister is to ensure that his officials in all branches of home affairs have an open book policy ... Thank you. [Time expired.]

Mr M G E HENDRICKS: Hon Deputy Speaker, we have a Minister who is very passionate to fix things and is always available. A chairman of the portfolio committee that crosses the tees and ... [Inaudible.] ... and he had a portfolio committee that is very vigilant to turn things around.

Hon Deputy Speaker we are going to mechanical voting hopefully in the future and voter education is very important. So we will amend the fact that the budget has been cut. Also, it is important that voter education improves and increases so that people do not go to the streets, but use the ballot box. A Jama-ah supports the report. Thank you very much, hon Deputy Speaker.

Ms T I LEGWASE: Hon Deputy Speaker and hon members of this House, the ANC rises in support of the Budgetary Review and Recommendation Report of the Portfolio Committee on Home Affairs for the financial year, 2020-21. The Department of Home Affairs is responsible for the efficient determination and safeguarding of the identity and status of citizens and regulations of migration to ensure security as well as to promote and fulfil South Africa’s international obligations. Over this financial year the whole world was ravaged by the coronavirus pandemic. This brought the economy to its knees to its knees and the Department of Home Affairs was not spared from the negative impact. Be that as it

may, we have confidence in the Economic Reconstruction and Recovery Plan as tabled by the President.

We support our government’s efforts to building our economy, rehabilitating our public finance and recovering from the devastation brought by COVID-19. One of the department’s strategic

priorities is to establish the Border Management Authority, BMA. The main challenge of establishment has been the delay to pass the legislation. However, with the passing and the President’s ascent to the Border Management Authority Act, we look forward to seeing the Incremental Implementation of the BMA.

The ANC’s 52nd National Conference resolved to establish the BMA. The BMA is a critical tool for securing our borders which are porous. We will be closely monitoring the implementation thereof. The BMA must be appropriately funded in order to ensure effective security of our borders.

We commend the department in providing essential services during the lockdown. This shows commitment to the Batho Pele Principles. We encourage the department officials not to relax their efforts in serving South Africans. We reaffirm our commitment to the international law instruments and promises on migration of the

country. All those who come to our country must know that they are subjected to the Constitution and the law of the land. The ANC supports the Budgetary Review and Recommendation Report. [Applause.] [Time expired.]

Motion agreed to (Economic Freedom Fighters, Freedom Front Plus, African Christian Democratic Party, and Democratic Alliance dissenting).

Report accordingly adopted.

# CONSIDERATION OF BUDGETARY REVIEW AND RECOMMENDATION REPORT OF PORTFOLIO COMMITTEE ON PUBLIC SERVICE AND ADMINISTRATION ON STATISTICS SOUTH AFRICA

**CONSIDERATION OF BUDGETARY REVIEW AND RECOMMENDATION REPORT OF PORTFOLIO COMMITTEE ON PUBLIC SERVICE AND ADMINISTRATION ON DEPARTMENT OF PLANNING, MONITORING AND EVALUATION AND BRAND SOUTH AFRICA**

**CONSIDERATION OF BUDGETARY REVIEW AND RECOMMENDATION REPORT OF PORTFOLIO COMMITTEE ON PUBLIC SERVICE AND ADMINISTRATION ON DEPARTMENT OF PUBLIC SERVICE AND ADMINISTRATION, PUBLIC SERVICE**

**COMMISSION, NATIONAL SCHOOL OF GOVERNMENT AND CENTRE FOR PUBLIC SERVICE INNOVATION**

There was no debate.

The CHIEF WHIP OF THE MAJORITY PARTY (Ms P C P Majodina): Hon

Speaker, I hereby move that we adopt ... [Interjections.]

The DEPUTY SPEAKER (Mr S L Tsenoli): Still Deputy!

The CHIEF WHIP OF THE MAJORITY PARTY (Ms P C P Majodina): Come

again!

The DEPUTY SPEAKER (Mr S L Tsenoli): Deputy!

*IsiXhosa*:

UMBHEXESHI OYINTLOKO WEQELA ELILAWULAYO: (Nks P C P Majodina):

Nditheni mna? Nditheni mna?

USEKELA SOMLOMO (Mnu S L Tsenoli): Qhubeka, Mbhexeshi oyiNtloko weQela eliLawulayo.

The CHIEF WHIP OF THE MAJORITY PARTY: Thank you very much, Deputy Speaker, hon Lechesa Tsenoli.

*Sesotho:*

Ke lebohile hle ntate. Ke tsitsinya hore kopanelo ena ya ditlaleho tsena tse tharo, re e amohele e ntse e kopane e le jwalo.

The DEPUTY SPEAKER (Mr S L Tsenoli): Don’t worry, we are about to go to lunch. When you start talking about combo, lunch is not far away. The DA! Chief Whip!

The CHIEF WHIP OF THE OPPOSITION: Hon Deputy Speaker, it’s the hon Schreiber on virtual platform and I believe that he is still connecting.

The DEPUTY SPEAKER: He is struggling; you will have to intervene.

The CHIEF WHIP OF THE OPPOSITION: Deputy Speaker, there does seem to be a problem. I wonder if you could come back to the DA after you’ve done your next speaker.

The DEPUTY SPEAKER (Mr S L Tsenoli): Okay! Alright, let’s do that: EFF!

Ms E N NTLANGWINI: Deputy Speaker, there seem to be a connection problem. I will try to locate the member.

Mr N SINGH: The IFP first, Deputy Speaker. The IFP has considered the three Budgetary Review and Recommendation Reports, or BRRRs, of the Portfolio on Public Service and Administration.

In relation to the Budgetary Review and Recommendation Report on Statistics SA, from the outset the IFP wishes to emphasise that it acknowledges the high quality information Statistics SA produces and its important role in ensuring that this information is correctly captured.

The role of this institution is critical as the data it produces informs the national and provincial policy and is an important means to measure the fulfilment of government objectives. It is therefore, highly concerning that key management and critical posts have been vacant since October 2016 as a result of budget cuts.

The IFP strongly agrees with the committee’s recommendation that the Minister in The Presidency for Planning, Monitoring and Evaluation and the Minister of Finance should urgently resolve the budget shortfall. The IFP also supports the committee’s decision to invite the National Treasury and the two Ministers to urgently address the issue.

On the issue of the report of the Department of Planning, Monitoring and Evaluation and Brand South Africa, the IFP supports the committee’s recommendations, yet the IFP is also concerned about the increasing vacancy rate at Brand South Africa and strongly supports the recommendation that Brand South Africa must prioritise the filing of critical funded positions.

Lastly, in relation to the BRRR on Public Service Commission, or PSC, the National School of Government and the Centre for Public Innovation, the IFP agrees with the committee’s recommendations. The IFP specifically wishes to emphasise the recommendation that the Public Service Commission should investigate reasons why disciplinary action in the public service are drawn-out without being resolved. These reasons need to be properly investigated.

The PSC has a critical constitutional role to play. We wish to reiterate in terms of section 196 of the Constitution that it has the power to investigate public administration. The IFP hopes that they will do that. The IFP supports the Reports. Thank you.

Dr L A SCHREIBER: Yes, hon Deputy Speaker, my apologies, I am having some technical challenges. Hon Deputy Speaker, just last week, when we discussed the preliminary BRRR reports, I informed this House that there appears to be concerted effort by ANC

members of this committee to sabotage the work of the Public Service Commission and other entities within this department.

I am afraid that this issue only getting worse because contained in this report is a statement from the ANC members of the committee that the government must renegade on its undertaking earlier this year to cut the public service wage bill. That’s right, Deputy Speaker, the ANC members of this committee have taken on Finance Minister Tito Mboweni. They have challenged him directly.

This report calls for the government to provide back pay of salary increases is totally R37 billion for the last financial year. This is in complete contrast with what we have heard from the Finance Minister thus far, as well as Minister Senzo Mchunu. When I pushed the members of the committee on this, they simply responded by saying it would be an embarrassment to the government if they lost a court case and that people from the unions and the union background understand that you cannot fail to pay salary increases.

Deputy Speaker, the DA rejects this report. We reject this latest attempt to sabotage any final efforts to stop and prevent South Africa from falling off the fiscal cliff. We will keep a close eye

on this matter and we implore the state to cut the public service bill in a way that protects the wages of frontline service delivery workers by making sure that millionaire managers are reduced so that we can save South Africa from the fiscal cliff.

Thank you.

Mr S N SWART: Thank you Deputy Speaker, the ACDP fully appreciates the need to contain the spiralling public sector wage bill and this has been highlighted by the Minister of Finance and by National Treasury as a serious risk to the fiscal outlook. A matter of the implementation of the third year of the wage agreement is of course subject to a court process.

We know as well that public servants such as doctors and nurses are at the frontline and they need to be protected but they do need to be protected from those middle management millionaires. At the same time whilst we appreciate the dilemma that public servants are faced with, let’s also look at the private sector where 2,2 million people have lost their jobs. Many have taken a reduction in salary. Yes, the labour union say why should we take the brunt when there is so much corruption. The ACDP agrees with that.

Given the constraints that we are faced with, we would urge that this portfolio committee as well as government looks to reach a sustainable developmental cross-sector public sector wage bill going forward and that will include state-owned enterprises and us as public office bearers. I thank you.

Ms E N NTLANGWINI: Deputy Speaker, sorry, we are ready as the EFF. The EFF rejects all the three Budgetary Review and Recommendation Reports from the Portfolio Committee on Public Service and Administration and we do so for the following reasons: As the EFF, we reject the freezing of public servants’ salaries and view this as nothing but an atrocity-driven agenda that is ... [Inaudible.]

...

Public servants are one of the major consumers in our economy. When you freeze R300 billions of their salaries over the medium- term, you are essentially reducing a disposable income for consumers to spend in goods and services market. It is these kinds of reckless policies adopted without scientific evidence that will push our economy into further depression. Workers will do better to know that they are not being sold out to slaughter. Their continued support of the ruling party during the elections is reckless and amounts to failure to take responsibility.

We have said time and time again that the Department of Planning, Monitoring and Evaluation is an unnecessary department that we will have to do away with and abolish. We don’t need a Minister without a portfolio who is just a glorified spokesperson of the President.

Lastly, the continued attack on Statistics SA’s budget is a deliberate attempt to collapse the institution and at a time like this when we need to look into our alternative policies informed by credible statistics. We should all come together against the reduction of Statistics SA budget. We do reject the reports. Thank you.

Mr A M SHAIK EMAM: Deputy Speaker, the NFP supports the report of Public Service and Administration, PSA, tabled here.

First of all, let me say this, Deputy Speaker, that Statistics, Stats SA, is one of the most critical institutions in South Africa, unless they are able to work in a satisfactory manner and provide us with the necessary data, it will be very difficult for us to plan for the future. And I think that cutting budgets, particularly for an organisation like Stats SA does not do justice. However, Stats SA itself has serious challenges in terms

of the high vacancy rate and things; which impacts on their performance.

The other issue is, of course, we talk about the public service wage bill. The first thing is this, we must understand and accept that we cannot blame public sector employees for the weakness, the challenges and corruption and high levels of maladministration that we have in the country.

I think what we need to do effective ... and I think the stats clearly show that the numbers of people employed in the public sector is fine, the problem is that the high exorbitant salary scales in which we pay them and I think we need to make sure that we get better performance from them; that ... I think what is very important is that we do more with less. But I think the R630 billion that we spend annually on public is not sustainable in the long term.

What we must understand that it’s government’s responsibility to create a conducive environment to create job not to create it in the public sector but in the private sector.

The NFP will support the reports tabled here. Thank you very much.

Mr M G E HENDRICKS: Deputy Speaker, AL JAMA’AH supports all three budget reviews. Thank you very much, hon Deputy Speaker.

Mr T H JAMES: Deputy Speaker, the ANC pleads with the House to support the report.

Statistics SA is bestowed with the responsibility of producing credible statistics using internationally recognized standards, methods and employs the best statistians in the country.

Statistics produce influences government to make better informed decision when it comes to policy-making; and government and the private sector, and the academic institutions rely on statistics produced by Stats SA to inform their work and research.

The Department of Planning, Monitoring and Evaluation, DPME, has a fundamental role to play in monitoring and evaluating government departments. The department is responsible to put effective monitoring and evaluation framework in place that will enable departments to measure their impact and shortfalls.

We urge the department to work closely with the Department of Public Service and Administration in developing a strategy for the establishment of the administration heads as envisaged by the

National Development Plan, NDP, to manage career incidents of the heads of departments and establish the political administrative interface.

As the ANC we urge the Public Service and Administration to urgently establish the office of standards and compliance and further extend its scope to conduct lifestyle audits for government employees to curb and avoid public servants conducting business with the state.

As the ANC we support all the three reports.

Before my time expires let me address what the DA has raised [Time expired.] [Laughter.] Thank you.

Question put.

Objections noted.

Report agreed to.

# CONSIDERATION OF BUDGETARY REVIEW AND RECOMMENDATION REPORT OF PORTFOLIO COMMITTEE ON POLICE ON SOUTH AFRICAN POLICE SERVICE PERFORMANCE FOR 2019/2020 FINANCIAL YEAR

**CONSIDERATION OF BUDGETARY REVIEW AND RECOMMENDATION REPORT OF PORTFOLIO COMMITTEE ON POLICE ON PRIVATE SECURITY INDUSTRY REGULATORY AUTHORITY PERFORMANCE FOR 2019/2020 FINANCIAL YEAR**

There was no debate.

The CHIEF WHIP OF THE MAJORITY PARTY: Hon Deputy Speaker, I move that the report be adopted. Thank you.

*Declarations of vote:*

M. Gen O S TERBLANCHE: Hon Deputy Speaker and hon members, the SA Police Service is the second largest department in South Africa with a total adjusted budget allocation of R96,8 billion for the 2019-20 financial year. The department’s performance is therefore very important for the safety of all South Africans and to support investment initiatives. Unfortunately, the department underperformed. Total performance declined in 2019-20 financial year both in terms of financial and service delivery performance.

The fact is that the department in crisis is often unable to achieve its goals. The tactical services and specifically forensic services subprograms came under severe criticism for underperformance driven by corruption and supply management issues. The DNA case backlog hovers around to 130 000 cases. This

cripples the National Prosecuting Authority’s ability to charge and successfully prosecute suspects in serious gender-based and other violent crimes.

Visible policing is key in the crime prevention strategy and underspending in this environment spells out the department’s Laissez-faire approach. Recruiting and training programmes are stranded and it is unknown when the process will be kicked in again. Farm attacks and murders are still going on as usual and Minister Cele and his department seems to be unable to bring it under control. He is apparently too busy with operational issues — preventing him from fulfilling his ministerial responsibilities.

The Minister must indicate what he intends to do about the threats made by Mr Julius Malema against the police and their families.

Chairperson, the ... [Time Expired.] Thank you.

Mr H A SHEMBENI: Deputy Speaker, the EFF rejects the Budgetary Review and Recommendation Reports for both the SA Police Service as well as the Private Security Industry Regulatory Authority. We do this on the basis that the SAPS is increasingly becoming a spectator in the game they should be dictating.

The increasing rates of rape and under crimes against women and children seem to have overwhelmed SAPS, and there is no plan in place to put an end to this practice. Our townships have become jungles where the armed and the most violent rule. More often with collaboration from criminal elements which are now dominating SAPS to the disadvantage of the innocent citizens.

South Africans are living in terror and fear for their lives every day, and they do so knowing that they will find no comfort in the police. This can be linked directly to the almost uncontrollable mushrooming of private security companies in the country whose growth threatens the very nature of our democracy.

There are currently over 9 500 private security companies in this country and almost 500 000 active private security guards as well as over 1,5 million trained but inactive private security guards. They are better armed than the SA Police or the army. These private securities can overrun the country at any given time. The role played by the Private Security Industry Regulatory Authority is ensuring that these companies are regulated is almost negligible. The private security industry is ...[Inaudible.] ... on itself. [Time expired.] We reject the report.

Ms Z MAJOZI: Hon Deputy Speaker, the SA Police Service is not currently performing equal to its mandated task of ensuring that the people of South Africa feel and are safe. The fact is that our police are increasingly becoming less effective and efficient in the delivery of their service mandate.

The policing priorities as listed in the National Development Plan, NDP, must receive greater focus if our police service are going to restore public faith, trust and confidence in the law enforcement. Transformation of the SAPS and effective law enforcement in the crimes of gender-based violence and crimes committed against women and children must remain policy priorities.

The SAPS rejuvenation programme which seeks to recruit over 3000 new police officers of the Medium-Term Expenditure Framework, MTEF, period must ensure that the new trainees are trained to the highest standard in order to ensure effective policing and greater public trust. Qualified audits and supply chain management irregularities cannot continue, and stricter financial budgetary control must be implemented. Those found guilty of misconduct must be subjected to the necessary disciplinary or criminal proceedings.

In terms of the BRRR on the Private Security Industry Regulatory Authority, must be commended on receiving a clean audit during the 2019-20 financial year. Unfortunately, it fell short on time frames as regards to the appointment of new council members, and this must be addressed as a matter of urgency.

Hon Deputy Speaker, we agree that the authority should additionally be doing more to empower small security businesses to develop whilst at the same time ensuring an effective regulated industry. The IFP supports both budgetary reviews and recommendation reports. I thank you.

Dr P J GROENEWALD: Deputy Speaker, firstly I want to start by saying that the BRRR is actually making certain recommendations and the FF Plus support those recommendations because each and one of those recommendations are good recommendations to enhance the better functioning of the police service.

But Chair, I also want to say that yes, we see the reports, we know there are many problems but I want to say that one of main problems is actually the fact that we have too many criminals within the police service. More than 400 members of the police service who are actually accused of some other form of criminality and that is unfair towards the hardworking, dedicated men and

women in the police service trying to protect the people of South Africa.

Having said that, I also want to say that the fight against crime is not only for the police; it is a criminal justice system. How is it possible that we must read that a certain Lungisa who actually got two years for assault is now out on bail from the correctional services after two months? How is it possible? You cannot afford to have that.

*Afrikaans*:

Die ander probleem is dat u vanmiddag in die debat gaan hoor dat

...

The CHIEF WHIP OF THE MAJORITY PARTY: On a point of order.

The DEPUTY SPEAKER: Yes, hon member.

The CHIEF WHIP OF THE MAJORITY PARTY: Chair, with due respect. The matter of Comrade Lungisa is not part of this BRRR.

The DEPUTY SPEAKER: That is not a point of order, hon Chief Whip. Sorry. Take your seat. That is not a point of order. Go ahead hon

...

*Afrikaans*:

Dr P J GROENEWALD: Die Minister van Vervoer gaan vanmiddag sê dat die mense nie moet drink en bestuur oor die vakansie typerk nie. Die feit van die saak is dat die speurders nie hulle werk kan afhandel nie, want toksikologiese verslae is selfs 10 jaar agter. Dit is nie die polisie nie; dit is die Departement van Gesondheid wat nie daardie verslae produseer nie. Dit is die probleem. Ek dank u.

Rev K R J MESHOE: Thank you, Deputy Speaker. The SA Police Service, the SAPS, has the second-largest budget in government. However, this department is underperforming and in some crucial areas is retrogressing rather than progressing. In the 2019-20 financial year, the SAPS had their fourth qualified audit in a row. Since the 2016-17 financial year, the Auditor-General, AG, has been complaining about the uncertainties and irregularities in the SAPS’ financial reports and ... [Inaudible.] ... surprisingly, in the 2019-20 financial year, matters became even worse. Supply management policies continue to be flouted, leading to significant corruption. This has impacted service delivery and there seems to be no consequences for the culprits.

Our police, that should be the ones setting a good example for the rest of government and the country on diligence and honest

financial management, are the worst culprits. The AG has not been able to verify some of the performance indicators claimed by the department. These include average national reaction time indicators and the number of ... [Inaudible.] ... stolen or lost SAPS firearms recovered. Is this because of poor record keeping or deliberate manipulation of the statistics? Either way, the matter is very concerning because victims who are kept waiting after calling 10111 can easily end up dead, injured or raped.

Furthermore, the SAPS meets 48 of its 121 performance targets which ... [Inaudible.] ... an achievement rate of only 63,3%. On the other hand, the protection and security service programme achieved 100% of its performance targets, thus proving that the

... [Time expired.]

Mr A M SHAIK EMAM: Thank you, Deputy Speaker. The NFP supports the Budgetary Review and Recommendation Report of the department tabled here today. Let me start off by saying that, indeed, the Private Security Industry Regulatory Authority, PSiRA, has its own challenges and it needs to improve on its capacity to collect revenue because technically it is insolvent.

The SAPS has its own problems and challenges. Corruption is underreported or understated in the department, but very

importantly, budget cuts do not help the department. Remember, with the high unemployment rate, the job losses and business closures ... so that crime is expected to be on the rise. Very importantly, the level of trust that the community has in the SAPS is at an all-time low.

So, unless that improves ... and that’s why the NFP has repeatedly suggested that we need to include or introduce policing in Grade

10 in schools so that those with the passion and who want to serve in the SAPS could be enrolled and given the necessary training after they finish Grade 12, in order to become ... to professionalise the entire SAPS.

Also, we think it is important that the department of ... the SAPS, together with, like my colleague said, the Department of Justice, and I will agree, Social Development, Home Affairs, should all work together in dealing with the issue of crime in South Africa. We certainly cannot expect the SAPS to be able to deal with crime at the level it is currently at as a result of other departments not performing optimally. You know, we need a holistic approach in dealing with the issue of crime in South Africa. The NFP supports the report tabled here.

Mr M G E HENDRICKS: Thank you very much, hon Deputy Speaker. We’ve lost the war to stop gender-based violence, GBV, which possibly makes South Africa a failed state because if we can’t stop GBV and

... that the SAPS’ budget is the second-highest budget, then it’s a serious problem.

You know that when we got our democracy, many of the cadres were integrated into the Defence Force. Not enough of them were integrated into the Police Force and ... because we now actually need in ... [Inaudible.] ... our focus on GBV and personal safety we actually need a standby force in every village, in every town, in every city, to assist the police so that we can address GBV and personal safety.

I mean, let us not fool ourselves. The police just don’t have the capacity; they don’t make the cut and we have to think of a standby force. Like the Speaker wants a standby force for Africa, we need to have standby forces, using our cadres all over the country to address this serious problem. Al Jama-ah supports the budget.

Mr E R K MAPHATSOE: Thank you, hon Deputy Speaker. The ANC rises to support the Budgetary Review and Recommendation Report of the Portfolio Committee on Police that has examined the financial and

performance information for the SAPS for the 2019-20 financial year.

The ANC knows that we have a long way to go, with increased violent crime. We have to support the good police officers who want to help the community to fight crime and in the fight against GBV and femicide, which is a priority that we cannot ignore.

We are disappointed that the SAPS has regressed in their financial reporting, as the AG has, for the fourth year in a row, found that the SAPS has a qualified audit with findings. We cannot accept that the SAPS’ used budget is over 96 billion and has a problem with corruption and cannot manage its financial administration with proper record keeping. We have to ask that this ... [Inaudible.] ... recommendations we have supported. We look forward to processing the SAPS Amendment Bill when it comes to Parliament.

In the same breath, the ANC also supports the Budgetary Review and Recommendation Report on the PSiRA. The PSiRA is a schedule

3 public entity and we are proud that it is leading the way when it comes to charting a new course for the private security industry. We welcome the clean audit outcome of the PSiRA and we note that they have to work hard to ensure that security companies

do not exploit security officers, and follow the regulations. The security industry has about 2,5 million security officers on their database, of which 548 000 remain active.

The ANC congratulates the PSiRA for attaining a clean audit for the 2019-20 financial year and look forward to the same next year. The ANC supports the Budgetary Review and Recommendation Report of the Portfolio Committee on Police. [Time expired.]

Question put.

Motion agreed to (Economic Freedom Fighters, African Christian Democratic Party and Democratic Alliance dissenting).

Report on SA Police Service performance for 2019-20 financial year accordingly adopted.

Report on Private Security Industry Regulatory Authority performance for 2019-20 financial year accordingly adopted.

# CONSIDERATION OF BUDGETARY REVIEW AND RECOMMENDATION REPORT OF PORTFOLIO COMMITTEE ON POLICE ON INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE PERFORMANCE FOR 2019/2020 FINANCIAL YEAR.

**CONSIDERATION OF BUDGETARY REVIEW AND RECOMMENDATION REPORT OF PORTFOLIO COMMITTEE ON POLICE ON CIVILIAN SECRETARIAT FOR POLICE SERVICES PERFORMANCE FOR 2019/2020 FINANCIAL YEAR.**

The CHIEF WHIP OF THE MAJORITY PARTY: Deputy Speaker, I move that the House adopts both reports. Thank you.

*Declarations of vote:*

Maj Gen O S TERBLANCHE: Deputy Speaker, the Independent Police Investigative Directorate, IPID derives its mandate from the Independent Police Investigative Directorate Act, Act1 of 2011. The urgent review of this Act is crucial for the effective performance of this directorate. Thus, together with the Minister’s failure to appoint a new permanent director with the prescribed time frame had serious consequences for the success of this essential weapon, the state’s arsenal to combat crime in police ranks.

The portfolio committee in the meantime managed to facilitate the appointment of Jennifer Ntlatseng as IPID’s Executive Director. We hope that this will hassle in much needed stability in this environment. The department’s overall performance declined during the 2019-2020 financial year, achieving only 72% on predetermined targets. IPID experienced serious underperformance in the

investigation of crime against members of the SA Police Service and urgent intervention in this area is needed.

The budgetary constraints have been raised continuously to explain underperformance and underspending, but there are still 360 posts of approved 428 posts. IPID only completed 40% of cases referred to them and their success rate with prosecutions and convictions is even more concerning. The National Prosecuting Authority declined to prosecute in some cases due to the qualities of investigations.

The Civilian Secretariat for Police Service focused on output that do not measure the outcomes and impact of crime prevention of police conduct. Chair, we as the DA ... [Time Expired.]

Mr H A SHEMBENI: Deputy Speaker, the EFF rejects the Budgetary Review and Recommendation Report on Police on Independent Police Investigative Directorate, IPID and the Civilian Secretariat for Police Services. IPID in its essence failed to deal with the perforation of criminal conduct within the police service, and the sure disregard for the rights of citizens, particularly black citizens in this country, who are abused, beaten up and even killed by police on a regular basis.

We have often seen how police treat black people who are involved in protests, as compared to the manner they treat white people.

The SA Police Service, SAPS is at the core, a colonial apartheid force ...[Interjections] ... beat black people, into the lanes that the oppressive neo-colonial system has preordained black people.

The institution may be led by black people and even has a black Minister but at the core, it is a force against the black people. The black leaders are merely tokens who have no philosophical grounding to understand how the conduct of police reinforce colonial stereotypes.

The IPID is supposed to have brought to heart the uprooting of this disrespect for black lives at the SAPS, but they have spectacularly failed to reign in the police. Same can be said about the severity brutality from police which was meant to provide civilian oversight over the police service.

This is just an entity that is used to challenge resources of the state, to loot us associated with the ruling party and has done little to fulfil its mandate. We therefore reject this report.

Thank you.

Ms Z MAJOZI: Thank you Deputy Speaker. The Budgetary Review and Recommendation Report the Civilian Secretariat for Police Services and Independent Police Investigative Directorate, IPID has been disappointing, year on year. What has emerged from these two reports is the common thing that, the Department of Police is under capacitated and removed from the challenges South Africa faces. The lack of human capital in IPID forces the delay of investigation, not only in terms of its outcomes and prosecution, but also getting to the cases.

The committee even noted that IPID cannot ensure accountability over the police as they are unable to attend to cases in the required time frame. One such prime example is Siyasanga Gijana from Philippi, who has been waiting for over a year for IPID to investigate the matter after police shot her in the eye while she was merely fetching water.

IPID needs to urgently reform its management in order to respond to and investigate civil claims metred against the department.

According to the Civilian Secretariat for Police Services, civil claims have increased by a massive R500 million at an expense of the taxpayers. This increase is not a once off thing, but is one that builds year on year. This takes away vital monies from the department in addressing our deepest social ills.

The Civilian Secretariat for Police Services claims that, Gender- based violence, GBV and Family Violence, Child Protection and Sexual Offences, FCS units lack human resources. Clearly, the money wasted by not ensuring proper police compliance by this entity could be diverted into strengthening the fight against GBV. The IFP supports both budgets.

Dr P J GROENEWALD: Hon Deputy Speaker, I want to say it again that the recommendations in the report is acceptable to the FF Plus and we support those recommendations. However, I want to say that when it comes to IPID, it is a very important instrument for the public where they can come forward with their complaints against the police. In other words, that is the instrument to police the police. Therefore, there must be trust created by IPID when it comes to the public.

*Afrikaans*:

As ’n mens na siviele eise kyk wat ingekom is teen die polisie, het die Minister in ’n antwoord op ’n geskrewe vraag van my gesê dat net in die vorige finansiële jaar is meer as R500 miljoen reeds aan siviele eiese uitbetaal. Meeste daarvan was weens onregmatige arrestasies. Dit is ’n baie duidelike teken en bewys dat daar ’n groot gebrek is, as dit by die opleiding van die

polisielede kom, waar hulle nie behoorlik kan onderskei wanneer ’n persoon gearresteer mag word of nie.

Dit is dan waar die Onafhanklike Polisie-ondersoekdirektoraat, OPOD, die belangrike rol speel, om te kan sorg dat reg en geregtigheid kan geskied.

Die agb Minister is nog ’n antwoord aan die komitee verskuldig, omdat hy buite die wet opgetree het met die aanwysing van die direkteur van OPOT. Die Minister moet ’n voorbeeld stel.

*English*:

Therefore, it unacceptable that the Minister can move out of the boundaries of the legal act to appoint the director. He must set an example and it is not acceptable. I thank you.

Rev K R J MESHOE: Thank you, Deputy Speaker, with a final appropriation of more than R336 million, 352 staff members, a national office and only four satellite offices. The Independent Police Investigative Directorate, Ipid, is a small organisation with a comparatively small budget. Yet, it has a huge job to do. The Ipid is charged with an oversight responsibility over the SA Police Service, the SAPS, and municipal services. The Ipid discharges its mandate by conducting independent and impartial

investigations of the identified criminal offences allegedly committed by the SAPS and the MPS members. Subsequent to the investigation, they make appropriate recommendations for justice. The Ipid needs to be congratulated on its unqualified audit opinion for the 2019-20 financial year, as well as its establishment of a financial misconduct committee and the payment of checklist it has developed and implemented to keep its supply chain clean of corruption.

Sadly, though report on Programme 2 investigation and information management indicates that Ipid is forced by limited funds to focus on the most serious cases. Corruption, death in the police custody, death as a result of police action, rape by police officers and rape while in police custody. Ipid investigators, however, were able to attend only 69% of crime scenes within 24 hours and 70% of post mortems nationally in the 2019-20 financial year. Unless the budget and staff of Ipid are increased significantly, they are being set up for failure. The misconduct of the SAPS and MPS members require investigations far more than just the high priority cases that are reported to Ipid. Thank you.

Mr A M SHAIK-EMAM: Thank you Deputy Speaker, the NFP supports the report of both the Ipid and Civilian Secretary for Police Services, CSPS, tabled here today. Now let me start off, hon

Deputy Speaker, by saying that the Civilian Secretary for Police Services need more to boost and bolster the confidence between the people on the ground and the SAPS and also ensure that there’s a conducive environment at police station, particularly when victims of gender-based violence and other victims have to go out there to report cases and things like that, and which appears to be a serious problem at this point in time. But I think what is very clear is that Ipid is overstretched with the increase of the number of cases of brutality, corruption and criminality by police officers reported there with the limited revenue that they do have.

Of course, the committee had actually also picked up ... problems in terms of acquiring PPEs, where I think sanitizers were paid R400 for five litres, somewhat in another company R1950 then. We are still waiting for that information for them to provide details of this particular company. However, I think what is also very important is to note that you know with a limited capacity that Ipid has and with the influx of cases that are being reported. It is very, very difficult for Ipid to be able to do justice.

The NFP, however, welcomes the Amendment of the Ipid Act, but it must include ... right now it excludes law-enforcement from cities and things like that. So, I think this amendment at cost that is

coming forward which will now include all metro police law- enforcement ... [Inaudible.] which Ipid would be able to investigate must be welcomed. We welcome the unqualified report that the Ipid has had in the last financial year. The NFP supports the BRRR report tabled here. Thank you very much.

Mr M G E HENDRICKS: Hon Deputy Speaker, if an hon member of this House and his party feels that the SAPS is a colonial police force. It is important that we change this perception. The Ipid needs to play a very serious educational role in this regard. The station commanders must be high on the priority list to assist the Ipid and in our police’s schools this needs to be high on the curriculum. We cannot move forward when there is a perception that black lives don’t matter. We are very grateful for the work the Ipid does with limited resources. Al Jama’ah supports the budget.

Ms N P PEACOCK: Thank you Deputy Speaker, the ANC rises to support the Budgetary Review and Recommendation Report, BRRR, of police for 2019 and 2020. With regard to Ipid, the Ipid received an unqualified audit opinion with material findings in compliance with the legislation. We urge the Ipid to turnaround their operations and fill all outstanding vacancies in order to complete all outstanding investigations. The country needs assurance that the watchdog must have the necessary resources to do the work.

We welcome the appointment of the executive director, which is Ms Jennifer Ntlatseng. She’s a strong woman and we know that she will do the right work. We know that she will be the right person to drive the ship. We welcome the decision to work closely with the National Prosecuting Authority, NPA, to finalise cases which are closed and the plan to bring more skills on board in terms of investigations or to find evidence before the NPA.

The ANC also welcomes the decision that old cases that were refused prosecution by the ANC will be reopened. With regard to Civilian Secretariat ... police is the technical adviser to the Minister of Police ...[Interjections.]

The DEPUTY SPEAKER: Hon Chabaku, please switch off your mic. Sorry, hon member. Switch off your mic, hon member. Go ahead, Mme.

Ms N P PEACOCK: Civilian Secretariat for police is the technical adviser to the Minister of Police and plays a big role in policy development for policing as well as oversight. The department received an unqualified opinion with no findings on performance, but had a matter of emphasis on the material underspending recorded as the year end as well as material findings in terms of internal control deficiency.

We welcome the decision. The Civilian Secretariat has shown a lot of progress in respect to legislation program. We look forward to the SAPS Amendment Bill and the Ipid Amendment Bill being tabled in Parliament. The ANC supports and calls by the committee for the Civilian Secretary to become more involved in research, evaluation of the SAPS training on gender-based violence as well as

...[Inaudible.]

There was no debate.

The Chief Whip of the Majority Party moved: That the Reports be adopted.

Question put.

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

Motion agreed to (Economic Freedom Fighters dissenting).

Report on Independent Police Investigative Directorate performance for 2019-20 financial year accordingly adopted.

Report on Civilian Secretariat for Police Services performance for 2019-20 financial year accordingly adopted.

Report agreed to.

# CONSIDERATION OF BUDGETARY REVIEW AND RECOMMENDATION REPORT OF PORTFOLIO COMMITTEE ON BASIC EDUCATION ON PERFORMANCE OF DEPARTMENT OF BASIC EDUCATION FOR 2019/20 FINANCIAL YEAR

The CHIEF WHIP OF THE MAJORITY PARTY: Hon Deputy Speaker, I move that the Report be adopted. Thank you.

*Declarations of vote*:

Mr M HLENGWA: Hon Deputy Speaker, we are tasked with safe-guarding the development and delivery of public education to all South Africans. As learners and teachers weather the devastation and setbacks that have come because of the covid-19 pandemic; the success of the public education sector is more necessary than ever. We need to ensure that learners are equipped with skills and knowledge that will enable them to provide ground breaking discoveries and innovative technology to fight against global pandemics.

We have noted that this year has posed daunting challenges in the department of basic education resultedly; there are targets that the department could not reach. It is concerning that the department did not include all irregular expenditure and financial statements, this mandatory according to the Public Financial Management Act, PFMA.

Furthermore, on the department’s behalf to install adequate internal control mechanisms has led to irregular expenditure of R695 million and more millions wasted in the procurement of covid-

19 related goods and services. The department needs to ensure that internal monitoring and financial control measures are strengthened. Furthermore, the department needs to appear before the committee to indicate how they intend doing so.

The wellbeing and emotional health of our learners and teachers should be prioritised and creation of an inclusive public education sector. Greater fiscal and political commitment is needed for learners with special needs and those residing in rural areas. Similarly, for the South African Council for Educators to continue fulfilling its mandate of enhancing the status of the teaching profession in defending the safety of learners by undertaking investigations into teacher misconduct more resources need to be assigned to it.

In conclusion, the rate of infrastructure delivery and challenges in the existing model for service delivery and delivery is concerning. The current distorts incentives, weakens accountability change and encourages fiscal misappropriation. The backlog in classrooms, sanitation in library facilitations rob our learners of their dignity. As a matter of urgency, we must take it upon ourselves to consider if provincial departments ... [Time expired.]

Ms N I TARABELLA-MARCHESI: Deputy Speaker, the DA does not support the Budget Review & Recommendations Reports, BRRR, of the Department of Basic Education, our concern is that despite the department success on the management of the return of learners to school during covid-19 crisis, it is worth noting that we have seen the regress in the performance of the department.

Specifically in its ability to stand its allocated budget on infrastructure optimally.

We are also concerned about the reduced uptake of subject like mathematics and science and no effort on the department to encourage learners to take these subjects, as we all know that they have a potential to assist learners to really participate in our economy.

Programmes like the Second Chance Matric Programme despite a satisfactory pass rate, they also lack on these subjects like the mathematics and science, resulting in a pass rate on these subject averaging around 2%. Time and time again, we have continued to raise the issue of learner dropout. As we speak, over a hundred thousand learners have dropped out of the system due to covid-19. and with no clear plan from the department how to deal with this issue. We might see an incremental figure on drop-outs and we can ultimately not blame covid-19, as this issue has been continuous, as the DA, we have raised this for a number of years.

Deputy Speaker, there is also a fundamental issue where 30% of the Grade 1 learners failed a grade and this is attributed to the weak foundation phase. The idea that learners can just be progressed in the foundation phase cannot continue beyond the covid-19 period.

We need to regain the curriculum in 2020, so that we can be able to advance our learners and have them to be supported to the next grade, but not only to be progressed. As the committee noted the recurring non effective use of ... [Time expired.]

The DEPUTY SPEAKER: Hon member, you time has expired. You must stop when I say you stop, literally mid-sentence! There would be no exception here.

Ms E N NTLANGWINI: Deputy Speaker, we are coming to an end of the year that has been definitive into exposure of the weaknesses of the basic education system. The coronavirus pandemic has shown us that any pretences we may have had about the quality of our basic education system, about the quality of education our children receive about whether or not leaders in sector are fit for the purpose.

Townships and rural schools servicing exclusively black learners did not and still do not have access to basic learning material that would allow them to keep the learning process happening during the lockdown. The consequence of this is that millions of black children have had the learning compromise, while the white counterparts were studying in the comfort of their homes via online education. Because their schools and their parents had the computers, tablets and data to keep them connected and learning.

We have constantly argued here even before covid-19 that there is absolutely for the state not to provide each learner with the tablet in which they can access all learning material. This will enable learning in Mpindweni in Libode in the Eastern Cape to have their learning material without having to walk to school for four hours every morning and four hours every afternoon.

Our rural schools still do not have the basic infrastructural requirement that they should have. According to the department’s own standards, we are failing the future of our children and we should not support this report and lack of vision by the department. We reject this report, thank you.

Dr W J BOSHOFF: Agb Adjunkspeaker, die VF Plus ondersteun nie hierdie verslag nie. Basiese onderwys is sedert 1994 ‘n lopende krisis. Die hervormings wat Prof Sibusiso Bengu as die eerste Minister van Onderwys na 1994 gemaak het, en die rampspoedige Kurrikulum 2005 weergawe van uitkomsgebaseerde onderrig, wat hy probeer toepas het, het alles wat gewerk het van Suid-Afrikaanse onderwys omver gewerp, en dit het gelyk soos die studente van ‘n koshuis wat die eerste keer die kans gekry het om die land te regeer.

Sedertdien het opeenvolgende Ministers van Onderwys onsuksesvol probeer om hierdie lopende krisis op te hef.

As ‘n mens daaraan dink dat die Departement van Basiese Onderwys nie verantwoordelik is vir die aanbieding van skool nie, is daar nogal verbasend baie tykens wat hulle ... [Onhoorbaar.] ... Een van die belangrikstes is die bouprogram van skole wat besig is om onnodige druk op minderheidstale te plaas, veral Afrikaanse skole,

omdat die gebrek aan skoolsitplekke aan hierdie skole toegeskryf word.

Aan die positiewe kant kan ‘n mens sê dat Covid-19 die selfstandigheid van skole verhoog het en dat skoolgemeenskappe baie meer besluite self kan neem.

Alles in ag genome, is dit egter nog nie moontlik om hierdie verslag te aanvaar nie. Baie dankie.

Mr S N SWART: Deputy Speaker, the ACDP appreciates that this has been a very, very difficult year given the COVID-19 hard lockdown and that schools and educators had a very tough time in the education of our learners. Many, many schools had online teaching, but of course many have not. So, we from the ACDP side would like to express our deep gratitude to all those educators that have gone beyond the call of duty during the hard lockdown time.

Of course, we are concerned about the challenges facing the department. Many of the schools are still sitting with pit toilets. This is unacceptable. We are also concerned about the reduction in certain of the conditional provincial grants which we find that money is being reprioritised for the SA Airways, SAA.

Last year, the ACDP has taken a very strong stance on opposing comprehensive sexuality education this year. I would urge every Member of Parliament to look at what that curriculum entails, and whether it is in the best interest of our children. The ACDP will not support this report. I thank you.

Mr A M SHAIK-EMAM: Deputy Speaker, I don’t think my colleague is online. First of all, let me pay tribute to all those educators and learners who have lost their lives due to COVID-19 under very, very difficult circumstances. The problem that we are facing in Basic Education department is that we have a very high drop out rate from Grade 1.

Secondly, we have 60% drop out rate when they go to tertiary institutions. Then we have a number of learners that are failing. It clearly indicates that what we need is a total overall of the Department of Basic Education. We have done oversight to many schools particularly in the rural and now the Minister does not [Inaudible.] and see what quality of education they get in these rural schools. I agree with my colleague from the EFF particularly when you go to the rural areas like the Eastern Cape. The quality is so poor. You are not preparing the learner for tertiary institutions and for the future. I think that is one mater that we need to do. What the department also need to do is greater

collaboration between the Department of Sports and Recreation and the Department of Education. They can [Inaudible.] that might even be able to earn a living out of sports other than just limiting themselves to education.

The other problem is the poor quality of the schools not ensuring that there are enough sports facilities build close to the school or on school premises. That appears to another issue.

There is an issue of maths and science. There are reduced numbers that are taking any interest in maths and science. We know without maths and science you are not going to be able to go very far today. That are quite whole stock of challenges that the department is facing. But while the NFP would support this report we call for the department to [Time expired.]

Mr M G E HENDRICKS: Hon Deputy Speaker, we know that over 50 000 learners did not return to school. We also know that the Department of Basic Education has put in extra lessons to cope with the challenges of COVID-19. Those who are writing their examinations under these circumstances should all do well and we hope that they will all pass their examinations.

The fact that the government has already placed over nearly half a million extra maths to assist schools next year, these are special efforts that can be done next year to assess learners.

Al Jama-Ah feels hat serious consideration must be given to all those who have presented themselves for the examinations, and that irrespective of their results they should proceed next year. That is very controversial, but the mere fact that a lot has been done this year and the extra resources next year and we are again up to put up extra efforts next year, this must be seriously considered taking into account the examination results because we have already lost 50 000 learners. We cannot lose any more learners because of COVID-19. Al Jama-Ah supports the budget. Thank you very much, hon Deputy Speaker.

Ms N GANTSHO: Deputy Speaker, in order to realise a better life for all South Africans, our schools should have a conducive environment to enable all learners to reach their human potential. The Portfolio Committee on Basic Education has approached the budget review and recommendations report with their focus on key areas which require urgent attention of the department. The portfolio committee resolved to focus on basic services backlog and infrastructure expenditure to ensure social infrastructure

such as classrooms and the eradication of pit latrines in our schools.

The department should also ensure that robotics, coding and technology are prioritised to prepare learners for the Fourth Industrial Revolution. The portfolio committee recommended the strengthening of supply chain management and internal controls to address irregular expenditure and to ensure prudent financial management. In instances of wrongdoings the portfolio committee has recommended to the department to ensure that consequence management is implemented to the later.

The Department of Basic Education has continuously improved its performance of learning outcomes. We acknowledge the improvement of good corporate governance through addressing the Auditor- General’s recommendations. This has enabled effective department as displayed recently in its management of the coronavirus pandemic and the completion of the year by the Grade 12.

We also appreciate the work done by the department, support from parents, community members and all stakeholders. The ANC supports this report because it addresses the critical challenges affecting numerous schools despite the commendable progress. I thank you, Deputy Speaker.

Motion agreed to (Economic Freedom Fighters, Freedom Front Plus, African Christian Democratic Party and Democratic Alliance dissenting).

Report accordingly adopted.

# DECISION OF QUESTION ON REPORT OF PORTFOLIO COMMITTEE ON COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS ON PETITION PERTAINING TO ROLE OF RELIGIOUS COMMUNITY IN COVID-19 CRISIS

There was no debate.

Question put: That the Report be adopted.

Report accordingly adopted (Economic Freedom Fighters dissenting).

# DECISION OF QUESTION ON REPORT OF PORTFOLIO COMMITTEE ON COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS ON PETITION PERTAINING TO LACK OF SERVICE DELIVERY IN WARD 52, UNDER CITY OF ETHEKWINI

There was no debate.

Question put: That the Report be adopted.

Report accordingly adopted (Economic Freedom Fighters dissenting).

# DECISION OF QUESTION ON REPORT OF PORTFOLIO COMMITTEE ON TRANSPORT ON OVERSIGHT VISIT TO ASSESS STATE OF READINESS OF VARIOUS MODES OF TRANSPORT AND THEIR ATTENDANT FACILITIES IN LINE WITH IMPLEMENTATION OF LEVEL 3 REGULATIONS OF COVID-19 LOCKDOWN

There was no debate.

Question put: That the Report be adopted.

Report accordingly adopted (Economic Freedom Fighters dissenting).

# DECISION OF QUESTION ON REPORT OF PORTFOLIO COMMITTEE ON COMMUNICATIONS ON 2020-21 FIRST QUARTER PERFORMANCE AND EXPENDITURE REPORT OF DEPARTMENT OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES

There was no debate.

Question put: That the Report be adopted.

Report accordingly adopted (Economic Freedom Fighters dissenting).

Business suspended at 12:19 and resumed at 14.01.

The HOUSE CHAIRPERSON (Ms M G BOROTO): Hon members, imithetho ebekiwe, kusese yileya yasekuseni, akukho okushintshile [ the stipulated rules are still the same as the ones used in the morning, nothing has changed]. [Laughter.] The next item on the order paper is the statement by the Minister of Transport on festive season safety plan. We will now invite the hon, the Minister Mbalula, hon Minister.

# STATEMENT BY THE MINISTER OF TRANSPORT ON FESTIVE SEASON SAFETY PLAN

The MINISTER OF TRANSPORT: House Chairperson, thank you, we make this statement on road safety against the backdrop of the *World AIDS Day,* under the theme *Ending the HIV/AIDS Epidemic, Resilience and Impact*. As a sector, we must sustain our efforts in fighting the scourge of human immunodeficiency virus, HIV and acquired immunodeficiency syndrome, AIDS, and ensure responsible behaviour, particularly in the road freight sector. This year’s festive season also takes place against another backdrop of the COVID-19 pandemic, that continues to ravage our country and the world. We have made a commitment that we will do everything in our power, to

ensure that the transport sector is not counted among the super spreaders of the pandemic.

We have vowed not to enable the mobility of the COVID-19 pandemic, through our public transport system. The measures we have put in place since the lockdown was declared in March 2020, have gone a long way in containing the spread of the pandemic.

We launch this year’s festive season campaign at the time when the country is on alert level one, with a number of restrictions still in place. These restrictions are necessary to ensure that we remain vigilant and we all play our part in stopping the pandemic death on its tracks. In keeping with our message of not allowing public transport to serve as a super spreader activity, our law enforcement officers at road blocks will put measures in place to enforce the COVID-19 regulations and directions. Regulations and directions relating to 70% loading capacity for long distance...[Inaudible.]

The HOUSE CHAIRPERSON (Ms M G BOROTO): You are hung hon Minister.

The MINISTER OF TRANSPORT: ...the impact of unsafe conduct on our roads...

The HOUSE CHAIRPERSON (Ms M G BOROTO): Proceed, hon Minister you were hung.

The MINISTER OF TRANSPORT: ...back now Chair?

The HOUSE CHAIRPERSON (Ms M G BOROTO): Yes, I can hear you, it’s just that uyahenga henga kancane [ you are hanging a little bit] chubeka baba [continue sir]. Uyafriza [you are freezing].

The MINISTER OF TRANSPORT: Our efforts to take care of facilities

... [Inaudible.]

The HOUSE CHAIRPERSON (Ms M G BOROTO): Chuba, chuba baba [continue, continue sir.]

The MINISTER OF TRANSPORT: ...over two-thirds of road carnage [Inaudible.] are proceeded by violation of traffic laws, confirming that this crashes are in fact avoidable and preventable.

If only people can inculcate a culture of responsible behaviour and attitudes ...easing the road. [Inaudible.] 2019, President Cyril Ramaphosa launched our *365-Day Action* agenda. An integral part of the *Arrive Alive* campaign, with the pair of line: *24/7*

*Waya waya* – *Ukae Molao*. The *365-Day Action* agenda is an action plan that seeks to reimagine road safety in South Africa and the capture the imagination of the South Africa. Through unconventional interventions that seek to primarily transform road user behaviour. This action agenda must be understood within the broader context of the reimagine transport safety strategy and places emphasis on law enforcement as a daily activity throughout the year, rather than a seasonal effort.

The action agenda is anchored on the national road strategy 2016- 30, and is firmly grounded on its strategic pillars. The objectives of *365-Day Action* agenda are: to mainstream road safety interventions into daily activities of transport authorities, to customize road safety messaging directed at individual road users, to cultivate a culture of around the clock traffic law enforcement, to eliminate perverse incentives to unsafe road user conduct and to eliminate corruption.

The successful implementation of the action agenda is depended on establishing a single chain of command in traffic policing which must enable seamlessly integrated approach to interventions and messaging. Significant progress has been made in this regard over the last year, working closely with provinces and metropolitan authorities.

The implementation of 24-hour-seven-day shift system for traffic law enforcement across the country is underway and will be implemented soon, to give impetus to the *365-Day Action* agenda.

During the 2019 festive period we recorded a land mark reduction of 10% in road fatalities. This is an achievement we must build and improve on. This was achieved through intelligent deployment of law enforcement capacity leading to a swell of a visible policing on the roads, particularly on the notorious hotspots.

Our law enforcement effort places deliberate focus on corridors and major roads with highest number of fatalities. The most prominent of these includes; Mankweng R71 in Limpopo, where most of the pedestrians are killed because of the pronounced pedestrian activity from the villages in close proximity to the road who cross the road frequently. The N4 on the Vosman area near Emalahleni in Mpumalanga, has a high volume of pedestrians crossing the road because of the high concentration of informal settlements, resulting in high volumes of pedestrian activity. The N2, Pongola in KwaZulu-Natal, fatalities reported in this area are as a consequence of reckless driving and speeding by motorists.

The R61 at the border of Western Cape and Eastern Cape, specifically Aberdeen towards Graaf Reinet where the high fatality

rate is a consequence of fatigue as drivers do not rest sufficiently.

On these high fatality roads, the law enforcement authorities will heighten operations, through multidisciplinary joint operations and strengthen emphasis on fatigue management, reckless driving, intoxicated drivers, alcohol abuse and drugs, [Inaudible.] enforcement and also track the moving violations through patrol vehicles to clamp down on destructed driving, dangerous overtaking and excessive speed.

In a country that has seen a spike in a use of recreational drugs, the challenge of motorist driving under the influence of drugs is a pervasive problem and it will constitute one of the focal areas during the festive season and beyond.

We will further intensify law enforcement operations on private vehicles, public transport and heavy vehicles with a focus on vehicles factors such as; tyre checks, load management, overloading of freight vehicles, faulty steering, defective breaks including bicycles with no rear reflectors.

Passengers will also come under the spotlight with emphasis on seatbelts and child restraints. We remain seriously concerned at

the escalation of attacks on trucks on our roads. Lawlessness on our roads will not be tolerated. We will leave no stone unturned in ensuring that those who believe they have a right to destroy property and place the lives of others at risk, meet the full might of the law and they will be charged with economic sabotage. Legitimate platforms are available for any aggrieved person [Applause.] to voice grievances, with relevant stakeholders and find an amicable solution. We will not tolerate a situation where our roads are turned into war zones.

Our traffic officers will be part of a joint law enforcement operations, alongside the South African Police Service, the Department of Home Affairs and Employment and Labour to curb this ill conduct.

As part of our interventions we will be amending the Road, Traffic Act Regulations, to better regulate the authority of a professional driving permit issued in a foreign country. This process will include consultations with other southern African community countries.

Cross border operations will also be undertaken to address the issue of overloading which contributes to fatalities on our roads. As an integral part of 365 days’ agenda, a robust *in your face*

road safety education campaign is underway. This will be rolled out as part of the festive season and will be sustained throughout 2021.

The lawlessness that characterises driver behaviour in our roads is a source for concern. While our interventions are primarily focused at enforcing the law, such enforcement will remain futile until we succeed in inculcating a culture of responsible behaviour by motorist and other road users.

Through partnerships with civil society and corporate citizens we will aggressively pursue programmes and interventions focused at realising change of behaviour. This include incentives by among others; insurance companies, introducing incentives for good conduct. One of the key drivers of unsafe driving is the corruption that continues to plague our driver’s licence testing centres and within the traffic policing fraternity. Those involved in the corrupt activities are rotten apples that taint the image of the majority of our law enforcement officers, who are committed to ensuring that our roads are safe and are put in an honest day’s work.

We are hard at work to put in place capacity that will enable us to mount under cover and sting operations as we did last year.

Together with the hawks we arrested a lot of corrupt police officers and then, we will continue to do the same during this festive season and throw the book at these criminals who masquerade as officers of the law. The jig is up, amasi abekwe elangeni [the die is cast, there is no turning back]. The time for bribes is over and the long arm of the law will find them, wherever they are.

Driving under the influence of alcohol and drugs remains a critical challenge and a major factor in fatalities on our roads. Our resolve in tackling this challenge has never been greater, an integral part of our strategies to reduce the permissible alcohol intake to zero percent. We have no doubt that Parliament will support us in this effort and the Bill is currently before this House, to make this goal a reality.

The alcohol industry has a significant responsibility and a role to play in collaboration with the department, to robustly educate communities on the consumption of alcohol, concerning the dangers of drinking and driving. The implementation of physical and mobile alcohol evidence centres will remain a prominent element of our law enforcement strategy.

A key strategic issue for multidisciplinary approach includes the use of nurses to draw blood samples as part of the collaboration with the Department of Health.

Furthermore, support from the Department of Justice and Constitutional Development is critical in the prosecution of offenders and achieving our objectives of arresting the carnage in our roads.

The use of technology to drive law enforcement has been prioritised over the last few months. This include the use of vehicle with number plates recognition in areas where the National Prosecuting Authority has given permission for the deployment of these vehicles.

Madam House Chair, let us continue to use our roads responsible and mindful of the rights of others we share the roads with. It is only through responsible conduct that we can succeed in saving live and limb on South Africa’s roads. I thank you.

Mr C H H HUNSINGER: House Chair, over the past six years I have observed several road safety plans and reports most of which were campaign like selfie stunts instead of systemic improvements that

can effectively impact on road use behaviour. The fact is that our roads will be more dangerous in the coming weeks than ever before.

We have witnessed how trucks are being petrol bombed and how truckers have been killed. No convincing plan to stop the senseless victimisation of the most essential in cargo and freight service transporters as yet surfaced. Yesterday, I was informed that Transnet lost 67% of its share in container movement between Durban and Johannesburg, adding more loads on the N3 high way.

Minister, without proper integrated planning, your statements of taking roads to rail will remain cosmetics and no fix. As such, Transnet has lost billions in revenue and in revenue ... [Inaudible] ... will cut back on the lifespan of road surfaces and add to the already significantly burden road maintenance backlog. More portholes and increased road ... [Inaudible] ... or its little promise of safer travelling conditions.

In the same way, no just millions of rand but millions in Prasa passenger trips have shifted from rail to road. This has a direct consequence not of covid-19 pandemic, but as a result of not protecting especially our Metrorail assets. With fewer modes and more travellers it is definitely not safer on our roads.

Following the proposal of the DA, we are currently dealing with the illegal conversion of panel vans to taxis and ambulances in a subcommittee of the Portfolio Committee on Transport, PCoT. Last week, we realised more that more than 42 000 vehicles in the live vehicle population were introduced through fraudulent licensing and registration on our roads. Our roads are not safer and the department is not helping.

Apart from addressing the above, the DA would immediately recall the current K53 Driving License System. In its current form the outcomes are focused on passing the test instead of learning to drive. It makes no sense to pass out a 30km/h being awarded a licence only to be allowed to drive at 120km/h moments later.

Busses and taxi driving licences as well as truck drivers should be required to do an advanced driving skills training course with compulsory medic training before being allowed to carry passengers or any load. Under the current conditions, where a panel van can simple be back yarded fitted with windows and seats illusion registered on the system and drive under experience driver. Our roads are definitely not safer.

The truck safety legislation improvements in 2015 on car seats should now be advanced to enforce the use of bumper seats.

Meanwhile, under the current legislation, a child car seat is required for transporting kids under 3years of age in a motor vehicle while no single law protects a child when on the back of a *bakkie* or truck as long as the sides are higher than 3mm and the trip is free.

Following the successful stemming of the Road Accident Fund, RAF, Bill by the DA, our commitment also was to construct if we submit ways immediately stop the financial bleeding of the Road Accident Fund. Together with stakeholders and industry specialist, the DA has extended relevant solutions without any return on the offer to date.

Vehicle and person licence registration remains a problem. The DA again hereby request that the validity period of vehicle registrations could be extended to the end of this financial year in 2021. In the same way, as what driving licences and drive plate validity has been stretched. Many people have unsuccessfully attempted to register vehicles and licences even online and they deserve to be awarded more time.

Again, we also request for tour and tourist bus operators permits to waive for this year. In closing, I want to thank everybody in transport for making things work under the most difficult of

conditions, in particular, to all our protection law enforcement emergency and support staff, thank you for commitment and care. Also, thank you to your families on missing out on your presence at home when most other people get time to spend together. Lastly, to everyone that will be travelling be safe and accept our best wishes for a blessed and festive season. Thank you.

Mr M M CHABANGU: House Chair, the EFF feels that the festive season is supposed to be a period of joy and happiness. This is the period when those who work far away will take long trips to go and be with their families. Most of these people are public transport users. Public transport users are mostly black people who cannot afford private transport.

The Minister has unveiled the safety plans for the festive season but how do you think that you will be able to put processes that will save the lives when your government is the cause for the loss of so many lives by firstly allowing the illegal conversion of panel vans into a minibus tax that were the cause for the loss of many lives.

It took the government nine years to start removing these illegal converted vehicles from our roads. Some of these vans are still operating and your government has failed to remove all of these

from South African roads. How do you think that you will be able to put processes that will save lives when the state bus company is not able to operate due to a fleet that is old and not roadworthy?

How do you think that you will be able to put processes that will save lives when long distance trains that are supposed to take those who only see their love ones during festive seasons are not running due to vandalised infrastructure? The road between Idutywa and Mthatha has caused many accidents leaving families devastated and broken. The accidents on the curve next to Nywarha Clinic in Idutywa are happening throughout the year not only in festive season.

The Idutywa Police Station should be in position to provide the number of accidents and fatalities just for this year alone. The main problem here is that the ANC-led government does not practice what they are preaching on road as safety. We have law enforcement officers who are bribed to allow vehicles that are not roadworthy to go through the roadworthy testing process. It is important that law enforcement officers are paid decent salaries to avoid them being bribed.

Government is to lead by example and ensure that its rail and road transport is safe, reliable and efficient and not just focus on privately-owned transport. Our roads are full of potholes; road safety education should be implemented throughout the year and be intensified in the festive season. But the the main issue here is that you cannot solve the carnage for your road without addressing the land question. And we have consistently raised this. We need to bring people closer to work and student closer to institutions of learning and do away with apartheid spatial planning.

We cannot have a transport plan without land, we cannot have a transport plan based on apartheid spatial planning that keep our people in overcrowded, informal settlement and township far from all economic activities. We cannot separate transport from land. This is why as the EFF, our position is that we must expropriate all land without compensation.

In the immediate, we must increase police visibility. We must install cat’s eyes on all roads to increase visibility. In dangerous roads like the Moloto Road, we must put speed humps, increase police visibility and enforce speed limit. We must have all unroadworthy cars removed on the road including those that transport to and from place of work. I thank you.

Mr K P SITHOLE: Hon Chairperson ...

*IsiNdebele:*

USIHLALO WENDLU (Kzz M G Boroto): Irage, baba. Sikuzwa kuhle.

Mr K P SITHOLE: Okay. Hon Chairperson, the transportation sector in South Africa is suffering due to neglect, corruption and maladministration and mismanagement. On 15 October, President Ramaphosa called a Joint Sitting with the NCOP in this very House discussed his vision for building the economy.

We mentioned among other needs to improve capability of the state, industrialise our economy and focus on small business and create jobs through mass employment. This can only be realised when small businesses, local working class, commuters, tourists and workers in the industry feel safe and encouraged to make use of transport network.

Why is not important for the government to address the expected higher than usual fatalities during the Christmas period? The IFP feels that we need a more comprehensive approach to address safety overall. One major component to safety is the overall police visibility. This is important not only on the roads to curb intoxicated driving but it is also needed at train stations for

security of rail passengers, at taxi ranks for law and order, and most importantly at all forgotten rural areas.

Rural locations suffer from inaccessibility and are overlooked by urban needs. Rural areas suffer from dangerous activities such as being the hub for stolen, high jacked and directly involved in the crime. However, in 2020 we have been given an additional problem to tackle. We are all aware of the threat COVID-19 has placed in this industry in its role in highlighting government’s shortcomings in failing to address the needs of all South Africans.

During this December period we want to reunite with families and friends we have not been able to see for most of the year due to the lockdown constrains. This means that transportation hubs such as taxi stations, bus stations and the use of public transport will increase thereby increasing the risk of infections. We should, by all means, avoid more ... people of the whole country through this period.

Government should increase its effort to create better awareness on prevention in public transport areas, call for PEEs to be made freely available at all public transportation hubs and proper sanitisation of public vehicles.

Furthermore, we know that social distancing is nearly impossible in taxis and buses, however, the need for effective policing of these areas to ensure PPEs are used is needed to help contain the virus and avoid future lockdowns.

Finally, we call for transparency from the Department of Transport regarding the amount of PPEs and what costs have been made and how it will be made during the Christmas period to these sectors. I thank you very much.

*Afrikaans*:

Mr P MEY: Voorsitter, feestyd word definitief as ’n tyd van groot vreugde gesien, wanneer gesinne en families bymekaar kom om fees te vier. Dit is ook ’n besondere tyd vir ons as Christene om die geboorte van Jesus te vier. Ongelukkig is dit ook ’n tyd van groot hartseer waartydens baie mense aan die dood afgestaan word. Een van die grootste oorsake is padongelukke.

Suid-Afrika se paaie is van die onveiligste in die wêreld, as gevolg van roekelose bestuurders. Ek wil beklemtoon, nie swak paaie nie, maar roekelose bestuurders. Neentig present van ongelukke in Suid-Afrika is as gevolg van die bestuurders.

Om ongelukke te vermy, of te verminder, rus daar ’n groot verantwoordelikheid op elke bestuurder in hierdie land en die staat het ook ’n groot rol om te speel.

Een van die vrae wat dikwels gevra word is: Gaan ons paaie hierdie jaar besiger of stiller wees as gevolg van die Covid-19? Om een voorbeeld te noem, jaarliks gaan daar ongeveer 20 000 besoekers uit Suid-Afrika na ... [Onhoorbaar.] ... Ja, ons almal weet daar is finansiële druk. Die kanse is baie goed dat al daardie mense vanjaar op ons paaie gaan wees en netso die res wat elke jaar na die res van die wêreld gaan.

Die twee belangrikste dinge vir elke bestuurder in hierdie land is om te sorg dat sy voertuig padwaardig is en dat hy as ’n bestuurder verantwoordelik bestuur. Die Minister het ’n hele paar dinge genoem, maar ek wil net een of twee uitwys.

*English:*

Don’t drink and drive. Drinking and driving is a gamble with people’s lives.

*Afrikaans*:

Jy het ’n 50% groter kans om ’n ongeluk te maak as jy onder die invloed van sterk drank is. Wees altyd hoflik teenoor die mede padgebruikers.

*English*:

Obey the rules of the road.

*Afrikaans*:

Ons moet binne die spoedbeperking bly en rus goed voordat jy op die langpad gaan.

Vanjaar is ’n ander jaar – Covid-19 – en daarom wil die VF Plus ’n besonderse beroep op elke bestuurder van ’n voertuig in hierdie land maak. Voordat jy van jou huis af vertrek, moet jy ’n paar dinge in ag neem. Dit mag wees dat jy in ’n ongeluk betrokke is en dat die ambulans later as gewoonlik gaan opdaag. As jy by die hospitaal aankom, gaan daar nie onmiddellik ’n geneesheer of ’n verpleegster beskikbaar wees nie. Daar gaan nie ’n teater vir jou beskikbaar wees nie en as gevolg van die tyd wat verlore gaan, kan jy jou kind of jou vrou of dalk albei verloor. So, wees baie, baie versigtig. Ek dink dat elke bestuurder vanjaar hierdie land kan goed doen deur net eenvoudig verantwoordelik op te tree.

Ek wil vir u noem dat ek die afgelope week met drie van die grootste insleepdienste in Suid-Afrika gepraat het – Johannesburg, Kaapstad, Oos-Kaap. Chris Motors bedien die hele Oos-Kaap en een van die belangrikste dinge wat die regering moet doen is sigbaarheid. Een van die vennote het my gesê dat as hulle weet daar is byvoorbeeld ’n padblokkade by Jeffreysbaai, binne afstand van beide kante van ten minste 150 km, stuur hulle geen voertuie nie, want hulle weet daar gaan nie ’n ongeluk plaasvind nie.

Hoekom sê ons so? Natuurlik, die bestuurders is meer op hul hoede. Hulle is versigtiger.

Ons kan dit nooit oorbeklemtoon hoe belangrik sigbaarheid is nie. Ek wil vir u vandag een ding sê en namens die VF Plus wil ek baie dankie sê vir elke geneesheer, elke verpleegster, elke abulansman, elke polisieman, elke verkeersbeampte wat in hierdie tyd gaan werk. Ek weet dat daar baie vinger gewys word, maar die meerderheid van julle is goeie mense. Ons wens julle net die beste toe.

Laastens, ...

*English*:

The FF Plus would like to wish all road users a safe festive season on the roads.

*Afrikaans*:

Bie dankie.

Rev K R J MESHOE: The ACDP wishes to all our road users, all our people who will be travelling to visit their loved ones, a safe journey and wish to repeat what is being said every year that those who drink must not drink and drive.

Now, to respond to some of the issues that were raised by the Minister. He said that they are planning to inculcate a responsible conduct and behaviour on our roads. Now, this is going to be a big challenge because we already have a culture of lawlessness on our roads particularly where drivers are using and having illegal licenses and taxi drivers do not think about other people who also have the right to be on the road. For as long as the culture of lawlessness on our roads is allowed to carry on, we will not be successful in inculcating responsible conduct and behaviour on our roads.

We believe that the law must be imposed on all those who break it. There should be no mercy. People should be taught that lawlessness will not be tolerated. The other challenge is how government will eliminate corruption among traffic officials. We know that corruption is endemic in our roads. Many times on the road when

traffic officials are busy stopping cars, it is not just to look at faults that might be found on the vehicle or whether vehicles are roadworthy and the driver is properly licensed, but many times cops stop cars just to ask for what they call “cool drink money”. They want cool drink particularly during the festive season. So, corruption has to be dealt with seriously so that people will know, particularly officers, that it will not pay for them to take a risk by taking bribes from people.

The Minister also said that they have arrested many corrupt officials for corruption. We appreciate that, but now the question is: How many of them were convicted and jailed? If officials know that if I am arrested today, I can pay a bribe or penalty of R500 and the next day I am back on the road, we are not going to be able to put these great ideas we have on paper and also ensure that these great ideas will reduce accidents on the roads.

On the issue of fatigue management, the fact is that we do not have safe places of rest near our national roads. We many times hear about reports of ... [Time Expired.]

*IsiXhosa*:

Mnu N L S KWANKWA: Siyaulela Sihlalo. Mphathiswa kuqala uthe, amasi abekw’elangeni, xa uyigqibezela le ntetho uthi, umphokoqo

unexhala. Ingxaki ke awusazi isiXhosa wena, ulirhanuga yiyo le nto usithi akukho nto injalo, la masela.

Mphathiswa naku ukwenzeka, ndifuna ukukucacisela into enye, umphokoqo awunaxhala kuba lo rhulumente uyaqwebisa apha ngathi ngumathamb’ezantsi, akenzi nto ngabantu abamoshayo abophula umthetho wendlela.

*English*:

I want to say, South Africans will experience a difficult festive season as the country is still battling with deadly COVID-19 pandemic. Following the lockdown, regulations have become our new normal. However, with the festive season fast approaching, it is going to be challenging to prevent the spread of the virus as the people will be moving from province to province for the December holidays. As thousands of South Africans are expected to be utilise, taxis, buses, planes and other forms of transport to travel across provinces, it is important that all safety precautions are taken to ensure that ...

*IsiXhosa*:

... ubomi babantu bakuthi buyasindiseka. Mphathiswa, phambi kokuba siqhubeke, kukho enye into esifuna ukuyithetha. Lo mcimbi we ...

*English*:

...truck drivers, we condemn the violence in the strongest terms. No one can justify excuse violence for anything or for any course that one wants to achieve. However, we should listen to the cries of our people. Every time I hear them, I remember a time in the last term, when a restaurant owner in Sea Point told me in no uncertain terms that, they do not employ black South Africans.

They said they don’t. I sent a complaint many months ago to the Department of Employment and Labour. I did not even receive an acknowledgement of receipt. I was happy when I visited the same restaurant a couple of years later to learn that it has closed down, it has gone barely up.

We should be doing something about the private sector and how it is taking advantage of the current situation, where there is a lack of law enforcement, especially labour laws which would include the truck driving industry, because our people have been raising these concerns for a while.

We have seen the second wave of COVID-19 gradually increasing more especially in the Eastern Cape and other parts of the country. It is important that, we tighten regulations as we look on sure that people do not drink and drive, do not speed and do not drive recklessly on our roads. Minister it is important ...

*IsiXhosa*:

... mincinci nale mizuzu mithathu, sibe sithetha ngokungathi singabantwana apha. Nxaa! Iyadika.

*English*:

Minister, one of the issues that we think is important is that, there must be an extension ...

*IsiXhosa*:

... kweli xesha abantu balinikwayo ukuba baye kuthatha

*English*:

... their licences from the traffic departments because, even those who have renewed their licences are finding it difficult maybe to collect them because of the long queues and ...

*IsiXhosa*:

... ziphele zingabikho. Nabo ...

*English*:

... who want to renew licences, in particular ...

*IsiXhosa*:

...nabo bafuna ukurhafela iimoto zabo, ...

*English*:

... it is a major challenge. When we consider the long queues, it means that our people are being exposed to risk unnecessarily.

Maybe we should consider posting licences ... [Interjections] ... other documents. Thank you very much.

*IsiXhosa:*

Anisifuni ukuba sithethe apha, anikwazi ukusithetha nesi siXhosa.

USIHLALO WENDLU (Nksz M G BOROTO): Thina singazifundi ezinye iilwimi ngenxa yakho, hayi asoze. Nawe ...

*English*:

... you must learn to speak Sesotho. [Laughter]

Mr C M SIBISI: Since 2009, close to 133 800 people have died in South African roads which are just over 16 000 dying just over the Christmas period alone. This is too many deaths and efforts to reduce these numbers must be intensified. Programmes to reduce drunken driving, reckless driving and irresponsible driving on the roads must certainly be intensified too, particularly during the festive season.

However, the Department of Transport needs to start looking at implementing these programmes throughout the year, not only during the festive season. The truth is, many South Africans die on our roads during the course of the year. The Minister of Transport comes out every year close to the festive season to tell the nation what his department intends to do, in order to reduce road crashes and fatalities during the festive season. Be that as it may, the crashes and fatalities continue under his watch.

However, South Africans need to take responsibility for their own lives too. We cannot blame the government for the recklessness of the people on the roads. People must understand that their reckless actions would cause life loss and such, the punishment must be harsher.

In 2019, the statistics came out reporting that over 2 900 people had been arrested over the festive season and almost half of that, was for drunken driving. Clearly, South Africans do not respect the rules of the road and particularly refraining ... [Inaudible]

... drunken driving. [Inaudible] ... beginning of this year, the following numbers relating to road accidents were reported ... [Inaudible] ...over the festive period ... [Inaudible] ... million in the road blocks conducted. [Inaudible]... motor vehicle traffic

fines issued decreased by 191 000 as a result of increased compliance with road regulations by motorists.

The number of discontinued vehicles increased from 4 016 to 6 358

and vehicles that were impounded increased from 2 967 to 3 814. When you look at the most common offences for which traffic fines were issued, were speeding at 58 000 fines, driving without a licence at 26 000 fines, driving without fastening a seatbelts are counted at 25 000 fines, driving unlicensed vehicles are counted at 32 000 fines, driving cars with worn tires was 13 311.

Most road users who die on the roads were pedestrians at 40%, passengers at 34%, drivers at 25% and cyclists at one percent. In October 2019, the Ministry launched 365 days’ action agenda. It was through the efforts of that agenda that in overall, there was a decline in road crashes and fatalities. These fatalities were

... [Time Expired.]. Thank you.

Mr L M NTSHAYISA: Thank you very much hon House Chair. Thank you very much Jola for that friendly reminder that both, drivers, pedestrians and even communities now, should behave on the roads. The communities have got to prevent the livestock form getting onto the roads. Many have died because of accidents on our roads.

Minister, we therefore support the precautionary measures that were put in place.

COVID-19 has taken a lot of lives; we do not wish that others should die because of carelessness on the roads. We should all observe the rule of law. Our vehicles must be roadworthy. People should not drink and drive. They should drive and drink at home where it is safe. Drivers should always be sober like a judge. In any case I do not have in mind – it was just unfortunate that one judge was found guilty of the same but in general rule, they should be sober.

We cannot afford to lose so many lives. Pedestrians should also be careful on the roads; they must cross where there are pedestrian crossings. It is our responsibility as the community to teach the young ones and make them aware of these road accidents, so that they do not get involved.

It is festive season, the time for joy. We should really joy, there should be no cries. The combination of coronavirus and the festive season can be too dangerous if we don’t care and we are not careful. Let us observe the physical distancing, let us avoid these accidents. Drivers must rest, they should not speed, speed kills.

Minister, we appreciate the terms that you have made in order to re-organise the taxi industry, it should be like that. Let us all observe the rule of law and keep safe so that we do not die on the roads. Thank you very much.

Mr L E McDONALD: Hon Chairperson, Deputy Minister, Minister, hon Members of Parliament, members of the Portfolio Committee on Transport, hon Mosebenzi Zwane and compatriots, of all the systems that we as people have to face on a day-to-day basis, perhaps road transport, is the most complex, the most unsafe system of transport. The tragedy behind regular occurring accidents, road crashes receive less attention both from the media and the public because unlike other crashes like air crashes or train crashes which are more unusual, leas frequent and more sensational, road accidents are scattered and at the same time a common occurrence. It is a vulnerable section of the population that is exposed to the road accidents. A large percentage of the victims are the poor and the vulnerable road users, pedestrians. Pedestrians are now one of the leading causes of major accident in the world. Road safety is also a major public health issue as it is the fifth or sixth largest cause of deaths in South Africa.

While rail and aviation systems are based on a zero tolerance policy and are relatively low per kilometre death rate, road

traffic results in intolerable 14 000 road deaths per year – a toll that continues to rise. Road crashes have become the leading cause of deaths in children between the age of five and 14, but also in young people aged 15 and 29.

In South Africa the right to and protection of life of our people is enshrined in the Constitution of South Africa. The need for safe and reliable transport infrastructure and services is fully captured in the ANC’s transport policies. These policies found expression in the 1996 White Paper on National Transport and the 2012 National Development Plan Vision 2030, the blue print for South Africa. We want also make provisions for an efficient, reliable, safe and affordable public transport and infrastructure.

Safety in road transport lags far behind the rail and aviation sectors where safety takes precedence over efficiency or convenience and where risks are addressed at system level rather than user level. Train drivers and aircraft pilots, for example, are really given the responsibility after determining speeds and airways they wish to adopt. Financially, the Road Traffic Management Corporation estimates the cost to be around

R300 billion to the local economy per annum. The impact of cause is not monitory besides removing the economically active persons

from the society. Fatal accidents are also a massive blow to families.

The Transport department, Road Traffic Management Corporation will implement several traffic law enforcement programmes on all the major routes with a multidiscipline approach during this festive period such as overload controls, speed management, control of alcohol and drug impaired drivers, safety aspects of vehicles and the verification of driver documents. The Minister, through his department, is encouraged to fast-track the implementation of the ANC policy on moving freight from road to rail especially in these festive times to reduce the enormous amount of freight trucks on the road during these festive occasions.

The ANC takes notes of the burning of trucks on various routes to certain employers favouring certain truck drivers. As we are sympathetic to the plight of the poor and the jobless South Africans, we cannot, and we will not, condone the criminal behaviour. We ask all law enforcement agencies to help curb these selfish acts of criminals.

During the portfolio committee’s visit to KwaMhlanga recently, the senseless deaths on the Moloto Corridor was highlighted by the community. This is the one road that needs extensive law

enforcement to curb the daily carnage on this road. The need for a Metrorail system cannot be delayed any longer. I was impressed by the dedication of the young people sleeping on the steps of the Union Buildings to highlight their plight for the urgent implantation of a metro passenger rail to stop the carnage on the road. I plead to the Minister to double the efforts for law enforcement on this road as a matter of urgency.

Over and above the institutions established to enforce road safety the Department of Transport has developed several strategies to arrest the carnage on our roads. In the last 10 years the Arrive Alive has spent about a billion rand on road safety initiatives.

In order to curb the fatalities and injuries to road crashes, the United Nations Assembly adopted a resolution that proclaims a decade of road safety. The goal of the Decade of Action for Road Safety 2011–2020, which this year is the last year of that campaign, is to stabilise and reduce the increasing trend and road traffic fatalities as to safe an estimated five million lives over the decade. The resolution called upon member states to implement road safety activities in the area of road safety management, road infrastructure, vehicle safety, road safety, education and post- crash responses.

Road safety is the responsibility of each and every one of us. We must try to make people more aware and sensitive to these matters so that our society can move ahead towards a safer future. We all have to drive responsibly and carefully ands abide by the traffic rules and laws. Authorities, agencies and citizens must join forces to tackle this huge problem. Let each of us contribute to roads safety and pledge to obey the rules of the road – to buckle up, to keep the speed limits, to avoid moving violations, not to use cellophanes while driving, not to drink and drive or walk and drink and drive, to check my vehicle before undertaking a trip, but most of all to adhere to COVID-19 rules and keep using your face mask, wash your hands regularly.

The ANC wishes all South Africans a happy and safe festive season. This is the time of the year that most people travel long journeys with their loved ones or to be reunited with their families. It’s the time of the year when goodwill and joy find their general mood of the people. Keeping with the joy that comes with the season we call on our people to use the roads carefully. To avoid the unnecessary loss of lives and limb unfortunately every year we lose loved ones due to avoidable road carnages that leaves many friends and families scared and traumatised for life.

Investigations into road crashes reveal that in more than 90% of these cases the accident is precedent by traffic violations. This tells us that the crash is not just an accident in a situation that occurs because someone contravenes a rule of the road - be it excessive speed, reckless driving, a lack of concentration or in short lack of respect for human life. There are people out there who act with impunity and expose innocent souls to tragic consequences. I believe we have reached the stage of saturation – enough is enough. I wish all South Africans well over the festive season. Thank you, Chairperson. [Applause.]

The MINISTER OF TRANSPORT: Chair, we welcome the positive attitude from the hon members and making this not only the task of the executive, but everyone involved including the citizenry of the country. We welcome that and we will ensure that the 365 days agenda is thoroughly implemented. Thank you everybody as we go down to work.

Tomorrow, Thursday, we will be launching the festive season campaign in Polokwane. Let everybody arrive alive. Thank you very much for the comments. Thank you, Chair.

The HOUSE CHAIPRERSON (Ms M G Boroto): Thank you, hon Minister.

*Sesotho*:

Re kgolwa hore tsohle tsena di tla etsahala, re phephe nakong ya Keresemese.

# CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT ON UPGRADING OF LAND TENURE RIGHTS AMENDMENT BILL

There was no debate.

The Chief Whip of the Majority Party moved: That the Report be adopted.

Motion agreed to.

Report accordingly adopted.

# UPGRADING OF LAND TENURE RIGHTS AMENDMENT BILL

(Second Reading debate)

Mr Z M D MANDELA: Hon Chairperson, on this International World Aids Day, let me dedicate the speech to my late father, Nkosi Zwelinzima, Makhathu Wani ka Mandela who I was robbed off due to

this pandemic of HIV and Aids. It gives me great pleasure to participate in this debate today, as our presence is evidence of the work that still lies ahead in transforming the legislation burden of the past of its intended and unintended consequences.

This is first and foremost an indication of the robustness and the healthiness of our parliamentary institution and its processes, that year after year, decade after decade and generation after generation grapple with the intricacies and urgencies of law making. After more than two and a half years of democracy, South Africa has become a vastly different place, politically, racially and socioeconomically, from what it has been at the start of our democracy from 1994.

During the apartheid, black citizens were not considered as part of the apartheid South Africa, and were therefore not allowed nor permitted to own property. They were considered citizens of their respective Transkei, Venda, Bophuthatswana and Ciskei, TVBC, states, in accordance to their tribe. They were treated as migrant labourers and stayed in labour reserves, better known as townships. They were issued with deeds of grants to occupy land in the townships and were not allowed to own land.

The principal Act was passed in 1991, seeking to upgrade into full ownership rights these deeds of grants and permission to occupy, known as PTOs. Hon members, the Upgrading of Land Tenure Rights Act, which is known as ULTRA 112 of 1991, is the vestige of an oppressive system, of colonialism and apartheid, that was passed in 1991 and sought to provide for the upgrading and conversion into ownership of setting rights granted in respect of land, transfer of tribal land into full ownership of the tribes.

However, like all other apartheid pieces of legislation, it carried with it, the vestiges and remnant of the triple oppression of women on the basis of race, class and gender. The amendment of this piece of legislation is another reference point on the contender of building the South Africa of our dreams and the realisation of our vision of a united, nonracial, nonsexist, democratic, just and equal South Africa, in which all can enjoy prosperity.

The Upgrading of Land Tenure Rights Act, set out in the Land Tenure Rights Amendment Bill, has necessitated by the orders of the Constitutional Court in the matters of the following: First, the Rahube versus the Rahube, and second, the Herbert versus Sanqu municipalities and others respectively. With the respect to the Rahube matter, the Constitutional Court found that section 2 of

ALTRA was unconstitutional as it discriminated against the rights of woman to independently own property and did not afford the interested persons with an opportunity to object to the conversions.

In the Sanqu matter, on section 25A of the Land Tenure Rights Act which excluded section 3 in the former TVBC states, to be unconstitutional. The Upgrading of Land Tenure Rights Amendment Bill tabled by the Department of Agriculture, Land Reform and Rural Development tabled this year, was referred to the portfolio committee for consideration and processing. After briefings from the department, the portfolio committee called for submissions of responses to the Bill from the interested members of the public and submissions were thus received from individuals, research institutions, NGOs, as well as community-based organisations.

There were a number of submissions calling for a reviews of principal Act. They argued that the processes to upgrade the land tenure rights was not explicitly set out in the Bill and there was no guidance given as to when and how comprehensive processes will be adopted. Furthermore, how to ensure that all aspects are accessible and easy to navigate. Other submissions received from the public related to the procedure on application for a conversion of grant into full ownership and raised the plight of

women who have no access to government gazettes wherein notice for application for conversion will be published.

Other submissions noted that tempering with the Upgrading of Land Tenure Rights Act without parallel process of overhauling the recorder and registration of rights in South Africa, will lead to an entrenched of the status quo. The majority of register rights will retain their insecure status. It will also deepen the insecurity of tenure problems by reinforcing the hierarchy between titled and untitled tenure. Some from the formal agricultural sector, welcomed the Bill, as the step in the right direction towards giving full titles for farmers farming on state land and confirming women’s rights to property, but raised a few technical issues.

However, House Chair, we have as the committee, decided to focus on the instructions of the Constitutional Court, in relation to the Rahube versus the Rahube matter, and thus took a decision to amend only section 2 of the Upgrading of Land Tenure Rights Act. In so far as the Sanqu matter is concerned, the Constitutional Court had not ordered this House to make amends in the principal Act, as earlier I indicated that the amendment was written into law by Judge of the Court.

Given the stringent timeframes set out by the Constitutional Court and the importance of this legislation in terms of the fundamental rights enshrined in the freedom Charter. The Constitution and our Bill of Rights are of the view that, every effort must be made to expedite its adoption. Undoubtedly, the process of law making is dynamic and ongoing, and we must make sufficient provisions through mechanisms for further engagements to effect its implementation.

The Universal Declaration of Human Rights proudly declares, I quote: “All human beings are born free and equal in dignity and in right.” This principle is entrenched in our Bill of Rights in the Constitution of the Republic of South Africa. Given that apartheid was a system based on gross human violation, the Rahube versus the Rahube court case, and its subsequent constitutional ruling has noted the following to us, and I quote:

That we must establish whether enough has been done to eradicate the discrimination and inequality that so many women face daily. Laws and policies must seek to do more, than merely regulate formerly stickily and that the legislature is enjoined to ensure that laws and policies promote the participation of women in social, economic and

political spheres, while also advancing the spirit, purport and objects of the Constitution.

In conclusion, House Chair, the legislation is enjoined to ensure that laws and policies promote the participation of women in social, economic and political spheres, while also advancing the spirit, purport and objects of the Constitution. To that end, the ANC supports the adoption of this Bill. I thank you. [Applause.]

Ms A STEYN: House Chairperson, the reason for the debate today is to rectify the wrongs of the past. In order for us to understand the land issue, we must understand the historical facts of land contestation in South Africa. Most of us would agree that dispossession of land did not only happen on the battlefield but was also achieved by making laws that control movement of ownership of land for black South Africans. It is for this reason that the preamble of our Constitution starts with the following words, I quote:

We, the people of South Africa, recognise the injustices of our past; honour those who suffered for justice and freedom in our land; respect those who have worked to build and develop our country; and believe that South Africa belongs to all who live in it, united in our diversity.

The Democratic Alliance wholeheartedly agrees with this preamble and we strive to work towards nation-building and uniting all South Africans. When we discuss land reform in South Africa, it is our task as lawmakers to ensure that we repeal all apartheid era laws and treat all our citizens as equal before the law. In fact, section 25(6) and section (9) of the Constitution of the Republic of South Africa places an obligation on Parliament to pass legislation that ensures that a person or community whose tenure is legally insecure as a result of past racially discriminatory laws or practices is entitled to that security or comparable redress. At first glance, the Upgrading of Land Tenure Rights Amendment Bill, which was necessitated by the orders of the Constitutional Court in the matters of Rahube v Rahube and Herbert and Others v Senqu Municipality and Others, sounded like we will be moving towards correcting the injustices of the past and creating a just future.

However, House Chairperson, this Bill is only a plaster on a deep wound. It will not assist millions of South Africans who have borne the brunt of apartheid’s racially discriminatory laws that continue to place them at the risk of exploitation and dispossession, as communal land dwellers have weak legal claims to the land that they inhabit. We just have to look at the many court cases where rural communities are taking government to court in

order to get control of what happens to the land they live on. This battle is not only in courts but has led to community members being threatened and killed if they don’t toe the line.

I would like to honour the memory of brave women like Fikile Ntshangase, a vocal opponent of the expansion of the Tendele Coal Mining in Somkhele in KwaZulu-Natal, who was gunned down on 22 October 2020 in her home; and Sikhosiphe Bazooka Radebe, the former chairperson of the Amadiba Crisis Committee – the organisation leading opposition to the mining of Xolobeni. When we read about cases like this, I shudder to think what will happen if we weaken land rights by changing section 25 of the Constitution. We need a total review of all the disparate pieces of legislation that we have only succeeded in creating more barriers for equitable and transparent access to land. We must scrap the excessively fragmented land administration system in South Africa and come up with something that would truly provide equality to all. The Bill before the House does not achieve this. The DA will not support the Bill. Thank you, House Chair. [Applause.]

Mr N S MATIASE: Hon House Chairperson, the land major right tenure administration regime in South Africa requires breaking new grounds and a need for an urgent facilitation of significant shift from a history where a small landed class was created and

legislated exclusively for white settler population. This is required in order to introduce the following objectives for land rights tenure administration: to formulate a single-tier and secure land tenure system; to promote inclusivity and equitable distribution of an access to land by all citizens; to promote and encourage democratic and equitable optimal use of land resources; to facilitate probate social and economic development and participation of vulnerable groups in land ownership; ensure that existing rights in land especially customary rights of small holders and people living in tribal land who are the majority of the population in this country are recognised, clarified and secured in law; set ceiling in land ownership which will later be translated into statutory ceilings to prevent or avoid phenomenon of land concentration in private hands to ensure that land is put to its most productive use to promote a rapid social and economic development of the country; and modify and streamline existing land management systems and improve the efficiency of land tenure and delivery systems, streamline the institutional arrangements and mechanism land administration and dispute adjudication and also make them more democratic and transparent.

This Bill fails to appreciate precarious conditions millions of our people live under conditions of tenure rights in this country. This land tenure rights are weak because in the neoliberal logic

through which this country is run both the legislative and political imagination of the ruling class only views free wills tenure as the gold standard for land tenure security. This is not bad, but the reality on the ground when millions of people in the former Bantustans live under communal tenure and where also millions of our people in townships live under tenure regime that do not necessarily mean title to the houses.

These people are left vulnerable to all ... [Inaudible.] ... abuses by all sorts of states and rigour elements in society are taking advantage of the vulnerable. This Bill, Madam House Chair, face to comprehensive deals with these challenges and merely confine itself to specific issues. We therefore reject the Bill based on the following: the portfolio committee limited its work to amend ... [Inaudible.] ... which were found to be invalid then unconstitutional by the Constitutional Court of South Africa, Concourt, on the Rahube v the Rahube matter, and High Court in the Herbert and Others v Senqu Municipality and Others. In that it sought only to amend section (2)(1) of the principal Act which was declared unconstitutional invalid as it discriminates human rights in terms of section (9)(1) of the Constitution.

The Bill seeks to make conversion of rights to use, live and access for households, grazing and crops. Most of these rights are

informal. The approach and discussions by the portfolio committee were in comprehensible lack substance, incoherent, lack vision and lack sense of direction. The ruling party sought to streamline and stream-roll and use this process for compliance purposes only with no commitment to introduce a comprehensive piece of legislation for land and tenure rights management in this country. As always the ANC sought to tick boxes and have other parties to rather stamp and ratify this nonsensical Bill. We reject this Bill; we reject the process that was followed and call for an extension for further broader inclusive public participation and consultation where the interest and aspiration of our people shall be carried through a progressive legislation ... [Inaudible.] ... carried to implement. Thank you very much, hon House Chair.

Mr X NGWEZI: Thank you very much, hon House Chairperson. Ladies and gentlemen, land is an emotional and the contested issue in this country. We have a well-documented history of dispossession and other discriminatory practices when it comes to land, its restitution and its security of tenure for both individuals and communities. Further, our laws have been found lacking by the courts on more than one occasion when it comes to this enfranchisement of women. This Bill as passed will address the exclusion of women when it comes to the security of tenure, but also the tenure insecurity of numerous South African communities

that were members of the Transkei, Bophuthatswana, Venda, and Ciskei, TBVC, states.

As members of the legislature we have a constitutional obligation to pass laws that ensure that communities who do not have secure tenure because of racially discriminatory laws or practices can gain access to a secure tenure or comparable redress. Inkatha remains cognisant of the complexities of nature of the redress and the work that must be done to pass inclusive laws that will both need constitutional master and protects the rights of black land owners who make up the overwhelming majority of the affected individuals. The IFP recognises that a mere redraft of the Bill could not effectively address the complexity of tenure insecurity while encapsulating the ... [Inaudible.] ... of concerns the affected communities have. This is particularly true for those who hold informal land rights, for example. Therefore, the IFP supports the development and drafting of the Communal Land Tenure Bill as a means by which to allow for the meeting of the Constitutional Court deadlines while implementing significant and comprehensive laws that protects the disenfranchise and redress the harm caused in the past. Therefore, the IFP supports this Bill, hon House Chairperson. Thank you.

*Afrikaans*:

Me T BREEDT: Voorsitter, die Parlement is die wetgewende gesag van die land. Dit is hierdie liggaam wat getaak is met die skryf, herskryf, verbetering, verandering en totstandkoming van wetgewing, wat Suid-Afrika en sy inwoners reguleer. Hierdie Parlement hoef nie te wag vir howe om beslissings te maak, voordat wetgewing verander word nie. Dit kan self prosesse aan die gang sit en wetgewing wat verouderd of ongrondwetlik of onvoldoende is hersien. Ek sê dit, want ons almal dink ons weet dit, en doen dit nie regtig nie. Hierdie Parlement faal Suid-Afrikaners.

Kom ons praat oor the Upgrading of Land Tenure Rights Act, Ultra. Die Wet in sy totaliteit het baie leemtes wat nog voor die jongste Grondwet of uitsprake deur opposisie partye geopper is. Die grondwetlikheid van hierdie wetgewing is lank reeds bevraagteken en die departement het self erken dat hierdie veranderinge, wat ons vandag debateer, nie enigste ongrondwetlike deel van hierdie Wet is nie. Dit is net toevallig die deel wat in die hof betwis is.

Hierdie Parlement en hierdie regering kon lankal reeds die wetgewing in sy totaliteit hersien het, maar het nie. Daar is gewag vir ’n hofsaak. Geld is verkwansel. Vrouens is teen gediskrimineer. Polarisasie het vererger en Suid-Afrika het gely.

Hierdie wetswysiging wat ons vandag gaan goedkeur is niks anders as ’n halfgebakte poging om by spertye te bly en om die indruk te wek dat die Parlement en die regerende party omgee vir sy mense.

Dit beteken, omdat hierdie Parlement nie sy mandaat uitgevoer het nie, was ons genoodsaak om ’n opdrag van die hof uit te voer, maar nie die probleem op te los nie.

Van hierdie veranderinge was nodig. Vroue kan nie in 2020 nie toegelaat word om grond te besit weens argaïese wetgewing nie, maar ons moet ook eerlik met mekaar wees. Gaan hierdie werklik die probleem oplos? Is daar nie deur hierdie wysigings nou meer onsekerheid en onduidelikheid nie? Wat van die naliteite in bruin en Indiër gemeenskappe? Kan die Parlement eerlikwaar sê dat hierdie wetgewing geskryf is om almal wat uitdagings het te help? Wat gaan hierdie wetgewing op die grond vir die mense beteken?

Gaan ons werklik positiewe verandering sien? Gaan dit eienaarskap van grond versterk en verseker, of mense steeds eiendomloos en afhanklik van die staat los?

Dit is ’n vraag wat gedurig in die openbare verhore gevra is. Dis ’n vrees van baie van die wat voorleggings gemaak het, maar ook my vrees.

Hierdie Wetsontwerp se leemtes is duidelik van wetgewing wat afgerammel is om by ’n spertyd te bly. Daar is praktiese kwessies wat nie in ag geneem is met die skryf hiervan nie, en ek voorspel dat ons weer, indien ons nie hierdie Wet in sy totaliteit gaan hersien nie en dit reg doen nie, baie geld aan hofgedinge gaan afstaan en Suid-Afrikaners nog meer gaan benadeel.

*English*:

The Rahube Versus Rahube case and the ultimate findings by the Constitutional Court that led to the Amendment Bill is only one instance that proves the intricacies of land ownership in South Africa. It proves that even in 2020, South Africa does not live up to its Constitution and it proves that the simplified one-sided rhetoric that the EFF is continually spewing is merely that – simplistic propaganda from a party that has become out of touch with reality, does not understand the complex history of South Africa and is content ... [Interjections.] ... instead of working to improve South Africa and its laws for the betterment of all South Africans.

Ms E N NTLANGWINI: Oh please like you care ... Like you care for black people. It is you who don’t understand history. You have no compassion for black people.

The HOUSE CHAIRPERSON (Ms M G BOROTO): Hon Mkhaliphi, ... Hon

Breedt, please wait. Hon Ntlangwini, hon Mkhaliphi, if you do that, you will be removed from the platform. That is a first warning.

*Afrikaans*:

Me T BREEDT: Ons is in die derde dekade van ’n ANC-regering, maar die ANC glo steeds dat hy eerder ’n liberation movement [vryheidsbeweging] is as die regering van die dag. Ek sal graag wil weet van wie die ANC die mense gaan liberate [bevry] as dit nie homself is nie.

Hierdie Wetsontwerp gaan dit bewys. Dit gaan ook bewys hoekom die wysiging van artikel 25 van die Grondwet nie die probleme in Suid- Afrika gaan oplos nie, maar gaan vererger. Mense het eiendomskap van grond nodig.

*English*:

The amendment of section 25 of the Constitution and any form of expropriation ... [Interjections.]

Mr M N PAULSEN: ... Orania first ...

Ms T BREEDT: ... direction. It will take away people’s rights to own land, have ownership and title deeds. I thank you.

The HOUSE CHAIRPERSON (Ms M G BOROTO): Hon Paulsen, if you press the microphone again, you will be out of this platform. You also received a warning.

Mr M N PAULSEN: Noted, Speaker.

The HOUSE CHAIRPERSON (Ms M G BOROTO): Can we have the ICT to remove hon Paulsen?

Mr W M THRING: Hon House Chair, the ACDP acknowledges that the topic of land, including land tenure is an emotive one in South Africa. This is largely as a result of the shameful past and the abusive practices of apartheid with its divide and conquer philosophy.

Clearly, the Land Tenure Rights Amendment Bill seeks to comply with that which is constitutional as it seeks to pass legislation that ensures that a person or community whose tenure is legally insecure, as a result of past racially discriminatory laws or practices is entitled to either tenure that is legally secure or comparable redress.

In the Constitutional Court matter about Rahube versus Rahube, Herbert NO and others versus Senqu Municipality and others respectively, the Constitutional court found that the Upgrading of Land Tenure Rights Act or Ultra of 1991 was unconstitutional because it discriminated against the rights of women to independently own property and the lack of applicability of section 3 of Ultra in the former TBVC states that is Transkei, Botswana, Venda and Ciskei.

In the Rohube versus the Rahube matter, the Constitutional Court ordered Parliament to remedy the defects in law within 18 months and the committee sought an extension, which expires on 29 April 2021. It is unacceptable that women and others who at the coalface of food production in South Africa face extreme hunger and are probable to be landless and homeless, when work dries up.

It is not acceptable that farmworkers’ children are amongst the most illiterate and the most unemployed, as a result. In numerous studies conducted, the precarious nature of farming has resulted in job insecurity in farmworkers, especially women. This is intolerable.

Black landlessness must not however become a weapon for political populism in South Africa. While we acknowledge that black and

coloured farmworkers have largely been excluded and left on the peripheries of society, race must never be used as a currency to polarise our nation in this land tenure debate.

The indigent who lack security of tenure needs our protection and should not be used as pawns in this social, economic and political process.

The ACDP is committed to working in the bounds of the Constitution to ensure that the tenure is secured, while simultaneously ensuring that private property rights are protected. Any legislation that does not uphold these tenets of the law cannot be supported. Indeed, South Africa belongs to all who live in it, black and white. I thank you.

Mr N L S KWANKWA: Hon House Chair, in the cases or matters already cited here in previous debates, the Constitutional Court found that the Upgrading of Land Tenure Rights Act, Ultra, of 1991 or Act 112 of 1991, as amended, was unconstitutional because it discriminated against the right of women to own property, and due to the lack of applicability of section 3, as already indicated, in the former TBVC states, which are Transkei, Bophuthatswana, Venda and Ciskei, which is where the crux of the matter is.

We acknowledge that this is indeed a step in the right direction. However, our concern mainly centres around the fact that –the committee even cited this in its report as a limitation - we are drafting the Bill so that it addresses the complex tenure and security concerns, especially land tenure rights held in terms of customary law or practices ... [Inaudible.] ... the forms of insecure tenure would require more time and further consultation, as the committee actually made this admission itself.

This is precisely what the UDM would have wanted and for this reason we felt that the amendments undertaken in this legislation thus far, do not go far enough in trying to correct the injustices of the past. One of important fundamental principles of the UDM is about addressing past imbalances and correcting the injustices of the past.

Until we are able to address these and address the insecurities of land tenure rights, especially in rural areas and rural provinces, we cannot be in a position to support the current amendment as it stands.

Ms N P MAHLO: Hon Chair, Ministers and Deputy Ministers, Members of Parliament, ladies and gentlemen, good afternoon.

Hon Chairperson, I’m sitting her to debate in this House today ... I would like to take this opportunity today in the international community in commemorating the World Aids Day, on this day of December 2020; in the midst of two major pandemics that are sweeping across the countries, Covid-19 and gender-based violence. And I would like to say that for those who lost their lives may their soul rest in peace.

I should also welcome the efforts of the ANC-led government and also that they bring us in this fashion in order for us to discuss the most important issues that affect all women in this country, especially on land matters such as the Upgrading of Land Tenure Rights Amendment, ULTRA, Bill before us today.

Before us we have the Rahube, vis-à-vis Rahube case, which is an indication on how destructive and decisive the system of colonialism and apartheid was. This Rahube case made everyone to take note of the great injustice committed against women over many years; women, besides their suffering from the injustice of colonialism and apartheid. Furthermore, suffering untold misery under the system of male dominance in all sectors of our society.

We have the Rahube vis-à-vis case which is also an indication of that destructive system which colonialism was having during those

apartheid times. The Rahube case, indeed, was not a very good case which has given us an idea of taking into consideration the [Inaudible.] the case [Inaudible.] how our women are vulnerable; even still today. Women continue to suffer today from triple oppression based on race, gender and class.

Over time, despite having fought side-by-side with their husbands, brothers and uncles, women continue to suffer from the injustices of the past.

As Sol Plaatje had said in 1913, South African native found himself not only a slave but a pariah in the land of his birth.

Women in South Africa found themselves having to move from one place to another; being landless due to the land dispossessions and forceful removals. These are other forms of gender-based violence against women.

We understand that the land dispossession and forced removals and evictions of women from land or property should be understood as another form of gender-based violence because violence is not only physical but it is also psychological if you remove women from [Inaudible.]

This is the ...[Inaudible.] ... to limit ...[Inaudible.] ... few years...

*Sepedi*:

MODULASETULO WA NTLO (Moh M G BOROTO): Sesi Pat! [Tsenoganong.]

Mma Mahlo! [Tsenoganong.]

*English*:

Ms N P MAHLO: [Inaudible.] ... stand up ... fight gender-based violence [Inaudible.]

*Sepedi*:

MODULASETULO WA NTLO (Moh M G BOROTO): Mma Mahlo! Sesi Pat!

[Tsenoganong.]

Moh N P MAHLO: Mma!

MODULASETULO WA NTLO (Moh M G BOROTO): Ke kgopela le tswalele bidio ka gore e dira gore le kgamege. E dula e le kgaola nakwana ge le bolela. Tswalelang bidio le bolele ka gore le sa na le metsotso.

*English*:

Ms N P MAHLO: Thank you very much.

Gender-based violence is a manifestation of many years of discriminatory practices against women and it is the highest form of violence that is deeply imbedded in the digression of the soul and the integrity of women.

The patriarchal nature of the society has created a child-like status of women with no real rights to ownership of land and property; thus taking the ability of women to make their living by working the land and owning property as an important economic tool.

The Constitutional Court ruling in the Rahube case is a very important judgement, and yet against victory of women of this country. It is very unfortunate that Ms Rahube, like other women in this country, had to use her limited resources to pay fees for the legal battle to stop being evicted from her own family home by the brother.

During the public hearings on the ULTR Amendment Bill, we heard when women were saying to us about the continued need of land access and ownership of property; and how this has contributed to the impoverished land of all the women in this country.

Access to land ownership and land by women will work towards the true economic emancipation of women in this positively contributed towards ending the scourge of women oppression and all other forms of gender-based violence and discrimination against women.

In conclusion, the ANC supports the ULTR Amendment Bill because this piece of legislation passed in 1991 by the apartheid regime had illegally crossed borders into our democratic dispensation and it has legislative provisions section 2 were found to be unconstitutional with our current democratic revolution. And we resolve that [Inaudible.] address the national questions. Thank you very much, Chairperson.

But lastly I wanted to say [Time expired.]

The HOUSE CHAIRPERSON (Ms M G BOROTO): Hon members, before I call on the hon Shaik Emam I just want to make this ruling as I will be welcoming my colleague, hon Frolick.

# HON VAN DAMME FALSELY ACCUSING HON LETSIE FOR BEING ONE OF THOSE WHO STOLE COVID-19 MONEY

(Ruling)

The HOUSE CHAIRPERSON (Ms M G BOROTO): Hon members, on 30 July 2020 during declarations on the report of Portfolio Committee on Communications on the filling of vacancies at Independent Communications Authority of SA, ICASA, hon van Damme was interrupted by hon Letsie on virtual platform. She responded to the interjection and said: I think ...

*IsiZulu*:

... iqiniso liyamubabela u-Letsie.

*English*:

Maybe ...

*IsiZulu*:

... nguye owayentshontshe imali ye-COVID.

*English*: Maybe ...

*IsiZulu*:

... uyashiselwa.

*English:*

This can be translated in English as follows: Maybe the truth is hard to swallow. Maybe, probably hon Letsie is one of those who stole covid money.

Hon Papo rose on a point of order stating that hon van Damme’s statement, that hon Letsie is probably one of those who stole Covid-19 money, imputes on the integrity of the member without evidence to substantiate such corruption allegations.

Hon Mazzone pointed out that hon van Damme said probably in a cause of debate.

I said I would look into the matter and revert back to the House.

Now, having studied the sound clips as well as the video clip I wish to rule as follows:

Hon van Damme said hon Letsie is probably one of those who stole the Covid-19 monies. This implies that hon Letsie was one of the people who was involved on the Covid-19 related corruption or benefitted unduly from the Covid-19 pandemic.

According to Rule 85 no member may impute improper motives to any other member or cast personal reflections upon a member’s

integrity or dignity or verbally abuse a member in any other way. it is an established practice that unsubstantiated allegations another member are not allowed as such statements attack the integrity or cast aspersions on a character of a member. Such allegations can only be brought by a way of a substantive motion comprising of a clearly formulated and properly substantiated charge that is in the opinion of the Speaker, prima facie warrants consideration by the House.

I will. Therefore, ask the hon van Damme to stand.

Hon van Damme, will you please just withdraw the statement.

Ms P T VAN DAMME: Hon House Chairperson, I should probably withdraw.

The HOUSE CHAIRPERSON (Ms M G BOROTO): Thank you very much.

Hon Shaik Emam!

The CHIEF WHIP OF THE MAJORITY PARTY: Hon Chair, can I request that hon van Damme must withdraw unconditionally because saying probably is still making things worse.

The HOUSE CHAIRPERSON (Ms M G BOROTO): Ooh, I didn’t hear that part. I’m sorry.

Hon van Damme, can you just withdraw.

Ms P T VAN DAMME: I withdraw, Chair.

The HOUSE CHAIRPERSON (Ms M G BOROTO): Thank you very much.

Hon Ntlangwini, I saw ... I heard you. Are you still having an appetite?

Ms E N NTLANGWINI: NO, I’m fine, Chair. Thank you.

Mr A M SHAIK EMAM: Hon House Chair, section 25(6) and (9) of the Constitution of the Republic of South Africa places an obligation on Parliament to pass legislation that ensures that a person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices is entitled to either to tenure that is legally secure. Now, there is an opportunity for political parties and politicians who profess to want to promote the rights of women and equality in terms of gender in South Africa to support this amendment because all it does is, it gives the women their right to tenure of property. Now

I cannot understand for the life of me why some of them might not be entirely adequate, but it goes a long way to giving women what they were deprived of for so many decades in South Africa. I think it is something that we as political parties must support.

The Upgrading of Land Tenure Rights Amendment Bill sought to address the unfair discrimination of women based on their gender. These amendments follow Constitutional Court ruling in that matter.

The NFP recently learnt that in KwaZulu-Natal the Ingonyama Trust, who is the sole trustees of land, told Parliament that access to land should be [Inaudible.] [Inaudible.] tenure rights ownership. But it only recognises men. The Bill seeks to change this in order for women to have access to land tenure. The NFP wants to reiterate that the land rights for land tenure for women must apply to the length and breadth of South Africa so that every woman can get back their dignity.

One of the other problems that we have particularly in land and property is that men generally turn to have more than one relationships and when that relationship ends or the man is deceased, those women that are secondary in their relationships turn not to benefit at all and they have to go back to the drawing

board without any protection in whatsoever. I hope at some stage we will be able to deal with this.

The NFP supports this and we believe that whilst discrimination during the apartheid was one of the reasons for this, cultural practices appear to be the other reason why women are discriminated in South Africa. We believe that this amendment is going to go a long way in giving back women some rights. At least it will give them that due protection. The NFP supports the amendments tabled here today. Thank you very much.

Ms T MBABAMA: House Chair, all of us are aware that the principal Act, Upgrading of Land Tenure Rights Act, Act 112 of 1991, is in itself a very bad law. This law which sought to make insecure tenants tights secure was hastily put together and promulgated on the eve of the democratic dispensation by an outgoing apartheid government. Dr Rosely King once said, and I quote:

The Upgrading of Land Tenure Rights Act is dead in the water legislation whose whole process is faulty, impotent and ineffective.

The very definition of insecure in tenant rights was flawed in that it conceded everything that is not recorded in the South

African deeds registry system as insecure or of register rights. This thinking did not take into account informal land ownership rights that were inherent in indigenous communities. It also upholds an underlying socialist and evolutionist bias which presume that individual freedom ownership of land is inevitable for all social contexts.

Tenure security should not be necessarily title as it is often more valuable to the vulnerable poor. Almost 30 years later this inherently bad law is still in the statute books although it fails to live up to its expectations. Essentially, a bad law is being amended to have parts of it - not the whole, but parts of it – pass constitutional master. We need to look at this law holistically. Sections 1(a) and 1(c) of the Amendment Bill stipulates that the convention of the ownership of land applies to land that is in a formalised township as well as land which has been surveyed, but do not form part of the township. This automatically excludes land in the former Transkei, Bophuthatswana, Venda and Ciskei, TBVC, states and also Ingonyama Trust land that is under the tribal authority and or customary rights as this land is currently not surveyed and therefore not registerable in its current form.

The citizens living in these areas must note that the Upgrading of Land Tenure Rights Act, even as amended will not assist them in gaining full ownership or some form of secured tenure to their land. The status quo will remain.

In the public hearing citizens were very much concerned with the powers vested on the Minister. Should an objection arise the Minister of Agriculture Land Reforms and Rural Development is to institute an enquiry and then make a decision on the matter. The people would have liked to see more involvement of social structures on the ground in the dispute resolution process.

Amongst other objectives the amendment Bill seeks to provide for application to court by an aggrieved person for appropriate relieve. The DA raised its voice in the portfolio committee on behalf of all the citizens who cannot afford to seek recourse in the courts. We felt that not enough has been done to protect their interests and ensure that section 25(1) of the South African Constitution is upheld. Unfortunately, our voice was drowned by the majority thus compelling the DA to wonder if consent of a bad law was not being perpetuated in the amendment itself. The DA will not support this Bill. Thank you, House Chair.

Ms M M E TLHAPE: Hon House Chair, among the progressive pieces of legislation around land reform is the Upgrading of Land Tenure Rights Amendment Bill, but is coming up with measures to protect vulnerable property rights of both the urban and rural dwellers and thus ensuring individual to property ownership.

The ANC in its 52nd National Conference resolved to address without delay the equitable land allocation and use across race, gender and class. This position was buttressed by the 54th National Conference that there should be an acceleration in rolling out of title deeds to black South Africans in order to guarantee their security of tenure and provide them with instruments of financial collateral. This Bill is but one of the mechanisms that will seek to achieve this resolution.

Hon members, noting with a sad commentary that property rights for the black majority and women in particular were deliberately ignored, trampled upon and violated by the apartheid regime, our progressive land reform policy worked so much towards ensuring a new system of a just and secure property rights through the amendment of this Bill.

The ANC’s support of the Upgrading of Land Tenure Rights Amendment Bill is not misplaced and we carefully took good note of what the public has said in their written and oral comments.

The Rahube case mainly dealt with the issue of gender discrimination as it has been alluded here. We were encouraged by the support of the Commission for Gender Equality in showing proposed amendments and noting carefully the confirmed rates of high costs of legal representation and the barrier that this might pose for fair access to housing and land. We heard you women of South Africa, that women rights are human rights.

As the ANC we have committed ourselves to advance women to property ownership and land as well as participation in agriculture and rural economies. Individual property ownership has a critical role to play towards poverty eradication, unemployment and inequality within our society. It is in the interest of the ANC to ensure that there is equity for the rural, poor and women who for many centuries have been denied rights for ownership through patriarchal system of property and land tenure allocation.

The chairperson of the portfolio committee has indicated here that unchanged and apartheid era legislation that has been found discriminatory against women in terms of the application of its

section 2 of the amendment of the principal Act is very much welcomed.

House Chairperson in the same matter, section 25(a) of the Upgrading of Land Tenure Rights Amendment Bill is declared to be inconsistent with the Constitution and invalid because it does not apply to the entire Republic of South Africa, specifically the former homelands. So, this amendment in this regard has been ordered to address inconsistencies and provide the predictability and uniformity in dealing with matters of security of tenure.

This is the challenge and the pattern that President Ramaphosa in His weekly letter on 5 October has observed and said, they need to be transformed because it’s aim and I quote:

Was to destroy our people’s prospects for self-reliance, independence and economic prosperity. At the moment of fundamental levels, it destroyed our ability to feed ourselves.

House Chairperson, it is not naive in thinking that the ANC supporting this Bill and we are mindful that it is not a punishment for all our urban and land turner challenges especially in the black township areas that we however take great confidence that it is a step in the right direction. This piece of amended

legislation together with other related pieces of land reform legislation will realise the equitable redistribution of land among our millions of landless people.

Now, Chair, it has been indicated what was the purpose we were responding to the court order decision with this Amendment Bill. I must indicate Chair that the non Steyn, hon Kwankwa and hon Mbabama that we have noted the huge interest during public participation of sections 19 and 20 of the Upgrading of Land Tenure Rights Amendment Bill that speaks to the communal land issues. We have openly said to our people during their presentations in the meantime, whilst we are dealing here with private land ownership, we have informal land rights tenure protection. The Interim Protection of Informal Land Rights Act which is in place to protect the interest of land held in terms of the customary law and interest in land ...

[Interjections.]

... by the law because of racially discriminated to make sure that there is nothing that is protecting people who have challenges of this apartheid discriminatory laws.

Now in the not so distant future, the department will be putting before you the Communal Landless Rights Tenure Bill. It is my take Chair that all these members that are bringing complex communal and tribal land issues into the Bill that seeks to deal with the private property ownership should be ready to bring this matters into the relevant Bill that we will be doing.

I must probably remind the hon Matiase Chair, of the process that we followed. The department presented to us and we found ourselves short of time, we requested extension through the department in the Constitutional Court and it was granted. We had public hearings and they were even extended. Reasonably so, we held public hearings amid Covid-19 regulations Alert Level 5. The law in this Parliament seeks us to do what is reasonably possible in public involvement. This is what we did. A list Bill was presented to us even the report. Now what else were we supposed to do if people come here today and say this was not done properly and the process was flawed. It cannot be. We reject the fact or the suggestion that the process was not correctly followed.

We want to indicate hon ... [Applause.] [Time expired.]

The DEPUTY MINISTER OF AGRICULTURE, LAND REFORM AND RURAL

DEVELOPMENT (Mr M Skwatsha): Hon Chairperson, hon Ministers and

Deputy Ministers, hon Chief Whip, hon chair of the portfolio committee, ladies and gentlemen, Members of Parliament, this period of the year is dedicated to highlighting the scourge of violence against women, children and the LGBTQI community. And this year we have been faced with the threat of the emergence of COVID-19 pandemic. Therefore, people can be forgiven for forgetting that today is World Aids Day. Let us do all we can to raise awareness and knowledge and end the stigma of HIV and Aids.

This debate is an important debate as we commend this draft piece of legislation to this august House for consideration and adoption. The hon members of the portfolio committee have done their best and worked very hard within the constraints imposed by COVID-19. The portfolio committee chair Nkosi Mandela and other speakers have outlined the parliamentary process thus far and they really need to be commended for such hard work.

Ours is a constitutional democracy: a Constitution which provides for the three spheres of government which work with one another in a co-operative and integrated manner, a separation of functions and authority between the executive and the legislature, and an independent judiciary. All these layers of power and authority work together to move us towards a desirable democratic society, and towards a nonracial, nonsexist, prosperous democratic country.

When persons feel that their rights have been violated or undermined, they have recourse to our courts for appropriate relief. In the Rahube case the following occurred. Upon the passing on of the owner of the property, the deed of grant in respect of a township house - which was converted into ownership rights in favour of Mr Rahube, in terms of the proclamation – was challenged in court by Ms Rahube when her sibling attempted to evict her and others from the property. Unbeknown to her, her brother was issued with the rights to the property without her being given an opportunity to make representation asserting her claim to the property as well.

In this case, the Constitutional Court found that section 2 of the Upgrading of Land Tenure Rights Amendment Act, or Ultra, which provides for the conversion of certain land tenure rights into ownership and regulations issued, were discriminatory based on gender and in violation of section 9(1) of the Constitution of the Republic in that, and I quote: “Everyone is equal before the law and has the right to equal protection and benefit of the law.”

Hon members, the Bill before you does away with an automatic process of converting the deed of grant into ownership by introducing an open administrative process, in terms of which persons must apply for the conversions and a public participation

process is introduced providing for affected parties to make submissions. If that is not democracy, then I don’t know what is.

Most fundamentally, previously excluded persons, especially women, can apply to the Minister for conversions. One recalls what the progressive visionary Thomas Sankara once said: “Comrades, there is no true social revolution without the liberation of women. May my eyes never see and my feet never take me to a society where half of the people are held in silence. I hear the roar of women’s silence.”

Malibongwe igama lamaKhosikazi!

HON MEMBERS: Malibongwe!

The DEPUTY MINISTER OF AGRICULTURE, LAND REFORM AND RURAL

DEVELOPMENT (Mr M Skwatsha): When Ultra was passed in 1991, it did not apply to the TBVC territories, that is Transkei, Bophuthatswana, Venda and Ciskei. Even when the Act was subsequently passed to apply to those territories, they were still excluded from application in areas outside the then white South Africa. The employment ... [Inaudible.] ... of Africa property trust – the Teba Trust – had permission to occupy certificates in respect of a piece of land in the Senqu municipal area ...

[Inaudible.] I wanted to convert this preferred land use outcome(s), or PTO, into ownership in terms of section 3 of Ultra, but was denied on the basis that section 3 was not in operation in the former Transkei. The Teba Property Trust successfully challenged section 3 of the Act on the grounds that it was not applicable in the former Transkei. It’s non-applicability constituted discrimination and violated the rights of South African citizens.

Hon Chair, the Bill before the House rectifies this situation and it is a revolutionary Bill. The department is currently reviewing all laws regulating communal land with a view to strengthening already existing ... in compliance with section 25 of the Constitution.

On this, as a member of the ANC, as indicated: How can you say you support the liberation of women and tenure rights, but come here and not support this particular Bill when it specifically addresses this particular issue?

The interministerial committee, the IMC, which is chaired by Deputy President Mabuza, is busy dealing with tenure rights. Government has undertaken a study tour to many countries to

navigate and see what could be best for our country so that there is freedom for all.

As I conclude, we commend this amending Bill to this House for consideration and approval so that the NCOP may also do its part within the timeframe given by the court. The pre-amble that has been quoted here commits and enjoins all of us to a South Africa that is equal. I really appeal to all of us to take this giant leap towards the creation of an equal society where there is nondiscrimination and nonsexism and we have a prosperous country. I thank you. [Applause.]

Debate concluded.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon members, that concludes the debate. Are there any objections to the Bill being read a second time?

HON MEMBERS: Yes.

The HOUSE CHAIRPERSON (Mr C T Frolick): Are there any further objections? No. Those objections will be noted. The Bill is thus agreed to and the Secretary will read the Bill a second time.

Bill accordingly read a second time.

The HOUSE CHAIRPERSON (Mr C T Frolick): The Bill will be sent to the National Council of Provinces for concurrence.

The CHIEF WHIP OF THE OPPOSITION: House Chair, I rise on a point order, and please correct me if I am wrong. I do think that you failed to put the question to the House. You asked if there were objections, but you never put the question to the House, so the question remains unanswered.

The HOUSE CHAIRPERSON (Mr C T Frolick): Well, hon member, the objections of different parties, including yourself, have been noted and nobody asked for a division to be called. I can put the question, but the experience, hon Chief Whip of the DA, is that when we put that question and all the members join in, it’s very difficult for us on the virtual platform or in the House to see which part of the House agrees and which part doesn’t agree because all the members respond. It’s very difficult then. I can put the question. I don’t know what difference it will make, but I will then, if you insist, put the question and ask that those in favour say Aye ...

HON MEMBERS: Aye.

The HOUSE CHAIRPERSON (Mr C T Frolick): ... those against say no.

HON MEMBERS: No.

Division demanded.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon members and hon Chief Whips, for the next coming days there could well be quite a few divisions being called for by political parties. So, what we are going to request, as presiding officers, is that when we ask if you have an objection, that you immediately indicate that you object and you call for a division as well. That will assist us, because, as I said, it is basically impossible to see which part of the House agrees and which part of the House doesn’t agree. I hope we can agree on that point. As a division has been called, the bells will be rung for five minutes.

The House divided.

The HOUSE CHAIRPERSON (Ms M G Boroto): Thank you, hon members. I believe that the doors are closed. No one will be allowed in now – even those on the virtual platform. I am informed by the table staff that we do have a quorum to continue. Having confirmed that, the question, hon members, before the House is that the Upgrading

of Land Tenure Rights Amendment Bill be agreed to. The voting will commence, as we now do it. I will ask the Whips and Chief Whips of parties to assist us with the numbers both on the virtual platform and in the Chamber. The numbers on the virtual platform will be compared to those that are on the ICT system before we announce the results. Are you ready, my Whips and Chief Whips? Thank you very much.

The CHIEF WHIP OF THE MAJORITY PARTY: On a point of order, Chair. It is unparliamentary for an hon member to show us that she’s at the beach – chilling on the beach – when we have agreed that we must have a parliamentary background when we are in session.

The HOUSE CHAIRPERSON (Ms M G Boroto): May I put this as a reminder to everybody. Hon Minister, perhaps you were not aware of this, but the picture doesn’t speak well. Let’s make it more formal on the sitting days. Thank you for that response.

Hon Chief Whip, let’s not confuse this: We have been allowing backgrounds that are not parliamentary, because people complained about the movements of the buildings. But, at least, let us show formality in our pictures. That’s how we should do it.

Question agreed to.

AYES – 207: (ANC – 189; IFP – 11; ATM – 1; Good – 1; NFP – 2; AIC

– 1; Cope – 1; Al Jama’ ah - 1).

NOES – 100: (DA - 56; EFF – 30; FF Plus – 10; ACDP – 3; UDM – 1).

Bill accordingly read a second time.

# THE ESCALATING CRISIS AT THE SABC AND THE IMPLICATIONS THEREOF FOR THE INSTITUTION’S MANDATE AS A PUBLIC BROADCASTER

(Subject for discussion)

Ms Z MAJOZI: Hon Chairperson, hon members, I rise before this House today as a member of the IFP in calling for this debate – which is of national public importance – so that we as Members of Parliament can collectively resolve this impasse at the SABC.

I am certain that, when we all put our heads together, we can surely find a solution to the ongoing issues at the public broadcaster.

The escalating crisis currently playing itself out specifically in regard to the imminent retrenchment of hundreds of staff members must be addressed.

Just weeks ago, we were addressed by the President when he outlined the country’s recovery plan. Subsequently, we heard about the state of the country’s financial affairs from the Minister of Finance. I echo the sentiments expressed by our founder, IFP President Emeritus Prince Mangosuthu Buthelezi, when he said that the status quo cannot be maintained at the SABC, while our country, at the same time, is talking about stringent measures to raise our economy out of its present junk status.

We know that decades of bailouts for state-owned entities, SOEs, have contributed significantly to the present dire economic circumstances in our country. Further bailouts without solutions being implemented are simply not feasible. The consequences of past financial and administrative mismanagement at the SABC have not yet been rectified.

It seems clear that the ANC is hesitant now to address the core problems at the SABC in light of the support the SABC gave the ruling party for such a long time. It is necessary that restructuring and cost-cutting measures be implemented. That is unavoidable. It is simply a matter of finding the best way to do so.

The SABC has not been immune to struggle. It has not been immune to financial difficulty either. But we must admit to the fact that the SABC has lacked leadership. The days of leadership instability started long ago. These issues were exacerbated during the time of the former COO, Hlaudi Motsoaneng.

Instability and poor leadership at political level is also to blame. How can it be that there have been nine Ministers over the past 10 years in one portfolio? Some of these Ministers served in the Communication portfolio for only a few months. How can we have progress with such instability? This must stop, hon members.

What is also of serious concern is the fact that government’s entire revenue contribution to the SABC amounts to only 2%. Can we proudly call the SABC an SOE when SAA and Eskom are receiving tens and tens of billions?

National Treasury has been silent on this matter – which is very concerning. Government has been confused; we need collaborative efforts to get the SABC on track. We need to create that fit-for- purpose structure which was promised in January last year by the management of the SABC when it released a statement addressing the October 2018 retrenchment debacle. In order to get that fit-for-

purpose structure, the current SABC board must stay on. It is essential that there is continuity and unity of purpose.

In order for the broadcaster to pivot and repackage itself for an environment that has changed drastically, it must be allowed to leapfrog certain development phases. This will require a serious outlay of resources and capital.

The IFP therefore proposes that an independent specialist human resource and change management firm be appointed to work with the senior brains trust at the broadcaster to manage the retrenchment and repackaging of executives’ salaries.

When assessing the staff complement, special attention must be paid to the top-heavy staffing structure. Currently, senior and middle management constitute 30% of the staff, but their salaries make up 44% of the cost of compensation. One hundred and seventy- three people at the SABC earn more than R1 million per annum. This is why we suggest retaining the services of independent consultants to drive the process.

The importance of having a public broadcaster – not only in South Africa but also in Africa – must be stressed. We remind government that the SABC is the only broadcaster that speaks to the nation in

all our 11 official languages. The SABC is often the only source of news and information for many who live in our country’s most remote rural areas.

The public broadcaster serves the public. It cannot be allowed to fail. We can, with enough political will and with our collective expertise restore the SABC and usher it into the innovative age of the Fourth Industrial Revolution.

The SABC can only look to a brighter future when we admit to the failures of its past, take ownership and responsibility for its past problems and together unite behind’s its future potential

I believe that we in this House will put our differences aside and find amicable solutions acceptable to both the employees and the public broadcaster. We cannot afford to have a blackout in this country. I thank you.

Mr B M MANELI: House Chair, hon members in your different responsibilities, fellow South Africans. Today marks the 35th anniversary of Cosatu since its official launch on 1 December 1985. This debate coincidentally happens on the eve of Cosatu and the affiliated unions embarking on protest march to the Union Buildings on 4 December 2020, demanding accountability from

government. It also follows the South African economic reconstruction and recovery plan presentation by our President, Matamela Ramaphosa, aimed at stimulating equitable and inclusive growth, in response to the challenges brought by COVID-19 pandemic.

As we debate, we must not lose sight of our collective responsibility to tackle the historical, structural inequality, unemployment and poverty in South Africa. As part of the plan, we must ensure that there is important stimulus, creation of jobs and support for livelihoods. The Fifth Parliament, after wide-spread concerns from the public, regarding amongst others, compromising pursuit of the mandate and the lapse of governance, established and conducted an enquiry on the *inter alia*, the SABC board’s fitness to hold office and discharge its duties and constitutionally responsibilities, as prescribed in terms of the Broadcasting Act as per National Assembly’s resolution on 3 November 2016.

The report dated 24 February 2017 was approved by this National Assembly. The report reflected damning lapses of governance possible illegalities in respect of the memorandum of incorporation, several irregularities by the SABC and the wrongs of Parliament and the executive operating. It put forth several

recommendations, including the implementation of remedial actions from previous reports from that of Public Protector, Independent Communications Authority of SA, ICASA, Special Investigation Unit, SIU, National Treasury and others, and of course, with risk mitigation measures.

This is what informs the oversight of the Sixth Parliament on SA Broadcasting Corporation, SABC. The question remains whether the recommendations and remedial actions and audit action plans have been fully implemented to avoid repeat of historical problems and instead, what we see, is the resort on its decisions like retrenchments, sale of assets, etc. It is important to remind ourselves that the ANC working with the mass democratic movement prior to 1994, worked hard for the transformation of the SABC, from being a state white minority government mouthpiece, into being a public broadcaster, serving public interests.

Accordingly, from 1991, Jabulani! Freedom of the Airwaves Conference held in the Netherlands, in partnership with the ANC’s Radio Freedom, a new framework for freeing and democratising the airwaves was developed. These and other several other activities inside the country, led to the enactment of the Independent Broadcasting Authority Act of 1993 and the provisions included in section 192 of the Constitution. This historical perspective

confirms the ANC commitment to editorial independence of the SABC and is enshrined in the Broadcasting Act.

Subsequently, the ANC at the 51st and 52nd ANC Conference, affirmed resolutions on increased funding of the implementation of the public service mandate by the SABC. This required the development of the public broadcasting model that is not reliant on commercial programming. This required, of course, to be developed, costing the mandate, as well as the different interpretations on the role of broadcasting in government. The SABC is beset by many structural managerial and funding programmes, it needs to be restructured and repositioned to prioritise public service as opposed to commercial focus that is displayed.

The SABC needs rebranding and turnaround to ensure that focus is on content and not more of reporting governance and other challenges. The ANC further resolved that the migration from analogue to digital terrestrial television, DTT, presents an opportunity for the SABC to introduce multichannel programming to ensure its viability as the broadcaster of choice, and this could ensure that compelling content like parliamentary channel, sports channel, education, health, etcetera, and community TV should be on SABS DTT platform.

The SABC must be positioned as the content mother of choice and repository of our cultural identity, etc. The ANC has consistently in its resolutions upheld that broadcasting operates at two levels. Firstly, it acts as a means to reflect the rich South African cultural heritage, provides a voice to South Africans to participate in the democratic dispensation, as well as acting as an important platform for community involvement, education and entertainment. Secondly, as part of the Information Communication Technology, ICT, industry, broadcasting is an important economic sector that sustains the South African creative industries.

Digital Broadcasting Migration Programme remains a priority in the country. The success of this initiative will depend on *inter alia*, the availability of new content that appeals to the broader South African viewership and the uptake of the set of boxes and Integrated Digital Televisions, IDTVs, by the nonsubsidised households projected around 9 million. We have continued to call on government to therefore continue to mobilise all roleplayers and the general public to participate in this endeavour, as it also brings other social and economic benefits.

The Digital Migration Switchover has been missed, postponed, etc. This is due to several problems ranging from industry legal battles, which took up to the Constitutional Court, challenging

the Digital Terrestrial Television, DTT, policy for self-interest, challenges and delays with respect to procurement of set of boxes for approximately 5 million needy households, focus on subsidised market, the SABC’s alleged capture to serve the interests of its competitor, etc.

The condition of this programme will also enable the freeing of the critical radio frequency spectrum needed for the rollout of broadband. The committee has acknowledged the challenges faced by the SABC due to years of mismanagement brand by previous leadership of the corporation, and appreciates the intervention by government through the ministry that resulted on a conditional support from National Treasury. This is the R3,2 billion bailout meant to settle debts and investment to much needed compelling content and infrastructure.

Having said so, the committee supports the Minister’s call on SABC leadership that retrenchment, indeed, is the very last option we can look at, having looked at all the last options that are available. It would therefore be premature to take such step. That would be the view of the committee. The SABC under many years of mismanagement, survived due to the commitment of its workers, the journalists who ensured that content never suffered and SABC was never off air. The same workers acknowledged through their

submissions of the Fifth Parliament Inquiry and the Public Protector, that SABC was mismanaged.

Therefore, the collective of the SABC and the public, could engage on strategies to save the jobs and sustainably reposition the SABC. Some considerations for discussions from where we sit as the outsiders in the process, is that the SABC should not be too internally focused, but look at more ideas of growing the business, reskill and upskill its employees, ready them for a grown SABC with more channels. We raise all the above without electing to be neither the union, nor the board and management of the SABC.

The engagements between the unions and the SABC must be given a chance as part of finding a solution to the current crisis. It is against this understanding that, the ANC component in the committee, had encouraged all stakeholders to engage meaningfully, after having listened to the unions, editorial forums, SABC and the ministry as the shareholder in a number of engagements with the committee. South Africans are facing financial and economic challenges. Our people need Free to Air, FTA, television, with compelling content and the Desktop publishing, DTP, platforms provides free television.

All what citizens need is information like where to get IDTVs, set of boxes or DTT antenna, pay once off and watch good content. This will grow the viewership of numbers of the SABC and its revenue.

Therefore, the SABC needs to consider working with Sentech to maximise the usage of the DTT transmission network, switch off analog network and save the costs. This was confirmed by Sentech presentation to the committee in October 2020, that SABC will realise 27% reduction on transmission costs through analog switch off on migration DTT. The time to implement DTT is now.

If more than 7 to 9 million households migrate to DTT besides the around 5 million subsidised households, tune onto SABC, more revenue will be ended by the SABC from advertising. This will grow the revenue base, enable the SABC to pay transmission costs and ensures its sustainability. The SABC should show the quantifiable revenue plan with timeframes. This will also contribute in the release of the spectrum for growing affordable fast speed broadband and its access to all citizens, thus, growing the digital economy.

The SABC has more audience than Facebook in the country, it has a data on everyone who owns a TV set and needs to use the guide to guide poor creation of content and compete with competitors favourably in the market. The SABC already has digital presence

widely, it has an App streams at its website, Facebook, twitter, etc. All what is needed is for the SABC presenters to promote these platforms when switching times, rather than promoting with their competitors.

The SABC brand, has become every household’s need during this COVID-19 period. The people want to watch SABC in numbers, and the SABC leadership needs to focus on how to maximise this opportunity, increase viewership numbers and therefore advertising income, having regards to all its digital platforms as people who move digital. The ANC does not believe that the SABC has exploited all opportunities available to it, before rushing into staff retrenchments as an option. This was confirmed by a divided board on the section 189 matter as exposed in their appearance before the committee on 18 November 2020.

The available options include lobbying hard for Independent

Communications Authority of SA, ICASA, to fast track masquerade regulations review so that the value of Free to Air, FTA, content, is paid for on commercial terms favourable to FTA. Similarly, sports broadcasting rights regulations are favourable to FTA services in the public interest. The SABC should focus on Revenue Bill ... [Interjections.] ... indeed, the interpretation ... [Interjections.] ... Thank you. [Time expired.]

Ms P T VAN DAMME: Hon Chairperson, let me start by saying this, we feel the pain, the distress, anxiety and depression of those good, hardworking, talented SA Broadcasting Corporation, SABC, staff who stand to lose their jobs. We understand your anguish. You have bills to pay and just a basics of putting bread and butter on the table. This, at the time when 2,8 million fellow South Africans have joined the unemployment queue due to COVID-19 lockdown. The retrenchment process must be dealt with, with compassion, empathy and respect for the dignity of the SABC staff. Many of whom have had to live through the terror of the Hlaudi regime, and now retrenchment process that has dragged on for two years breeding uncertainty and yet more feelings of unease at work.

Let me say this too, unlike other political parties who would stand at this podium today or virtually and tell you they’ll stop retrenchments. We will not lie to you. Lying to you would be nothing, but a self-serving false promise whose only aim is to play to the gallery and gain support at the ballot. We warn you not to accept help from wolves in sheep’s clothing who will turn around and devour you. You may think that those wolves have the best interest at heart, but it is their interest they have at heart. Trust in the legal processes and uphold the independence of the SABC that many of you have fought for.

When it comes to wolves, the biggest one is the ANC. When it comes to curbing unemployment, it does not have a single leg to stand on. It is not the valiant government it is presenting itself to be today, doing the very best to stop unemployment in our country.

Where were you, ANC in the past couple of months when the

2,6 million people in this country lost their jobs? Where were you for staff during the wave of retrenchment in the Media industry across the country? Where were you for Primedia staff? Where were you for staff at KFM, Cape Talk and EWN? Where were you for Multichoice staff? Where were you for Telkom staff? Where were you for all the staff that lost their jobs in the Magazine industry across the country.

*IsiZulu*:

Benikuphi? Ningezi la nizochoma ngathi ...

*English*:

...you care whether the people of South Africa have jobs. You do not care.

*IsiZulu*:

Aninandaba! [Ubuwelewele.]

*English:*

Have you cared South African would not be in the position today where 11 million people are ... [Interjections.]

The HOUSE CHAIRPERSON (Mr C T FROLICK): Hon Van Damme. May I just indicate to those members who are interjecting that I will remove them from the platform.

The DEPUTY MINISTER OF HUMAN SETTLEMENT, WATER AND SANITATION: No,

no, don’t threaten us....

*IsiXhosa:*

... Uyasithuka lo mntu.

*English:*

We are not going to keep quiet.

The HOUSE CHAIRPERSON (Mr C T FROLICK): May I ask the Serjeant-at- arms to remove the Deputy Minister form the platform. [Interjections.] [Applause.] Please continue, hon member.

*IsiZulu*:

Nk P T VAN DAMME: Aninandaba.

*English*:

Have you cared, South African would not be in a position where

11 million people are unemployed with the youth most affected. Do not tell us about your reform measures, when instead of using money to create job opportunities, you gave SAA a R10,5 billion bailout last month, on top of the R16,4 bailout you gave it in February.

*IsiZulu*:

Ani-na-nda-ba...! [Ubuwelewele.]

*English*:

You can move your mouth to say what South Africans want to hear, but the facts are there on paper. The facts say you do not care. You do not care about making sure that there’s employment for the people of South Africa.

Now about the SABC, I want to speak to the facts on paper. I want to speak to the laws that we, as Parliament, must uphold. At first instance, Parliament cannot tell the SABC to halt retrenchments.

It simply does not have that power. The process that the SABC is going through is informed by section 189 of the Labour Relation Act, Act 66 of 1995 which at no stage requires Parliamentary approval.

Secondly, the Minister of Communications, as a shareholder, similarly, does not have the power to tell the SABC to halt retrenchments. I don’t know how many times Minister Stella Ndabeni-Abrahams has to be told that she cannot interfere at the SABC.

*IsiZulu:*

Kuzoze kube nini, sisi?

*English:*

Just last week, with the help of the Minister Thulas Nxesi, the Minister again gave the SABC the instructions to halt retrenchments. Then, she went so far as to insist that she’s going to be involved in the mediation process going forward. This is unlawful. If she does so, she must be taken to court, a case she will lose and she must pay for those costs out of her own pocket.

*IsiZulu:*

Angathi ufuna ukwenza umathanda, akenze umathanda ngemali yakhe. Hhayi, ngemali yabantu baseNingizimu Afrika.

*English:*

The SABC is not SNAS - Stella Ndabeni-Abraham show. It is the public broadcaster, which is protected by law from political

interference so that it can provide content that reflects the plurality and the variety of news in South Africa in advancing the national and public interest.

Now, ANC constantly tells me in the committee not to talk about the recent history of the SABC which is a bizarre narrative coming from the ANC. But it is understandable because it is the ANC’s fault that the SABC finds itself in this financial crisis. Hlaudi Motsoeneng was the monster of the ANC’s own creation. ANC Minister after ANC Minister protected him. ANC MP after ANC MP protected him. When he left, no fired, after ceaseless litigation by the DA and the Parliamentary Inquiry ...[Inaudible.] My time, please.

The HOUSE CHAIRPERSON (Mr C T Frolick): May I ask the Serjeant-at- arms to remove hon Mokgoto of the EFF from the platform. Continue, hon Van Damme.

Ms P T VAN DAMME: When Hlaudi Motsoeneng was fired, the SABC coffers were empty and was unable to pay the service providers. It will take years to repay this damage. It is understandable why the ANC suddenly so animated about the SABC. The election is around the corner and this Board has been proven to be too independent.

This is a Board that stood up to ANC Secretary-General Ace Magashule and told him to remember that the SABC is independent.

Magashule later retracted his statement and said the SABC can’t dictate to them. Perhaps he can probably share this information with Minister Stella Ndabeni-Abrahms. So independent has the Board been that it has created a climate of independence at the SABC, that for the first time last year’s coverage of the election was fair. According to the Media Monitoring Africa, 99% of the coverage of 2019 election was balanced and fair.

The Independent Communications Authority of SA, Icasa, shared the same sentiments, stating that it was satisfied that the SABC took great strides to cover a range of political parties. Thus ensuring a diversity of its use. With another election on its way, the ANC doesn’t want an independent Board. You know you are a great threat at municipalities and this retrenchment process is being used in order to paint the SABC Board as incompetent so that the Board can be dissolved. So that you can put your own buddies there at the SABC Board who will do what you want. We will not allow for that to happen.

We know you have your mole there Mamodupi Mohale who seeks to destabilise the Board. She will also not succeed. It is an indisputable fact, the SABC staff is bloated, 43% of its funding goes to salaries instead of purchasing content. Its Wage Bill must be reduced. Its staffing model must be restructured. It cannot be

that any organisation has doubled the number of supervisors than it has a staff. The Board has informed us that it had 16 consultative meetings and seven of them facilitated by the Commission for Conciliation Mediation and Arbitration, CCMA.

We have also heard the concerns raised by some Unions regarding the lack of adequate consultation and that an urgent application has been submitted by Broadcasting, Electronic, Media and Allied Workers Union, Bemawu, to the Labour Court regarding irregularities. If those irregularities are found, I trust that the SABC will follow the judgement. The bottom line is this, in order for the retrenchments to be halted, Treasury needs to give R700 million. There is no R700 million and in fact, it was the National Treasury that said that the headcount at the SABC must be reduced. With the R700 million not forthcoming, with no reduction of the headcount in the few years, we will have another SABC coming here to ask for another bailout and that bailout will not happen. [Time expired.]

The HOUSE CHAIRPERSON (Mr C T FROLICK): Hon members, I want to caution you, I will remove you from the virtual platform, if you are not recognised and switch on your microphone, there are no warnings involved here. The hon Pambo.

Mr V PAMBO: House Chair, from the onset allow us to register our displeasure with the planned retrenchments at the South African Broadcasting Corporation, SABC. We have witnessed the emotional abuse of the employees of the SABC at the hands of the leadership that has exhibited complete incapacity to lead the entity. For the retrenchment to come as a first resort at the SABC, shows that we as a country are determined to subject our people to unemployment, insecurity and destitution.

Logic follows that the financial problems of SABC, must be placed at the doorstep of the ANC government, which is adamant on austerity measures that are aimed at cutting the Wage Bill across government departments and this department has not been spared.

There is a clear determined policy to underfund and strip all entities that should serve as a developmental purpose and surrender them to private capital; SA Airways, SAA, Statistics South Africa, Stats SA and now the SABC. All entities that should serve as a public good are being torn apart to make South Africa a shallow state that outsources all of capacity to serve the people.

The correct diagnoses at this stage is that the government has created and is responsible for the massive job losses because of its neoliberal bailout conditions. One of the bailout conditions

is that the SABC needs to dispense the noncore assets. This is a neoliberal method which is conducive for job cuts. Each time an entity dispenses with noncore assets as a means to generate revenue, it results to job losses.

The ANC is intent on driving SABC into privatisation as it was always the case in the mid-90s. Alternatively to squeeze it into insignificance within the broadcasting industry, in the interest of MultiChoice Group monopoly.

The key message to combat this regressive and non-workable approach is that, there must be immediate massive state capital injection into the SABC to save jobs. We must direct attention on the ANC government, its pervasive relationship with pay television, tv monopoly MultiChoice and complete disinterest in a financially healthy public broadcaster that executes its democratic responsibility to inform the public everywhere and in their languages.

The SABC finances are completely unsustainable without consistent state protection from pay tv, these is what public broadcasters do all over the world. Over 60% of what SABC does, is free. Its commercial arms are what should compensate the rest, but they have been squeezed by private commercial operators at times through

actual regulations by the Independent Communications Authority of South Africa, ICASA.

Above all, the government’s advertisements spending itself, the ANC spends more on commercial operators than on SABC. In fact, half the time when it comes to SABC, they don’t compensate or pay for the adverts and coverage.

The new editorial structure proposed by management must be rejected until the integrate the editorial forum. We must condemn a move by some in management to use retrenchments to marginalise or fire vocal journalist who spoke to Parliament as part of the SABC editorial forum.

In the immediate, MultiChoice must be forced to integrate the tv licence payments into subscriptions. It must be forced to compensate SABC for all the content of three channels they have been playing for free. Must Carry Regulations, are not only unfair but a complete criminal regulation aimed at robbing SABC of its content and growing MultiChoice viewership.

The digital terrestrial television, DTT, estate and it now only serves for the enrichment of corrupt politicians. Let us allow the SABC, to fully adopt the direct to home, DTH, as key technology

for signal distribution. Our people have already moved into DTH to access digital signals. All who are still on analogue must be moved swiftly into DTH.

The SABC can compete on any online content offerers, even better that NetFlix. The platform launched with Telecommunications, Telkom must be embraced by all as a positive step towards a financially healthy and technologically relevant SABC.

The ANC government is the source of the problems in the SABC. The SABC as an entity is neglected. It is not under the care of a member of Cabinet. A Deputy Minister is not a member of Cabinet, but even with the current Minister, nothing is working, South African Post Office, SAPO is one such entity, thus the problems of SABC are not resolvable under the incapable lack of leadership of the Minister Stella Ndabeni-Abrahams. Under the leadership of the ANC, the SABC will not find any joy.

In fact, if anything, in the next six months we will still be talking retrenchments, the biggest problem here is the ANC. Thank you House Chair.

*Afrikaans*:

Dr P J GROENEWALD: Voorsitter, ...

*English*:

Dr P J GROENEWALD: ... I want to start by saying that the SAB-ship is not very different from other state-owned enterprises, SOEs, ships busy sinking because of the mismanagement of the top structure of those ships and the government of the day. There are numerous reasons why the SABC is in a financial crisis, what it is like all other SOEs, who have the same crisis.

Where did it start? I want to refer to a media heading in *Business Live* from the hon Minister, with the heading: *SABC Executive are worth, their R42,5m pay... says communications Minister*. She said that in November last year. She justified the huge salaries of...for instance Chief Executive Officer, CEO, Chief Financial Officer, CFO, Chief Operational Officer, COO, and the board totalling; R42,5 million annually.

It did not start last year or the year before that. If you go and look for salaries for instance... if you go back to 2015-16 and you look at the then COO, Hlaudi Motsoeneng, he received a salary of R4,197 million. The SABC loss in that specific year was

R411 million. The then President at that stage, his salary was R2,75 million, so the COO of the SABC, earned almost double what the President of Republic of South Africa earn. The present President, the hon Ramaphosa, his salary is at the moment

R3,1 million, but back in the 2015-16 annual report, the COO of the SABC already earned R4,197 million.

If you look at the top management of the SABC, we see that they earn R31,278 million a month, eight people. Now, with great respect Chair, I want to ask the hon Minister, when she is going to respond at the end of this debate; can she please explain to the and the people tax payers of South Africa, how can the COO of the SABC almost be double with that of the President of the Republic of South Africa?

*Afrikaans*:

Ons is op rekord, waar die VF Plus nog altyd gewaarsku en gesê het dat daar na die salarisrekening gekyk moet word, nie net van die SAUK nie, maar van al die openbare entiteite. Dit is waar die soustrein is. Hier kom ons op ’n punt waar ons die prys moet betaal.

Die probleem is dat daar nie ontslae geraak moet word van die mense wat nog die skip se enginkamer aan die gang hou nie. Ons kan nie ontslae raak van die nuuslesers of nuusskrywers of tegnici nie, want hulle laat nog die skip se skroewe draai. Raak ontslae van die topbestuur. Raak ontslae van die uitvoerende gesag en verminder hulle salarisse, sodat u kan verseker dat die SAUK nog

steeds gered kan word. As u dit doen, het u ’n kans om hom dalk te red. Dankie.

Mr S N SWART: House Chair, the ACDP deeply empathizes with all those staff of South African Broadcasting Corporation, SABC, staff who are facing the prospects of retrenchments. This at time when we are seeing increase in unemployment across so many sectors in South Africa, with more 2,6 million people having lost their jobs in the private sector, due to hard lockdown.

We join the sentiments that are being expressed that one should rather look at top management rather than on the journalists. Let us understand that the management and the board are between a rock and a hard place. It is an indisputable fact that the SABC is running out of money. They received a R3,2 billion bailouts and one of the conditions from National Treasury was that the slashing of R700 million from its salary bill.

The point has been made about the bloated management level and I was part of the Fifth Parliament inquiry into the SABC. Let us not forget the cost that SABC staff members pay, the *SABC Eight*. One of them gave her life, Suna Venter, she died at age of 32, stress related heart collapsed due to intimidation and threats against

her. So, let us not forget the cost that has been paid from the exposure of the wrath, that historical wrath.

Yes, the point was well made that some of those recommendations of that Fifth Parliament’s report have still not been implemented.

Many of those recommendations will go a long way to address the revenue issues at the SABC, but it is independent. The independent board is appointed by Parliament; the board appoints the executive. The independent board has the final authority. As we found in the Fifth Parliament’s report which was accepted by the Fifth Parliament, one cannot have political interference that was at the heart of the problems at the SABC, which many of you would have watched it but it was accepted and is binding on us.

So, let the legal process unfold, let us be mindful that is there is an oversight perspective to played by the portfolio committee, but it is disgraceful that only 2% funding comes from National Treasury, surely we need to look for the fit for purpose strategy that must be implemented. One needs to come together and allow the legal process to unfold but to protect those people as was very properly put that keep the ship the SABC on track, those staff members, let us look at top management level which is over bloated. I thank you.

Mr N L S KWANKWA: Chairperson and colleagues, I think we need to do an exercise in truth telling. I am going to deviate from my script; it is right in front of me. The issue is that before elections there were talks about possible retrenchment at SABC and some from my right hand side actually were murmuring and stammering in the corridors saying it would be wrong to do retrenchments before elections and discussing retrenchments before elections was a political hot potato. Due to that, there was meddling and interference which prevented the SABC from doing those retrenchments.

But I want to make a point which we think it is important for us. You know, during the outbreak of the coronavirus and we applied for International Monetary Fund, IMF, we said that the key issue in line with their criteria is about protecting lives and livelihoods. And therefore we launched a loan guarantee scheme with the South African Reserve Bank where we said there is

R200 billion and those whose revenues have been affected can be able to access funding via that channel. But I cannot understand why SOEs such as the SABC, if they can imperatively demonstrate that their revenue has been affected by the coronavirus and because they had to actually give coverage to most of you at press conferences for six hours which definitely affected their revenue because they couldn’t get any advertising and they could not also

continue their programming, why is it not possible for them to access funding via that scheme? I can’t understand it.

It is illogical because that would be an important step towards accentuating like you also protect the livelihood of the journalists and the people who work in our SOEs. They deserve that protection. It is not private sector only that should be protected.

The other issue that we have been discussing is funding the public mandate. We discussed this matter even during the SABC inquiry. We keep talking about issues without or lacking capacity to implement anything. Is the public mandate not going to cost the SABC about R3 billion over the medium-term? Where is that money going to come from? When do we get to a point where we agree as to how much of that is going to be funded by us so that it can be able to continue with the socioeconomic development objectives?

We must also blame the management at the same time for failing to implement some of the programmes we spoke about in that inquiry — some of the recommendations of the meetings that centred around improving and strengthening the commercial arm of the SABC so that it can be able to cross-subsidise some of the socioeconomic programmes of the SABC.

We do not support this because we feel that at this point in time we should be looking at retrenchment as a last resort and not the first resort. I am not convinced that most of the recommendations that were contained in the report of the SABC inquiry had been implemented in full and that the desired outcome of those recommendations have actually been seen. Up until that has happened, we can have a discussion about restructuring but not now. We thank you very much.

Ms T L MARAWU: Chairperson, the ATM stands with the workers of the public broadcasting agency, the SABC, in their attempt to stop the SABC from retrenching staff members in order to stay afloat. It is unfortunate that the root cause of all these woes is the unprecedented levels of corruption in the country. The bluntly mismanagement of SOEs in this country and the lack of accountability in officials to advance the need of all the stakeholders involved.

The SABC employees are just collateral damage to a system that does not favour the ordinary citizens and their hard work. It cannot be that the only way to cut losses of the bleeding SOE is to retrench and cut jobs whereas corruption remains the order of the day as ATM table a motion of confidence ... of no confidence in the Ramaphosa administration.

In an ever evolving world, especially during such unprecedented times of pandemics and economic stagnancy, the failure to evolve usually leads to business closure, and it is shocking that the Ministry in charge of the SABC failed to foresee the looming danger of the evolution of the SABC.

It is for this reason that ATM is calling for efficiency in the management and the leadership of all SOEs to ensure that the public purse is not obligated to keep the SOEs afloat on a period basis whereas such funds can be redirected towards the fighting of the current pandemic we are facing as a country.

In the same light, it is the broadcaster’s responsibility to ensure that the country is given impartial and accurate journalism that reports on all events happening in the country. Hence we condemn the axing of journalists and other staff members of the SABC especially when they kept the country informed as frontliners during the earlier levels of the lockdown and beyond.

We are recommending that all the involved Ministries must come up with a sustainable turnaround plan that does not include job losses. The Ministries involved must look into other possible revenue streams that are informed by strategic points of existence and can maximise the public’s interest in all programmes offered

by the SABC. The content rolled out must be current and must speak to the needs of the new population group that enjoys such programming.

Keeping staff members on freelancing contracts only not to renew their contracts is one of many other strategies recently implemented by the SABC — A strategy we do not condone as the ATM. In all we do we must ensure the crisis at the SABC does not worsen than what it is already. We owe it to all those SABC workers who risked their lives during a global pandemic. Thank you very much, Chairperson.

The HOUSE CHAIRPERSON (Mr C T Frolick): Thank you, hon member. I am glad you corrected yourself because you said you are moving a motion of confidence.

Ms T L MARAWU: Order, Chairperson.

Mr A M SHAIK EMAM: House Chairperson, let me start of by saying that it is very unfortunate that employees, particularly journalists at the SABC, have to suffer as a result of mismanagement of SABC. What I do not understand is this, and this is a problem we have been having in all state owned entities, and that is political interference. Once again I see there is

political interference. The SABC needs to conduct itself as a business and have to take business decision.

It is very unfortunate that we are sitting in a situation but one of the reasons for that is: If you look at the salary scale of top management in SABC it is totally unsustainable. The SABC’s results for the financial year ending March reported a R511 million loss. In 2017 it reported a loss of R1,2 billion. TV license revenue dropped 18% on the year to R791 million.

Now, the question that arises is this: If politics, politicians, political parties and those in positions of interests are going to continue interfering in the processes and not allowing them to run as a business so that they could be sustainable, then we are going to continue having to bailout these institutions. I mean we have spent over R200 billion in a few years in bailing out state-owned entities.

The settlement of long outstanding creditors reviews trade and other payables by nearing 50% year on year fruitless and wasteful expenditure was R27 million. Now we hear that the SABC plans to expand the definition of a TV set in its Act which ultimately means the poorest of the poor will have to suffer.

Now with the SABC announcing that it will be retrenching almost

400 employees but they are also talking about having 170 vacancies, I understand that those that might be on the line of retrenchment might be able to apply for those positions.

What is very clear in many of the state owned entities is that the problem does not appear to be numbers but, more so, I think it is the rate at which people get paid together with all the benefits, and those cost cutting measures are essentially relooking at SABC mandate to reduce the crisis the corporation is currently facing and it comes down to numbers.

Unions have already threatened intensifying strides but they need to also come to the party because they need to understand that if you do not allow SABC to reconfigure its mandate and do what is necessary to bring it in profitability it is going to run into serious trouble and people are going to lose their jobs ... [Inaudible.] [Time Expired.] Thank you very much, Chairperson.

Ms N J KUBHEKA: Hon Chair, hon Minister of Communications, Deputy Minister of Communications, hon Members of Parliament, the chair of the Portfolio Committee on Communications Boyce Maneli. As we celebrate the 65th Anniversary of the Freedom Charter this year, we must give effect to the profound statement that: “South Africa

belongs to all who live in it, black and white” Our priorities this year will be informed by the weighty injunctions contained in that are contained in that historic document which continues to be a loud star in everything we do.

Several of our key state owned enterprises like the SABC are facing great difficulties. This has a severe impact of broader economic growth and transformation. The transformation of the SABC from being an apartheid mouthpiece, to being a credible public broadcasting institution. In recent years, the SABC has played a very important role in the national and local elections, thereby strengthening our democratic discourse.

The movement must undertake a fairer and a sober assessment of the state of the SABC, and take clear decisions about what must be done to place this entity back on a sustainable path. In identifying and executing the tasks necessary to confront these challenges, we must know our past and understand our present, and be the abled chart, a better future for the people of South Africa. We must honour and pay tribute to those whose struggles and sacrifices brought us freedom and democracy. We must draw guidance and inspiration from our examples.

As we reflect on a significant milestone in the history of the ANC, the broad liberation movement and the country, we must continue to learn and implement lessons they teach us. The ANC resolves that, any future strategy of the SABC must position the broadcaster as a leader in an uptake and usage of new technologies, including mobile television and internet protocol television in an environment that does not allow the public broadcasting system to lack behind commercial broadcasting.

The ANC further resolved to relook on the behaviour of the dominant players’ access and premium content including sports rights access to critical infrastructure and unable entry of new pay and other services during and after migration process. The review of local content quotas for all tasks of broadcasting was identified as important. The fair representation of women, people with disabilities and age within the community broadcasting sector was also identified as important. Migration from analogue to terrestrial television, was identified as an opportunity for South Africa to enter into a manufacturing of electronic goods for South African and other markets. The safeguarding of children was perceived to be important. The need for youth station was again highlighted as necessary and urgent.

The department has established a national communication task team which is reviewing the entire broadcasting landscape. The digital migration process has been stalled by the lack of consensus by industry players, technology standards and conflicting interest. South Africa must invest more on public education and awareness, support content development and grow the industry to sustain digital broadcasting future.

The ANC decision must be informed by national and public interest, not commercial imperatives. Disagreements among the broadcasters must not be allowed to frustrate realisation of an important migration process that will improve broadcasting services and contribute to the development of broadband services. The ANC be vigilant not to find itself in the middle of conflicting interests, public interest must always be the guiding principle.

As part of the process, the government must increase its funding of the SABC. This must be implemented progressively over a responsible period. Government funding must be ring-fenced to be targeted towards public programming such as indigenous languages, health information and developmental and educational programming.

In addition to government funding, the SABC requires a long term sustainability strategy based on a people centred approach to

public broadcasting. There are a range of issues to be noted regarding the SABC which should take into account the strengths and weaknesses of the current system in the context of policy review. These include the nature of services, the mandate, the structure, and funding of the future SABC.

The department must ensure that there is political will and skilled capacity to implement these resolutions. The ANC reaffirms that; a stable corporate governance mechanism is required to provide long term stability. This include strengthening the SABC, accountability, Parliament, shareholder and the public.

The public ownership of the SABC is central to its existence and sustainability. The shareholder is not just share financial assistance, but represents all the people of South Africa. The ANC expresses solidarity with the workers and vehemently oppose that it called weakening of the SABC, its public broadcasting mandate and its subordination to commercial interest.

The ANC calls on the members of all alliance formation to actively support the Communications Workers Union, CWU and other union unity at the SABC, and Cosatu, in the fight against retrenchments and in defence of public broadcasting.

As the ANC, we have our deployee, the Minister of Communications, hon Stella Ndabeni-Abrahams. The ANC has engaged with her and I know that she can at least do much more, in order to see how best can the SABC be resolved on those issues that we are raising.

I do not know why some board members are so intransigent and I think they show some arrogance in the approach. When hon Van Damme from the DA said, “looming retrenchments were because of wolves in sheep’s clothing” she was referring to her own substantive effort of the DA and FF Plus to reduce jobs at the SABC, a so-called cost cutting exercise. This is in line with the DA and the minority party’s push to privatise all the state owned entities.

There is a tendency of the opposition parties to blame state entities like the SABC for mismanagement and corruption, when in fact the inability collection of licence fees is solely placed on the shoulders of poverty and injustices of the past.

While many other countries went into a lockdown to combat the spread of COVID-19, the workers of SABC were working to keep the country informed about the pandemic, putting their lives and the lives of their families at risk.

*IsiZulu*:

Sihlalo Wendlu yomthetho, awungivumele ngise inhlonipho kulawa maqhawe amabili lapho aye ahlangabezana nalo leli igciwane enyangeni kaSepthemba, kungenxa yokuthanda umsebenzi wabo wobunthatheli kanye naboke ubuchwepheshe kanye nesizwe sabo, ezweni labo, ngisho phela wena phela mnumzane u-Mathula Khanye kanti futhi nawe mnumzane u-Michael Conradie. Siyezwisisa futhi nokuthi kwenzakeleni-ke ukuze niye kuleso simo.

*English*:

The South African industry are reeling from the initial shock of the coronavirus recessions, with job losses and the Unemployment Insurance Fund, UIF claims already running in the millions if not the billions. We have not protected the workers at SABC.

These retrenchments - at first do a thorough skills assessment and make sure that we do not specialised skills needed in the public broadcaster. The department must therefore rethink the designed implementation and effectiveness of its programmes, to address the structural challenges of economic transformation especially in the sector, and grow the market dominance and decrease job losses with this sector.

In fact, the crisis at SABC is politically motivated. A few and vigorously fought by the employees who love their jobs and want to

serve this beautiful country. Hon Van Damme, as we know that you are allergic to women. Hon Van Damme, as we know that you have a Pull Her Down, Phd Syndrome ...[Interjections.]

Ms P T VAN DAMME: Chair, on a point of order.

Ms N J KUBHEKA: We will understand that at no stage that you would have thought ...[Interjections.]

Ms P T VAN DAMME: Point of order, Chair.

The HOUSE CHAIRPERSON (Mr C T FROLICK): Hon Kubheka, hon Kubheka I am recognising the hon Van Damme. Hon Van Damme, why are you rising?

Ms P T VAN DAMME: I would like to request that the member submit a substantive motion with my medical records which indicates that I have an allergy to women. [Laughter]

The HOUSE CHAIRPERSON (Mr C T FROLICK): Hon Van Damme are you rising? No, no, no, hon member, that is not how you go about requesting a substantive motion.

The CHIEF WHIP OF THE OPPOSITION: Hon House Chair, it’s hon Mazzone if I may, on a point of order. The hon member at the podium was completely out of order by saying that hon Van Damme is allergic to women. If the hon member paid any attention, she would know that the matriculants such as myself would have a PHD disorder, not someone as educated as the hon Van Damme and therefore should withdraw that ridiculous statement.

The HOUSE CHAIRPERSON (Mr C T FROLICK): Hon member, hon Kubheka, did you say that? Hon Kubheka, did you say that?

Ms N J KUBHEKA: What is allergy my Chair? Maybe the thing they don’t understand is the allergy. She is allergic ...

The HOUSE CHAIRPERSON (Mr C T FROLICK): Hon member, there is a certain member Isaac Matlala or somebody who is also interrupted. I first want the Serjeant-at-arms to remove him from the platform because his comment was not asked. He did not ask to be recognised. Please remove him from the platform, then we can continue. Now I am asking you, did you make that comment? Hon Kubheka?

Ms N J KUBHEKA: Yes, Chair.

The HOUSE CHAIRPERSON (Mr C T FROLICK): Did you make that comment?

Ms N J KUBHEKA: Not in the context of an illness Chair.

The HOUSE CHAIRPERSON (Mr C T FROLICK): Hon Kubheka, will you just withdraw that comment please.

Ms N J KUBHEKA: I withdraw Chair.

The HOUSE CHAIRPERSON (Mr C T FROLICK): Thank you, you may continue.

Ms N J KUBHEKA: The pull down syndrome of women is also there in hon Van Damme. [Laughter.] I do understand what the reason is ... [Time Expired.] [Applause]

The HOUSE CHAIRPERSON (Mr C T FROLICK): Thank you very much for your input.

The HOUSE CHAIRPERSON (Ms M G BOROTO): Hon House Chair, I know you did not get the message, hon Ntshayisa is in the House. It should be the AIC before Cope.

The HOUSE CHAIRPERSON (Mr C T FROLICK): Hon House Chair, I

couldn’t hear you, can you just repeat that?

The HOUSE CHAIRPERSON (Ms M G BOROTO): Okay, I was saying that before Cope, the AIC is in the House. Thank you, Chair.

Mr L M NTSHAYISA: Thank you very much, hon House Chairperson, I am here in double trust. On this day, 01 December, let us salute the HIV and Aids survivors and remember those who died as a result of this disease.

The growing crisis at the SA Broadcasting Corporation, or SABC, is a great concern to all of us. We talk of job creation and the SABC is busy with retrenchments. We are trying to reduce unemployment and they are doing the opposite. We are building and they are letting everything to crumble.

This an entity or state-owned enterprise, or SOE, that is getting financial assistance from government so as to deliver service to the people, especially the poorest of the poor.

We shall not support any retrenchment. We can’t afford to have so many people losing their jobs. This is a public broadcaster which is meant to give information to the citizens of this country.

There come the powers that be and say to them “go home, we have no jobs for you anymore”. What kind of management is that? What about the families of these people? Why can’t the management leave first and lose their jobs if that is the way to go? Do unto others as you have them do unto you.

We know that it is because of corruption that they make these innocent workers to suffer. They should remember that this is a bread and butter issue for the workers and their families. How can they treat people who are doing such a good job, the foot soldiers, giving information to the people? This must be rejected and never be allowed to happen even in future.

We say, away with self-centred individuals and away with corruption. Let the people enjoy the freedom that was fought for. Thank you very much.

Mr W M MADISHA: Thank you very much, hon House Chair, I start by putting it before this House, I want to ask a question that says what next? I put this question before you because it is not the first time that the SABC problem is put before this House for debate. It was debated by the Fifth Parliament, which emerged with resolutions to address this problem.

After many debates in this House, the Portfolio Committee on Communications continued in its attempt to implement this House’s resolutions but has continuously failed because the management of the SABC both past and present ignored and continues to ignore what this People’s Parliament put forward as its resolutions. I emphasise the noun “People’s Parliament” because we are here purportedly all sent by South Africans to whom the SABC belongs. Remember, the SABC is a state-owned entity.

Through us here, South Africans use their taxes to give the SABC money to revive itself. I used the verb revive because those who came before the present management contributed to the SABC finding itself in the intensive care unit, or ICU. Remember, people such as Hlaudi Motsoeneng who was made chief operations officer, or COO, who gave himself hundreds of thousands per month as a salary, who even gave himself R15 million as a bonus in one year, who did not even have matric and yet there were and still are well- educated people that is in respect of journalism, who have experience and work very hard in dangerous areas where they collate news and many entertainment instances.

For our children to receive no life, no stories and see nothing altogether is basically because of the present management. For all

the poor people who work there, running around with cameras and getting only R10 000 per month, that we should not allow.

The present SABC managers, although we employed them with the full hope that they would resuscitate the SABC have become worse than the previous ones. It has proven that the present management works ferociously to divide the board that we interviewed and appointed. The present management uses the money we gave them to revive the SABC to pay independent lawyers, who management uses to help management use to ill-treat ... [Time expired.] ... I call upon all the workers of South Africa to rise against the SABC management. We can’t allow this kind of nonsense. Thank you very much.

Mr M G E HENDRICKS: Thank you very much, hon House Chair, job losses are a very sensitive issue and it is antirevolutionary especially if it involves Fifth Estate and that’s why we section

189 in the Labour Relations Act. I am giving you a lesson in labour relations, hon House Chair, but don’t worry, I won’t bill you for it.

When the pandemic hit us and the advertising revenue dropped, one expected the eight-person executive team earning R60 million a year at the SABC could make a decision to tell workers that they

are contemplating a retrenchment which is required by the Labour Relations Act. The word contemplating is very important.

During the pandemic, the staffers of the SABC exposed themselves to be infected and worked double as hard and the nation needs to show their gratitude in one way or another. The most important issue during the pandemic was informing the nation what was happening and that was a very valuable service. The SABC staffers puts their lives at risk, no one argues that.

After informing the union about the contemplated retrenchment; that’s my lecture now, in terms of section 189, a letter must have followed, given the business rationale. Maybe, giving the names and numbers of the employees affected, the criteria taken to decide who goes and who stays. The most important part of section

189 calls for alternatives and that’s where the union or workers’ representative had to come with the wisdom of Solomon to address all these issues. And then it was necessary for the executives to respond to every worker in writing.

Whether that process has been followed; I am sure it has been followed, all the consulting and the Commission for Conciliation, Mediation and Arbitration, or CCMA being involved. Where we are now, after contemplating retrenchments – I don’t know why

everybody talks about retrenchments – the law says contemplating retrenchments, we are not there yet. The challenge now is how do we soften the blow so that the staffers that we are all on their side don’t lose their earnings. That is a challenge facing us.

One would have expected the portfolio committee to be in the forefront on how to soften the blow and this has not happened and that is the same, hon Chair. Thank you very much.

Mr M HLENGWA: Thank you very much, House Chair, incompetence breeds crisis, corruption breeds crisis, interference breeds crisis and the casualties of crisis is workers and the economy. In this regard, the independence of the SABC - we must remind ourselves – is sacrosanct and our democracy is dependent on it.

We therefore, thank the Speaker for allowing this debate as we pull out this matter out of the shadows to trans-populism with facts and sobriety. Those that see wolves from maybe those that called this debate are themselves wolves for envying that had this debate not being called.

The retrenchments are not a silver bullet. They must form part of a multipronged strategy of cost-cutting measures, restructuring,

innovation and new revenue generating streams to keep the SABC afloat, sustainable and viable for the future.

Speakers come here and speak about a divided board. It is wrong to entertain the individual maverick positions of individual board members ahead of the decisions of the collective. It is a breach of their fiduciary responsibilities and Parliament cannot in good faith endorse it nor should we support it, in fact, we should discipline it.

We speak about Sentech. The SABC owes Sentech in its annual bill almost R1 billion and as things stands now, they owe Sentech R500 million. They don’t have the money. Where will the co- operation come from?

There is a general state of collapse of entities in this portfolio of communications under Minister Stella Ndabeni-Abrahams. The state-owned enterprises of course are generally in disarray. The SABC challenges must therefore be viewed in this context.

The SA Post Office, or Sapo, can’t afford to pay rentals. The board is unstable. The Postbank cannot keep up with the requirements of the Sassa both on social grants and the current R350,00.

Focus is not given to assist the Postbank to get a full license. Digital migration delay has cost the SABC drastically. The SABC can’t expand on multichannels. The Universal Service and Access Agency of SA, USAASA, is paying plus minus R7 million per month to the Sapo on the Set Top Boxes that are warehoused at Sapo.

The Minister in this portfolio is not fit for purpose. She is not competent for the responsibilities on her shoulders and therefore, she must do the honourable thing and resign. She is not doing a stellar job.

The crisis that we are currently in at the SABC arises out of the terms and conditions of the R3,2 billion, which National Treasury and the ANC government gave to the SABC. We are therefore here because of government and government cannot speak from both sides of its mouth. You cannot say no to retrenchments on one hand but give a bailout on the other hands, which says restructure and retrench. Retrenchments are a result of the silence of the National Treasury when the corruption was going on.

Government cannot again speak about funding public mandate adequately when as things stand now, you only give 3% of the total revenue of the SABC to fund the public mandate. Therefore, workers

must not be a soft target notwithstanding the restructuring because of the failures of government.

The IFP reiterates that an independent consultant must be brought in to mediate and facilitate the restructuring process, including but not limited to retrenchments. The impasse, the associated risk of a blackout and further financial collapse at the SABC, amongst others, require a new intervention, which will not come from workers alone, the board, executives alone, and definitely not from the Minister. There is a trust deficit between the board and the workers on one hand and government confusion on the other hand.

We have to do the right things in order to save the SABC. A public-private partnership or non-public interest and mandate of the SABC must be explored. Commercial ventures of the SABC need to be fully run like a business. As things stand, the SABC ill-equip to perform its national duties and responsibilities and this rests squarely on the shoulders of a government which has not been honest in this process. I thank you.

The MINISTER OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES: Hon House

Chairperson and hon members, good afternoon. I take this platform during the 16 Days of Activism Against Gender-based Violence. The

campaign championed by the United Nations starting annually from

25 November which is observed globally as the international day of no violence women to 10 December the International Huma Rights Day. Today hon members, we commemorate the World Aids Day under the theme and I quote, “Ending the HIV and Aids pandemic, resilience and impact.”

House Chair, research shows that there is a direct correlation between gender-based violence and the spread of HIV and Aids. I wish to appeal to all South Africans to join forces in fighting these twin pandemics. This is the time when a concentrated picture of brutalities unleash against the women and children are uncovered for all to see. Every minute a woman is raped or murdered in our country.

Only yesterday, a three-year-old was brutally murdered with a nail hammered into her head before her body was dismembered. A couple of days before this, a father of five children axed his wife to death before chopping all his five children to death.

We refer to such inhumane incidents with a great pain. I am a child of a woman, a mother of my children. I know what it takes to bring a life of a child to existence only to be cut short in this manner. Why should the vulnerable continue to be victimised in

this way in our society. Whatever instruments we employ thus far to reduce have not yet yielded the desired results. I submit to you hon members, if South Africa continues to have those who cannot on their own afford a meal a day co-existing with those who have three meals of balanced diet in prison jail sentence ceases to be a deterrent.

In a situation like this, we as parliamentarians cannot rest until a multidimential solution is found to the gender-based violence against the women and children.

Hon members, as far back as 1992 the speech delivered to the launch of the campaign for independent broadcasting on 14 November the then Secretary General of the ANC a younger Cyril Ramaphosa wrote and I quote:

The ANC is committed to public broadcasting which is independent of the government of the day and which owes its loyalty not to any party, but to the population as a whole.

We proposed in other words the broadcaster has committed providing full and accurate information to all South Africans and which is protected from interference by any special interest whether they be political, economic and cultural. This position hon members,

has not changed on the part of my party, the governing party the ANC.

It is however the market conditions that have undergone unprecedented evolution which placed the SA Broadcasting Corporation, SABC, in the current precarious position. The SABC was also embroiled in the state capture. All of us here should take the blame because they happened under our watch.

[Interjections.]

Perhaps our oversight measures were not adequately stringent, but the last proportion of the problems are market related that require us to look to remodel the SABC as the public broadcaster and a multichannel and the digital environment and rebuild the public broadcaster we want. The challenges highlighted by my colleagues in the governing party are not unique to SABC. Throughout Europe and the developing world including Africa, public broadcasters are besieged by these challenges.

Earlier in November 2020, the UK Culture Minister, Mr Olivier Joadine established a panel to provide independent expertise and advice to his department as part of the government strategic review of public service broadcasting about the role of public

service broadcasters in the digital age. At the heart of the challenges besetting the SABC is undoubtedly the complex issue of appropriate funding model for the expensive public mandate amid escalating costs for content, signal distribution and labour.

Declining public funds, intensive competition for advertising in a multichannel environment were worsened by COVID-19 and increased number of role-players or competitors particularly from the pay market with stronger balanced sheets.

It is common knowledge that the SABC is a commercially funded public broadcaster with 17% of its funding generated from public sources. They are the TV licence fees which amount to 13,8% and the government grant which amount to 3,5% during the 2019-20 financial year. The rest of the funding is generated through revenue streams including advertisers, sponsorships and others.

The SABC’s total cost for the financial year were R6,2 billion against the revenue of R5,6 billion. Each cost-to-income ratio which is 110% which is not sustainable.

Research has indicated that the 2020 net advertising based for TV in South Africa is R5 billion, of which pay operators pay more than halve. On the unfunded public mandate, the department and the

National Treasury are currently engaging as to the extent of this unfunded mandate.

However, we have noted that SABC has in recent times not been able to appropriate advertising revenue. Therefore, consistent with ongoing international trends, the issue of designing an appropriate funding model is critical.

My party has in its various conferences resolved that a stronger public broadcaster that can execute its mandate and support and democracy must be predominantly funded by public means. This is a position that we still hold to date.

Hon members, the SABC as a public broadcaster is the pulse of our nation, keeping our nation informed, educated and entertained.

It is the window through which our culture and heritage are seen. It is too important to be subjected to the vagaries of the markets.

Hon members, you may have seen following the debate and major reports on the issues related to SABC.

Last week the Minister of Employment and Labour and ourselves engaged with the SABC Board to understand the labour issues in

detail and see how we could use the labour department’s experienced on these challenges to benefit both the SABC Board and the SABC employees looking at all the alternatives.

I am currently working closely with Minister Nathi Mthethwa and our Deputy Ministers of all the Departments including Small Business and Development and Trade and Industry to see how we can via the broadcasting sector support and collaborate with the private sectors to support the creative industry. The SABC is highly central to this as our national public media service that stands a better chance of creating more Small, Medium and Micro Enterprises, SMME jobs and economic development in line with our district development model. It stands a chance of creating jobs for many of our youth, women and people with disabilities.

We therefore believe that SABC will and must not die a natural death and can never be irrelevant as many would want us to believe. Only the SABC that can and is currently reaching all corners of South Africa. In contrast to our colleagues in the opposition who are good at pointing fingers without solutions, we have taken the following steps to turn around the SABC as the modern public broadcaster in short-term hon Hlengwa, we have facilitated a government bailout of R3,2 billion which was meant to stabilise the entity. It came with clear conditions by ...

[Inaudible.] ... One of those conditions talks to staff optimisation which we mistake of course retrenchments it then details the statistics to be followed. Skills audit and not qualification audit, revenue enhancement inflation, remodelling in terms of reskilling and upskilling the existing personnel and therefore merge them based on their capabilities.

We facilitated discussions with Sentech where in a total of 5,7% discount was provided to the SABC to assist the SABC’s cash flow problems in addition a payment holiday covering three months was also granted in order to assist SABC with the difficulties brought by COVID-19. A payment holiday that amounted to R215 million and we are currently considering the increment of payable TV licence fees in accordance with section 40 of the Broadcasting Act of 1999, subject to improvement on collection medals so that does not end in the private collector’s hand.

In the medium to long-term, we are working on policy, legislative regulatory interventions that we recently published draft audio and audio visual policy which proposes the following interventions: The reorganisation of the SABC in view of the public slash commercial division debate. Review or overhaul of the funding model for public service mandate, including signal distribution and content of national interest. The dynamic nature

of consumer behaviour as influenced by technology evolution is changing the legacy viewership patterns. This invariable necessitates that the SABC must review its signal distribution model to respond to the new normal and to optimise on its signal distribution cost. We will work with Sentech and the National Treasury in this regard and submit the modalities to these august House for consideration in due course. Must carry obligations, must be abolished, it is expected that appropriate regulations - Hon Chairperson, is my time up? Alright.

The HOUSE CHAIRPERSON (Mr C T Frolick): I did not tell you that.

The MINISTER OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES: Yes, you

just ... [Inaudible.] ... I must shut up.

The HOUSE CHAIRPERSON (Mr C T Frolick): I cannot tell you to shut up.

The MINISTER OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES: Thank you

so much, Chairperson.

We are working on strengthening the regularity capacity, monitoring and enforcement including the regulations and oversight of over the top technologies, so that the conduct of each tier of

audio visual sector can be regulated, monitored and enforced accordingly, including uncompetitive behaviour and revenue limitations or restrictions.

If for instance the regulations provide that pay operators must generate only 20% advertising as it is currently this regulation must be enforced so that other role-players on the free to air platform can survive and become viable. We have to consolidate government and institutional funding mechanisms for film and Television productions to make independent content production cheaper and therefore affordable to the public broadcaster. This further requires looking at the entire value-chain of the industry, including the copy rights regime, which is currently under review by the Department of Trade and Industry and Competition.

Hon shadow minister off all the things I mentioned above they are meant to ensure that the same way that government cannot look away when the public broadcaster is threatened with funding challenges. The Minister may not look away when the public broadcaster is threatened by worker unrests as the result of retrenchments. As you can notice hon members our interventions are aligned to the bigger policy objectives of nation-building and social cohesion

concomitant with the 2030 vision espoused by the National Development Plan.

Let us provide solutions and not throw stones They say in Nigeria and I quote, “A Man who drives the car with his mouth will never be involved in any accident.” We must continue working together tirelessly until a proper solution of building the public broadcaster we want is found. It is in all of us interest that we have a healthy SABC. Let us start by paying our TV licences. Hon members it is only R265 a year. Fellow South Africans that means only R22.08 a month. The SABC success depends on three cans, the I can, the you can and the we can. I thank you, hon Chair. [Applause.]

Debate concluded.

# CONSIDERATION OF REPORT OF STANDING COMMITTEE ON PUBLIC ACCOUNTS ON 2018-19 ANNUAL REPORT, ANNUAL FINANCIAL STATEMENTS AND OVERSIGHT OF SOUTH AFRICAN BROADCASTING CORPORATION

Mr M HLENGWA: Thank you very much, hon House Chairperson. The Standing Committee on Public Accounts, Scopa, had hearings with the SA Broadcasting Corporation, SABC, because the SABC had received an adverse opinion in 2016-17, a disclaimer in 2017-18

and a qualified opinion in 2018-19. The entity suffered losses in previous years, resulting in material uncertainty to going concern, as current assets exceeded current liabilities by

R875 million. Irregular expenditure, as well as fruitless expenditure, always remained an issue for the SABC over the years with an accumulated balance of R5,2 billion as stated in the annual report, 2018-19.

In October 2019, the SABC received R2,1 billion of the

R3,2 billion bailout it requested from the government and as a result Scopa held meetings with the SABC on 28 July and a follow up meeting on 1 September to deal with deviations and expansions that result in irregular expenditure. Subsequently, the committee undertook a visit to the SABC on 23 October. Some of the findings are as follows. The Auditor-General, AG, noted the following issues that resulted in the qualified audit:

Firstly, no sufficient appropriate audit evidence for capital work in progress for the current and previous year due to the absence of an asset register that could be reconciled for financial statements;

Secondly, capital work in progress of R263 million could not be verified;

Thirdly, the SABC did not include particulars of all irregular expenditure as required by section 55 of the Public Finance Management Act, PFMA;

Fourthly, the entity did not implement adequate internal control systems to identify and record all instances of irregular expenditure for the current and prior year. As a result, irregular expenditure is understated;

Fifthly, noncompliance with the legislation, amongst others on the issue of deviations and expansions. Legislation allows for expansions and deviations in exceptional circumstances, but the SABC had several deviations and expansions involving a few companies that date back to 2010 where procurement is not done through open bidding; and

Sixthly, applications for deviations are submitted late to National Treasury by the SABC for approval, which compromises business continuity and does not give National Treasury adequate time to assess applications.

From the oversight — as I just sampled some of the findings — Inala Broadcast technologies is the sole support and maintenance company for most of the SABC’s critical systems. The SABC is not

ready to move to another system as they have capacity challenges, and a lack of skilled technical engineers and project managers.

In supply chain units, some positions have been vacant for over two years. Many positions within the entity have not been filled due to the moratorium on the filling of posts. The business units do not co-operate with supply chain management, SCM. Business units lead to ... [Inaudible.] [Interjections.] ... and procurement processes leading to deviations from normal procurement when the contracts are about to expire. The SABC applied for expansions after contracts had expired and this was mainly due to poor planning and poor contract management.

Accordingly, the committee recommends, amongst others:

Firstly, an updated asset register is kept and available for audit purposes for capital work and assets as required by legislation;

Secondly, adequate systems are in place to identify and record all irregular, fruitless and wasteful expenditure as required by section 55 of the PFMA;

Thirdly, the vacancy rate is reduced by appointing permanent senior management;

Fourthly, communication channels between the SCM unit and business units are improved so that expiring contracts are identified early, where normal supply chain processes are followed rather than expansions and deviations. Here we reiterate that expansions and deviations are not a norm but they are an exception;

Fifthly, instances where deviations and expansions are applicable

— there is evidence that the market has been tested as this was something that was not done — and relevant documentation must be readily available to support this and supplied to National Treasury upon request and application;

Sixthly, the SABC only makes payments where valid contracts are in place and not where they have expired, and continuing them whilst they await the approval processes;

Seventhly, the corporation improves its internal control environment to avoid the misuse of financial and other resources;

Eighthly, disciplinary action is taken against employees who are responsible for incurring irregular, fruitless and wasteful expenditure, as required by section 51(1)(e)(3) of the PFMA; and

Ninthly, the contract management unit is capacitated immediately to guarantee compliance and all critical posts are filled.

Having sampled for the House, I would therefore like to move that the House adopts this report and hope that the recommendations placed here will result in an improved situation at the SABC. On behalf of the committee, I would like to thank the SABC for their co-operation as we were meeting with them and hope that the working relationship will continue to grow from strength to strength. [Time expired.]

There was no debate.

The CHIEF WHIP OF THE MAJORITY PARTY: Thank you Chair of Chairs. I move that this report be adopted.

*Declaration(s) of Vote*:

Mr R A LEES: Thank you, hon Chair.

*IsiZulu:*

NgesiZulu? Hhawu! Ngizokhuluma ngesiJalimani.

*English:*

Thank you, hon Chair.

*IsiZulu*:

Yebo, ngeke ngiqhubeke ngesiZulu ngizoqhubeka ngesiNgisi.

*English*:

Hon Chair, the SABC is a basket case and like the majority of state-owned entities, it is the predictable product of the ANC’s state capture project that ANC members, including the current President, watched from the sidelines and did little or in most cases nothing to stop; and ... indeed, should’ve put culprits like Dudu Myeni in jail.

Speaking about Dudu, it occurs to me that Ms Myeni was not the only incompetent ANC corporate warlord. Equally horrendous was the appointment of corporate warlord Hlaudi Motsoeneng who, with incredible speed and efficiency, turned the SABC into the basket case it still is today.

Hlaudi turned the SABC into a propaganda machine for the ANC that even the apartheid government would’ve been proud of. Independent and ethical journalists who resisted the capture of the SABC were targeted and, whilst they were not shipped off to concentration camps, they were driven out.

It is sometimes said that parliamentary oversight visits turn out to be wasteful junkets during which little if any value is extracted. This was certainly not the case with the Scopa visit to the SABC’s palatial offices in Johannesburg.

The first thing one could not but notice was a network of cables held down with tape across the floor in the corridor and the meeting area. For a broadcaster which has seen billions of rand flow through its coffers, it’s astounding that such a shocking — perhaps in more ways than one — and amateurish installation can be what welcomed a parliamentary standing committee about to conduct oversight over the financial malfeasance that had clearly taken place at the SABC.

The second observation was the large number of senior SABC staff milling around and enjoying the substandard but no doubt very expensive drinks and eats. A feature throughout the Scopa visit was the large number of employees who appeared to be aimlessly milling around.

The third thing that struck one was the poorly maintained condition of the massive buildings. The interior had clearly not seen a coat of paint, seemingly since the apartheid days. However, given the huge staff complement, it was simply dirty. Open areas

between buildings were not just unkempt but were a disgraceful jungle of long grass and noxious weeds. Clearly there has been a serious lack of competent and skilled management and this seems to remain the case. It cannot be that, given the massive numbers of staff and the amounts of money flowing through the SABC, that the basic functions of hygiene and housekeeping are ignored.

However, the fourth observation to highlight was the very pleasant experience of meeting what is left of the competent and experienced employees who are doing their very best to keep the SABC in flight. Clearly not all SABC employees are surplus to the needs of an independent broadcaster.

Talking about independent; the repeated announcements by the SABC on air that they are independent brings to mind the pronouncement by the *Hamlet* character, Queen Gertrude that, “The lady doth protest too much”.

If it were not for these dedicated employees and the massive taxpayer bailouts, the SABC, like the ANC-SA Airways, SAA, vanity project, would undoubtedly be in business rescue facing a complete shutdown. Perhaps that should be the future of this successful ANC state capture project.

Whilst the Scopa report could be a great deal more robust about the political issues — even hon Kubheka indicated it was a political issue that crippled the SABC — the DA will support the report before the Assembly today.

*Declarations of vote:*

Ms N V MENTE: House Chair, this report and the oversight to the SABC was informed, first and foremost, by the failure of Parliament and the committees that ought to be doing oversight on departments and entities or following up on their own resolutions, and the monitoring tools that are utilised to assess the departments and the finances that they deal with. Secondly, this oversight was also informed by the condescending attitude of the management of the SABC when they came to account to the Standing Committee on Public Accounts, Scopa for their irregular expenditure.

The disregard of procurement processes that led to the massive value of irregular expenditure which increased highly from the SABC was very much concerning. The fact that wasteful expenditure of the SABC is not taken into consideration and there are no consequences – I mean serious consequences that are suffered by the management of the SABC - the people who earn a lot of money at the SABC and do not even form part of the 2% of the staff at the

SABC, are the ones who have plummeted this particular entity to where it is today. We can change the boards and the management but if there are no laws in place and most importantly, there is no monitoring by Parliament and in particular its committees to follow up on expenditure and the way these entities conduct business, we are not going anywhere.

The SABC rentals which are done out of procurement processes and are done on a massive high scale, are the reasons why the SABC today thinks that removing some of the workers will be the solution to their financial problems. Financial problems of the SABC are not caused by their own staff complement. They are caused by the management which cannot look into their own asset base and make sure that they grow it to be able to finance its own lifespan and pay their own staff complement.

Chair, the last part of the SABC and the oversight that Scopa has conducted at the SABC due to the SABC workers who have been receiving threats that they will be dismissed from way before this time, was very concerning to the Scopa. And the fact that we have seen how the Express workers were removed, we do not want the same thing to happen to the SABC. We support the report and the recommendations as the EFF, and we plead to the House that it keeps the monitoring on its own resolution. We need a tool of

Parliament which visits all the resolutions and makes follow-ups in terms of monitoring what the managers of the state-owned entities are doing in terms of implementing the resolutions of this House. Thank you very much.

Mr N SINGH: Hon Chairperson, we have just come through a fiery debate on the escalating crisis at the SABC. Need we ask ourselves why these crises have emerged and why they continue? One just has to look at the report of the Auditor-General and the recommendations made by Scopa, and you have your answers.

One of the bailout conditions was the cost reduction of about R700 million and that should include restructuring and job cuts. But for the hon Minister to now call it and sugar-coat the word and say ‘job optimisation’, is to try and run away from the problem. It is just unacceptable that large entities and even large government departments that have all the necessary staff within their finance departments cannot do the basics, get internal controls right, account for irregular expenditure, and have control systems in place. This is worrying not only here at the SABC but for many government departments and other SOEs. To that end, the IFP wishes to always reiterate the additional powers given to the Office of the Auditor-General to ensure that there’s

consequence management and that certificates of debt are issued to

those who are responsible for wrongdoing. So, we as the IFP, support this report of Scopa.

We wish Scopa well and trust that they continue in the same vein of unearthing some of these irregularities that occur with the assistance of the Office of the Auditor-General. One of our concerns as the IFP is that we note that Scopa has completed a number of reports that have been ATCd and yet, not up for debate before we end the session. I hope that is something that can be corrected before the session ends on Friday. Thank you very much, hon Chairperson.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, this is one of the reports that have been flighted by Scopa that, from my office, we have pushed for a debate. So, we are pushing these different reports that we have received from Scopa through. But as you are aware, the parliamentary programme is congested at this stage.

Mr S N SWART: House Chair, the ACDP rises in support of this report. And as we had a debate earlier on the SABC, I just want to highlight one or two aspects of it. The report highlights the Auditor-General’s report on a number of deficiencies in the SABC. Yes, let us be reminded - as I mentioned in the earlier debate – that the Fifth Parliament brought out a comprehensive oversight

report and it would appear that some of those recommendations have yet to be implemented. As hon Lees pointed about delinquent directors, we included in that report that applications could be brought for delinquent directors. That is something that should also be implemented.

When one looks at the report, one does see – and the ACDP supports in view of the additional powers of the Auditor-General, that a recommendation be made that disciplinary action be taken against employees who are responsible for incurring irregular, fruitless and wasteful expenditure. This is required in terms of section 51. The same recommendation was made in the Fifth Parliament’s report. Was anything followed up in that regard? But here – hopefully - steps will be taken to ensure that these recommendations are implemented.

The report also concludes that the committee has serious concerns about the high levels of deviations and expansions, and the gross disregard for procedures, rules and regulations. Clearly, there are consequences for these actions and the ACDP would really urge that Parliament, in accepting this report, will ensure that the recommendations are implemented.

Lastly, we would like to support the committee’s report and the recommendation that the Executive Authority submits a quarterly progress report on the implementation of these recommendations. It’s one thing to make recommendations and for this House to accept them, but the second part is to ensure that they are executed. Thank you, House Chair.

*Declaration of vote (cont)*:

Mr A M SHAIK EMAM: Hon House Chair, the NFP notes the report of the Standing Committee on Public Accounts, Scopa, tablet here today.

The SA Broadcasting Corporation, SABC, received an adverse opinion in 2016-17, a disclaimer in 2017-18 and a qualified opinion in 2018-19.

What I’m a little a bit concerned or confused about, rather, in terms of this report it says the entity suffered losses in previous years resulting in meteor uncertainty [Inaudible.] growing concern as current assets exceeded current liabilities. I’m not sure what this really means, whether it means it should be current liabilities are now exceeding the current assets or whether it is a risk that it is still solvent and may be coming solvent? It’s not very clear from this report.

The SABC received R2,1 billion of the R3,2 billion bailout it requested from government. Irregular expenditure as well as fruitless expenditure always have been an issue for SABC over the years with an accumulated balance of R5,2 billion as stated in the annual report.

The SABC management did not exercise oversight responsibility regarding financial reporting and as we heard, despite being paid exorbitant salaries and bonuses.

The failure of government to intervene and uproot the issues are crippling, however, we believe the Minister has the passion and the commitment and we call on this Minister to do whatever is necessary to turn the SABC into a success story.

The NFP will support this report. Thank you.

Mr L M NTSHAYISA: Hon Chairperson, the report tabled by the Chairperson is clear and self-explanatory. Its recommendations are clear and should be implemented.

We appreciate the steps taken by this committee to conduct oversight on SABC. There were serious issues that could not have been known if this oversight had not been taken.

This committee is prepared to deal with whatever challenges in this state-owned enterprise, SOE, that is SABC. They are prepared to leave no stone unturned. This is the type of leadership we want. We must know so that we can contribute.

We support this report as the AIC. Thank you very much.

Mr W M MADISHA: Hon Chair, I think the report, of course we support it, is a clear proof that workers must not lose their jobs. SABC’s sufferings emerge from the fact that the main problem is actually management; massive problem, that’s where the problems come from.

Fruitless expenditure, I may refer you, for example, there are big documents here which indicate that lawyers charged expensive money and SABC had to pay for all this, independent lawyers, and yet there are lawyers at SABC who are employed there full time. But they go out and employ lots and lots of lawyers, pay lots and lots of money, and that creates very serious problems. We have the documents here. It is extremely unnecessary.

Let me further add that people are being dismissed and yet there are no asset registers on what does that management base its resolutions. I want to say, further, that to improve the kind of

situation that SABC finds itself at the moment, to make sure that we are able to move forward, the government must give space, for example, to advertiser because what happens is lots and lots of time is given to the Ministers and the adverts, as it was reported, don’t get chance altogether and therefore, no money comes in. now, I’m saying that management has got to do its job, government must create space but then workers there must not be dismissed altogether.

So, a lot has got to be done to make sure that we move forward otherwise we, ourselves here as parliamentarians, must not be forgiven by the people of South Africa. Thank you.

Mr M G E HENDRICKS: Hon House Chair, I would like to thank and compliment Scopa for playing their oversight role and giving us an insight into what they observed during their visit. It looks like housekeeping needs to be improved, maybe one of the executives must take the broom and sweep, I don’t know.

But what was very disturbing is that there is a perception that the executive had treated Scopa with contempt and we as the Sixth Parliament cannot allow that. In 10 years time when there’s another Zondo Commission we want to hold our heads up high and say that the Sixth Parliament, we did proper oversight, we did report

to Parliament, we were kind enough to fit in this report while we have a busy schedule.

AL JAMA’AH supports the report. Thank you very much, hon Chair.

I’m covered, hon Chair.

The HOUSE CHAIRPERSON (Mr C T FROLICK): Thank you, hon member. My internet connection from the Eastern Cape, where I’m originating from, is a little bit unreliable and [Interjections.]

Mr M G E HENDRICKS: Ya [Yes}, I did notice that many of us were within our time but you still said, after we were done, your time is up. I don’t want ...[Inaudible.] ... that, hon Chair. We like to believe in ...[Inaudible.] ...

The HOUSE CHAIRPERSON (Mr C T FROLICK): Thank you for your kind words, hon member.

Question put.

Agreed to.

Report accordingly adopted.

The House adjourned at: 18:35.