**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

# THURSDAY, 03 DECEMBER 2020

***PROCEEDINGS OF THE NATIONAL ASSEMBLY***

The House met at 14:01.

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

Hon members, in the interest of safety for all present in the Chamber, please keep your masks on and sit only on the designated seats. All members to sign in the attendance register.

# ANNOUNCEMENT

The SPEAKER: Earlier today, I received a letter from the hon V Zungula, the leader of the ATM requesting the postponement of his motion of no confidence in the President of the Republic scheduled for debate and decision later, today.

The hon member requested the postponement on the basis that the ATM has launched an application before the Western Cape High Court

to review and set aside my decision to decline the party’s request for a vote on the motion by a secret ballot.

I have looked at the Rules and I have decided to postpone the debate and the vote on the motion pending the conclusion on the court’s application by the ATM. I agreed to the postponement, amongst other things, in the light of a similar arrangement made in 2017 when the Speaker’s decision on the matter of a secret ballot was taken on review. In that instance, the motion of no confidence was postponed until the court had made a determination.

In the current matter, there was also limited time to consult with the Programming Committee in respect of the request of the hon Zungula.

Hon members, I must state though that the notion of a postponement of a motion of this nature as against the withdrawal of a motion in terms of Rule 128 is a matter that I believe requires deliberation at the level of the Programming Committee. The reason I believe that it needs to be discussed is the effect that such a motion has in terms of blocking similar motions from being moved. Thus, the Programming Committee needs to make a final determination regarding how matters of these nature must be handled in future.

I am expecting that this matter will be served before the Programming Committee to find the space for it. Thank you very much.

The DEPUTY MINISTER OF STATE SECURITY: Madam Speaker, thank you very much for the report back. The ANC was ready for this motion and I am certain that even if you bring it back on 25 December, we will still be ready.

The SPEAKER: Please, not on the 25th December, it’s my birthday. The hon Steenhuisen.

Mr N F SHIVAMBU: You are going to be very shocked, hon Kodwa.

The SPEAKER: Hon Shivambu, we did not recognise you, we have recognised hon Steenhuisen on the floor.

The LEADER OF THE OPPOSITION: Thank you, Madam Speaker, like the hon Kodwa, we came to the House today prepared for this motion and we were hoping that our absence would make the President’s heart stronger. Thank you. [Interjections.] [Applause.]

Mr N SINGH: Hon Speaker, on behalf of the IFP, we want to thank you for keeping us abreast with developments although we did note

that what happened through media this morning. I think getting an official announcement from you is the proper way to conduct the business of this House. We accept the challenge that this matter be discussed at the Programming Committee meeting. Thank you.

The SPEAKER: Hon Dikgang, control your microphone. Hon Swart!

Mr S N SWART: Thank you, Speaker, from the ACDP’s perspective, we also understand the dilemma that you were faced with and we were also prepared to participate in the debate. The issue which is quite interesting is an urgent application being brought to court almost a night before the debate, which is regrettable given the fact that the member knew that the motion was on the Order Paper some time ago.

The other challenge is going to be that should there still be a lockdown in February, how will the provisions be applied? However, let’s leave to the court and the Programming Committee as you decided. Thank you, Speaker.

The SPEAKER: Thank you, Ntate Swart. Is there any other party? Hon Shivambu, you have the floor now.

Mr N F SHIVAMBU: Thank you very much, Speaker, we are of the view that the Programming Committee should discuss the logistics of casting a secret ballot if ever it is granted. I think that we must be proactive in the manner in which we prepare ourselves as Parliament.

I don’t think it must be very difficult for the presiding officers to grant the request for a secret ballot if it is requested. If you are confident in the unity of your organisation and the unity of your public representatives, there can’t any difficulty in granting a secret ballot request. We need to then discuss what are the most effective options with regards to casting a secret ballot if it later on gets to be granted, even whether is through the court or through an internal decision; we must be ready for that so that we are able to vote for and against a President whenever there is a request for a secret ballot. Thank you.

The SPEAKER: Thank you, Ntate Shivambu, the matter is before the court and it is such that in the last decision of the court on this particular matter, the court had not interfered with the right and the authority of the Speaker to make a decision whether it be a secret ballot or it be an open ballot. So, we will leave it at that.

The reason that we are referring the matter to the Programming Committee is that whatever rearrangement will have to be considered by the National Assembly Programming Committee, or NAPC. It is simple for practical reasons to make sure that there no matters that fall between the cracks because suddenly we must reschedule this matter. So, thank you very much. Is there any other party that wants to talk on this?

Mr L M NTSHAYISA: Thank you very much, Speaker, as the AIC, we were 100% ready for this motion ... [Laughter.] ... but if the matter is before the court, we agree that it should be postponed. Then, we will still be ready for the motion when it comes back.

Thank you very much.

Mr A M SHAIK EMAM: Thank you very much, hon Speaker, and thank you for appearing here and stating in detail what the position is.

First of all, allow me to express our disappointment because I think the ATM was aware of this motion for a very long time and if they needed to address this matter in terms of a secret ballot, then they ought to have done it timeously.

However, let me reiterate that the NFP is ready for this motion today. It did not even have to prepare for it. [Inaudible.]

... on Sunday, at any time as well. Thank you very much, Speaker.

The SPEAKER: If that is all, I would be happy to close this matter and allow the NAPC as soon as it is ready to interact with this, not to determine how; I take the decision but to determine the scheduling of the motion.

The CHIEF WHIP OF THE MAJORITY PARTY: Thank you very much hon speaker.

*IsiXhosa*:

Esi siNdululo besisifuna apha, ...

*English*:

... there’s my striker. Hon Speaker, I hereby move that this House extends the deadline by which the Ad Hoc Committee to initiate and introduce legislation amending section 25 of the Constitution has to complete its task to 31 March 2021, as against 31 December 2020 as it was initially agreed. I so move hon Speaker.

Question put.

Motion agreed to (Economic Freedom Fighters dissenting).

# ELECTION OF NATIONAL ASSEMBLY MEMBERS TO SERVE AS TRUSTEES ON THE BOARD OF TRUSTEES OF THE POLITICAL OFFICE-BEARERS PENSION FUND

(Draft Resolution)

The CHIEF WHIP OF THE MAJORITY PARTY: Hon Speaker, I move that the House –

1. notes that the Rules of the Political Office-Bearers Pension Fund require that, after a general election, members of the National Assembly must elect four members as trustees and four as alternates to serve on the Board of Trustees of the Fund; provided that two trustees and two alternates are members of the Majority Party and the remaining two trustees and two alternates are from amongst members of the Minority Parties;
2. further notes that the National Assembly elected eight representatives on 3 December 2019 to the Board, but that the rules governing the Pension Fund have since been revised, which will require the National Assembly to re- elect members. I therefore move that the House,
3. nominates from the Majority Party Ms M G Boroto, MP and Ms J M Mofokeng, MP as trustees; and Mr I K Morolong, MP and Ms L F Shabalala, MP as alternates; and
4. further nominates from the Minority Parties Dr D T George, MP, and Dr C P Mulder, MP as trustees; and Ms M E Sukers, MP and Mr N Singh, MP as alternates. I so move hon Speaker.

Question put.

Motion agreed to (Economic Freedom Fighters dissenting).

# CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS ON LOCAL GOVERNMENT: MUNICIPAL SYSTEMS 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.

# LOCAL GOVERNMENT: MUNICIPAL SYSTEMS AMENDMENT BILL

(Second Reading debate)

Ms A F MUTHAMBI: Hon Speaker, the Local Government Municipal Systems Amendment Bill B2-2019 follows the enactment of the Municipal Systems Amendment Act of 2011 to which the President acceded on 5 July 2011. In the matter between the *SA Municipal Workers Union, Samu, v the Minister of Co-operative Governance and Traditional Affairs,* the Constitutional Court delivered the judgement dated 9 March 2017.

The CHIEF WHIP OF THE MAJORITY PARTY: Hon Speaker. Hon Speaker.

The SPEAKER: Hon Muthambi, please hold. Is it the Chief Whip of the Majority Party?

The CHIEF WHIP OF THE MAJORITY PARTY: Yes, Chair. I think the hon member has not put her camera correctly. If she can sit up straight. We cannot see her properly.

The SPEAKER: Hon Muthambi, you did hear what is said in the Chamber. Can you please do whatever your Chief Whip tells you. And can we proceed with your input, please Ma’am. Hon Muthambi, you have the floor.

Ms A F MUTHAMBI: Hon Speaker, I was still saying that in the matter between Samu and the Minister of Co-operative Governance

and Traditional Affairs the Constitutional Court delivered the judgement on 9 March 2017 which declared the Amendment Act unconstitutional as effected out in section 76 of the Constitution.

Parliament then tagged it as a section 75, instead of section 76 Bill. The Constitutional Court suspended the order of invalidity for 24 months to allow the correction of the procedural defects. This led to the introduction of current the Bill which is the Local Government Municipal Systems Amendment Bill. The Speaker referred to our committee on 6 February 2019.

In accordance with the process prescribed in Rule 286 of the Rules of the National Assembly, the committee afforded interested persons and institutions an opportunity to comment on the Bill.

This was in the form of stakeholder engagements that took place between 26 and 27 February 2019, which afforded interested parties and institutions a minimum period of three weeks to prepare their inputs.

The stakeholder engagements therefore considered contributions from the Western Cape Department of Local Government, Gauteng Department of Co-operative Governance and Traditional Affairs, Mpumalanga Department of Co-operative Governance and Traditional

Affairs, Eastern Cape Department of Co-operative Governance and Traditional Affairs as well as the SA Local Government Association representing the views of 257 municipalities.

The object of the Bill was of direct importance to the business of the stakeholders. The suspended period of invalidity lapsed on 9 March 2019 before the correction of the defects. The Amendment Act therefore became invalid.

There was an application to the Constitutional Court to the condemnation of noncompliance with its order of 9 March 2017 and the extension of the 24 months’ period of the suspension of the declaration of the constitutional invalidity was ordered.

Between the Bill’s revival on 29 October 2019, and the first committee sitting of 26 February 2020 to consider the stakeholder input, there was a window period of nearly four months for interested persons to an institution to make further submissions on the Bill. The portfolio committee therefore considered further inputs on the Bill as follows: on 26 February 2020 and on 4 March 2020, the committee received aural written inputs from the Eastern Cape Provincial Departments of Co-operative Governance and Traditional Affairs, Human Settlements, the SA local Government

Association, and the Western Cape Department of Co-operative Governance and Traditional Affairs.

Finally, on 5 June 2020 and 25 June 2020, the committee had further submissions from the SA Local Government Association and the national Department of Co-operative Governance and Traditional Affairs. These submissions sought to provide evidence to the effect that there was a degree of professionalisation in the local government following the introduction of the clause relating to the limitation of political rights of municipal managers and managers directly accountable to the municipal manager.

This limitation hon Speaker, was demonstrably the list restrictive means of achieving local government, professionalisation and arguably justifiable in terms of section 36 of the Constitution.

We will therefore pass the constitutional master as we have sought legal opinions to that effect.

Indeed, the most important provision in the Bill relates to the prohibition of municipal officials from holding political offices. The committee had agreed to extend this provision to all staff in the employ of the municipality on the realisation that even relatively junior staff members can wild political power into the administrative affairs of the municipality.

All the political parties represented in the portfolio committee unanimously agreed that this amendment is necessary to the professionalisation of the local government and that it is in the best interest that the communities we are elected to represent.

The passing of this Bill will also enable us as Parliament to claw back the gains lost following the invalidation of the amendments introduced in 2011 by the Constitutional Court order of 8 March 2019. This include the invalidation of the provision relating to the powers of the MECs to intervene in questionable municipal staff appointments which make it difficult the legislatures to hold the MECs accountable for these questionable appointments.

Hon Speaker, at this juncture the question of skills and qualifications is very critical, such that the committee has agreed to extend the requirement for the requisite skills, competencies and qualifications even to the acting section 56 managers. This should inculcate a culture of hiring qualified personnel regardless of the nature of the appointments.

Hon Speaker and hon members, a final amendment of note is in respect of affording the municipal’s councils discretion to appoint section 56 managers on a fixed or permanent basis in consultation with the mayor or the executive committee following a

recommendation by a municipal manager. This has been the practice along the majority of committee members as everybody has agreed to maintain the status quo because the evidence presented to the committee was not conclusive as to whether fixed term appointments are advantageous over permanent appointments or vice versa. The Bill is merely making the status quo more explicit with emphasis on the discretion of the municipal council as to guard against the misunderstanding and misuse of powers by the municipal managers in respect of the managers directly accountable to them.

On behalf of our committee one wish to extend a heartfelt appreciation to all stakeholders who participated diligently in the processing of this Bill to ensure that the committee crafts a Bill that responses effectively to the current realities of our municipal systems. This also includes all the institutions mentioned earlier as well as committee members themselves, the state law adviser, our parliamentary legal adviser and the committee support staff. I hereby present the Bill for consideration by the House. Thank you, hon Speaker.

Mr C BRINK: Thank you, Madam Speaker. If passed into law, this Municipal Systems Amendment Bill will prohibit all municipal employees from holding elected or appointed office in the structures of the political party. To the Democratic Alliance this

is the most important provision of the Bill, and a victory in the much larger fight against cadre deployment. The 2011 Amendment Act, which this Bill will replace, had a similar political office ban. However, the ban only applied to municipal managers and their direct reports. Section 71B of this Bill goes much farther, and credit is due to the SA Local Government Association for pushing for this. The Bill also has a clearer definition of political office holders. Therefore, if you are a member of a decision- making body of a political party, elected or co-opted, then you cannot be employed as an engineer, planner, plumber or even a general worker of a municipality.

When the Minister of Co-operative Governance and Traditional Affairs recently told municipalities to appoint the right cadres for the job, this Bill says that you can either be a politician or a municipal official but you can’t be both. The DA believes that this limitation of political rights is reasonable and justifiable in the open society envisaged by our Constitution. A professional, apolitical public service is not a nice to have, it is a constitutional imperative. Competent municipal officials - people appointed and their ability to do the job, who stay out of politics - often make the difference between a boom town and a backwater town, or to use a practical example, the difference between neighbouring Midvaal and Emfuleni. Municipalities will

have a year to ensure compliance with the political office ban, but the provisions of the Bill also have implications indirectly for political parties.

The policy of cadre deployment of appointing agents of the ANC into technical and managerial positions in the public service has destroyed the service delivery ability of the country’s municipalities. There is no way that municipalities can meet the development needs of communities if they only draw their officials from the membership of the ANC, or any one political party.

Restrictive employment practices such as cadre deployment, as well as race-based employment equity plans, have shrunk the pool of talent available to municipalities. In 2007 a third of municipalities did not have a single civil engineer on their payroll and a decade later little changed. After spending decades repelling qualified professionals, municipalities now struggle to fill even well-paying jobs. To change this will require bold reforms. Local government needs all the technical and managerial talent it can recruit, regardless of politics or colour. All the talent, because the development needs of communities are too big to be a factional project.

This Bill is, but one such bold reform, and the result of cross- party agreement. It will not end cadre deployment in

municipalities overnight. However, it can help to delegitimise the practice, and to nudge parties and municipalities in the right direction. It sets an important precedent for the entire public service. The DA supported the 2011 version of this Amendment Act with reservations back then. We were worried about the wide- ranging powers given to the national Minister, and that it could be used to undermine the constitutional autonomy of local government. As this Bill revives most of the provisions of the 2011 law, our concern remains. However, we also have to note how strikingly ineffective successive Cogta Ministers have been in using their powers to improve governance and services in municipalities.

How, for example, were officials involved in Venda Building Society, VBS, deposits allowed to resign from their jobs and seek promotions at other municipalities, despite the power of the Minister in terms of section 57A of the Municipal Systems Act to keep a watch list of these officials? What Cogta lacks is not Ministerial power, but political will. In many ways the department responsible for holding up the mirror to municipalities and provinces is itself dysfunctional, receiving this year a qualified audit report after two successive audit disclaimers. A sincere advice to the Minister is that before she rolls out another grand local government turnaround scheme, she should get her own

department in order. Speaker, the DA supports this Bill. [Applause.]

Ms H O MKHALIPHI: Thank you very much, Speaker. Our municipalities have been sites of high contestation in this country because of the opportunities they provide for the unqualified corrupt scam of this country to get access to municipal resources for selfish, personal and enrichment purposes. Municipal appointments of functionalist done on the best service of political positions or even membership of political parties in power have eroded the capacity of municipalities to deliver service regularly, efficiently and in a manner that satisfies citizens. Today the office of the Auditor-General tells us that this year only 21 municipalities out of 267 have achieved a clean audit more than

R1 billion was spent on consultants alone and over R32 billion in irregular expenditure and there is no explanation on this.

On this and the cries for the services from our people is a direct consequence of the lack of professionalisation of municipal employment. The Municipal System Amendment Bill was meant to eliminate some of these problems and ensure that we have a local government system that is professional and not used as a dumping ground for unskilled talentless and corrupt political appointment. We welcome the provision in the Bill that outlaws of the

appointment of political office-bearers in municipalities. This will at least ensure that municipal positions are not filled by incompetent branch and regional leaders of political parties governing municipalities. We also welcome stringent provision for the appointment of managers reporting directly to the municipal manager.

We are particularly pleased with the stringent search of skill requirement for these positions and the fact that appointments do not nominate these requirements can be declared be null and void. We are however not happy that the committee refused to our proposal as EFF that managers reporting directly to the municipal managers ought to be employed on a permanent basis. The Bill leaves this up to the municipal councils to make the decision about whether or not managers reporting to the municipal managers should be appointed on a permanent basis. We think that is wrong, Speaker, to leave this loophole and will create problems for municipal governance in future.

One of the problems we face with the municipal management at the moment is heighten over of senior staff members who lack job security within the municipality and therefore look for opportunities elsewhere. When they leave, they leave with institutional memory and this create a permanent problem within

municipalities wherein managers have to be inducted every five years.

Municipal appointment should not necessary be aligned with that of office-bearers. Municipal employees are there to save the public irregardless of which party is in power. This is the one most critical thing for us as the EFF and everyone employed in our municipalities must have a sense of job security from cleaners, security guards, law enforcement up to managers reporting to the municipal manager. With the right kind of leadership this is kind of employment regime will stabilise municipalities ensure that services are delivered and that there is accountability. Because of this, we reject this Bill, Speaker. Thank you very much.

Mr B N LUTHULI: Hon Speaker, the IFP holds the opinion that the viability of municipalities is vital to the success of the local government system. Municipalities should not only be financially viable but ensure that they are capable of service delivery. This demands professional staffing, strategic planning and adequate resources. The interplay between these two cannot be overemphasised. Financial viability and service delivery can only be achieved through a competent, hardworking and ethical staff.

The amendments we have agreed upon are encouraging. It has laid down a legislative path towards further professionalisation and regulation of the public service.

Furthermore, it highlights the importance of provinces enforcing and monitoring its role in the municipality. It demands that provincial government collaborates with their municipality counterpart, to strengthen and support the local municipalities.

In this sentiment, numerous reports have emerged of municipality managers and their ... [Inaudible.] ... engaging in corruption, fraud and ethical behaviour. Many of our municipalities are insolvent and were placed under administration, due to the incompetence and malice.

The amendment ensures that managers have the necessary skills, expertise, competency and that the qualification is commendable. By acquiring that post, across the country, it will hopeful ensure that the most capable talent is recruited.

An amendment that prohibits the managers from holding a political office in political parties will make great progress in curbing cadre deployment. For far too long municipalities were held in a

... [Inaudible.] ... of the ruling party where cadre deployment is being utilised to settle a functional fight within the party.

With our municipalities in the ... [Inaudible.] ... assigned for the most... [Inaudible.] ... of the individuals in the party.

Public servants ... [Time expired.]

Ms H DENNER: Hon Speaker, the amendments contained in this Bill, however long overdue, are necessary to professionalise and address certain shortcomings in local government. The Constitutional Court found in 2017 already that the Municipal Systems Amendment Act of 2011 was unconstitutional and invalid and gave this Parliament, two years to rectify it.

The deadline set by the Goncourt lapse on 9 March 2019. Nobody in this House can state with a clear conscious that local government has not completely failed. It has failed through collapsed and deteriorating infrastructure, outstanding debt to Eskom and water boards, bloated salaries bills, little to no service delivery, pollution of water sources, financial mismanagement, corruption and incompetence, to name but a few examples. The people of South Africa are suffering because of these failures.

We welcome the amendments, especially the political office ban on officials, not only senior managers, but all municipal officials being banned from holding political office. That will be the starting point to putting an end to cadre deployment.

*Afrikaans*:

Ons verwelkom dit, aangesien die ANC se beleid van kaderontplooiing grootliks vir die mislukking van die plaaslike regering verantwoordelik is. Persone word aangestel in posisies op grond van hul politieke bande en affiliasies en nie op grond van vaardigheid, kennis en bewese ondervinding en kundigheid nie.

*English*:

The FF Plus supports this Amendment Bill, but it must be noted that no amount of legislation will rectify the current degree of mismanagement and collapse of local government. We already have good legislation in place, especially in terms of municipal finance management, probably the best in the world, but the implementation and compliance with this legislation is the problem.

*Afrikaans*:

As daar nie gevolge vir die oortreding van wetgewing en regulasies is nie, sal hierdie wetgewing nie help nie.

*English*:

If local government and local councils do not enforce legislation and act decisively against transgressors, it will not help at all. What is still lacking are clear regulations that prevent municipal officials who have been dismissed from one municipality, merely being appointed at another. I think you call it redeployment. It should have been and is obvious to everyone accept, it seems, to the ANC that municipal officials should not be involved in political office, should not be cadres and should be appointed on the basis of merit and their ties to the ruling party.

*Afrikaans*:

Maar nou het ons wetgewing nodig, omdat die ANC se baadjies vir boeties sterker is as enige logika en belangriker is as die belange van die mense van Suid-Afrika.

*English*:

While hardworking South Africans are paying rates and taxes, those rates and taxes are not being spent in their favour. It is not being used to pay for water and electricity, to ensure supply of these basic necessities to our communities. Take Mangaung for example that once again is now in a battle with the water board because the municipality repeatedly failed to pay their Bloemwater account and the people are suffering.

It is unacceptable that municipal rates and taxes are increased annually, while service delivery and value for money decreases year-on-year. We need a new dispensation, a new model for local government with smaller municipalities that can deliver services, where there are competent officials and a political will to deliver value for money.

Let me summarise this in a clear way. If I go to Mac Donald’s where President Ramaphosa has or has shares, who knows, and I pay for a Big Mac, but I don’t receive the Big Mac that I paid for, I will not pay for it again. Keep that in mind, if you choose to continue down this path. I thank you.

Mr W M THRING: Hon Speaker, the ACDP is aware that on 9 March 2017, the Constitutional Court confirmed a decision of the High Court, which are declared the Local Government Municipal Systems Amendment Act of 2011 unconstitutional and entirely invalid. The amendment in the process of its enactment had wrongly followed the procedure laid out in section 75 of the Constitution, instead of the appropriate procedure under section 76. The court confirmed this invalidity in the case of the South African Municipal Workers’ Union versus the Minister of Cogta and others.

The amendment Act largely sought to regulate public administration at the local govern sphere on two levels, namely on the level of municipal managers and municipal managers directly accountable to the municipal manager and on municipal staff generally.

However, the last Parliament had considered the new Amendment Bill and was dissolved ahead of the general elections held on 8 May 2019, while the Bill was still undergoing stakeholder engagement.

However, while adopting the dissolution motion, the NA voted to suspend the application of ... [Inaudible.] ... with respect with to the Bills that were before it. Now the new Bill has several amendments which define what a political office means, prescription on appointed acting municipal managers, the role of the municipality in appointment of senior management staff, the contracting process of municipal managers and the terms of the employment, the council determines the type contract managers and reports to municipal manager, receive whether it is permanent or fixed terms, that staff members are prohibited from holding political office.

As we consider this amendment Bill, and move towards a professional civil service, the ACDP is the only political party that I know of that has called for a cap to be placed on the

remuneration of municipal managers and other senior managers, some of whom in category 10 municipalities can earn more than the President of South Africa, while the municipalities lie in rack and ruin.

One of the key intentions of the Municipal Systems Amendment Act is to provide for core principles, mechanisms and processes that are necessary to enable municipalities to move progressively towards the social and economic upliftment of local communities and to ensure universal access, essential services that are affordable to all.

It is in this spirit that the ACDP supports this Amendment Bill. I thank you.

Mr A M SHAIK EMAM: Thank you, hon Speaker. The NFP welcomes the amendment that is tabled here. Indeed, this amendment is long overdue. It’s a very important legislation but I must say that, you know, corruptors in South Africa are so skilled in what they do that even though we are going to put this legislation in place, they will still manipulate the system.

You know, I had the opportunity of meeting a municipal manager and I promise you if you asked him for an invoice or receipt he would

look everywhere, even under the seat of his car but he was ... and he still won’t find anything, yet he was a municipal manager for five years. Why? It is simply because of his link to a political party.

Now, the NFP has repeatedly said that corruption starts on the ground and a lot of this corruption starts with the appointment of these municipal managers by political parties. I mean, soon you’ll hear of something else. Let me not take that away now.

However, it is these municipal managers that are appointed; these directors that are appointed; these chief financial officers, CFOs, that are appointed, and political parties have a role in appointing them. That is why we believe there needs to be an independent body responsible for employing all officials in all government structures throughout the country. In that way you’ll go a long way in ensuring that you appoint people with the capacity, the necessary skills and the highest level of integrity.

However, we believe that this legislation will help. Indeed, it is long overdue. We welcome it but we believe a lot more needs to be done to ensure that we have credible municipal managers and officials employed in all structures throughout the government ... state. The NFP supports.

Mr B M HADEBE: Thank you, hon Speaker. I don’t think I’ll be doing justice if I don’t deal with this tendency of an organisation led by Bennie and Betty, with insufficient funds, insufficient superior logic ... [Laughter.] ... bringing to us frivolous, spurious, misguided, cantankerous and a noncompos mentis motion of no confidence; and the next thing, they chicken out. We must send a very clear and unequivocal message to them, secret ballot or not; they cannot win in these Chambers that which they have failed to win on the ground. [Applause.]

*IsiXhosa:*

Kucaca ukuba ucingo luwile.

*English:*

They think this is the *Shell Road to Fame* or *Jam Alley*. We were, and we are, ready for them. They’ll be clobbered. [Applause.]

Now, let me deal with the EFF’s reasoning for rejecting this Bill. They are saying that they are rejecting this Bill because the portfolio committee refused ... that managers reporting directly to the municipal manager should be employed permanently. Our rejection is only constitutional, as section 151(2) of the Constitution states that the executive and legislative authority of municipalities is vested in its municipal council. So, the

issue of the employment of executive staff is vested in the municipal council and there is nothing prohibiting municipal councils from employing these managers permanently, if they so wish. Therefore, the Bill does not prohibit such. In essence, the EFF’s reasoning and logic does not hold.

*IsiXhosa:*

Mandiqhube ke ngento endiyizeleyo apha.

*English:*

The ANC believes that the Municipal Systems Amendment Bill [B2 — 2019] will contribute immeasurably to the attainment of the objectives of local government as enshrined in Chapter 7 of the Constitution of the Republic.

Section 57(a) of the Municipal Systems Act is substituted, providing that staff members of any municipality that have been dismissed for misconduct may only be re-employed in any municipality after the expiry period as prescribed.

The proposed substitution further provides that a staff member dismissed for financial misconduct as contemplated in the Municipal Finance Management Act for corruption or fraud may not be re-employed for a period of five years.

The ANC believes that this Bill will assist in terms of providing democratic, accountable government for local communities and ensure the provision of services to communities in a sustainable manner as envisaged by the communities.

In the end, the correct implementation of this Bill will afford South Africa the required human capabilities, institutional capacity, service process and technological platforms to deliver the National Development Plan through social contracts with the people.

The local government sphere needs administration that can promote socioeconomic development in local communities. Furthermore, it requires administration that encourages the involvement of communities and community organisations in matters of local government.

Despite significant gains over the past decades, the sphere of local government has sadly regressed in the latter years due to a number of factors, including but not limited to, structural systematic challenges as well as poor performance in key areas of responsibility, resulting in the polarisation of communities.

The ANC believes that this piece of legislation will put an end to resource contestation which is compounded by poor leadership and oversight by council, which also leads to political infighting and instabilities, thus partially leading to the deteriorating quality of services to communities. The amended Bill seeks to reinforce the level of trust in the institution of local government, which has been tainted by allegations of nepotism and corruption.

The ANC strongly believes that the Bill will strengthen the capacity of local government in relation to financial skills and technical skills, especially in those rural areas that find it difficult to attract the requisite skills owing to where they are located, and because of not having a budget to attract such skills.

The Bill will further attract young professionals with the requisite skills to understand that noncompliance with rules and regulations, particularly in supply chain management, will lead to adverse audit outcomes.

A lack of financial management discipline in our municipalities often results in unfunded budgets and low levels of revenue generation capacity, consequently leading to financial nonviability.

The amended Bill will assist in minimising challenges of political administrative interference where role clarification is ignored and perceived job insecurities which often lead to the blurring of the two roles.

Repeated governance failures, poor financial administration and service delivery weaknesses have led to provinces invoking a section 139 intervention in municipalities, with uneven levels of success. Some interventions did not lead to any improvement, largely because of incorrect diagnoses, inappropriate interventions, indecisiveness to deal with the root cause, a lack of resources and capacity, ineffective political oversight, as well as applications of intervention that ... inconsistently with the appropriate legislation.

During the 2017-18 financial year, the Auditor-General identified

48 municipalities that required specific interventions for national and provincial ... [Interjections.]

*IsiXhosa*: Ndiyaphazanyiswa ngoku.

*English:*

The SPEAKER: Hon Mkhaliphi, please manage your microphone. Please proceed, hon member.

*IsiXhosa*:

Mnu B M HADEBE: Enkosi Somlomo, hayi kanti abacingi soze balunge.

*English:*

During the 2017-18 financial year, the Auditor-General identified

48 municipalities that required special interventions for national and provincial role-players, based on the audit outcomes. The number included some of the municipalities whose audit outcomes were outstanding at the cut-off date for the submissions.

Having said all of the above, the ANC believes that South Africa can only win this battle on section 139 intervention by passing pieces of legislation that reinforces the constitutional role of local government. As such, the Municipal Systems Amendment Bill [B2 — 2019] seeks to change the face of local government by employing people with the requisite skills far from political influence, who will deal firmly and decisively with corruption, and enhance good governance in the local sphere of government

In conclusion, the ANC believes that this Municipal Systems Amendment Bill will address political infighting and

instabilities, and enhance professional and ethical administration in municipalities. The Bill will also reinforce human resource systems and enforce compliance with recommendations, regulations and the compliance required. I thank you. [Applause.]

Mr M H HOOSEN: Thank you, very much hon Speaker, I want to say firstly, that I think this is indeed a historical day for this House. For decades now, we have had a system that we commonly referred to as cadre deployment, it has caused untold damage to good governance especially in municipality across our country. Today it comes to an end, well we hope it does, because like many other pieces of Legislation that we pass in this House. Often the failure to implement becomes the root cause of the problems that we are experiencing in municipalities and government. We do hope that the provisions of this Bill will be implemented with courage and closely monitored in order for us to achieve that intended outcome of bring an end to cadre deployment.

Speaker, during deliberations on this Bill, we heard about how in many, many municipalities, senior officials like the municipal manager for example, was unable to hold his own junior staff accountable or acted against them for poor performance, because many of them hold senior political office positions in the ANC,

and as a results some officials just did as they pleased because they have a protection of their political principals.

There is a serious problem of lack of consequence management in local government and cadre deployment to a large extent was one of those contributing factors that made the situation worse.

Hopefully with passing of this Bill today, we will see the situation turn around.

The other area of concern for us, hon Speaker, is the high turnover of senior managers in local government. Senior managers who report to the municipal manager are currently on fixed term contracts, and often after every election, almost the entire structure gets replaced. This, does pose a problem for continuity and long term sustainability in municipalities. It takes sometimes for these senior managers a few years to establish some sense of control and introduce change processes and before we even know it, their term of office has expired.

For this reason, many municipalities are struggling with serious lack of skills. The politicians also take advantage of their vulnerable positions and threaten to replace them if they don’t do as they are told. This is one of the key contributing factors to a high level of irregular and wasteful expenditure as well fraud and

corruption in municipalities. These senior officials know that if they don’t help corrupt politicians, their contract won’t be renewed.

This is why the DA; we prefer that senior officials are appointed on a fixed term contract so that they may exercise their duties without any fear or favour. Even so [Inaudible.] our views on this aspect of the Bill. Unfortunately, we did not succeed in achieving this change in the Bill, we do however remain hopeful that in the future our colleagues in Portfolio Committee on Cooperative Governance and Traditional Affairs, CoGTA, will see the value in our argument. It took government over 10 years to see the value of our arguments about the consequences of cadre deployment, fortunately they bring it to an end today.

Notwithstanding this, hon Speaker the DA wishes to thank all members of the portfolio committee for the unanimous support to bring an end to cadre deployment. I also want to thank the Chairperson of the portfolio committee for accommodating the views of the opposition, we appreciate the maturity she has demonstrated, and encouraging all political parties, we will support to bring an end to this practice once and for all.

Hopefully going forward this Bill will contribute towards to better governance in municipalities across our country. I thank you very much hon Speaker.

Ms D R DIREKO: Thank you, House Chair I think...[Inaudible.] opportunity to run any municipality and they are still nursing their wounds after being rejected by the masses of our people during the past local government election, hence they will reject this Bill because they don’t understand the importance of this Bill in transforming the local government.

Secondly, House Chair, hon Hoosen forgot to indicate that we are having the challenges of service delivery and economic development in our local government because of this through spatial economic planning of which some of his family members were beneficiaries of. So today he has the nerve and come and [Inaudible.] the development on it, [Interjection.]

Chair, the critical provision in Local Government Municipal System Amendment Bill [B2], of 2019 relates to the banning of municipal officials from [Inaudible.] political office in order to avoid challenges [Inaudible.] by municipalities. The amendment also is giving municipal council discretion to appoint section 56 managers on a fixed contract or also on a permanent basis in consultation

with the executive mayor or executive committee, following recommendations by municipal managers.

The reason why the was discussion with the [Inaudible.] council is because we understand because we are the government in power, so we understand that the municipalities differ from one another.

Hence, it is important to give them this opportunity to decide on themselves because they understand their challenges more than us.

The power to appoint municipal managers is currently contained in section 82 of the Local Government Act 1998, Act no 117 of 1998. Whilst the corresponding power in relation to other senior managers and municipal [Inaudible.] is there in the Systems Act.

Out of consideration of consistency relating to staff appointment the Bill now transfer the appoint power of municipal managers and acting municipal managers to the Systems Act. Its provision [Inaudible.] to determine by regulating or through guidelines criteria in relation to skills, expertise, competence and qualification for appointment of the person to the post of manager, directly accountable to the municipal manager.

The Bill also propose that an appointment should be null and void should the person not meet the criteria of having necessary the

skills, expertise and qualifications. It also proposes that the same procedure applicable for the appointment of municipal manager be followed for the appointment of managers directly accountable to the municipal managers.

Having alluded to the that the ANC believes that passing and implementation of this Bill will enhance good governance with human resources management and career development practices and also maximise the human potentials in the institutions.

This will do away with political meddling and administration [Inaudible.] it let to instabilities in some of the municipalities.

The ANC recommits itself in leading the local government that is underpinned [Inaudible.] of professional, values and... so local government that [Inaudible.] those efficient, economic and effective use of the resources. Were transparency is forced with the objective to provide the public timely [Inaudible.] and accurate information.

The ANC firmly believe that the public administration must be broadly [Inaudible.] with South African people with an

...[Inaudible.] ability, objectives, fairness and the need

[Inaudible.] the imbalances of the past to achieve a broadly representative.

The Bill is [Inaudible.] to be responsive in the need of the local communities, facilitate a culture of public service accountability amongst staff which measures to prevent corruption.

Professionalism of local government will reinforce capabilities in the following areas; knowledge and skills, financial management, good governance and accountability, infrastructure, operational and Information Commutations Technologies, ICT.

One of the fundamental functions of the municipalities is to [Inaudible.] its developmental challenges and manage long term social and economic change. It is through this piece [Inaudible.] like Municipal System Amendment Bill that capable [Inaudible.] ... the political factions, is best placed to respond to the challenges and also pushes for opportunities for the development in the institutions.

The ANC affirms its commitment in building local government that effectively coordinated with skilled public servants who are committed to public good and capable of delivering high quality services while prioritising our people. However, the ANC also acknowledge that challenges that exist in the space of local

government, such as corruption, the tension in the political administrative interface, instability in administrative leadership lack of skills and also poor service delivery.

Efficient effective developmental dedicated public servant only exists when this piece of Legislation is passed and implemented. The passing of this Bill in return will contribute in building a capable state with a developmental and transformative role. The stair of local government must make a radical shift to correct previous mistakes improve on its performance [Inaudible.] in society [Inaudible.] our public servants can embrace the behaviours that is underpinned on the constitutional values and principles.

Our society is yearning for public servant with high levels of adherence to the rule of law and focus on the procursive realisation of socio-economic right and [Inaudible.]

The ANC appreciates that the passing of this Bill will also enable stakeholders to reclaim against [Inaudible.] introduced in 2020 by the Constitutional Order. This include the invalidation of the provision relating to the powers of the Member of the Executive Council, MEC, to intervene in questionable municipals that are

[Inaudible.] which made it difficult for the Legislation to hold MEC accountable for this questionable appointments.

The ANC attests that the Portfolio Committee on CoGTA, received oral and written inputs on relevant and different stakeholders. Thank you, Chairperson.

The DEPUTY MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL

AFFAIRS: Hon House Chair, today marks our country’s 20 years celebrations of democratic local government, a bitter sweet moment in our history of liberation, bitter because we have travelled through the thorny bushes of apartheid which by design began the geographic institutional and social separation at the local sphere. Segregation was already a policy by the time apartheid was introduced in 1948. The Group Areas Act of 1966 was the tit bits of apartheid legislation that instituted strict residential segregation and compulsory removal of black people into group areas as they were defined.

Through Spatial Separation, Influx Control and policy of own management for own areas, apartheid aimed to limit expand which affluent white municipalities would bare a financial burden of servicing disadvantaged black citizens. They would collectively agree that local government is nothing but the 15:08:27 three

challenges the hamper, development and mishap, governance, financial management and administration as the first, secondly the systemic issues around funds and functions to the fiscal framework and Thirdly, nonviable municipalities with apartheid spatial plan.

With the adoption of the Constitution and the White Paper on Local Government, our intention was to rebuild a democratic local government that is inclusive, interactive and transparent. To ensure that this takes place we accepted that the White on Local Government that we thought is the expression of the belief that our decentralisation of a spatial type plan work. South Africa is developing a unique form of decentralisation in the context of the creation of three spheres which are required to govern in a co- operative manner.

We are actually implementing the policies contained in this paper will take us to premier thoughts, tremendous resilience and constructive participation of all role players. It will require our participation and rolling up of our sleeves to acting like citizens as opposed to mere epitomised consumers of municipal services. It will require very specific commitment and efforts from national and provincial government and not in the list from councillors and administrators within local government.

It is a sweet moment hon Chair, because we have transformed the lives of many people in South Africa. We have ensured that basic service delivery takes place in all the municipalities. We created structures and systems that enable community members to interact with their local government, a right that many struggle to enjoy during apartheid. We continue to transform our cities so they too form part of the international urban agenda. We built roads and houses so that families can connect. We created safer communities for people to live and stay in their spaces of choice.

We are able to implement a District Development Model that enjoins government to function in a co-ordinated manner that enables the community and government to take charge of their own development. Today’s sitting and debate on Municipal System Amendment Bill marks a significant milestone in the history of local government. This milestone is a critical stepping stone in the radical transformation of building capacity and capability in local government to enable the needs of our people.

Local Government Municipal Systems Act enacted on the year 2000 in trying to provide the core principles, mechanisms and processes that are necessary to enable municipalities who move progressive on the social and economic upliftment of our communities and

ensure universal access to essential services that are affordable to all.

Hon members, we are here today because we have listened to many voices that contributed to the debate of the development of the Municipal System Amendment Bill. We have been on this consultative journey since 2010 and 10 years later we are ready for implementation. The Amendment Bill was introduced in Parliament in July 2010 in terms of Section 159 of the Joint Rules of Parliament following approval by the Cabinet and certification by the Office of the Chief State Law Advisor.

There were some voices that have commented to this process and let me note a few. Some said that there is a need to professionalise local government to enable it to be in the central to the Amendment of the Bill. There is also a need to understand why municipalities struggled to perform their functions specifically with regards to the appointment of senior managers. There is a need to amend Section 56,1(c) to allow for an acting period of nine months and managers directly accountable to municipal managers should be appointed on a permanent basis. These were some of the voices that made their contribution.

As it is common cause, the Constitutional Court delivered the judgement on 09 March 2017 which declared the Amendment Bill or rather the Amendment Act thus constitute now an invalid because it failed to comply with the procedures as set up in Section 76 of the Constitution. Members have reflected on this. What are the key areas that the Bill seeks to introduce? Firstly, it is looking at enhanced accountability on governance. The Amendment to the Act wants significance and enhanced accountability and good governance; ensuring the staff members do not hold political office; function of the MECs as oversight duties; clear lines of responsibility of municipal councils in terms of their appointment posts; clarity on Conditions of Employment close to an area that the Bill focuses on.

It also ensures that we include the Minister’s oversight function with regards to employment and standards that are held in local government. It also ensures that policies and procedures are put in place so that municipalities can adopt policies and procedures consistent with the municipal standards that would be set up in Section 67 of the Act. Further areas of ... [Time expired.]

Debate concluded.

Question put.

Agreed to.

Bill read a second time.

Local Government: Municipal Systems Amendment Bill.

# CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON HOME AFFAIRS ON ELECTORAL LAWS 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.

# ELECTORAL LAWS AMENDMENT BILL

(Second Reading debate)

The MINISTER OF HOME AFFAIRS: Chairperson and hon members, today we present to this House the Electoral Laws Amendment Bill. This

Bill will amend three existing pieces of legislations simultaneously.

The CHIEF WHIP OF THE MAJORITY PARTY: Chair, on a point of order. Let me save my Minister, having switched off the video. He’s like flying somewhere to heaven. [Laughter.]

The HOUSE CHAIRPERSON (Ms M G BOROTO): Hon Minister, unfortunately the picture seems not safe but we can allow you to switch off your video and just speak, we will listen. It happens sometimes. [Laughter.]

The MINISTER OF HOME AFFAIRS: This Bill amends three pieces of legislations simultaneously: the Electoral Commissions Act, Act 52 of 1996, the Electoral Act, Act 73 of 1998 and Local Government: Municipal Electoral Act, Act 27 of 2000.

With each insooring election, we emerge with new lessons. The substance of the amendments we are proposing today is born out of experience of elections conducted in the recent past. The most pertinent of these elections are the 2019 national and provincial elections; you all know what happened there.

Here are the most important changes that we are asking this House to consider, obviously because of time they won’t be exhaustive, I just chose those which are very, very pertinent and very important. But there’s a total of eight amendments, otherwise, that are being proposed.

Btu the first one I choose to mention is that we are proposing that the electoral commission, the Independent Electoral Commission, IEC, be authorised to re-determine the sizes of provincial legislatures ahead of each and every provincial election. Presently, the last time the number of people in the legislatures was determined was on 31 March 1999 and it will remain so forever despite changing population dynamics because it is what appears in the Electoral Act in 1998. Personally I believe the Electoral Act should not have determined a specific date but unfortunately it was and we are asking that it be changed ... rather the changes of the number of people in the legislatures be determined ahead of each and every election. And of course, the Constitution prescribe that no legislature could have less than 30 members but also no legislature could have more than 80 members.

This will be respected. So, the changes will be playing between 30 and 80.

The second amendment the Bill proposes is to repeal the requirements whereby voters on the international segment of the voters roll have to notify the chief electoral officer of their intention to vote in the elections of the NA. The amendment is such that it will be assumed that they will vote at the diplomatic mission where they are registered, of course, unless they notify the chief electoral officer otherwise.

The third and very important amendment, which I know has raised some debate, is that in our kind of world is important to secure personal details of each and every one of the 26 million South Africans on the voters roll.

Which one of you here in this House today would like a situation where any Tom, Dick and Harry or any Lizzy or Annah can just pay money to the electoral official? And in so doing earn a right to own a voters roll or a segment thereof, which bears your full names as they appear in your Identity Document, ID, which bears your full ID number and which bears your full residential address, where your children, your spouse and all your properties and possessions are.

As things stand now, all that any individual has to do is to pay money and get all that information for each and everyone of the

26 million South Africans on the voters roll. I’m sure you will appreciate that not be allowed.

The amendments simply, moving forward [Time expired.]

Adv B T BONGO: Hon House Chair, hon members and everyone who is viewing at home, this is a reports on the Portfolio Committee on Home Affairs on Electoral Amendment Bill. The Portfolio Committee on Home Affairs having considered this subject that the Minister spoke about, the Electoral Laws Amendment Bill as it is having been classified under the joint tagging mechanism as section 75 Bill.

The Electoral Laws Amendment Bill was referred on 23 September 2020 for consideration and report. On the Electoral Commission of SA briefing the committee on 9 October 2020. In short hon Chair, the Electoral Laws Amendment Bill seeks to amend three pieces of legislation. The Electoral Commissions Act, Act 51 of 1996, the Electoral Commissions Act, and the Electoral Act, Act 73 of 1998.

The Local Government and Municipal System Act 27 of 2000 in preparation fourth coming local government elections 2021. The main objects of this Bill is to enhance the existing legislative mechanism that ensure free and fair election in accordance of the

Constitution of South Africa. It provides a legislative authorisation for innovations in electoral practices in keeping with the best practices to improve the commission’s efficiency in managing the elections. Also to align the Electoral Act with the provisions of the Protection of Personal Information Act, Act 4 of 2013 regarding the protection of personal information of voters against unreasonableness.

The Bill was advertised in all official languages, in various newspapers from 11 October 2020 and the closing date of the advert was 30 October 2020. After receiving all the submissions and requests for extension, the closing date was extended to 6 November 2020 due to COVID-19.

In response to the call of the public comments and we all agreed that the technique of decision-making lies in consultation. The committee received about 12 300 submissions as well as summery therefore via the Dear South Africa website and another 38 another stakeholder.

The committee did not hold public hearings. The Bill is regarded as no technical than substantive. The main issue which was raised was concerning clause 14 and clause 21 of the Bill, where it stated that the Electoral Commission of SA will need to prescribe

different voting methods. The matter was raised sharply debated on the various methods of voting and it was referred to as a policy matter and that the Independent Electoral Commission, IEC, alone cannot decide on this issue as much as the intension was to allow for the testing of such alternatives.

Much of the concerns were raised by stakeholders and Members of Parliament around the potential risk and the cost of electronic voting. The list of stakeholders are as I have raised them. As it relates to section 14 and section 21, hon Chair, the committee decided that we need the expansion of these clauses for purposes of these round offs amendments. As we do so we will consider these amendments as we go to the next round. For they will make further research and further engagements by political parties.

I must say this, Chair that there was an issue as the Minister raised it around clause 8 which after thorough consultation with the Information Regulator we find it was necessary to include clause 8 because it does comply with the ...

The HOUSE CHAIRPERSON (Ms M G Boroto): It has jammed a little bit.

*IsiNdebele*:

Akhe uzame ngenye indlela. Ijemile. Usese nemizuzu eminengi.

*English*:

Hon Bongo, we lost you!

Is he still on the platform?

TABLE STAFF: He is still on the platform.

The HOUSE CHAIRPERSON (Ms M G Boroto): He is still on the platform. Hon Bongo please eh ... Is he muted? Oh probably it kicked him out.

[Interjections.]

Why now? Jo!

Hon Roos!

Mr A C ROOS: Hon House Chair, the Electoral Laws Amendment Bill which is mostly the technical Bill has brought to the focus of an open opportunity society ...

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Roos, I am so sorry to do this to you. Hon Bongo is reconnected. Can he just finish.

Hon Bongo, you still have two minutes and 49 seconds when I checked. Hon Bongo, can you hear me? Unmute, hon Bongo. Mr Bongo! Can you unmute. Yes, you still have two minutes and 30 seconds.

Please conclude. You were taken out in a way.

Adv B T BONGO: Who is responsible for chasing me out, hon Chair?

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, just continue. It is beyond me. Continue.

Adv B T BONGO: Yes, hon Chair, I was saying that we are presenting this important Bill.

Can you hear me now?

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

Adv B T BONGO: I was saying that we are presenting this important Bill to the House for consideration. The issues around section 8 were thoroughly consulted from the Information Regulator as the committee and we were given thumbs up that both provisions thus comply with the provisions of the Constitution of the Republic and the Protection of Information Act. So we are in summary presenting this House to adopt. This that we are presenting to the House we

are saying technically in the sense that there are routine amendments that are done by the IEC whenever there is an election in the Republic. So that is why we have treated them the way we have done. If there are any other concerns that are being raised, they will maybe have attended to if the NCOP as the Bill will be going to the NCOP for further engagements and public participation. Thank you very, hon House Chair Boroto. [Applause.]

Mr A C ROOS: Thank you, House Chair. The Electoral Laws Amendment Bill, which is mostly a technical Bill, has brought in to focus the importance of an open opportunity society for all. An open society is underpinned by two foundational pillars: Transparency, which exists when the exercise of power and authority is made open to interrogation and oversight; and freedom of information, which is the right of the public to access information from government. Information is an exceptionally important resource, allowing those who have access to it to have power over those who do not. In a closed society, leaders govern without accountability. The inadequate disclosure of critical information hampers citizens from being able to make informed choices and cultivates an environment where mismanagement and corruption can thrive.

Opportunity is what gives freedom practical meaning. Opportunity means that every individual is presented with choices, and the

reasonable ability to act on them, so as to create a life of their choosing. Opportunities, or choices, must not be arbitrarily restricted. In a society based on the value of opportunity, governments focus their efforts on preserving and expanding the choices available for their citizens. Individuals also have a responsibility to recognise and to make use of opportunity. Our Constitution in section (1)(d) provides for the votes, a national common voters roll and regular elections to ensure accountability, responsiveness and openness.

The Democratic Alliance will always strive to create an open opportunity society for all. Therefore, this is why section 14 and section 21 of the original Bill, which provided for the Independent Electoral Commission, IEC, to prescribe another voting method, and particularly e-voting, could not be accepted. Not because we are for or against e-voting. In this case the very first stage of the public participation process to inform was not carried out in a way to provide opportunity for access to information and education where necessary so that the public could make meaningful contributions. This starts with a discussion document called a Green Paper, which gives an idea of the general thinking that informs a particular policy.

This is then published for comment, suggestions or ideas. This leads to the development of a White Paper, which is a broad statement of government policy. It is drafted by the relevant department or task team and then parliamentary committees may propose amendments or other proposals. Now, the IEC has researched e-voting and should be in a position to commence this process in quick time. That said, the discussion on the committee had around this highlighted the inequalities which need to be addresses when we speak about electronic voting. Home Affairs is not even capable of keeping less than 100 mobile units out there in rural communities operational due to connectivity issues. Even fixed Home Affairs offices are offline at a chronic level. Elections themselves face a battle to get electricity working in all voting stations on voting day.

We are so far away from the access to technology for all that we hear about at the state of the nation, but in addition to the White Paper proper discussions in our communities on e-voting will necessarily lead to an all-important discussion about how we connect all our citizens. Therefore, we must not miss this opportunity in this process which could present to our young people the opportunity for technological leapfrogging which is creating unprecedented opportunity throughout the developing

world. This is why the Democratic Alliance is so adamant on comprehensive public participation on this matter.

The International Institute for Democracy and Electoral Assistance has published *Guidelines for reviewing the legal framework of elections*. When reviewing the legal framework all provisions regulating the voting process should be carefully examined. It is important in countries that use new voting technologies that the legal framework properly addresses the regulation of their use.

Procedures and requirements for the use of information technology during e-voting, counting and tabulation must be accurately reflected in the legislation. Often, important parts can be found in other legislation, such as that relating to data protection.

Previous court challenges to new voting technologies and the resulting jurisprudence should also be consulted. Regulation could either be done primarily in electoral law itself or, alternatively, the legal framework could establish only general rules, leaving the detail to the binding regulations issued by the electoral authority.

While the latter is advantageous in terms of flexibility, it can give too much scope for election procedures to be adapted to the needs of the technology, instead of the other way around, and to avoid important safeguards if time becomes scarce due to any

delays in the implementation of the new voting technology. It is also important, that the electoral legislation clearly defines at least the principles for secrecy, equality, universality, transparency and accountability. The equality and secrecy of the vote are included in the Constitutions of many states, including our own. If special provisions are required to ensure that new voting technology systems guarantee these principles, these should ideally be set out then in the electoral legislation.

The Democratic Alliance welcomes the valuable contributions of civil society and thanks committee members for agreeing to remove section 14 and section 21 as we proposed. Unfortunately, some voices were heard and others were not. The Bill as it stands violates the rights of those who participate and provide oversight in elections to ensure that only those who are legally entitled to vote in any particular voting district, VD, or ward should be able to do so. Section 8 represents a challenge. By hiding information of parts of the identity, ID, numbers on the voters roll and leaving questions unanswered regarding journalistic access to the full voters roll, adequate oversight is compromised. This is a right that these parties and role-players should be fully entitled to in terms of the Hlophe judgement in the Constitutional Court on the Tlokwe matter.

Calls for oral hearings on this matter to hear the full impact of this clause were rejected in the name of rushing this Bill through. Transparency and accountability therefore cannot be guaranteed with the Bill in its current format. We need to ensure electoral methods and processes that provide mechanisms to ensure that the most precious right of the people to vote is protected from manipulation. The Democratic Alliance therefore rejects this Bill.

Mr M TSHWAKU: Thank you very much, House Chair. In our founding manifesto the Economic Freedom Fighter promised to contest political power by any means possible, an election is one of those means. To continue to contest political power we need an independent commission that is nonpartisan, credible and dependable. We want an IEC that will ensure that we conduct free

... [Inaudible.] ... and fair elections and the amendments will propose through the Electoral Law Amendment Bill only seeks to ensure that we continue to strengthen the work of the IEC.

Here are the practical submissions we have made and we will continue to make: (a) we must legislate time for parties to receive a list of special voters. We cannot leave this to a discretion of IEC hoping that logic and senseful prevail. We have been facing a challenge wherein we do not receive these lists on

time. Similarly, we must also legislate times on which the IEC officials conduct home visits. Currently, we have a cut of time of five o’clock that we have seen IEC officials conducting home visits until nine o’clock and beyond casting doubt on the votes which are casts. This also creates logistical nightmare as the extension of closing time are not communicated to the political parties. This incident happened in Amathole District Municipality in Ward 8.

We welcomed the provision to allow for voters to vote at different voting districts hoping that the double voting will not occur. We should also include a cut of time for parties to receive a list of those that they have applied to vote in the different voting districts similar to the special votes. We must get it on time so that we are able to do our oversight as the political parties. We must legislate and issue regulations to guide IEC officials on how to handle large number of voters during special votes splitting into teams of home visits is creating a logistical nightmare. We cannot have IEC officials going to home visits for voters to conduct special votes without party agents because there is a large number of special voters which have registered. Normally, we will have one team which is going for house visit.

Now, in other voting stations we learn with surprises that at the voting stations the IEC will be splitting to teams of seven and eight and you find that the rest for the teams are going for home visits without any party agents. We must do away with voting stations which are constituted along racial lines and are not always accessible. Majority of the voting stations in the farms are not accessible and racists do not allow us to actually speak to our people. This incident happened at Renosterberg Local Municipality Ward 4 at a farm called Rooipoort and also Zwagershoek when we went to do our checks on the oversight of the voting station. We were not allowed to actually enter and the case has been opened on that.

We must also do away with federalism and we cannot continue to have Party Liaison Committees, PLCs, taking decisions that go against the decisions that are taken by the National Party Liaison Committee. This indiscipline and it has been observed, and particularly in the Western Cape. It has been a common cause that racists whites have dreams about creating their little Netherlands in the Western Cape. It will never happen. We must legislate decisions of National Party Liaison Committee a binding with a legal review mechanism.

Lastly, we must move towards the exploration of the different voting methods because the world is becoming more and more dependent on the robotics and artificial intelligence. However, IEC needs to demonstrate beyond the reasonable doubt that the election will remain credible free and fair. Now, we have seen, House Chair, that in our Portfolio Committee of Home Affairs, there are people who are coming with some sponsored views. These views are coming from these rogue journalist houses, for example, *AmaBhungane*. We have warned everyone that these are not journalists, but politicians, and hired political thugs must be operating as journalists to fight opposition parties or to push a rogue agenda. As long as the EFF is participating in that committee, they will meet with unimaginable militant action. We are not going to sit and watch as the committee is being infiltrated ... House Chairperson, Parliament has made various measures to ensure ... that everyone is free to ... [Time expired.]

Ms L L VAN DER MERWE: Hon House Chairperson, Sharon Salzberg once said, “Voting is the expression of our commitment to ourselves, one another, this country and this world”.

This amendment Bill before us has been described as routine and technical in nature. However, it is this commitment to ourselves,

to our nation and the world at large, plus our painful past which saw millions of our people being disenfranchised of their right to vote, that requires of us to take special care with any legislation that deals with our constitutional right to vote.

There were some contentious issues that the committee had to grapple with. From experiences throughout the world, we know that systems of electronic voting are open to manipulation. We must therefore tread very carefully when we talk about changing South Africa’s electoral system to enable alternative voting methods such as electronic voting.

Strong opposition from a variety of stakeholders saw proposed clauses 14 and 21 in the Electoral Laws Amendment Bill being scrapped, which would’ve allowed the piloting of electronic voting to be adopted at any point at the simple discretion of the Independent Electoral Commission, IEC.

We remain of the view, as expressed in the public submissions, that South Africa neither has the capacity nor the technology, but most importantly, the resources to implement an e-voting project at this stage. The door must be firmly shut on e-voting until such time that our country is in a position to allow all South Africans to choose for themselves the manner in which they want to exercise

their vote and ultimately choose their government. This is a matter that goes to the very heart of our democracy.

While these issues were addressed, there were other issues that were not properly dealt with — the issue of access to information and the public participation process. Without meaningful access to information contained in the voters’ roll, the accuracy of the voters’ roll cannot be investigated. This opens the way to electoral fraud.

We are therefore concerned by the amendments of section 16 of the Electoral Act, through clause 8, which is intended to bring the Act into compliance with the Protection of Information Act. While the intention is laudable, the amendment leaves too much discretion with the chief electoral officer of the IEC to deduct information. Moreover, this amendment goes further than required by the Protection of Information Act. The Act grants access to personal information for a legitimate purpose in certain instances, subject to safeguards and sanctions for abuse. This Bill could’ve done the same. Hon Minister, there’s a difference in protecting information versus making it impossible to do oversight over the voters’ roll. Therefore, that clause 8 should’ve been removed with clauses 14 and 21.

Finally, and the most important issue ... because this committee was pressed for time, the entire process was rushed. The committee chose not to have public hearings on this amendment Bill. At the outset, the IFP had asked that those interested parties that had made written submissions to Parliament be invited to brief the committee on such.

As Parliament, we must always be seen to treat all public parties interested in legislation with respect. They should feel that they have been given a real opportunity to have their say, that they are taken seriously as citizens and that their views matter. We are a people’s Parliament after all.

At this stage, the reality is that the public participation process, in relation to this amendment Bill, could be described as wholly inadequate, and as a result, may result in legal challenge. For example, one organisation that does great work in exposing

corruption, amaBhungane, had their concerns simply dismissed because they have built up a reputation of exposing corrupt politicians in the ruling party and within the EFF, and that is why they are complaining and disregarding the views of amaBhungane. The ruling party must never again treat the public participation process as merely a tick-box exercise because it’s not.

Our concerns relate to the fundamental need to ensure free and fair elections. The IFP believes that nothing supercedes the democratic right of the electorate to have their voices respected and heard. I thank you.

Mr F J MULDER: Thank you, hon House Chair. During the process of amending the Electoral Laws Act it was quite clear that there was a public concern surrounding the Bill’s focus on the clauses which seek to empower the IEC to prescribe a different voting method for parliamentary, provincial and local elections. In particular, concern was expressed that ... conferred the power on the IEC to unilaterally prescribe a different voting method would be inconsistent with the Constitution which requires for the details of the electoral system to be prescribed in national legislation following a process of public participation.

In addition, the Bill appears to open the door to the introduction of an electronic voting system. This raises a concern that in the absence of necessary safeguards, such a voting system could lead to electoral fraud and undermine the fairness of our elections.

The FF Plus will see to it that the details of the electoral system are constitutionally reserved for Parliament with the statutory framework, without conferring powers to the IEC that is

in conflict with the Constitution. The FF Plus will further oversee that any method of voting that the IEC might introduce cannot depart from the legislative prescribed voting procedure.

In reality, the mandate of the IEC to prescribe a different voting procedure for voters on the voters’ roll without addresses brings about two classes of voters, which is not acceptable to the FF Plus, even with the challenges faced. All voters should be treated equally. The Constitutional Court’s ruling was quite clear that a voters’ roll should include the addresses of registered voters.

The grave risk posed by this Bill to the integrity of the ballot box is caused by a cynical, underhanded attempt to chip away at the remaining vestiges of democratic accountability in South Africa through drastic, irresponsible, antidemocratic and possibly unconstitutional delegation of the function that by all rights rests in the entity, which is the IEC ... democratically accountable to the people of South Africa.

Legislation affecting the basis of constitutional democracy cannot be adequately considered by the South African public in a mere space of a couple of weeks, especially not if the way is paved for the future undermining of free and fair elections. The Electoral

Laws Amendment Bill introduced by the Minister does exactly that. It ... [Inaudible.] ... democratic input and oversight.

*Afrikaans:*

Die VF Plus ondersteun nie die wetswysigings nie. Dankie Voorsitter.

*English:*

Mr S N SWART: Thank you, House Chair. The ACDP shares the concern about the committee not holding public hearings, given the impact that this Bill can have. Now, we do appreciate that the main issue that was raised was concerning clauses 14 and 21, where it stated that the electoral commission may prescribe a different voting method. I think that its correct that members of the portfolio committee rejected those clauses, given the fact that that is a policy matter that shouldn’t be left to the IEC alone, and that the concerns raised were around the potential risks and costs of electronic voting. So, we support the deletion of the references in the Bill to allow for the testing of such alternatives.

We also note the inclusion of clause 8, purportedly to protect the personal information of voters after consultation took place with the Information Regulator. Now, we are also concerned about the issue that that might have on the exercise of oversight over the

voters’ roll, but at the same time this does not detract from the right of all registered political parties and independent candidates to be provided with a full copy of the voters’ roll or parts thereof. So, it is an issue of concern, in as much as the provisions here seem to go much further than what is required in the Protection of Personal Information Act.

Lastly, the Bill does not deal with the contentious issue that Parliament needs to undertake following the Constitutional Court’s ruling in the New Nation ruling, and yes, whilst it’s not urgently necessary, we from the ACDP’s side, and I’m sure many political parties, are concerned about the impact of that Constitutional Court judgement which allows independent candidates to stand at national and provincial level.

Now, we understand that time is passing. Parliament has got a framework to deal with that. However, we would just urge Members of Parliament to watch the cut-off date, which is 22 June 2022, when that far-reaching legislation needs to be passed.

Lastly, the ACDP is one of the few parties that grew in the national and provincial elections last year, and given the massive challenges facing the country at local government level where most municipalities are bankrupt and dysfunctional, the ACDP will be

putting up candidates who are hardworking, men and women of integrity who understand servant leadership, as well as the principle of good stewardship of state resources. We look forward to growing further in the 2021 local government elections. I thank you.

Ms M A MOLEKWA: House Chair, members of the House and fellow compatriot, the ANC rises in support of the Electoral Laws Amendment Bill as tabled today in this august House. Today, we debate on a Bill which is indicative of the wishes and aspirations of the majority of South Africans who have gathered in Kliptown, who in unison declar5ed that the people shall govern.

The glories meeting of 1955 declared that every man and woman shall have the right to vote for and to stand as a candidate for all bodies which make laws. All people shall be entitled to take part in the administration of the country and the right of the people shall be the same regardless of race, colour or sex.

In 2001, shortly after the term of his presidency, former President Mandela said, and I quote:

The Constitution of South Africa speaks of both the past and the future of South Africa. It permits us to build a nation

based on democratic values of human dignity, equality, freedom, through constitutionalism and the rule of law. It describes the mechanism and institution which we have created to achieve this.

The Independent Electoral Commission is one of such institutions. The importance of the electoral commission cannot be emphasised enough. It is one of the key ingredients of a proper functioning democracy based on the will of the people.

Hon House Chair, the Constitution was adopted to, amongst others, heal the division of the past and establish a society based on democratic values, social justice and fundamental human rights. It was adopted to lay the foundation for a democratic and open society based on the will of the people. Furthermore, it was adopted to improve the quality of life of all citizens and to free the potential of each person.

The Bill of Rights guaranteed the three generation of human rights. The first generation of human rights includes the right to life, equality, human dignity, freedom of expression, religion and association. More relevant to the debate on this Bill, the first generation rights include political rights. These rights are guaranteed in most democratic countries.

As the ANC we view this Bill as critical as it provides for important enhancement to our existing legislation so as to ensure next year’s local government elections are free and fair in accordance with the Constitution.

In line with the dictates of the public consultation requirements the following bodies were consulted, namely, the Electoral Commission, National Party Liaison Committee and the Information Regulator. The Bill was published for public comments and submissions from the public were received and considered by the committee. The Independent Electoral Commission, IEC, indicated that since the Bill affects the provinces, it should therefore be that with in accordance with section 76 procedure as spelled out in the Constitution. This classification will allow for extended public participation in the provinces. The issue of clauses 14 and

221 has been dealt with. The ANC supports the removal of these two clauses and it support the content of the Bill.

Hon House Chair, the corona virus pandemic shred our world drastically. The Electoral Commission was not spared from feeling the impact. As the ANC we show appreciation for the hard work and dedication for the IEC who worked tirelessly amid the challenge in order to fulfil its constitutional mandate. The IEC successfully managed the 2020 by-elections amid this pandemic. In this

elections the people of South Afria reaffirmed their trust and confidence in the oldest liberation movement, the ANC. The ANC gains the big number of new wards in the super Wednesday by- elections held across the country on Wednesday, 11 November 2020.

The IEC is on record starting preparations for the 2021 local government elections which are underway by replacing the old zip- zip registration machine with updated voter management devices, ensure voter materials are in stock by December 2020 and ensuring all is in place to begin recruiting temporal election staff.

On Tuesday this week, the Municipal Demarcation Board handed over

4 468 final ward boundaries to the IEC in preparation for the 2021 local government elections. The Municipal Demarcation Board launched the public participation process in January 2020, and for that it is most welcomed. The ANC supports the Bill. [Applause.]

Mr L M NTSHAYISA: Hon Chairperson, I think now we should appreciate the good work that is being done by the Independent Electoral Commission, IEC, so far and agreeing now to work with Parliament through the Portfolio Committee on Home Affairs. We also hope as the AIC that the issue of the position of the AIC being put at the bottom will be reconsidered this time around

because we are using alphabets, something that was learnt at school. [Laughter.]

Chairperson, we support the amendments that are being made in the Electoral Law Amendment Bill. Subsection 4(a) is a part that applies for a session in terms of subsection (1) that should publish a notice of application. This means now is the responsibility of the party to publish information so that the people should know. There is no need for a party that has registered for a local government to also register for a district because that will be taken it has been registered for.

The circulation of party’s application in the local newspapers is very important because the people in that area should know the parties that have registered. However, a person whose application for his party has been turned down is free to appeal to the commission because the whole work is being done by management or the administration so that a person has a right to appeal to the commission.

Again, the independent candidate has to receive the voters’ roll. That is very good. We also note that the chief electoral officer must read out any information that appears on the voters’ roll that would endanger the integrity of a party or an independent

candidate. If a voter is unable to vote or to cast his vote at a voting station that he has registered, the CEO must be informed in a prescribed manner. A person does not have just to phone and say I am in a wrong place and now I should vote here. He should be informed in a prescribed manner, that is the chief electoral officer.

Chairperson, it is important to know that the signing of a prescribed nomination form by a candidate on the list is being emphasised. That is very, very important.

Regarding the code of conduct, the signing of the code of conduct has become more significant and more binding. This should have a required consequence. If a person does not behave, follow ups should be made to that because the code of conduct ... [Time expired.]

Mr M G E HENDRICKS: Hon House Chair, the IEC has gone an extra mile and the chairperson of the portfolio committee has been very diligent in looking at the amendments and at the end every clause was discussed clause by clause. So, we are very happy that nothing has been rushed and that full consideration was given to the amendments.

We also want to state that I was part of the multiparty delegation that went to Namibia to look at the mechanical voting. I don’t know why people say it is electronic voting. You can’t capture the vote through electronics. It will save the country at least

100 million ballot forms if not more in every election. How many trees are ... I expedited the Minister of Environment Affairs to be a speaker to try to save the trees. The fact that that clause has been removed is a pity.

However, we feel that the IEC needs to start voter education on mechanical voting even if it takes two years. It is important that there be proper voter education with regard to the mechanical voting and proper voter education with regard to the COVID-19 regulation.

Al Jama-Ah thanks for taking our elections to the next level. Thank you very much, hon House Chair.

Ms M MODISE: House Chair, today’s colours are a clear indication that we are ready for the battle. [Interjections.] Hon Rose, you were the first person in the portfolio committee to accept and appreciate the work of the department on the mobile units, given its financial constraints, but today you speak contrary to the progress. Secondly, hon Rose, don’t allow yourself to be used by

the amaBhungane, with the intention to derail us from moving forward to enhance the work of the IEC. All political parties participated until the last night before the adoption. amaBhungane lobbied throughout the night to the DA and IFP to work against this clause. At least, their masters are coming out one by one. [Interjections.]

The ANC ...

Mr X NGWEZI: Hey ... they are not masters, ne.

Ms M MODISE: ... rises in support ... [Inaudible.] [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Baba Ngwezi ... Baba Ngwezi

... [Interjections.] Hon Modise, just take your time. Let me address Baba Ngwezi. Baba Ngwezi, we don’t do that. You know how to raise a point of order if you need to. If you do that again, I’m going to remove you from the platform. Hon Hlengwa?

Mr M HLENGWA: Hon House Chairperson, I was just wondering if the member would take a question. [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Modise, you may take the stand. Are you able to take a question?

Ms M MODISE: No questions, please.

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

The CHIEF WHIP OF THE OPPOSITION: House Chair, I would like to raise a point of order please.

The HOUSE CHAIRPERSON (Ms M G Boroto): Yes, hon Mazzone. What is your point of order?

The CHIEF WHIP OF THE OPPOSITION: House Chair, the hon member at the podium has been itching all day to make some kind of insulting comment to the opposition, and she’s done so by making quite an outrageous statement about a publication called amaBhungane, which I’m sure would not be pleased to hear it.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, let me just stop you there. That is not a point of order.

The CHIEF WHIP OF THE OPPOSITION: What I am saying is ... [Interjections.] ... if you are going to make an allegation like

that, it has to be a substantive motion. Otherwise, the member has to withdraw or she has to bring a substantive motion. [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, there was no member that was mentioned. She mentioned the party’s ... [Inaudible.] ...

The CHIEF WHIP OF THE OPPOSITION: [Inaudible.] ... and you need to bring a substantive motion.

The HOUSE CHAIRPERSON (Ms M G Boroto): That’s not a point of order.

The CHIEF WHIP OF THE OPPOSITION: House Chair, would you please refer that ruling to the Rules Committee? [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, I have ruled.

The CHIEF WHIP OF THE OPPOSITION: And would you please refer that ruling to the Rules Committee?

The HOUSE CHAIRPERSON (Ms M G Boroto): If you are not satisfied, you can send it to the Rules Committee.

The CHIEF WHIP OF THE OPPOSITION: I will. Thank you very much. [Interjections.]

The DEPUTY CHIEF OF THE MAJORITY PARTY: Hon House Chairperson ... Hon House Chairperson, this side ...

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Deputy Chief Whip?

The DEPUTY CHIEF OF THE MAJORITY PARTY: I agree with you that you have ruled. But, hon House Chairperson, I want to say that in agreeing with you, the hon member at the podium shouldn’t be disturbed. She didn’t refer to any member, but according to our Rules is allowed to refer to parties, not members.

The HOUSE CHAIRPERSON (Ms M G Boroto): Yes. Thank you very much. The ruling has been done.

Mr M HLENGWA: Chairperson ... [Interjections.] Hon Chair, I would like to request you to make a considered ruling on this matter on the basis that the hon member – if you study Hansard – said: All parties were participating in this process until the last night. Now, parties are participating through members. And that’s why that I am saying and request that you make a considered ruling, because she then said: The masters have come out. That is a

reference, Ma’am ... and that is why I am saying please take a considered ruling to answer because the inference she makes was not about parties but about members in that committee.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, take your seat. I hear you. If you don’t take my ruling, you know what to do. I have ruled. Continue, hon Modise.

Ms M MODISE: Thank you, House Chair. [Interjections.] [Inaudible.]

... just sit down and enjoy his chewing gum.

The ANC rises in support of the Electoral Laws Amendment Bill, B22B of 2020. I join our President and government in commemorating International Day of Persons with Disabilities under the theme: Building Back Better: towards a disability-inclusive, accessible and sustainable post-COVID-19 world. As the ANC, we support equal participation of persons with disabilities and believe that they should be included in all aspects of society and development.

As we debate this Bill today, we reflect on what our Ready to Govern policy document said regarding elections. All elections at a central, regional and local level shall be conducted by an Independent Electoral Commission which shall enjoy freedom from government and political control. As we look back at the years of

our democracy, we appreciate that the independence of the Electoral Commission has been entrenched in Chapter 9 of our Constitution. The IEC is subject only to the Constitution and the law. As we consider this Bill, we show appreciation for the good work of the IEC, which it continues to do in support of our relatively young democracy by managing free, fair and credible elections.

The character of our constitutional democracy is both representative and participatory in nature. A representative democracy includes participation through elected representatives and is exercised through regular elections. People elect representatives to act on their behalf in the day-to-day management of the state. Participatory democracy includes, *inter alia*, the lawmaking process and taking part in the decision-making processes. Consultation demands an engagement with the public in order to ascertain what the public’s wishes and demands are so that policy can reflect those views.

Justice Albie Sachs said: All parties interested in legislation should feel they have been given a real opportunity to have their say, that they are taken seriously as citizens and that their views matter and will receive due consideration at the moments

when they could possibly influence decisions in a meaningful fashion. [Interjections.] Shut up. [Interjections.]

The CHIEF WHIP OF THE OPPOSITION: House Chair, on a point of order

...

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Modise, take your seat.

The CHIEF WHIP OF THE OPPOSITION: ... while I understand that the hon Modise is not used to being at the podium, she must understand that the Rules of Parliament do not allow her to tell a member to shut up, and she must withdraw it. [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Modise, you can stand. The Rules do not allow that. Will you please withdraw?

Ms M MODISE: I withdraw, House Chair, but ... [Inaudible.] [Interjections.] ... allowed to proceed without disturbances.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Modise, may I advise you: Don’t listen to them; continue with what you are doing, because they will disturb you.

Ms M MODISE: Thank you, House Chair. [Interjections.]

The IEC periodically conducts a review of its laws to ensure that the legislative framework is up to date and to close any identified loopholes. The main objective of the Bill is to enhance the existing legislative mechanisms by amending a number of pieces of legislation so as to ensure free and fair elections in accordance with the Constitution of the Republic of South Africa. The amendments contained in the Bill are of a technical nature and contain no new policies.

With the local government elections coming up in 2021, the Bill seeks to ensure that elections will be free and fair. Like all legislation in South Africa, this Bill was subjected to the public participation process. The public was invited to comment and make submissions on the Bill. The general concerns raised by South Africans relate to clause 14 of the Bill which amends section 38 of the Electoral Act by authorising the commission to prescribe a different voting method.

Another concern raised was on clause 21 of the Bill, which amends section 47 of the Local Government: Municipal Electoral Act in order to mirror the provisions of section 38 of the Electoral Act and thus authorise the commission to prescribe a different voting procedure for those voters whose names appear on the voters’ roll without addresses – and the proposed amendment of section 38 of

the Electoral Act – by authorising the commission to prescribe different voting methods in local government elections.

The IEC had proposed an e-voting pilot in order to increase efficiency in the electoral process and to ameliorate intractable challenges especially in the counting and capturing of results.

Some of the concerns regarding electronic voting were expressed by different members of the committee across political parties.

The Fourth Industrial Revolution is upon us and the world is relying more and more on technology. That is a fact that cannot be escaped. We need to adapt to the realities of the changing world we live in. In this light, the committee has directed the IEC to further explore modalities and provide the committee with detailed case studies on countries that have implemented election technology as a mode of voting, including the implications, challenges and successes of the process.

We welcome that the IEC has commenced with the process and will contribute further during the consultation process, including through party-liaison offices. The process of lawmaking is dynamic and ongoing. We are in support of the contents of the Bill. We support the removal of clauses 14 and 21 from the Bill.

The Bill provides for a mechanism for residual voters without addresses on the voters’ roll to provide an address before voting. Such address will be used to determine eligibility in relation to the elections in a ward. This is important as even voters without addresses have a constitutional right to vote.

The aspect of the geographic location of voters is also taken into consideration in the Bill. All of these provisions go back to the important issue of free and fair elections. As in the previous elections, allegations of double voting were made. As such, section 24(a) of the Electoral Act is enriched to provide pre- notification for voters who wish to vote outside of the voting district in which they are registered. This intervention will enable the commission to know ahead of elections the number of voters at each voting station. This will enhance the accuracy and logistical provisions which are essential for an election.

The nation too will know ahead of the elections how many voters are going to be voting outside of their stations of registration. This provision will eliminate the possibility of double voting and enhance transparency, and it does strengthen the credibility of the elections.

In conclusion, this Bill is a reflection of our vibrant democracy. In order to maintain its vibrancy and facilitate its maturation, it is crucial that from time to time Parliament intervene through legislative measures to enhance mechanical aspects of elections.

The Electoral Laws Amendment Bill is one such time. The ANC supports the Bill. I thank you. [Applause.]

The MINISTER OF HOME AFFAIRS: Chairperson, thank you very much. I was asked to mute the microphone. You won’t see me but I am sure you will hear me very well.

I want to correct a few misconceptions, which arose during this debate. The first one is on the issue of addresses. I want to remind this House that the Constitutional Court made a ruling in 2016 that all voters must have their addresses registered. At the time when this ruling was made, only 8,6 million voters had addresses. That was 33% of the voting population. Today, in 2020, 24,6 million voters, constituting 95% of registered voters, have addresses.

Now, the remaining people who don’t have addresses, in terms of these amendments, as the hon Modise has said, will provide their addresses on the voting day. If we think that that is irregular, we are then saying the Constitutional Court ruling wanted to

disenfranchise people who stay in informal settlements with no addresses. I want to remind you, hon members, the right to vote is equal for the rich and the poor and even the homeless. And the amendment doesn’t say they shouldn’t provide their addresses; it says they should provide them at the time of voting and the electoral officer will determine their exact geographic area so as to determine where they must vote.

The second thing I must mention is this distortion of what clause

8 means – as if political parties are not going to be given the voters’ roll. I mentioned here earlier the role of the Promotion of Access to Information Act, “Paia”, and the Protection of Personal Information Act, the “Popia”. And, Chairperson, we have heard something here which I never knew. I am hearing that an institution called amaBhungane investigates corruption in the ruling party and the EFF, and that that is why the ruling party and the EFF members are crying. I’m hearing that for the first time. It is a revelation to me. The whole time I was under the impression that amaBhungane investigates corruption where and whenever it occurs, regardless of what party you belong to ... that the corruption is located only in the ANC and the EFF. I am really challenging those who made this statement and amaBhungane need to themselves to try to clarify this.

Lastly, I want to make it clear there will be no double voting in future elections, because this government has given the IEC

R250 million to purchase new devices called VMDs, voter management devices, to replace the “zip-zip” machines. With this device, there will be no double voting because it will reduce the addresses as you register for voting. It will also register you in real time and reflect in all voting stations at the time you vote. If you try to double vote, you will be arrested immediately. I want to make all these things clear and that we must not mislead the public about what this amendment wants to do. Thank you very much. [Applause.]

Debate concluded.

Question put: That the Bill be read a second time.

Division demanded.

The House divided.

House Chairperson Mr C T Frolick announced that, the Speaker had determined that, in accordance with the Rules, a manual voting procedure would be used and that the Whips would conduct a

headcount of members in the Chamber and on the virtual platform for the purpose of ascertaining quorum and voting.

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

AYES – 250: (ANC - 207; EFF - 36; Good - 1; NFP - 2; AIC - 1; Cope

- 2; Al Jama’ ah - 1).

NOES – 80: (DA - 69; FF Plus - 8; ACDP - 3).

ABSTAIN – 13: (IFP – 13).

Question agreed to.

Bill accordingly read a second time.

# CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON BASIC EDUCATION ON FOURTH QUARTERLY REPORT ON PERFORMANCE OF DEPARTMENT OF BASIC EDUCATION IN MEETING ITS PRE-DETERMINED OBJECTIVES FOR 2019/20

Ms B P MBINGO-GIGABA: Thank you House Chair, the Department of Basic Education took to joint committees and through the department’s performance indicators and targets and reported on

the expenditure during the first quarter of 2020-21 financial year.

In the 2020-21 financial year, in the first quarter report of the department, they presented their first strategic imperatives and targets as set out in the department’s strategic plan and the 2020-21 Annual Performance Plan.

Highlighted in the report were some adjustments which were tabled in the Education Provisioning Plan, EPP for the quarter after the COVID-19 lockdown, affected monitoring and oversight. To an extent, business meetings and some monitoring was done by using virtual meetings with department officials, the provincial education departments and the relevant stakeholders.

Emanating from the report, 55% of the targets were achieved, 36% of the targets not achieved and nine percent were partially achieved across the five programmes. Under programme one which is administration, all indicators under programme one reflected positive achievement. The department held meetings with both the Select Committee on Basic Education and the Portfolio Committee on Basic Education concerning administrative arrangements in the Department of Basic Education, DBE and matters related to COVID- 19.

Indicated overall targets achievement in terms of the invoices that were paid, the reported misconduct, the increased capacity building programmes and they have also submitted the quarterly report.

In the first quarterly report, the department revised the 2020-21 to 2024-25 strategic plan and 2020-21 Annual Performance Plan, APP in response to the COVID-19 pandemic and the budget alignment processes.

Under programme two, which is Curriculum Support Policy and Monitoring, almost all indicators in this programme reflected a positive achievement besides an indicator 2.1.1. This indicator indicated insufficient monitoring of the curriculum and assessment policy statements, and oversight visits during the COVID-19 due to lockdown during the first quarter. However, the remedial action was taken to increase virtual and in person monitoring to increase efficiency with Provincial Education Departments, PEDs.

Under programme three, which is teachers, education, human resources and institutional development, almost all indicators reflected a positive achievement, besides indicator 3.3.2 where work was done on the teacher development, school governance and school management support. The number of PEDs monitors on the

quality management system did not meet the target due to the on- site monitoring being suspended.

The number of the Funza Lushaka Bursaries awarded improved to 59%, available allocations were filled within the first allocations, while 100% of teaching posts were filled in each province. Under Programme four, planning, information and assessment, all indicators indicated positive achievement. No issues were raised there.

Under programme five, which is educational enrichment services, the programme showed partial achievement of school monitoring for the provision of nutritious meals. Due to the lockdown, districts were not monitored for the implementation of national school safety framework, social cohesion, sport and enrichment programme during the quarter.

Now, coming to the financial expenditure, it was reported to us that 30% which is R7,62 billion out of the unrevised

R25,34 billion of the total budget of the department for 2020-21. For the first quarter, they spent only R7,62 billion. The bulk of the allocation on this programme was transferred for conditional grants which is mathematics, science and learner with profound intellectual disabilities, where books and matric second chances

which also underspent on accounts of fewer and person interactions and insufficient printing.

The Portfolio Committee on Basic Education, having considered the Department of Basic Education’s first quarterly report for 2020- 2021 as a reflection of performance by the department, is satisfied that the department worked under hard difficult times of COVID-19.

The committee further resolves that the department would look to address the challenges experienced by schools in particular, your systematic challenges such as the infrastructure, water and sanitation, Information and Communication technology, ICT, school safety, curriculum coverage and inclusive education. Hon Chair, I therefore move that the House considers and accept the report as tabled. Thank you very much.

*IsiXhosa*:

UMBHEXESHI OYINTLOKO WEQELA ELILAWULAYO: Sihlalo ohloniphekileyo, ndiphakamisa ukuba le Ndlu yoWiso-mthetho mayamkele le ngxelo ithiwe thaca apha. Enkosi.

*Declaration of Vote*:

Ms N I TARABELLA MARCHESI: Hon Chair, unfortunately this department has one responsibility. One of this most crucial responsibility is ensuring that the examination goes without any drama or failure. But yet, the Minister of Basic Education is running this department as a shebeen. [Interjections.] Minister, this department is not a shebeen. You have been running this department like a shebeen for far too long. You move from crisis to crisis, we have leaked papers. [Interjections.]

The HOUSE CHAIRPERSON (Mr T.C Frolick): Order hon members, order.

Ms N I TARABELLA MARCHESI: There are over 100 000 school learners who you do not know where they are, who disappeared during COVID-

19 crisis.

*IsiZulu:*

Awubazi ukuthi baphi.

*English*:

40% of Grade 1 learners are failing. The failure of this department starts in Grade 1. Infrastructure is falling apart, schools are being vandalised and torched.

*IsiZulu:*

Izikole azinazindlu zangasese. Azinamanzi. Abantwana bethu abakwazi nokufunda.

*English*:

Today I am drawing the line. Enough is enough, Minister. [Applause.] Our kids’ future cannot be in the hands of a shebeen queen. [Interjections.] You need to do better

Mr B A RADEBE: Chair, on a point of order.

The HOUSE CHAIRPERSON (Mr C T FROLICK): Yes, hon member, what is the point of order?

Mr B A RADEBE: Chair, I am rising on Rule 84. The speaker on the podium has just called the Minister a shebeen queen, that is unparliamentary please. Thank you.

Ms N I TARABELLA MARCHESI: I did not say that the Minister is a shebeen queen.

The HOUSE CHAIRPERSON (Mr C T FROLICK): Hon member, I am about to make a ruling. I am making a ruling. Hon member, I heard the remark and while I listened carefully about what you said about a shebeen, you cannot infer that the hon Minister is a shebeen queen

or is running the department like a shebeen queen. That is wrong, you must withdraw that statement.

Ms N I TARABELLA MARCHESI: Ok, I withdraw Minister, I withdraw. Going back to the leaked examinations, parents are there and they want to know when will the Minister deal with the leaks. They want a report, the entire report of what actually happened. Remember, this is not the first time that there are leaks in the Department of Basic Education. It happens time and time again. Where is the risk management strategy of the department to mitigate such crisis? There should be a contingency plan to mitigate such crisis. What did the department do internally?

Parents and learners want to know if there is a possibility to rewrite. When exactly are they going to rewrite? What sanctions have been imposed to those who leaked, and the learners who found themselves in a situation whereby a leaked paper was shared in a WhatsApp group? We are not asking the Minister to ... [Interjections] ... the ongoing investigation by the House. That is the failure of the department. That is what I am giving you.

That is the picture of the department.

The implications of this leaks are quite huge. This has a potential to destroy young people’s lives. Remember, every time

there are leaks and learners are implicated, it means those learners’ lives are held back for years. Antiparents, anticoncerned department like this is failing our children. Instead of shouting, you know that the children out there are worried, not only they had to go through a COVID-19 crisis, but now they should be worried and implicated in leaks. That should concern you. [Interjections]

Furthermore, there is also the issue of programmes this Minister has. Programmes like for instance the second chance programme, where two percent of learners get or manage to pass maths and science. These learners are relegated to a life of unemployment because all they have is a matric certificate that they are unable to use.

The introduction of the 13 new school subjects in Grade 8 and Grade 9 comes at a critical time, I have to say. Yet we do not know how that is going to be implemented. We are going to need teachers who are equipped, who will be able to provide these subjects within the classroom. We need to make sure that teachers must be sourced out with such disciplines. The department should also look towards a mutual beneficial relationship with the private sector. [Time Expired] [Applause]

*IsiZulu:*

Ngeshwa, inyani ibuhlungu.

The HOUSE CHAIRPERSON (Mr C T FROLICK): [Applause.] Hon members, order! Hon members, I want to remind the members especially those on the virtual platform, that in terms of the rules, your microphones must remain muted and if you do switch it on. I will ask the serjeant-at-arms - if you are not recognised, to be removed from the platform without any warning, so please keep your microphones muted.

*Declaration of Vote continues:*

Mr S L NGCOBO: Thank you, hon House Chairperson, can you hear me?

The HOUSE CHAIRPERSON (Mr C T FROLICK): You are very audible. Continue hon member. Hon Ngcobo, are you on the platform? The hon Hlengwa will make the intervention on behalf of the hon Ngcobo.

Mr M HELNGWA: Thank you very much, hon House Chairperson, I think on a lighter note, the confidence of hon Modise was quite overwhelming earlier and I have been told that she has been voted the most beautiful Member of Parliament, MP, in Parliament by some groups. So, congratulations on that very interesting achievement at end of the year. [Applause.]

Hon House Chairperson, the importance of the of the basic education in South Africa cannot be overstated. If our country is to be prosperous it is crucial that we invest in good quality education to enrich the minds of our youth. The Department of Basic Education therefore has the formidable mandate of ensuring that our education system is of a stella quality.

Hon Members, infrastructure is an enormous issue in our public schooling system. Environment plays a crucial role in learner’s ability to succeed. Last year the number of schools in Limpopo received a zero percent matric pass rate. This was attributed to poor school infrastructure. Schools not having enough desk, so, even running water, in school facilities. It is disheartening to know that the department only met 27,8% of its target to provide water in schools.

According to our constitution all South African learners have the right to adequate and equal education. The department has failed learners in this regard. Furthermore, whilst we caution commend the achievement of the target of the number of schools per province, that we are monitored for the utilisation of Information and Communications Technology, ICT resources we note that the performance target was rather vague, as it does not provide clear

correlation between the achievement of the performance target and the achievement of the purpose of the programme.

On what basis were ICT resources monitored and how does this relate to the development of the curriculum? Moreover, in order to successfully implement ICT resources in schools, infrastructure must first be attended to, specifically in rural schools, where electricity is a problem, how do we then turn to implement ICT resources in schools that do not have proper access to electricity.

Furthermore, the department needs to ensure that it capacitate teachers by first training them in the issue of ICT, and on how to integrate them into their learning programme.

Finally, hon House Chairperson, the issue of the leaks, is not a laughing matter. It’s a serious indictment on the integrity of the education system, particularly on exams and all of us need to do our fair share to remind children that they cannot set themselves off into the future on the basis of teaching.

This has to be a national responsibility; ngoba [because] this is how then corruption breeds itself. If you are going to subject yourselves to stealing exam papers now, you are going to be doing

far bigger thing so, this is something we need to have serious discussion about. Having said that, IFP supports the report. I thank you.

Mrs N R MASHABELA: House Chairperson, House Chairperson ...

The HOUSE CHAIRPERSON (Mr C T FROLICK): Yes, hon member.

Mrs N R MASHABELA: House Chairperson, yes, the EFF is here, I was muted here.

The HOUSE CHAIRPERSON (Mr C T FROLICK): Proceed, hon member.

Mrs N R MASHABELA: Yes, the EFF...

The HOUSE CHAIRPERSON (Mr C T FROLICK): Please proceed. The hon member from the EFF may continue with the declaration.

Mrs N R MASHABELA: ...thank you, House Chairperson, we have consistently raised serious concerns about the quality of leadership at the Department of Basic Education. Whether or not they have a full appreciation of the challenges faced by our education system. House Chairperson, in this report it is made

clear that we are far from resolving the challenges faced by most schools in this country.

The report details that they were still at the 2019-20 fourth quarter, still a number of schools in rural areas without water and sanitation. This is defied in many instances; the department has been taken to court. When learners fell into pit latrines at schools.

The report also indicates that the department is still wilfully out of dump when it comes to making provision for the education of children with special needs, particularly children of the poor, in villages and townships.

We also take note of the increasing number of vandalism in schools and that these schools ... [Inaudible.] exclusively servicing black children [Interjection.] The department must set down [Interjection.] [Inaudible.] schools... [Inaudible.]

The HOUSE CHAIRPERSON (Mr C T FROLICK): Hon Hendricks, switch off your microphone.

Mrs N R MASHABELA: ...of vandalism are strategically planned acts by beneficiary of tenders who don’t want to keep buildings schools

indefinitely. This department, the primary enemy towards the education of our children I this country.

House Chairperson, the EFF rejects the report and we are determined to hold this department to account. Thank you very much.

Dr W J BOSHOFF: Hon House Chair, an administrative report like this [Inaudible.] relevant info. If we look at the purpose of the Department of Basic Education, it is specially the oversight of the provincial, by provincial [Inaudible.] operation education and provincial [Inaudible.] prevalence. So, the actual work is by the provinces and this department are only for oversight, only that.

Yet, in this report we don’t get any information of what is actually happening in the provinces.

[Inaudible.] the purpose of basic education we could say that is to [Inaudible.] people and to prepare people for employment but none of this are real attempt. Schools create reality of [Inaudible.] is exactly you can do very well at the school.

If we are [Inaudible.] because it’s impossible to focus on everything [Inaudible.] learners increased by 1,2%, teachers by 2,7% but schools decrease by three percent [Inaudible.] how are

they [Inaudible.]. Say for instance they are 254 less schools [Interjection.] [Inaudible.] 1,5 million people [Inaudible.] now, this information I did not get from the report but I gave it elsewhere [Inaudible.]

Now, the accelerated school Infrastructure, initial [Inaudible.] programme, what is based on? What we know [Inaudible.] is that two out fifteen schools which is in the report and the [Inaudible.] end the 10 out 240 which should have gotten sanitations [Inaudible.] so it’s not working but [Inaudible.] but actually accelerating the provincial programme [Inaudible.] about that.

Now, we should refer to the perceived value of education which is [Inaudible.]as we can see by the lack of [Inaudible.] like *funza lushaka* bursaries. We could say that the default position should be that communities who gave education and schools are run very well by school governing bodies, should have the highest level of determination of how school is conducted in the communities. Thank you, Mr House Chair.

Mr S N SWART: House Chair, the ACDP shares the deep concerns about the leakages that have happened of the matric examinations. This obviously, is of great concern to everyone to anyone of us here, as it infringes upon the integrity of these examinations. We note

that some people have been arrested, but surely, one needs to dig deeper as to who is receiving money, and who is paying money for these leakages of the matric examination papers. Secondly, the ACDP has of course, expressed itself very strongly on the issue of comprehensive sexuality education. Yes, us members, are in favour of age appropriate on sex education at schools. But if you look carefully, at what is going to be presented at the pilot project, you would be concerned. Thank you, hon House Chair.

Mr C H M SIBISI: ... [Inaudible.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member from the NFP, we can hardly hear you. I suggest you switch off your video, please. Switch off your video then it will be better. You may continue now without the video.

Mr C H M SIBISI: Okay. ... [Inaudible.] ... these projects to contractors ... [Inaudible.] ... under expenditure of certain none items as well as wasteful expenditure be addressed to ensure that this does not recur. The consequence management needs be implemented by the department. The NFP learned that the department paid Rand Water R200 million to supply emergency water tanks to more than 3000 schools.

Rand Water procured tanks from 40 different suppliers and the average cost of 5000 litres and 10000 litre tanks was R5,020 and R9,551 respectively. As the NFP, we believe that the department should begin looking into long-term solutions to address the issue of water shortages and installing permanent water infrastructure in schools. For 3000 schools to receive emergency water tanks tells us that there are 3000 schools in South Africa in this day and age, that do not have access to running water. This is a significant problem. We understand that it come down to physical constraints on long-term permanent solutions, jobs will be created while providing access to water for our schools.

These water tanks are a temporal solution at which at the time COVID-19 was still paralysing the country were necessary, but does not really solve the problem. We would like to implore the department to start looking into long-term measures in addressing this matter. As for the procurement for asset projects, our department, or our government rather, is notorious for inflating procurement processes. This has been a perpetual issue and ongoing problem, but we need to resolve it through the reduction of stringent measures to reduce the inconsistencies with procurement processes, just does not come up.

Day in and day out in parliamentary meetings, members complain about wasteful expenditure and lack of the implementation of consequence management, particularly to officials that are responsible. People need to be held to account, directly and personally. We note the recommendation of the portfolio committee and implore the Department of Basic Education to invest on long- term solutions for school infrastructure projects. I thank you.

Mr L M NTSHAYISA: Hon Chairperson, I’m sorry I am coming from outside now. The department should pull up its socks to meet its standard. There should be interim monitoring. We are aware of challenges that have been brought by COVID-19, but we should never give up. We should keep on trying to make our occupation better.

The problem with these infrastructure is always a challenge and it’s a very serious one, but these standard have to be met and the solutions should be brought to ... [Inaudible.] ... infrastructure.

Also, we would like to hear, what happened to the R11,5 billion project that was announced by the President in the O R Tambo District for infrastructure? I think that it should be seen being implemented. Hon Chairperson, the employment of ... [Inaudible.]

... should take place. There should be no post that is not occupied, because if there are post that are not occupied, our

learners would suffer. We should also consider the changes that should be brought for our curriculum, so that we can ease the challenges of our economy through education. Thank you very much, hon Chairperson.

Mr M G E HENDRICKS: Hon Chair, many parents are grateful for the special efforts that Minister made to make sure that their children receive some quality education and that many were able to write their exams. We are aware of the fact that 50 000 children did not return to school. The Minister has been quite open about it and she said that, if any one doesn’t want to go to school she cannot quarrel about it, because we understand that due the Covid, no one was certain what is the best thing for their children.

For the community in Heathfield in Cape Town on the Cape Flats, the school’s governing body decided to persuade the Principal not to reopen the school at the height of the epidemic. The school principal even wrote to the Cabinet asking for all schools rather be closed. Maybe she he urged on the side of the protection of the children. But Al Jama’ah is very disturbed that this Principal has now been before disciplinary hearing for his freedom of speech and his right to deliver constructive criticism.

The Minister, having given the communities and school governing bodies the right to keep their children at home, we cannot turn our faces because this is a provincial matter. She needs to make sure that she brings in the provincial authorities to book.

Although there is disciplinary hearing case against Mr Neumann of Heathfield High School, it was difficult for many of us during the pandemic to make decisions, and maybe he made wrong decision. I earlier on complemented the Minister for at least making sure that teaching took place. I just hope that the Minister will now do the right thing and intervene.

Lastly, hon Chair, you know, so much hard work has been put in this year, and for the 50 000 children, the position of Al Jama’ah Is to put a motion to Parliament to that effect that all learners for up to Grade 11 should be promoted to the next year because, a lot was done this year. So, let’s say that if they were in the higher grade and they didn’t deserve to be there, but there were catch up programmes that they attended, they should not to lose a year, hon Chair.

Coming back to Mr Neumann, I once again appeal to the Minister of Basic Education because she said that, if the community decides that children should not go to school, so be it. She must not involve the provincial heads now to do that, and in the Western

Cape we have this particular problem of ‘baaskap.’ Thank you very much, hon Chair.

Mr E K SIWELA: Hon Chairperson, greetings to the hon members. The ANC rises to support the Report of Basic Education. Chairperson,

16 Days of Activism for No Violence against Women and Children, is

an important period for the nation to reflect and introspect on a progress on women empowerment, gender-based violence and femicide. Our education system and curriculum should inculcate values among the boy-child to respect the girl-child. Teaching our children

gender equality will contribute positively ... [Inaudible.] ... on the population of men who do not abuse women.

The ANC has always placed education in a centre of human development. Basic education plays a critical role in ensuring that our people acquire skills for their development and the development of the society. The ANC in its Ready to Govern Policy, provides a policy direction for the democratic government stated that, the provision of free and compulsory education should be based on equalising the per capita expenditure between black and white education.

This will be done within the framework which ensures that the sources are redistributed to the most disadvantaged sectors of our

society, in particular, women, rural, other students, mentally or physically disabled children and others. The coronavirus pandemic has exposed these social spotlights which continue to impact our education sector. The democratic government of the ANC has always placed the equalisation of education amongst white and black, through capacitating schools in rural and underdeveloped areas.

Today we are able to celebrate top performing learners who come from rural and township schools. For social position in society, gender orientation does not determine whether a learner does not get an opportunity to excel in education. The provision of school transport and nutrition programme by the Department of Basic Education has enabled learners to focus and complete their studies. We need to welcome and appreciate the intervention by the Department of Basic Education during the peak of the coronavirus pandemic.

There is adjusted approach in order for the department to plan the reopening of schools, which has enabled the Grade 12 to complete the 2020 school calendar. The report of the fourth quarter reflects the progress of implementation of the department’s mandate. Some of the challenges in our schools are also beyond the control of the department. Provision of water for example, is a responsibility of local government and also, the inability of

municipalities to provide water, results in schools not having access to water.

The accelerated school infrastructure delivery initiative has numerous challenges, but the department has strengthened the technical capabilities in engineering to improve the delivery of infrastructure projects. We have made a reporting about projects on a continuous basis. We are confident that the appointment of engineers will improve the performance. Of great concern to the portfolio committee, is the vandalism of school’s infrastructure, which delays the construction of school buildings. Our communities, civil society, political parties, traditional leaders and religious leaders should unite our people in protecting the school infrastructure.

Notwithstanding the challenges mentioned above, the department is crucially optimistic that the learners will again do well this year. Finally, Chairperson, the comments made earlier on by the member from the DA is disappointing, to say the least. What he said perhaps indicates that he is antiwomen because here in the Western Cape, they’ve got the male-dominated Cabinet. If probably the Minister was a male, he should be singing praises. Thank you very much, Chairperson. The ANC supports the report.

Question put.

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

Report accordingly adopted.

# CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON SOCIAL DEVELOPMENT - RECOMMENDATIONS OF HIGH LEVEL PANEL ON ASSESSMENT OF KEY LEGISLATION AND ACCELERATION OF FUNDAMENTAL CHANGE

Mr M GUNGUBELE: Hon Chair, thank you for the opportunity to present this report at the moment when the Minister of Social Development recently re-launched the Gender-based Violence Command Centre. The objective is to enable quick and shortened responses to high volumes of gender-based violence and femicide-related cases received. We welcome this great stride to combat GBVF as we launch, as a country, 16 days of activism against gender-based violence and femicide. We strongly urge all men in South Africa to stop abusing and killing women and children; and to hold each other accountable if and when they know perpetrators of such atrocities.

The department briefed the committee on identified High Level Panel findings and recommendations. The briefing also included interventions made by provinces’ intermediate actions and long- term implementations plans. We welcome these intermediate action plans that will be implemented annually and long-term actions that will be implemented over a period of five years. To ensure that we monitor the implementation of these recommendations, we have indicated to the department that progress on the implementation must be included in their quarterly reports. This is to enable the committee to engage on the implementation and also to be solution based where and when challenges exist in the implementation process.

Hon Chair, in our engagements with the department concerns were raised that it seems there’s no tracking plan that enables it to record gaps and challenges in the sector. We were also concerned about the non-completion of the substance abuse treatment centre in the Free State and we wanted a finalised date for its completion. We also encouraged the department to maintain its partnership with the government communication information system so as to improve its information dissemination.

Hon members, we must commend progress made by the department on some of the recommendations. These include the following:

Expediting the re-tabling of the Children’s Amendment Bill; and Social Assistance Amendment Bill. The Children’s Amendment Bill is before the committee while the Social Assistance Amendment Bill is awaiting the President’s signature. The new drug master plan has been approved and is being implemented. The Victims Support Service Bill has been approved by the Cabinet and we are just waiting for it to reach the committee.

These are therefore, outstanding recommendations which I am going to read as follows: The Speaker together with the Chairperson of the NCOP to engage with the House Chairpersons and the chairpersons of committees to organise joint meetings on gender- based violence and murder of children; and substance abuse. The Minister of Social Development to ensure that the department acts on its plans to amend the Prevention and Treatment of Substance Abuse Act. The Minister of Social Development to ensure that between 2020 and 2022 financial years, the department amends the Older Persons Act, submit it to Cabinet for approval and to Parliament for processing and passing.

Our committee is tasked with ensuring that within this term of administration, the recommendations of this Report of the High Panel are implemented to accelerate fundamental change. We will continuously work with the department to monitor the action plans

and ensure that we receive update reports quarterly and ensure that provinces do their best to render services in line with key legislation. We table this Report of the High Level Panel for noting. Thank you, hon Chair.

*Sesotho*:

MOTSOKASEPHADI WA SEHLOHO WA MOKGATLO O BUSANG: Modulasetulo, re

sisinya hore tlaleho ena e amohelwe jwaloka ha e tshetlehilwe mona ka hara Ntlo. Ke a leboha.

*Declarations of vote:*

Ms B S MASANGO: Hon Chair, the High Level Panel on the Assessment of Key Legislation and Acceleration of Fundamental Change, as commissioned by the Speakers’ Forum, raise very critical issues on legislation. As far as the Department of Social Development is concerned, the work covers a number of areas including the SA Social Security Act, Act 9 of 2004; Older Persons Act, Act 13 of 2006; Prevention and Treatment for Substance Abuse Act, Act 7 of 2008; Early Childhood Development, ECD; gender-based violence; and Domestic Violence Act, Act 116 of 1998;

The Department of Social Development has heeded the recommendations of the High Level Panel on a legislation by legislation basis and has presented its response to the committee.

This is encouraging. There are many areas in the High Level Panel’s report where submissions to the panel were quite complimentary to the content, policy and legislation. If it were not for the dogged stubborn failure by government to implement legislation, the country would be headed towards a more progressive trajectory. Therefore, I seek to bring to the fore the critical aspects of the work that has been neglected.

Currently, caregivers are being utilised in many sectors of welfare in South Africa. They serve within our health care environments and serve as extensions of qualified professionals to observe, care, support and report. Firstly, there’s a need for recognition and training of caregivers by the Department of Social Development. This will ensure that older persons in old age homes and other facilities receive the quality service they deserve.

Additionally, it will ensure that the over 3 million care workers estimated to be in the sector are not exploited by unscrupulous training providers. Exploitation of caregivers is rife especially due to the lack of guidelines furnished by this department.

The second issue I would like to highlight is that, despite caregivers’ elaborate service, they are not formally recognised by the Department of Social Development and there’s no regulatory body that prescribes guidelines and the code of conduct for

caregivers. This creates a challenge when it comes to responsibility and accountability. There are currently no clear rules, regulations or code of ethics for this category of staff. Without clear guidelines and training, many are not held accountable for their actions.

Additionally, the Panel also made reference to the problems that were identified in a meeting between the Portfolio Committee on Social Development and SA Older Persons Forum. This is a third issue I would like to highlight. In the meeting it was revealed that home-based care services are mostly rendered by NGOs and faith-based organisations. Even though these organisations take on the majority of caregivers’ responsibility, most of them are inadequately funded. Again, this leads to poor provision of such services which affect the most vulnerable.

Hon Chair, the issues that I have just mentioned highlight the gap in legislation and policy. Critical aspects of the department’s work have not been implemented despite the existence of relevant legislation. The sector is desperately urging the department to operationalise existing legislation while working on the recommendations of the High Level Panel. Whilst on the issue of implementing the existing legislation, the department has not achieved their target of reviewing the White Paper on Families

because few service providers that were available were not registered on the Children’s Service Directory. We urge the hon Minister to ensure that this review is prioritised in 2021, as strengthening family unit plays a fundamental and critical role in ensuring a self-reliant and healthy society.

Lastly, while the committee has concrete recommendations to which to hold the hon Minister of Social Development and her department, as the DA, we call on the Minister and the department to ensure that they look after the vulnerable sector of society that it has a mandate to serve and protect. Thank you, Chair. [Applause.]

Ms L H ARRIES: Thank you very much, House Chair, the first thing we must register is that we are not pleased with the care free nature in which the committee in this House take matters as serious as this report we are dealing with here today.

The report was received in June 2018. It was only discussed in February and then in September 2019. We have failed millions of children and other vulnerable groups because of these delays. The report makes a number of critical findings such as the fact that Social Assistance Act may be prejudicial towards child-headed households, something that the EFF has been arguing for a very long time. These houses cannot access the Child Support Grant for

themselves yet and there are no supervising adults to apply for the grants of these households.

Equally so, the Older Persons Act was identified as not having enough comprehensive protection for older people, who are excluded from accessing housing from the department, whose level of care from ... [Inaudible.] ... black and poor people. These and the number of points and recommendations highlighted in this High- Level Panel Report deserve urgent attention from this House and there must be a number of legislative amendments coming out of this process to ensure that the most vulnerable are protected.

Thank you.

Ms L L VAN DER MERWE: Hon House Chairperson, I rise first and foremost on behalf of the IFP as we commemorate the 16 Days of Activism campaign to remember all those that we have lost due to the gender-based violence pandemic. Our grandmothers, our mothers, our sisters and our daughters; we must do more to protect them.

For many years we have decried this department’s lack of urgency in dealing with a number of critical issues. For far too long, this department has been limping from one crisis to another.

Limping from a leadership crisis to a credibility crisis, limping

from a social worker crisis to a foster care crisis and limping from one court case to another.

Through the inaction of its former Minister, this department failed in its mandate to lead in the fight against gender-based violence. It failed nongovernmental organisations, or NGOs, nonprofit organisations, or NPOs, early childhood development, or ECDs, and shelters, all of which remain underfunded. It failed people with disabilities by not prioritising their needs and rights. It failed child-headed households, who could not access the Child Support Grant. It rendered vulnerable children more vulnerable by collapsing the foster care system. It failed social workers, who remain unemployed and those struggling with substance abuse, who still cannot access treatment centres.

Consider that in 2018, Cabinet instructed its Ministers to absorb all social workers trained by the state, this has not happened.

Consider the countless elderly people who risk their lives sleeping outside the SA Social Security Agency, or Sassa, offices for days without getting paid. Consider the unforgivable theft of food parcels by government officials with not a single arrest.

Consider that some NGOs had to drag this department to court for the nonpayment of NGOs who were looking after the vulnerable during the lockdown period ...

The HOUSE CHAIRPERSON (Mr C T FROLICK): The Sergeant-at-arms, can you please remove the hon Linda Moss from the platform. [Interjection.] Continue, hon member.

Ms L L VAN DER MERWE: ... Consider that NGOs had to drag this department to court for the nonpayment of NGOs ... [Interjections.]

Ms T BREEDT: House Chairperson, I am sorry, on a point of order, the Chamber is muted. So, can’t hear anything. I can see hon Van der Merwe’s lips moving but I can’t hear anything.

The HOUSE CHAIRPERSON (Mr C T FROLICK): Okay, we will attend to that. We will ensure that the members on the virtual platform can hear the debate that is taking place. Thank you, hon member.

Proceed hon Van der Merwe.

Ms L L VAN DER MERWE: Should I restart?

The HOUSE CHAIRPERSON (Mr C T FROLICK): No, please don’t.

Ms L L VAN DER MERWE: ... Consider that NGOs had to drag this department to court after the nonpayment of NGOs who were looking after the elderly during the ... [Interjections.]

Mr N SINGH: On a point of order, hon Julius and ... [Inaudible.]

... but I suppose you are in the Chamber.

Mr J W W JULIUS: No, I am not in the Chamber, but it seems as if we are disconnected from the Chamber.

The HOUSE CHAIRPERSON (Mr C T FROLICK): Thank you for informing me. Before we proceed, can we kindly ensure ... I don’t know, sometimes it seems to me the ICT staff is not in front of computers. They leave computers alone and we experience it takes time for them to come back and fix it. It shouldn’t be like that. They should be on duty throughout the session and we should not alert them that there is something wrong with the system and that they are not at their work stations. It is unacceptable. [Interjections.] It’s an instance which tantamount to sabotaging the work of the National Assembly. So, can they please correct this immediately.

Hon Sing, are we audible now from the Chamber?

Mr N SINGH: Yes, hon House Chairperson.

The HOUSE CHAIRPERSON (Mr C T FROLICK): Thank you. You may now proceed, hon Van der Merwe.

Ms L L VAN DER MERWE: But House Chairperson, should I not restart because ...

The HOUSE CHAIRPERSON (Mr C T FROLICK): Please don’t, just continue.

Ms L L VAN DER MERWE: How fair is that because you are giving me

30 seconds basically?

The HOUSE CHAIRPERSON (Mr C T FROLICK): No, you’ve commenced your speech, we are working on a hybrid model. We heard you in the Chamber. [Laughter.]

Ms L L VAN DER MERWE: Okay, House Chair. It is not fair ... [Interjections.]

Mr J W W JULIUS: House Chairperson, on a point of order.

The HOUSE CHAIRPERSON (Mr C T FROLICK): What is the point of order, hon member?

Mr J W W JULIUS: House Chairperson, we could not hear from the virtual platform what the member said for about one minute. If the member can restart from where we didn’t hear. Thank you.

The HOUSE CHAIRPERSON (Mr C T FROLICK): Hon Van der Merwe, given the fact that my attention has been drawn to it, I am glad that the hon members on the virtual platform are following the debate. Can you restart your input please?

Ms L L VAN DER MERWE: Thank you very much to the DA for helping me there. I rise first and foremost on behalf of the IFP as we commemorate the 16 Days of Activism campaign to remember all those that we have lost due to this pandemic. Our grandmothers, our mothers, our sisters and our daughters; we can and must do more to protect them.

For many years we have decried this department’s lack of urgency in dealing with a number of critical issues. For far too long, this department has been limping from one crisis to another.

Limping from a leadership crisis to a credibility crisis, limping from a social worker crisis to a foster care crisis and limping from one court case to another.

Through the inaction of its former Minister, this department failed in its mandate to lead in the fight against gender-based violence. It failed nongovernmental organisations, or NGOs, nonprofit organisations, or NPOs, early childhood development, or ECDs, and shelters, all of which remain underfunded. It failed

people with disabilities by not prioritising their needs and rights. It failed child-headed households, who could not access the Child Support Grant. It rendered vulnerable children more vulnerable by collapsing the foster care system. It failed social workers, who remain unemployed and those struggling with substance abuse, who still cannot access treatment centres.

Consider that in 2018, Cabinet instructed its Ministers to absorb all social workers trained by the state, this has not happened.

Consider the countless elderly people who risk their lives sleeping outside the SA Social Security Agency, or Sassa, offices for days without getting paid. Consider the unforgivable theft of food parcels by government officials with not a single arrest.

Consider that some NGOs had to drag this department to court for the nonpayment of NGOs who were looking after the vulnerable during the lockdown period. The treatment of some NGOs by this department is simply not good enough.

Simply put, despite good laws, this department has failed in its constitutional mandate. It is against this background that the High-Level Panel on the assessment of key legislation led by former President Motlanthe, found much of the same.

One of the most painful finding was the department’s inability to protect the elderly from abuse and even ensuring that they have the most basics, like food and shelter.

There has been very little from the department in addressing legislative gaps to protect the elderly despite the Older Persons Amendment Bill having been approved in 2017 for tabling in Parliament, more than three years later, this has still not been done. This too is simply not good enough. Amendments to the Older Persons Act must be tabled, processed and expedited without any further delay.

It is the most vulnerable who bear the brunt of this department’s failures. We can and must do better. The department must do better. The IFP supports the recommendations as contained in this report. I thank you.

Ms T BREEDT: Thank you, House Chairperson, the High Level Panel did a good job in identifying problems areas that need to be addressed with utmost urgency. It gives a good framework to start turning the Portfolio Committee on Social Development around. But if the department entities we really honest with each other, I think they would have been able to work it out themselves, as the problem areas are quiet clear, but let’s leave like that.

The engagement on the report are very clear, on the constrains being experienced, as well as certain gabs that have as yet not been adequately addressed. Issues that are in my opinion, are due to the lack of doing the basics right.

I would specifically like to start with treatment and substance abuse. I come from the Free State Province and I cannot tell you through how state of the province addresses and I had to listen to the Premier, brag about the Botshabelo Treatment Centre and how in that year, it will open and cheers many more, I’ve lost count. It is now 2020, there [Inaudible.] deadline has passed and I have yet to see it accept patients. This really unacceptable, to say the list.

In the rural parts of the Western Cape Province, substance abuse is so out of control that dealers have become so emboldened that they are dealing straight from government properties, stealing the South African Social Security Agency, SASSA, cards and working in [Inaudible.] I had a concern citizen affirming a specific example in his district. He had escalated it as high as the Premier and national department, without success.

Substance abuse is a disease, a disease breaking lives, families and communities. We cannot afford to just talk and promise

anymore, we need to take action. Our nongovernmental organisation, NGOs, the majority of them, doing an excellent job in terms of a treatment of substance abuse, caring for the old, fragile, sickly, young and those who cannot take care for themselves. Yet, the certain [Inaudible.] are erratic as with Early Child Development, ECDs, we cannot expect more NGOs, to perform very extremely important and vital work, if we do not empower them, if we do not pay them on time. To take care of people, it will cost money, if they do not have money, if electricity is cut because we cannot pay, because their subsidies are not paid, we are setting people up to fail.

Minister, I urge you to keep your Provincial Member of Executive Council, MECs, accountable. They need to take this portfolio seriously. Just because they are working with people that are less than them, it does not mean they got to treat them as such.

To conclude and briefly touch on gender-based violence, GBV. The National Council against GBV has been disbanded since 2014, the announcement of its re-inception is welcomed but it is too little too late and in 2013, seven years ago [Inaudible.] the department developed a South African integrated programme to address violence against women and children, it has not been officially launched or implemented today, but now, post Uyinene we are trying to develop

yet another programme to combat violence against women and children. The simple solution, House Chairperson, let’s start doing the basic things right, for the first time. I thank you.

Mr S N SWART: Thank you, House Chair, gender-based violence is an outrage and we in Parliament across all political lines have condemned it and we have taken a strong stand against it, but we still see the levels still maintaining. We still see have be committed, with rapes and murders taking place and this totally unacceptable.

House Chairperson, the High Level Panel report was produced in November 2017, that’s three years ago, was considered by this committee during the Fifth and the Sixth Parliament, it highlights the then already gender-based violence and the deficiencies in the Domestic Violence Act. It mentions:

This include noncompliance with many of the provisions of the Act, the lack of understanding of its obligations and the lack of concerted effort by government to combat GBV.

That was three years ago. Now, as we know, as a result of concerted effort, the Justice Committee is now dealing with the raft of amendments to deal with gender-based violence.

One of those relates to the Domestic Violence Act, part of what the Justice Committee is doing, is calling every department, to say; if we pass this Bill, will you be able to implement it, do you have the resources? I think that is very helpful and the ACDP supports the that. But we cannot... but wonder had the recommendation of the High Level Panel report been implemented, three years ago, maybe the level of gender-based violence would have been reduced, dramatically already.

We also look forward to the Victim Support Bill, coming before Parliament, the Justice Committee also needs to look into that, because many victims of crimes do need assistance. The Substance Abuse Act and Older Persons Amendment Bill are to be welcomed.

So, House Chair, had we implemented the High Level Panel report in various other issues-and we know one of the recommendations relates to a coordinated, across sectoral issues ... Parliament should consider having regular, annual mandatory dedicated inter- sectoral public hearings on gender-base violence with all the different departments, we are going to do that now, yes, but maybe is a little bit too late but late than never. I thank you.

Mr C H M SIBISI: Hon House Chair...[Inaudible.]

The HOUSE CHAIRPERSON (Mr C T FROLICK): Hon member, the connection is very bad. I will proceed to the next party and I will ask that you get some assistance to re-establish your connection.

Mr C H M SIBISI: ... with regards earl child development, it is such big gabs... [Inaudible.]

The HOUSE CHAIRPERSON (Mr C T FROLICK): Hon member, we will proceed to the next party, and get back to you, so that you can get the better connection. I want to recognise the AIC.

Mr L M NTSHAYISA: Thank you, hon House Chairperson...

Mr C H M SIBISI: Thank House Chair.

Mr L M NTSHAYISA: ... I am going to be very... the very short declaration I am going to make is that, we support the report. Thank you very much.

Mr M G E HENDRICKS: Thank you very much, hon House Chair, I attended a global parliamentary member state meeting and the issue came up, of gender-base violence and it looks like there are many countries much worse off than South Africa. So, this seems to be an international problem. My concern is that is only is going to

get worse here in south Africa as we catch up with the rest of the world, which is very sad hon Chair.

The Phakami Community Centre need to have and by forces in every village, town and suburb to protect women, just like we have a standby force in Africa to silence the guns, we need a standby force under the patrol of the Phakami Centre, to assist women, for example they need to be panic button, when the woman presses the button, then armed response must come to her aid and then makes sure that she gets some assistance.

The Minister of Social Development has done well during the pandemic, put the plate of hot food, that there are many people who are stable, but the challenges are so great than we just wish everything of the best for the future, to address all the issues that have been raising in this House today. Thank you very House Chair.

The HOUSE CHAIRPERSON (Mr C T FROLICK): Thank you, hon member, let’s go back to the NFP. Hon Sibisi, are you there?

Mr C H M SIBISI: Yes, Chair...[Inaudible.]

The HOUSE CHAIRPERSON (Mr C T FROLICK): Hon Sibisi, it’s worse now.

Mr C H M SIBISI: [Inaudible.] ...

The HOUSE CHAIRPERSON (Mr C T FROLICK): Hon Sibisi, we are unfortunately cannot hear you.

Mr C H M SIBISI: ... of any child development it is extremely concerning that yourself [Inaudible.] for an example the... [Inaudible.] ...

The HOUSE CHAIRPERSON (Mr C T FROLICK): Hon Sibisi.

Mr C H M SIBISI: ... I am audible now?

The HOUSE CHAIRPERSON (Mr C T FROLICK): No, hon Sibisi, you are not audible. Do you support the report or not?

Mr C H M SIBISI: ...yah, no I can hear; I support the report.

The HOUSE CHAIRPERSON (Mr C T FROLICK): Do deal with the connection problem, unfortunately we won’t hear the member’s speech.

The HOUSE CHAIRPERSON (Mr C T Frolick): Unfortunately, due to the connection problems we won’t be able to hear the member’s speech.

Mr D M STOCK: Hon House Chairperson, let me take this opportunity to welcome the launch and opening, by the Deputy Minister, of a community care centre for vulnerable children and safe spaces for men in the North West. The care centre will provide psychosocial care and support services and skills development to the vulnerable children including child-headed households and the youth. The safe space for men will provides men and boys of all ages a safe space to engage in and open and nonjudgemental conversations where they can vulnerable in the presence of their peers. This launch coincided with the launch of the 16 Days of Activism Against Gender-Based Violence campaign. We hope that this centre and men’s lounge will be used for their intended purposes and that they will contribute positively in the communities of the North West provinces.

We urge all South Africans to support these campaigns and we urge men in particular to stop abusing and killing women and children. The ANC rises in support of this report.

We are also committed towards ensuring that the recommendations of the report of the High Level Panel are practically and efficiently

implemented to ensure that fundamental changes are accelerated. The department’s intermediate actions and long-term plans are central towards facilitating the acceleration of fundamental change as per the High Level Panel report.

As mentioned there are areas that we have collectively walked on with the department which have been implemented. However, there are areas which have either or not being implemented and fall within the long-term plans and there are some which are still work in progress. These areas include the intermediate actions related to the implementation of the language policy for the department to ensure that documents are edited properly for easy access. Long- term plans include the establishment of language units and mainstream use of languages in the Department of Social Development’s framework and policies.

In relation to refugees and migrants, it is important that people and communities are trained to understand population policy, demography and also planning. The Department of Social Development has undertaken short-term planning on population migration, sustainable development and human rights which is being rolled out in our provinces. We will continue to monitor the implementation of these policies.

As part of the intermediate interventions by the Department of Social Development, we will also ensure that data collect on gender-based violence and human and population is reliable and current. We will continue monitoring the development and implementation of long-term plans that address reassert gaps and provide appropriate interventions, continuous technical support to stakeholders and also on the population priorities, especially on data collection and dissemination.

We welcome the efforts made by the Department of Social Development to integrate into one the Sexual Offences Register, which exist in both the Department of Social Development and at the Department of Justice. We make a delicate yet stamp plea to employers to screen their candidates and employees who work with children as it is also a legislative imperative and it is also important in our fight against gender-based violence and femicide, GBVF.

On the progress of fixing the widely accepted definition of disability lacuna, this include the fast tracking of the Social Amendment Assistance Amendment Bill which is actually in the [Inaudible.] to address a [Inaudible.]

We welcome the strides that the Department of Social Development has made to ensure that it comes up with an improvement plan which enables us to collectively monitor the implementation of plans and also to quickly address challenges when and where they exist. We also commend the initiative the department has taken in relation to planning when it comes to the construction of one treatment centre and one halfway in each province to the substance abuse treatment conditional grant. This approach is to ensure that within the past [Incaution.] years the Department of Social Development. [Inaudible.] This is far much better than building through the Department of Public Works which usually takes five or ten years to complete in one province.

We reaffirm our commitment that we are going to collectively work with the entire social development portfolio to ensure that the oversight we undertake is a tool of accountability of development. We will continue to ensure that this work is founded on the evidence and is also result-based in terms of its implementation. It makes tangible improvements in the lives of ordinary people on ground. We also welcome the High Level Panel report’s recommendations. The ANC supports the committee’s report of the High Level Panel. Thank you very much, hon Chair.

The CHIEF WHIP OF THE MAJORITY PARTY: Hon Chairperson, I move:

That the Report be noted:

Motion agreed to.

Report accordingly noted.

# CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON HIGHER EDUCATION, SCIENCE AND TECHNOLOGY ON FINANCIAL AND NON-FINANCIAL PERFORMANCE OF 2019/20 SECOND, THIRD AND FOURTH QUARTERS; AND 2020/21 FIRST QUARTER OF DEPARTMENT OF SCIENCE AND INNOVATION

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON HIGHER EDUCATION, SCIENCE AND TECHNOLOGY ON 2019/20 SECOND, THIRD, FOURTH QUARTERS AND 2020/21 FIRST QUARTER PERFORMANCE REPORT AND REVISED 2020/21 ANNUAL PERFORMANCE PLAN OF DEPARTMENT OF HIGHER EDUCATION AND TRAINING**

Mr M P MAPULANE: Hon House Chairperson, hon members, fellow South Africans, good afternoon. The Portfolio Committee on Higher Education, Science and Technology received a briefing on the 19th and on the 26th of August 2020 from the two Departments of Higher Education and Training and Science and Innovation on their financial and nonfinancial performance for 2019-20, second, third

and fourth quarters, and on the 2020-21 first quarter performance report.

The Department of Science and innovation is responsible for developing, co-ordinating and managing the national system of innovation which is the network of institutions, organizations and policies that work together to achieve a common set of social, economic goals and objectives for the development and application of science, technology and innovation in South Africa.

The National Development Plan, NDP, articulates an aspiration in terms of which South Africa’s national system of innovation is expanded and that the total investment in research and development is at 1,5% of country’s Gross Domestic product, GDP.

However, the latest data shows that investments in research and development is at 0,83% of the GDP; lagging behind the 1,5% target aspired for by the NDP.

Hon members, if we are to fulfil the needs of a modern economy both the government and the private sector must ramp up the level of self-investment in research and development.

The key issues in the Department of Science and Innovation for the financial quarters under review include the development of the decadal plan which is a key instrument to implement the 2019 White Paper on science, technology and innovation.

The committee welcomes the sterling work that the department, together with its entities, has done in contributing towards interventions and response to Covid-19; which include among others enhancing the testing and diagnosing capability of pathology laboratories, ensuring that South Africa has the capability to produce the vaccine once it is available and locally designing and manufacturing much needed ventilators for the treatment of critically ill Covid-19 patients.

These interventions demonstrate the centrality of science, technology and innovation in sustaining life and livelihoods and have been critical to the national Covid-19 response.

Besides the few concerns that the committee has, we are satisfied with the overall performance of the Department of Science and Innovation. As a matter of fact, there is unanimity in the committee that this is one of the best performing government departments in the republic.

In this regard we would like to take this opportunity and congratulate the director-general of this department, Dr Phil Mjwara, on being awarded the best director-general for 2020 during the recently held Batho Pele Excellent Awards. [Applause.]

Hon members, expanding access to post-school education and training opportunities remain a fundamental priority of the ANC- led Sixth Administration.

It is the mandate of higher education and training to ensure that an integrated co-ordinated and articulated P-set system for improved economic participation and social development f our young people.

For 2019-20 second, third and fourth quarters the Department of Higher Education and Training reported overall quarterly performance of 61,5%, 59% and 76,2% respectively.

In considering the performance of the Department of Higher Education and Training the committee remains concerned, one, that the slower than projected spending in Technical and Vocational Education and Training, Tvet, college infrastructure which resulted in funds being reallocated to other government departments; the delays in the procurement of laptops by National

Student Financial Aid Scheme, NSFAS, to facilitate remote learning and teaching, in this regard the committee has since unanimously resolved to conduct an oversight inquiry into this and other allegations that have been brought to the committee’s attention.

I wish to appeal to this House, hon members, that no political party must play to the gallery and grandstand here about these issues as it is an important oversight enquiry whose necessity, the entire portfolio committee led by the ANC is united across the political divide.

The insufficient allocation of funding for feasibility studies for the two universities as announced by President Ramaphosa during the state of the nation address, we are of the view that the

5 million is not sufficient to undertake this massive task and we, therefore, urge the department to identify additional resource allocation [Time expired.]

The ANC recommends that eh House adopts this report. Thank you. [Applause.]

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

*Declarations of Vote*:

Mr B B NODADA: Hon House Chairperson and hon members, the DA is extremely concerned with the continued mediocre performance of the Department of Higher Education. In ensuring that R108 billion of taxpayers money given to it is tangibly used to impact the lives of young people through skilling them on relevant curricula.

The department continues to add on the 10 and 12-year problems created by the Department of Basic Education in failing the young people of this country by poorly skilling them under unconducive learning environments and outdated curricula.

Having considered the 2019-20 second, third and fourth quarter report of the Department of Higher Education and Training it is appalling that the same decadal issues reoccur at the department, the Tvet sector, the National Skills Branch especially the Sector Education and Training Authority, Setas, which are the cash cows of the Minister and the forever scandalous NSFAS, regardless of the budget through taxpayers money being made available and target [Interjections.]

Mr B A RADEBE: House Chair, on a point of order. I’m rising on Rule 85. The member just said that the Tvet colleges are the cash cow of the Minister, which implies that he’s getting benefit from

what is happening there. I think that must be a substantive motion. Thank you, Chair.

The HOUSE CHAIRPERSON (Mr C T FROLICK): Hon member at the podium, did you say that?

Mr B B NODADA: I can repeat the sentence, Chair. I said especially the Setas, who are parent cash cows of the Minister and his cronies.

The HOUSE CHAIRPERSON (Mr C T FROLICK): You must withdraw tha t remark please.

Mr B B NODADA: I withdraw, Chair.

The HOUSE CHAIRPERSON (Mr C T FROLICK): Thank you.

Mr B B NODADA: And the forever scandalous NSFAS, regardless of budget being made available through taxpayers money, not meeting their service delivery targets or making an impact in producing graduates that won’t end to the over 60% youth unemployment in the country.

Over 40% of the department’s targets have not been achieved in the last 18 months and there’s been a constant decline throughout all quarters.

Throughout all quarters [Interjections.]

AN HON MEMBER: Hey, you are very angry.

Mr B B NODADA: You must be angry if you’re poorly performing.

Throughout all quarters there has been an underspending of over R36 million for critical vacancies particularly in the Tvet branch, which is the most poorly performing branch in the Department of Higher Education at only 29% of their targets.

As a result, R600 million has been underspent throughout all these quarters on the Infrastructure Maintenance Grant of Tvet colleges. I visited those colleges in January in seven provinces; they are in poor conditions with their poor toilets, no Wi-Fi on campus, poor study facilities, no infrastructure in labs and in spaces in which students are supposed to study in workshops. Yet the Minister stands here and the chairperson stands here and says that the ANC is serious about Tvet colleges; clearly they are not.

The failure to appoint the deputy director-general, DDG, at the Tvet branch has resulted in the increase of the certification backlog. How is it that you go and study at a Tvet, when you are done writing your examination and complete a course you still not certificated? And yet we stand here and we want to talk about youth unemployment, which is standing at over 60%? Yet the department is failing to do a basic justice of giving a certificate to a graduate.

Furthermore, the review of the Tvet curriculum is a continuous problem as many graduates graduate with outdated courses in an outdated curriculum, and that’s why they sit at home, can’t find work. How do you encourage young people to go and study in oversaturated courses, yet they won’t be able to get out and find work?

Then National Skills Branch is responsible for the Setas that have completely collapsed. Just two Setas have contributed to over R1,2 billion of irregular expenditure, in particular the

construction Seta, which apparently, the chairperson is the friend of the Minister and all of a sudden has resigned without any accountability; the Services-Seta, which has poorly performed, and the Agri-Seta. And these Setas are continuously failing to give

students their basic stipends. As a result of this mess, they have not been able to produce the required artisans.

The most concerning of all and the most painful is that NSFAS over two consecutive years have failed to account on the over

R30 billion of taxpayers money, not ANC money, taxpayers money that is meant for poor students and has an irregular expenditure of R7,6 billion, and today we’re told that we must no grandstand on the issue of NSFAS laptop ... the reality of the situation is that it’s now November, students are writing examinations, they still have not received their laptops and the Minister is alleged to have interfered in the tender process for those laptops, yet they were supposed to do e-learning.

If the ANC is serious about the skills development of young people in this country, they need to ensure that there’s full independent inquiry into the laptop tender at NSFAS and the alleged interference of the Minister is expedited.

Secondly, whoever is found into being corrupt and involved in money laundering at NSFAS must face the full might of the law and be held personally accountable.

We need to expedite the full distribution of allowances for the extended academic year, not the wishy-washy statements given by the Minister last week.

The department must fill vacancies to ensure that the Tvet branch uses the budget given to them and change infrastructure in the Tvet colleges so that, that money is not redirected to things like the SA Airways, SAA.

And lastly, the system of Setas must be fully overhauled, investigated, so that money that is supposed to skill students is not going to the pockets of those that belong to the Minister. I thank you. [Applause.]

Mr S TAMBO: Hon House Chairperson, as a point of principle, we must raise our concern about the situation at institutions of higher learning in this country, particularly where the academic year has been extended, yet no financial support is being provided.

At the Cape Peninsula University of Technology, students have been brutalised by police and suspended by the university machinery for demanding no financial exclusions and their allowances to be extended for the academic year.

The EFF sends its unwavering solidarity to this brave generation and we encourage them never to abandon the journey and struggle for free education, at all costs, in oppose fee increments where ever they may raise their ugly head.

Thousands of students are left out of the higher education system every year and just recently the department indicated that NSFAS was going to defund over 5 000 students because of some flimsy excuses. At the centre of compromising of NSFAS and its collapse and corruption is the NSFAS administrator, Randal Carelse.

We therefore want to state unequivocally that the hon Mapulane must never therefore seeks to suggest that we are grandstanding openly about the crisis confronting the sector, because we are not part of any unanimous perspective of endorsing a ... [Inaudibel.].

Over and above this, many TVET colleges are struggling to get tuition and they have a shortage of staff and some do not have their equipment needed to give proper tuition.

Despite the Department of Higher Education is still underspending on vacant TVET positions, compromising the future of students who depend on these TVET colleges.

Moreover, there are slower than projected spending in the TVET college infrastructure grant, during the three quarters of 2019-20 financial year.

All of this points to a department that are not serious about its mandate and that is prepared to risk the lives of students because of its chronic incompetence. The situation is not that different for the Science and Innovation Department too. Funding for postgraduate students is hardly sufficient and for a country such as ours, which is in dire need of cutting edge scientific advances, this is a damning condemnation on the department.

The Department of Science and Innovation, also don’t address the problem of science graduates, explaining those who did courses such as chemical engineering, who have very limited opportunity once they graduate, unless they further their studies elsewhere.

It is the responsibility of the department to make Science appealing to young black students and having a large number of unemployed Science graduates is not the right way of doing this. We therefore unequivocally reject this report with the contempt it deserves. Thank you.

Mr S L NGCOBO: Hon Speaker, the race to find a Covd-19 vaccine continues, yet some of the African countries are not important players in it. South African has the potential to become a world leader in the field of research and development in science and technology.

Our doctors and scientists have proven time and again that they are able to produce world-class innovations when given support. These innovations are necessary because they have the potential to boost the economy and to create new opportunities for industries to be built around them.

The IFP therefore wishes to re-emphasise the need to ensure that researchers receive adequate support and funding. A concern raised by the committee was that the amount of funding and support given to the TVETs and community education and training centres, CETs, was disproportionately low compare to universities.

The Department of Higher Education recently released the national list of occupations in High demand. Fifty of the listed jobs were artisans. Jobs such as tractor mechanics, welders and electrical engineering Inspectors. If the government is truly committed to creating jobs, more support needs to be given to TVET colleges, in order to meet the demands of job market. The TVET colleges have an

added benefit of teaching skills that allow for students to be self-employed immediately after school.

Self-employment is becoming increasingly important in these uncertain economic circumstances. The EFF calls upon the government to adhere to its commitments to build more TVET colleges across the country as well as to upgrade the existing ones.

Another concern raised by the committee was with regard to the vacant posts within the Department of Higher Education and Training as well as in CETs. The posts in the CET sector have not been filled for over a year, despite calls by the committee to do so with immediate effect.

It is important that the department prioritises filling these vacancies to ensure that all hands are on deck at the start of the 2021 academic year.

It must be emphasised that we do have serious problems with NSFAS and this must now be put right once and for all. The EFF accepts the report.

*Afrikaans*:

Dr W J BOSHOFF: Agb Voorsitter, aangesien ons nou met twee departemente in een slot van drie minute gaan werk, gaan ek dit maar in Afrikaans doen. Dit ... [Onhoorbaar.] ... bykom. Die hele stelsel vir Wetenskap en Innovasie hou ’n land aan die voorpunt van wat in die gemeenskap, samelewing, die industrie en die ekonomie aan die gebeur is.

Daar is ’n neiging om net aan die natuurwetenskappe en tegnologie aandag te gee, maar innovasie is in werklikheid hoe die menslike gees op uitdagings, geleenthede en tegnologie wat voor hande is, reageer.

Dit is iets wat ’n staatsdiens of ’n staatsdepartement nie kan doen nie, daarom is dit reg dat hierdie departement 92% van sy ... [Onhoorbaar.] ... besteding aan instansies soos die WNMR, die Richfield Graduate Institute of Technology, RGI, die National Research Foundation, NRF, en die Technological Innovation Agency, TIA, oordra.

TIA is eintlik ’n perd van ’n ander kleur, aangesien die ander hoofsaaklik wetenskaplike navorsing doen, terwyl TIA spesialiseer in die finansiering van innoverende idees en kommersialisering daarvan.

Dit is dus eintlik ’n ramp dat hierdie departement in riële terme elke jaar ’n bietjie minder van die parlementêre toekenning kry. Dit lei daartoe dat nie alle poste gevul word nie, dat nie alle beurse wat aangebied word opgeneem word nie, maar vir die skep van skaarsvaardighede is dit die moeite werd om alle geleenthede te gebruik.

Onthou om hierdie te bereik, as jy nie bybly nie, raak jy agter. In hierdie verslag van die Departement van Wetenskap en Innovasie

... [Onhoorbaar.] ...Teen Maart is dit onder likwidasie geplaas en as die VF Plus nie in die Parlement begin vrae vra het daaroor nie, het niemand ooit daaroor verslag gegee nie. Dit is asof die probleem maar net rondgegooi word.

Verlede week het die Minister van Wetenskap en Innovasie belowe om die verslag daarop aan die Parlement beskikbaar te stel. Tot op datum het nog niks gebeur nie. Ek dink ons het nog ’n dag en ’n bietjie oor om te hoor.

Wat die Departement van Hoër Onderwys betref is ons baie bly om te sien dat daar ’n ongekwalifiseerde verslag is en tog is die hoofuitvoerende beampate geskors. Hoe presies werk dit? Waarom is hy geskors? Niemand weet nie.

As ons kyk na die afdelings van die unversiteite en TVET kolleges vir vaardigheidsontwikkeling, gemeenskapskolleges, dan sien ons dat universiteite ’n totaal buite-verhouding groot persentasie van die begroting kry, nie dat die universiteite met minder geld kan klaarkom nie. [Tyd verstreke.]

Die VF Plus opndersteun beide hierdie verslae.

Mr W M THRING: Hon House Chair, as we consider these reports from the Department of Higher Education and Technology, the ACDP calls upon the nation to pause or a moment in order to acknowledge and commend all students and staff in higher education for persevering and adapting under some if the most difficult and trying times in the history of education in South Africa.

Having a daughter in higher education, the ACD also wishes to commend all parents who have supported their children during these tumultuous times. Hon House Chair the ACDP agrees with the committee’s concerns that the CET programme which is the least funded of the departmental programmes in curt understanding during the 2019/20 fourth quarter.

Furthermore, the non-achievement of some of the key targets in the programmes was noted with serious concern. The ACDP also note that

the committee reiterated its concern with respect to underfunding of the TVET and CET sectors.

Now, it must be noted that some 82% of the department’s total budget is allocated to university education programme as voted funds are approved by Parliament. Now, this skewered funding with higher education as seen my NSFas disbursements is perpetuated in the higher education although our fiscas is currently constrained due to wholesale corruption over the last few years, the ACDP calls for a realignment of the higher education budget s that additional funding can be made available the baseline increase of the TVET and CET colleges.

In building a Brains Trust and moving our economy out of the [Inaudible] we currently find ourselves in and also in line with our ACDP education policy we must commit to building a world class science and technology system with more higher education institutions.

We must improve the quality of technical and higher education institutions and encourage students to study science, technology, engineering, mathematics and the application of these fields in manufacturing. We must introduce and expand computer coding into as a subject at schools in addition to existing information

technology subjects for grades 10-12 as they come into higher education. We must encourage tertiary institutions to increase the availability of inter-disciplinary degrees to cover financial innovation, information systems, information technology, big data analysis and innovation technology. The department fails in these areas. The ACDP supports however this report. I thank you.

Mr L M NTSHAYISA: Chairperson as the AIC we support this report.

Mr M G E HENDRICKS: Hon Chair Al Jama-ah supports the report however we are a bit concerned that there’s not enough oversight in control and that the Department of Education shields they can’t...[Inaudible.] ...

The HOUSE CHAIRPERSON (Mr C T FROLICK): Hon Hendricks your connection is unstable.

Mr M G E HENDRICKS: ... there must be a way for them to address problem ...[Inaudible]. Thank you very much.

Ms N T MKHATSHWA: Hon Chairperson of the House, hon members but most importantly to all the South Africans watching from home good afternoon.

Today we remember the life of Johnston Mfanafuthi Makhathini who died on the 3rd of December 1988 in the Sakazambia after dedicating his life to making the global community aware of the wrongdoings apartheid government through his roles as an MK soldier, a National Executive Committee, NEC, member of the ANC, as the head of the ANC’s mission to the United Nations and the head of the ANC’s Department of International Affairs.

Hon members, as we take office in the position that we are placed in with the responsibilities of the roles bestowed upon us, as we do the work that we do, less we forget those whom this country is founded upon. And as one imagines the South Africa that comrade Makhathini would have envisaged, a sense of hope is restored by the Department of Science and Innovation which has yet again obtained a clean audit for the year 2019/20, marking it the third consecutive clean audit report from the Auditor General.

The department’s entities, the Human Sciences Research Council*,* HSRC, National Research Foundation, NRF, the Academy of Science of South Africa and Technology Innovation Agency, TIA, have open awarded a clean audit for the period under review. As such we must commend the department of Science and Innovation, DSI, and its entities for good corporate and financial governance and for its responsible efficient and effective use of public funds which

should be in emulated by entities and departments across all spheres of government.

As seeing through to initiatives and interventions during Covid- 19, the DSI has remained committed to building a transformed, inclusive, responsive and coherent NSI and improving its contribution to achieving the goals of the National Development Plan, NDP.

The DSI remains committed to funding innovation which is seen through the recent award of a significant R4.47 billion in addition funding for the next three years to South African National Space Agency**,** SANSA, to develop a space infrastructure hub as part of government sustainable infrastructure development symposium initiated by the President, Ramaphosa.

This project is part of the shovel ready projects for economic recovery, through infrastructure investment and we must ensure that as it unfolds that there is significant representation and intersectionality.

The DSI remains committed to research development and support by awarding 2991 bursaries to doctoral students and 8632 to post graduate students by the fourth quarter of 2019/20.

With the need to increase funding for access to post graduate studies and ensure that country builds its research capacities across demographics, the impact of the reprioritisation as a result of Covid-19 in relation to funding for post graduate studies is of great concern.

It has been the stance of the Ministry since the start of the 6th administration that between the two departments, higher education and science and innovation, there must be robust effort to see the upward trajectory of women academics in research and institutions of higher learning particularly at doctoral level in order to change the patriarchal nature of our academia and knowledge production systems.

Thus it is quintessential that we celebrate Dr Regina Nesingani who acts in Muvhango as Vho Masindi for being conferred her Phd in languages, linguistics and literature with a dissertation titled: Portrayal of woman abuse through dialogue and some Tshivenda dramas by male writes. To see more women thrive in the sector, we welcome the GBV policy framework of the department and must ensure its implementation.

Hon members, the higher education and training sector remain one of the most important sectors in our economy and society. It’s the

essential pillar in our fight against the triple challenges of poverty, inequality and unemployment. Given the history of education as a tool, used to further entrench the deliberate and equities established by our colonisers in the apartheid government, a great deal of work has had to be done in expanding and building institutions and enabling access to building this sector to fore of addressing this historic bias by ensuring that all young people and all South Africans have access to higher education. The ANC support this report. Thank you very much.

Question put.

Agreed to.

The HOUSE CHAIRPERSON (Mr C T FROLICK): Hon members, please note as announced earlier this afternoon by the Speaker, the motion of no confidence will stand over until further notice. That concludes the business of the day and the House is adjourned.

Business concluded.

The House adjourned at 18:30