**UNREVISED HANSARD**

**NATIONAL ASSEMBLY TUESDAY, 16 MARCH 2021**

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***PROCEEDINGS OF THE NATIONAL ASSEMBLY***

The House met at 14:02.

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

The DEPUTY SPEAKER: Hon members, please settle down. As we always remind you, you are better at your allocated seat than moving around. And keep your masks on, please. The first motion on the Order Paper is the motion in the name of the Chief Whip of the Majority Party.

The Chief Whip of the Majority Party moved: That the 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 May 2021.

Motion agreed to.

The Chief Whip of the Majority Party moved: That the House, notwithstanding Rule 27 on the election of temporary presiding officer, elects Mr Q R Dyantyi and Ms R M M Lesoma to act as temporary presiding officers in the chamber during hybrid sittings of the National Assembly, as and when necessary, for the duration of the 2021 annual session.

Motion agreed to.

# CONDOLENCES TO FAMILY AND FRIENDS OF MTHOKOZISI NTUMBA WHO WAS FATALLY SHOT DURING WITS STUDENTS PROTEST

(Member’s Statements)

Mr M P MAPULANE: Hon Deputy Speaker, the ANC wishes to take this opportunity to convey its condolences to the family and friends of Mr Mthokozisi Ntumba who was fatally shot in Braamfontein outside Wits University during the student protests on Wednesday 10 March 2021. Mr Ntumba had just left the doctor’s office when he was tragically shot by police officers. The ANC welcomes the arrest of four police officers from the Public Order Policing Unit last week in connection with his killing. The ANC has also noted reports for the

shooting of a young woman student from the Faculty of Commerce at the University of Johannesburg during ...

The DEPUTY SPEAKER: Hon Mapulane, is what you are reading a statement? It doesn’t sound like a statement. Should we consider it a statement? It sounds like a motion without notice.

Mr M P MAPULANE: It is a statement, hon Deputy Speaker.

The DEPUTY SPEAKER: We will take it as a statement, as you say. Go ahead.

Mr M P MAPULANE: Yes definitely; it is a statement. We call for urgent investigations into the circumstances around her injury. In living up to the democratic right of South African citizens to protest, the Safety and Security Sector Education and Training Authority must provide more training to police to be able to better engage with situations such as picketing or protests in a democratic society.

The ANC is concerned by the matters raised by students across the country, thus in ensuring access to higher education.

Therefore ... [Interjections.] [Inaudible.] In this respect

the ANC welcomes the announcement by the Minister of Higher Education and Training that the budget will be reprioritised to meet the R7 billion shortfall in the National Student Financial Aid Scheme, NSFAS, funding, particularly for first- time entering students.

The ANC encourages engagement between stakeholders in higher education in reaching consensus on the question historical debt, access for the missing middle students, registration fees and accommodation amongst others. [Time expired.] Thank you very much.

# SA POST OFFICE GOING BANKRUPT

(Member’s Statements)

Mr C MACKENZIE: Deputy Speaker, after R8 billion in bailouts in seven years and more turnaround plans and witnesses at the Zondo Commission, the SA Post Office, Sapo, is bankrupt. Those annual reports still haven’t been tabled. We know its net loss is set atop R2 billion by the end of the year, and it has run out of cash. The latest budget allocation of R500 million rand barely covers the R429 million the SA Post Office lost in the second quarter and the expenses ... [Inaudible.] ... revenue.

Even Treasury has no more cash to bail out bankrupt state- owned enterprises, how does the Sapo fund its loss? Well, it stops paying bills; it stops paying staff salary increases and their medical aid and pension contributions. It stops paying rent, leaving Post Office’s dependent on the landlord’s goodwill to stay open for essential medicines, mail of COVID-

19 grants. But some of them lock the door, like Johannesburg

... [Inaudible.] ... who has people now spend what little they have to travel to Mogale City only to find that that one is closed too. Can any Minister in this House honestly say that the SA Post Office is serving our people – suppliers, landlords or desperate customers? If this were you or me or any other South African except apparently Jacob Zuma, we have been ... [Inaudible.] ... which is where the Sapo belongs.

This government is not bold or visionary enough to make the only choice it’s left with. Sell the Post Office, or find the private partner that can deliver whatever it takes. Thank you.

# EFF CALLS FOR FREE DECOLONISED EDUCATION AND TO ADDRESS THE DETERIORATING STATE OF HIGHER EDUCATION

(Member’s Statements)

Ms P MADOKWE: Hon Deputy Speaker ... [Interjections.]

*Sesotho:*

MOTLATSA SEPIKARA: Re kopa o kwale maekrofounu ya hao, ntate. O a re hlopha ka Ntlung ka mona; ha re utlwane le ho utlwana ka lebaka la hao.

*English*:

Please switch off your microphone.

*IsiZulu*:

Lungu elihloniphekile Hadebe, awusiphathi kahle asikhulumi ngawe. Uzwe kahle ukuthi sikhuluma ngobani, musa ukusihlupha.

*English*:

EFF, please proceed, ma’am.

Ms P MADOKWE: Deputy Speaker, two weeks ago the EFF made a call for this House to note and address the deteriorating state of higher education, focussing primarily on the failure the Department of Higher Education and Training to facilitate a smooth start to the academic year and the inability of NSFAS to pay fees. The EFF further requested an urgent meeting to be convened between the Minister, university vice-chancellors, technical and vocational education and training, Tvet colleges’ principals and the students’ representative

councils, SRCs, with an intention of working on amicable solutions to the looming crisis.

The ruling party on that day boldly and vehemently rejected this noble request and today, not only are we sitting with a national crisis of students protests but innocent lives are being lost in the process. The EFF stands here today to reiterate the call for free decolonised education, which it has made in this House way too many times. A call made by the #FeesMustFall generation generations before it and the current generation of young hopefuls. In the interim, we request all institutions of higher learning as an immediate measure to allow all students to registration fees, lift all fee blocks and scrap historical debts, increase enrolment as learning is online anyway, and ensure speedy provision of all learning materials.

We further now only request for more money to be directed to the higher education but fee-free education model to be revisited as the NSFAS model still continues to fail. It too is not feasible. Thank you very much, Chairperson.

The DEPUTY SPEAKER: I know you mean Deputy Speaker, right? [Laughter.]

# UPROAR AFTER BAY PUPIL KICKED OUT OF CLASS FOR WEARING TRADITIONAL ATTIRE

(Member’s Statement)

Ms S R VAN SCHALKWYK: Deputy Speaker, the ANC calls for tolerance of South Africa’s diverse cultures and traditions. Recently, a pupil at the Nelson Mandela Bay school was kicked out of class because of traditional beads and *doek* she was wearing were not part of the school uniform. The Grade 9 pupils underwent an initiation formally, at the weekend to become a *Sangoma* and return to Mfesane High School in Motherwell the following week.

In the past, we have had of uproar following similar incidents, where students were denied entrance in their schools for wearing cultural bracelets made from animal skin. Others were refused entrance for wearing Muslim headgear.

The ANC believes school and other public institution should accommodate and show tolerance of South Africa’s cultural diversity. South Africa is a multicultural, multiracial society. Hence, we advocate for the respect of all cultures in the public. We condemn in the strongest terms any form of

discrimination particularly on the basis of cultures. I thank you.

# TIME TO CUT OUR LOSSES

(Member’s Statement)

Inkosi R N CEBEKHULU: Deputy Speaker, my statement is a reminder to all that Eskom is not the only state-owned entity facing a financial rain, which needs to be shoved off as soon as possible. Denel struggled to pay employees for years and is deeply in debt.

According to the latest budget allocation, there will be no further bailout from Treasury. A turnaround strategy developed in 2018 is not producing desired results. In February 2021, it was revealed by the media that on 31 March 2021, Denel was insolvent by R2,3 billion. Are they unable to face the facts?

Just last week, Denel board appeared before the Standing Committee on Public Accounts, SCOPA, to account for their alleged reckless spending based on the reports that Denel is insolvent.

In clear contradiction of Denel’s claims that they are clearly no longer a strategic asset for our country. It is now time to cut our losses. I thank you.

# RISING COST OF THE TAXPAYER

(Member’s Statement)

Mr I M GROENEWALD: Rising cost of the taxpayer is the inability of government to perform their function. Local government is a state of disaster to such an extent that local government is becoming a burden to the taxpayer and it is only collecting taxes without giving value to the taxpayer.

Kgetleng Local Municipality is a good example. The court found that the municipality is contravening the law by diverting raw sewerage to residents across the river. The High Court of Mafikeng sentence the municipal manager to 90days imprisonment suspended on the condition that he must rectify the sewerage and potable water problem.

However, the municipal manager did not comply with this order. Civic organisation had to take over these services. Although the municipal manager failed [Inaudible] obligation to provide

service and its safe environmental community. And he did not comply with the court order. He is currently still the municipal manager and he is not behind bars.

There is no action from the Department of Co-operative Governance and Traditional Affairs, Cogta, nor from the Minister. They are thus complicit in failing of the community.

Local government is increasingly in contempt of court orders, not only about the ignoring of judgement issues, but there is also a blatant disregard of Local Government Legal Framework. How can government justify that residents should pay rates and taxes as per legislation whilst municipalities are not adhering to laws and regulation? Thank you, Deputy Speaker.

# THE ADVENT OF COVID-19 HAS TAUGHT US LESSON AND HAS CHANGED THE WAY GOVERNMENT SHOULD INVEST IN DIGITILISING SERVICE

(Member’s Statement)

Ms J TSHABALALA: Deputy Speaker, COVID-19 has arrived in the country whilst our government was still in the planning stage of digitalisation of the public service. The President has signed a National e-Government Strategy and Roadmap, which

ensures that all South Africans can access quality public service and government information anywhere, anytime. This strategy will reduce cost in the public administration.

However, it was not easy for some government officials to perform their duties under lockdown due to lack of accessibility of laptops and internet.

There are still many public servants without tools of trade, that can enable them to perform their duties remotely in order to render their services effectively and efficiently.

The ANC would not allow a situation where a public sector remain stationery or lag behind. We are learning that the future of public sector work is not constrained by geographic proximity. We need to move towards appointing public servants who should remain connected and engage with the workforce.

This concept could see immense productivity in the workplace and change the culture of working. I thank you.

# DISREGARD FOR THE MULTITUDES OF STRUGGLING MUNICIPALITIES BY GOVERNMENT

(Member’s Statement)

Ms E R J SPIES: Deputy Speaker, one of the biggest disappointments of this government is the disregard for the multitudes of struggling municipalities. All over this country where skills and qualifications are scares but corruption and maladministration flourishes.

Last year, we were given hope and the Auditor-General is supposed to go deep and we are waiting any report that sadly, will be as dim as dismal, as the prospects of the citizens they are meant to protect.

Municipalities are supposed to buffer us particularly the most vulnerable, from the excesses and incompetence of national government. Unfortunately, they don’t have the experience and the expertise to guard against the wolfs at the door.

They don’t have the time to recover from previous years

policies before the next set of pirates are set upon us.

Municipalities all over this country are busy with the Integrated Development Plan, IDPs, and budgets, analysing their audit outcomes, but ultimately they will be handed budgets as unbelievable as the ANC’s [Inaudible] and petulance.

There is only one way to change this. More and more South Africans are realising that if you do the same thing you will get the same result. To change this dismal cycle, you need to vote differently. They are realising that the DA has got [Inaudible] record in municipal governance. They can restore their municipalities if they change their votes. I thank you.

# ACDP HIGH COURT APPLICATION FOR THE USE OF IVERMECTIN AS TREATMENT FOR COVID-19

(Member’s Statement)

Rev K R J MESHOE: Deputy Speaker, the ACDP launched a High Court application against the South African Health Products Regulatory Authority, SAHPRA, and the Minister of Health to secure access to Ivermectin as a treatment for COVID-19 on the 27th of January 2021.

At the same time, SAHPRA launched a programme to give limited access to Ivermectin in terms of section 21 of the Medicines Act and Related Substance Act.

The ACDP persisted in its application because, it believed that the programme did not achieve the purpose that it was

created to achieve. And that it actually frustrated access to Ivermectin and hinder doctors who were treating patients who were ill as a result of COVID-19 infection, from treating them optimally by using Ivermectin timeously.

The thrust of the ACDP’s case was that prior to the programme doctors were entitled to prescribed Ivermectin and authorised doctors and pharmacist could compound it without having to make any application to SAHPRA. SAHPRA’s programme prevented the compounding of Ivermectin medicine and thereby reduced the public’s access to Ivermectin.

On Monday 15 march 2021, SAHPRA informed the ACDP that an Ivermectin product should be registered by Wednesday 17 March 2021. This means that as soon as this product is registered, doctors can prescribe Ivermectin without having to apply to SAHPRA to do so. And compounding the pharmacist to doctors can compound Ivermectin for human use.

This is great victory for the ACDP and the people of South Africa who have been suffering under the scourge of the pandemic. Thank you.

The DEPUTY SPEAKER: Thank you, hon member. I was waiting for you to finish. Now you are taking more than enough seconds additionally, which were not allocated you.

# ANC DEEPLY CONCERNED BY ONGOING ATTACK OF FOREIGN NATIONALS IN DURBAN CBD

(Member’s Statement)

Ms M MODISE: Deputy Speaker, the ANC condemns in the terms the on-going attacks on foreign nationals in the Durban CBD. Recently, a group of unknown suspects attacked informal traders in the City of Durban, leaving several people injured and traumatised in what can be regarded as xenophobic violence.

Police and Metro businesses were petrol bombed. The ANC is deeply concerned at what appears to be criminal elements sowing discord in our communities by exploiting grievances around unemployment crime and drugs. No matter what grievances people may have, they can be no justification for the acts of arson, assault and looting.

We call upon law enforcement agencies to maintain vigilance and firmness in dealing with these despicable acts of violence. Equally, our government must deal harshly with sporadic lawlessness and violence in country. South Africans should respect protect and promote the rights of all in the country. The community leaders should also play an active role in mobilising communities against violence and xenophobic. I thank you.

# KILLING OF FOREIGN NATIONALS

(Member’s Statement)

Mr A M SHAIK EMAM (NFP): Deputy Speaker, the NFP notes with concern, the killing of foreign nationals, including the burning of shops, disruption of the business and looting. The other further matter of concern, Deputy Speaker is that, the allegations are rife that those responsible are uMkhonto

Wesizwe, MK, veterans aligned to the ANC, with no attempt by government and limited action by SA Police Service to just put in place measures to protect foreign nationals and allowing them to live with respect and dignity on the South African soil.

The NFP is further concern that despite cries from foreign nationals in South Africa, it appears that their cries for help are being openly ignored by the authorities in South Africa. The NFP further wants to bring to the attention of all South Africans that many of these foreign nationals are from countries that have been in the forefront of the liberation of the South Africans from the apartheid regime. Thank you.

# ANGRY KRAAIFONTEIN FARMWORKERS DOWN TOOLS

(Member’s Statement)

Mr Z M D MANDELA (ANC): Deputy Speaker, the ANC condemns the constant violation of labour rights by the owner of Thiangara Farm in Kraaifontein in the Western Cape. It cannot be tolerated that workers are still working under these terrible conditions when the government has passed progressive legislation that protects the rights of workers.

Recently, the workers, supported by the Women on Farms Project, downed tools to picket in front of the farm premises. Among their grievances was that, the farmer, Arthur Gee, swears at them, does not supply personal protective equipment but forces them to work immediately after spraying pesticides.

They claim there is no contracts for casual workers and they are being overcharged for electricity.

It is reported that the Department of Labour visited the farm in 2019 and instructed the farmer to rectify various issues but till today, the conditions are still the same. The employees complained that they have no water, using pit toilets which are dangerous and are a health hazard.

They further claimed that they get charged R250 for 50 units of electricity which is deducted from their salaries and they cannot buy electricity anywhere else. The ANC calls for the Department of Labour to make a follow up on promises that were made by the farmer in 2019 and which, according to the employees, were never fulfilled.

# COVID-19 PCR TESTS FOR DAILY AND WEEKLY VARSITY STUDENTS

(Member’s Statement)

Ms M B HICKLIN (DA): Deputy Speaker, COVID-19 must be one of the smartest viruses in the world. Truck drivers and scholars who travel to South Africa on a daily basis, but living in Eswatini and Mozambique, are allowed into South Africa without

polymerase chain reaction, PCR, test. But, weekly borders are subjected to COVID-19 PCR tests, and inconsistent behaviour from court to health authorities, making their lives a living hell.

How does the virus tell the difference between a daily scholar, a truck driver, a weekly border or a varsity student? It must be same way it knows when South Africans are forced to indoors between midnight and 4 o’clock, because this then can take a break. A directive was issued that PCR tests costing R850 each, are valid for 14 days. Some Department of Home Affairs officials validate the tests to 14 days. Others demand that PCR tests should not be older than 72 hours.

A rapid PCR test cost an additional R300, if it’s accepted at ports of entry. Fridays and Mondays are trauma days for students and varsity students, with many saying they rather quit than go through this hell. It’s time that the Department of Home Affairs gets its house in order and standardise its operations. It’s time to wave COVID-19 PCR tests for daily and weekly varsity students trying to get an education. I thank you.

# MTHOKOZISI NTUMBA WHO WAS SHOT AND KILLED BY POLICE ON 10 MARCH 2021

(Member’s Statement)

Mr M N PAULSEN (EFF): Deputy Speaker, the EFF wishes to send its deepest condolences to friends, family and loved ones of the late Mthokozisi Ntumba, who was brutally murdered on 10 March 2021 in a graphic and unwarranted show of violence by cowards, who refers to themselves as police who shot and killed Mthokozisi Ntumba who was exiting a clinic from which he had received treatment. The careless act of blood thirst and criminals who prey on students and are failing to protect our communities have broken a family.

His children will grow without a father because the government of the day was shooting the children of the domestic workers and the garden cleaners when demanding free education. The Ntumba family has lost a bread winner, a leader and an example of perseverance in education, as he held a Master’s Degree, because police officers in this country think that a black skin is an invitation for violence. Ntuma’s life was lost mercilessly for no purpose, and he will be known as a victim of only what can be described as a regime of terror.

Mthokozisi Ntumba was innocent. He was as innocent as Andries Tatane, Mambush Noki and the workers of Marikana. He was as innocent as Mlungisi Madonsela and the entire generation of young people who have decided to adopt free education as the generational mission. He will enter the gates of heaven to tell the painful story of a former liberation movement that has adopted bloodshed as the service delivery programme that has become the pride and joy of Hendrik Verwoed, D F Malan, Pik Botha and F W De Klerk.

Ntumba will tell the tale of a government that has stand the streets of the townships and the campuses of our schools into a flagplaas, ... [Interjections.] ... tormenting all those who dare to demand a better life. May his family find comfort, and may His Soul Rest in Perfect Peace. Thank you, Deputy Speaker. [Time expired.]

# STATEMENT TO APPRECIATE ALL FRONTLINE PUBLIC SERVANTS WHO REMAINED COMMITTED IN SERVING THE COUNTRY UNDER COVID 19

(Member’s Statement)

Ms M T KIBI (ANC): Deputy Speaker, ... [Interjections.]

The DEPUTY SPEAKER: Members, please count the minutes you are given. You have no mandate nor authority to extend your time from anybody. Go ahead, Mme.

Ms M T KIBI (ANC): The ANC would like to take this opportunity to convey words of appreciation to all frontline public servants who remained resilient since the advent of Coronavirus in the country. This pandemic has made us realise the amount of things we take for granted in life, not to mention, life itself. Every one of us has realised how important are our frontline workers today. These cadres never retreat from serving the country with distinctions when dark cloud hit South Africa on 05 March 2020.

Government have lost so many public servants due to Coronavirus, but those who remained continued to serve our communities with excellency and distinction. To all frontline public servants, wherever you are, please receive our sincere appreciation and hugs. Unfortunately, we can’t physically meet every single employee but through this platform we say you are our heroes that deserve to be celebrated. Continue to serve cause some of you it wasn’t because you liked to be in the frontline position, but it was a calling.

You have made it possible for saving our lives and protecting us during all level of lockdowns. The ANC notes and appreciate your services throughout and even today. I thank you, Deputy Speaker. [Time expired.]

# SUCCESSFUL ROCKET LAUNCH

(Member’s Statement)

Ms N T MKATSHWA (ANC): We welcome the recent historic successful rocket launch conducted by the Department of Science and Innovation which broke both domestic and continental records. Researchers from the University of KwaZulu-Natal constructed the Phoenix- 1B Mark II sounding rocket, which they launched at the Denel Denel Overberg Test Range. This test sound and rocketing at 17,9 kilometres into the air, which is about twice the altitude of aeroplane’s fly.

The aim was for the rocket to reach 15 kilometres but eventually, it reached a height of 17,9 kilometres. This makes the rocket the highest flown indigenous rocket on the continent in recent times, and that is actually a new altitude rocket in terms of African hyper rocket. The Phoenix-1B Mark 11r is the third rocket variant to be developed by University

of KwaZulu-Natal’s Aerospace Systems Research Group which is

funded by the Department of Science and Innovation.

It is envisaged that the space industry will one of the key drivers in addressing South Africa’s national priorities and this achievement lays the groundwork to use South Africa space research as a vehicle for job creation and poverty

eradication. We commend the Department of Science and Innovation and the research group on their ground-breaking work. Thank you.

The DEPUTY SPEAKER: Hon members, that conclude Member’s

Statements. Are there any Ministerial Responses?

Mr W M MADISHA: It seems that you have forgotten me, Ntate.

The DEPUTY SPEAKER: Listen sir, I can’t forget you. You are not on my list. So, you must talk to those who allocate on the basis of their understanding, when it is your turn.

*Afrikaans*:

Dis waar; dis hoe ons werk.

# ANC SADDENED BY FATAL SHOOTING OF MR MTHOKOZISI NTUMBA DURING WITS PROTESTS AND CALLS FOR CALM AMONG INSTITUTIONS OF LEARNING

**ANC WELCOMES HISTORIC, SUCCESSFUL ROCKET LAUNCH BY DEPARTMENT OF HIGHER EDUCATION, SCIENCE AND INNOVATION**

(Minister’s Response)

The MINISTER OF HIGHER EDUCATION, SCIENCE AND INNOVATION:

There were two comments by two hon members, Deputy Speaker. Firstly, I would like to welcome hon Mapulane’s expression of condolences on the death of Mr Ntumba. We share that as the department and as government, and we are pleased that the Minister of Police has committed to deal with this matter.

I also want to say to hon Mapulane that we are pleased to say, as government, we have met our National Students Financial Aid Scheme, NSFAS obligations for the academic year 2021. In other words, our commitment to support the children of the working class and the poor have been met by this government. We are going to support over 700 000 students in universities and in our TVET colleges this year; and that’s government policy.

In addition, individual institutions are dealing with challenges of those students who fall outside NSFAS, who are indebted. And many individual institutions have offered to look at the situation on a case-by-case basis, focusing on students who are doing well especially those who are doing final year.

Cabinet has also taken a decision that we are going to have a comprehensive review of student funding including the ‘missing middle’ on how to address that. So, for the EFF to claim that government has not met its obligations is just sheer opportunistic and populist politicking which has no basis in fact.

Hon Mkatshwa, we want to say thank you for your comment on the launch of the rocket which actually shows the scientific capacity of South Africa. Government, despite the limited budget, is investing in science which leads also to the training of young scientists as well as improving our own understanding in space science, of the earth we live in so that we are able to create a better situation for everybody.

And science should also put us in good stead to be able to fight both the current as well as future pandemics. Thank you very much, hon Deputy Speaker.

# ANGRY KRAAIFONTEIN FARMWORKERS DOWN TOOLS

(Minister’s Response)

The MINISTER OF EMPLOYMENT AND LABOUR: Deputy Speaker, we take note of what has been raised by Inkosi Zwelivelile Mandela. We will definitely make a follow-up on the issues that have been raised. But we want to also raise the issue that there is a tendency from some of the employers especially in the farming sector, to be arrogant and to disrespect the laws of this particular country. And we have adopted now a targeted approach to those particular employers in order to deal with them to ensure that they do not violate the labour laws of this particular country. Thank you very much, Deputy Speaker.

# ACDP CHALLENGES SA HEALTH PRODUCTS REGULATORY AUTHORITY AND MINISTER OF HEALTH IN HIGH COURT FOR ACCESS TO IVERMECTIN AS TREATMENT FOR COVID-19

(Minister’s Response)

The DEPUTY MINISTER OF HEALTH: Hon Deputy Speaker and hon members, I want to assure the hon members and the public at large that SA Health Products Regulatory Authority, Sahpra is

acting in the best interest of all South Africans. Sahpra has the responsibility to ensure that all health products, diagnostics and remedies are safe and efficacious for the public.

I am aware that the issue of Ivermectin has become very emotive especially so in a situation where many South Africans are experiencing a lot of pain with the loss of loved ones, family members and friends. So, any suggestion that there is a remedy which can be able to prevent this becomes quite emotive. But we must recognise the fact that Sahpra has a particular responsibility to regulate and make sure that any of such medications is actually proven to be safe.

So, we urge all South Africans to work with Sahpra, work within its prescribed procedures, provide any information which Sahpra requires on any product which members can become aware of that indeed, it is effective. Only when we do this can we continue to save lives. I’m happy that the hon Meshwe, from an initial difficult position of fighting in courts - from what they are saying now - there is progress. And I hope that going forward there will even be better cooperation between the Reverend and the ACDP, and other role players with

the SA Health Products Regulatory Authority. I thank you, hon Deputy Speaker.

# ADVENT OF COVID-19 HAS TAUGHT US LESSONS AND CHANGED WAYS GOVERNMENT SHOULD INVEST IN DIGITALISING SERVICE

**ANC DEEPLY CONCERNED WITH ONGOING ATTACK OF FOREIGN NATIONALS IN DURBAN CBD**

The MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION:

Deputy Speaker, in response to the ANC’s statement concerning digital resources, it is important to reiterate that the government is making every effort to ensure that we are able to offer all the necessary tools to public servants to be able to carry out their duties in the context of this virtual environment, and to ensure that they remain safe from Covid-

19. I must say I would like – personally – to congratulate public servants for the immense effort that thousands of them have put forward both utilising their own resources and tools provide by the state to ensure that the wheels of government are kept operational and that we continue to provide services to the people of our country.

Indeed, in enhancing our digital strategy and ensuring that more and more South Africa is able to utilise all the available tools for digital communication to ensure that we become a fully-modern society. I believe we have done very well in 2021 and will grow from there.

Deputy Speaker, I also welcome the statement of the ANC condemning all attacks against businesses of poor people in our country particularly those who come to South Africa seeking refuge and assistance. The diabolical attacks are totally to be condemned as the ANC has done and cannot in any way be cast as attacks by military veterans of uMkhonto We Sizwe. No true veteran of uMkhonto We Sizwe would conduct themselves in that way against the defenceless who are merely trying to generate a basic livelihood.

The attacks are to be rejected. And I agree fully with the call of the ANC that the security organs, particularly the police service, must do all that they can to arrest the perpetrators and ensure that every person in our country is safe; and that we respect all human beings. I thank you, Deputy Speaker. [Applause.]

# LACK OF CAPACITY AND CAPABILITIES IN HUMAN RESOUCES AT LOCAL GOVERNMENT IMPACTS SERVICE DELIVERY NEGATIVELY

(Minister’s Response)

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL

AFFAIRS: Deputy Speaker, my network is unstable. Can I be allowed not to show my video?

The DEPUTY SPEAKER: Okay, go ahead, Mam.

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL

AFFAIRS: Okay, thank you very much. Firstly, I agree with Minister Pando about the attacks that are supposedly by the the military veterans of uMkhonto We Sizwe. So, I won’t deal with that. Let me go to the question of municipalities and one hon member who was saying that people must vote differently.

I think nobody denies that there are challenges in the municipalities but those challenges are being attended to. Firstly, if you look at the issue of the capacity and capabilities of people who are working in the administration there, in 2019 we said that the school of governance did not have specific modules to train local government. We requested

that they should do so. Now, they do have local government- specific modules so that we can improve the capacity of the people at local government.

At the same time, you’ll remember that the President did say during the Sona that we are going to make sure that people who are employed in those positions do have the proper qualifications. I think the coming local government election is giving us lots of opportunities to change that situation.

However, let me also say that at local government a lot of service delivery is happening despite the challenges. There are challenges and we don’t deny that. Our people can see that the ANC is doing its best. That is why we don’t claim easy victories. We admit the mistakes and difficulties. That is why our people, during the by-elections, showed confidence in the ANC. The ANC retained 12 of its wards in the December elections and of course, we also got additional five wards in the elections because our people can sift through the rhetoric from some of the opposition.

So, we are going to work hard as three spheres of government to assist local government and make sure that the confidence

that is shown by our people is not betrayed. Thank you, Deputy Speaker.

*IsiZulu:*

USEKELA NGQONGQOSHE WEZEMISEBENZI NOKUPHATHWA KWAYO:

Ngiyabonga Sekela Somlomo, ngamukele futhi isitatimende selungu elihloniphekile uKebby elibonga abasebenzi bakahulumeni ngomsebenzi omuhle abawenze ngalesi sikhathi se- COVID-19. Siyavumelana kakhulu ngalesi sitatimende ukuthi abasebenzi bakahulumeni ngokukhulu ukuzimisela baphume emakhaya abo ngesinye isikhathi kunanezinkinga zezokuthutha komphakathi. Ngakhumbula unesi owayesetekisini eya emsebenzi ngoMashi, kungekho ezokuthutha kodwa ezimisele ngokuya emsebenzini.

Siyavumelana naye ukuthi besawenza lowo msebenzi kukhona abanye abalahlekelwe yizimpilo zabo. Sidlulisela ukukhala kwethu emindenini yabo kanye nozakwabo kanye neZemisebenzi Nokuphathwa Kwayo yonke. Baqhubekile basifundisa ngesifo ebesingasazi ukuthi sivikelwa kanjani, sibonakala kanjani nokuthi uma ngabe sesingenile yini esingayenza. Lokho okwenza ukuthi noma bakhona abaningi abasishiyile kodwa abaningi baphilile. Sibonga kubasebenzi bakahulumeni labo abahlala bephambili, nalabo abahlinzeka ngezinkonzo phecelezi

“essential services” ngalomsebenzi oncomekayo. INingizimu

Afrika iyohlala ibabonga njalo. Ngiyabonga Sekela Somlomo.

# CONSIDERATION OF LOCAL GOVERNMENT: MUNICIPAL STRUCTURES AMENDMENT BILL AND OF REPORT OF PORTFOLIO COMMITTEE ON COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS THEREON

The DEPUTY SPEAKER: Hon members, hon member, I don’t need to hear your conversations please, I shouldn’t. Unless you are interjecting and sitting down, but I shouldn’t hear your conversations please. Hon Muthambi, go mme we’re listening to you.

Ms A F MUTHAMBI: Thank you so much Deputy Speaker, good afternoon, and greetings hon members. In our portfolio committee’s sitting on 10 February 2021, we considered and unanimously adopted the amendments with the NCOP to the Municipal Structures Amendment Bill. The amendment to the Municipal Structures Amendment Bill mostly emanates from the proposal of the Independent Electoral Commission, IEC to address the challenges experienced in the administration and management of the local government elections. The Department of Cooperative Governance and Traditional Affairs, South African Local Government Association, Salga, provincial

governments and some municipal councils have also proposed some amendments to the principal Act, with the view of promoting certainty on some matters especially, oversight on governance in municipalities.

The processing of the Municipal Structures Amendment Bill in Parliament commenced towards the end of the Fifth Term of Parliament, where the previous portfolio committee received and considered submissions from Salga, the Municipal Demarcation Board, the provincial governments of KwaZulu- Natal, the Western Cape and the Northern Cape, the Department of Justice and Constitutional Development, the Department of Cooperative Governance and Traditional Affairs, Cogta as well Frees State Cogta and Mpumalanga provincial Cogtas. These engagements took place in 2018.

The National Assembly then debated the Bill on 13 February 2019. Thereafter, referred it to the NCOP for concurrence in terms of the procedure outlined in section 76 of the Constitution. However, the Bill lapsed with the dissolution of the Fifth Parliament in May 2019. The NCOP revived the Bill on

17 October 2019. After conducting its own extensive public participation processes, the NCOP debated the Bill on 02

December 2020 and referred it back to the National Assembly with amendments for concurrence.

The Portfolio Committee on Cooperative Governance and Traditional Affairs wants to thank the NCOP, for the amendments proposing the Bill and trusts that, this will go a long way in addressing the legislative gaps in respect of municipal governance. I also wish to thank the committee members for the united vision shown in considering and adopting the proposed amendments to the Bill. I hereby submit the Bill to the House. Thank you Deputy Speaker.

The DEPUTY SPEAKER: As there is no least of speakers, I now recognise the Chief Whip of the Majority party.

*IsiXhosa*:

Uthi senzeni ke nkosikazi?

UMBHEXESHI OYINTLOKO WEQELA ELILAWULAYO: Enkosi kakhulu Sekela Somlomo. Ndiphakamisa ukuba le Ndlu yamkele le ngxelo yalo Mthetho-sihlomelo Oyilwayo. Enkosi.

USEKELA SOMLOMO: Bazakutsho ukuba bayayamkela kusini na njengoko usitsho. Enkosi kakhulu.

*Declarations of vote*:

Mr C BRINK: Thank you Deputy Speaker. There have been no fundamental changes in the matter since the DA supported this Bill in the Fifth Parliament, but allow me to make the following remarks. Parliament might need to consider whether the attempt to legislate for every aspect of local government has proved to be a fool’s errand.

Merely everything, a council, a mayor, a municipal manager does, is the subject of national legislations and regulations. In the past decade, more law hasn’t stopped the downward trend of service delivery and financial management, and the upward trend of corruption and waste. We have laws for budgeting, procurements and investment. Every year, the Auditor-General tells us about billions more lost to irregular, fruitless and wasteful expenditure.

We have laws for planning, performance management and so on. In 2015, more than a third of municipalities didn’t have a single civil engineer or a civil engineering technician in their employ. We have laws for recruitment and discipline. In Kgetlengrivier Local Municipality, Ugu District Municipality, Umsunduzi Local Municipality and other municipalities, ANC cadres get CEO salaries, but can’t provide drinkable water.

For every eventuality in local government, we have laws and in large parts of the country, ANC mayors, councillors, and deployed cadres are rolling back the frontiers of development.

Save for a Bill that deals with intergovernmental relations and interventions in terms of section 139 of the Constitution that has been legging since 2013 and is very necessary, Parliament might want to consider less time on new municipal laws and more time on reviewing existing laws that inhibit the work of local government. This includes laws that aren’t unique to municipalities, but that perfect their ability to recruit the best people and the best possible services. That includes as the DA has said before in this House, the Employment Equity Act, the Broad Base Black Economic Empowerment Act and the Preferential Procurement Framework Act.

Deputy Speaker, in the meantime this Municipal Structures Amendment Bill is passed into law, we will have more law, law that strengthens the role of municipal public accounts committees, barring delinquent councillors from holding office for two years and trying to tie other lose ends which are good.

A version of the speeches that I have mentioned is already been served in the House and I have little to add to what the hon Mylam said on that occasion. The DA will be on our guard against provisions of this legislation that might be abused, whatever its wording, in case of a council speaker that refuses to call a meeting of the council despite the majority of councillors requesting this in writing. The MEC for local government now has got power to call for such a meeting in the speaker’s stead. This in theory, would prevent the kind of political hostage situation that we had in Nelson Mandela Bay Municipality, where a speaker whose party lost the majority refused to call a council meeting to elect a new mayor.

The provision follows the logic of evolved government, that being, if the municipality fails, the province steps in, if the province fails, national steps in, and that is good. Just as there are delinquent councillors, there are delinquent MECs for local government. One of them is Gauteng’s Lebogang Maile, a MEC who refuses to exercise his powers when it’s needed, but also wants to exercise powers when he doesn’t have. Here I refer hon members to the judgements of the High Court and the Supreme Court of Appeal in the case of Tshwane if you don’t know what this comment is about. Also read the Makana

Judgement in the Eastern Cape, delivered shortly before the entirely predictable disaster in Tshwane took place.

Both cases highlight the lack of competence and capability, not just at municipal level, provincial level, but at national government level. In these cases, had the National Department of Cooperative Governance and Traditional Affairs done their homework, took an independent stand in these cases informed by the facts and the law, a lot of time and money would have been spent better on service delivery and improving finances instead of fighting unwinnable court cases.

Finally, the DA has serious reservations about the ability of national government to enforce existing law, because its span of control is so big and its technical competence in assisting municipalities, just so very, very bad. These doubts also extend to this Municipal Structures Amendment Bill. Thank you very much Deputy Speaker.

The DEPUTY SPEAKER: Hon Gungubele settle down. We don’t want you to be talking, settle down [Laughter.] This is the first request we make at the beginning. Somehow, that seat ...

*Sesotho:*

Ekare e na le ditshetlo, e a o hlaba. O batla ho ema ka maoto. Se ka etsa jwalo ntate.

Mr K CEZA: Deputy Speaker, the Municipal Structures Amendment Bill came into existence to address some of the challenges the Independent Electoral Commission had encountered in managing and facilitating local government elections in the past. For instance, there has been numerous disputes about the filling of vacancies on council. Further amendments to the Bill were included among other things, to promote certainty of governance matters, such as composition powers and functions of the various committees of council.

The Bill presents more positive changes by toughening and establishment and functions of municipal public accounts committees, MPACs, the executive ward committees, speakers and whips. The amendments are aimed at effective oversight, improving the ability, enhancing discipline in council, improving functionality in the legislative and executive branches in the municipality, and removing delays in the municipal processes.

The roles of these different structures which the proposed amendment act seeks to clarify and redefine, may improve the

functionality of municipalities if they are effectively undertaken. As the EFF, we welcome the amendments of the Local Government Municipal Structures Amendment Bill as considered by the committee and unanimously agreed to all the NCOP amendments.

It is the EFF’s considered position that elections must be synchronised, to match local government elections with provincial and national elections. Due to the lockdown and time lost, it would be impossible to embark on public election campaigns while the pandemic is still raging, so that there is clarity and certainty about the terms of office, dates and expiration in terms of the terms of office, and also certainty about the dates of elections. Over and above that, South Africans need public representatives who are focussed on delivering service. Having elections once after every two years, is a distraction and a very expensive exercise. We must synchronise elections for national, provincial and local government. Notwithstanding this, we support the Bill. Thank you.

Mr M N NXUMALO: Thank you Deputy Speaker, I do hope that I am audible. The IFP welcomes the much-needed evolution of the electoral legislation. For the past few years, we have seen

major challenges to the administration and the rights of our citizens with regard to the elections such as the Tlokwe issues with the voters’ roll, if you can remember, and more recently the challenges by the independents to contest national and provincial elections.

The consideration of electoral laws in the Department of Co- operative Governance and Traditional Affairs is particularly important. It is this department’s job to ensure that individual communities across nine provinces of our country have the necessary mechanisms to realise their civil rights. At local government elections, this is evermore the case as the people have direct inputs in the matters of governance.

Ensuring sound electoral laws not only protects the foundational civil rights of our country but also guarantees citizens the opportunity to decide the level of quality of democratic freedom for the constitutional values of this great nation. Moreover, we believe that the autonomy of provinces is at the heart of building the nation’s capacity in all aspects. We have seen all the disaster that occurs when government centralises its power and operations evenly so such as Eskom’s ability to only promise continuous load shedding as they have done, SA Airways’ inability to operate without bailouts, and

Denel’s billion rands debts in which it is unable to pay to its employees.

Passing the legislation may be one thing, but ensuring that people are held accountable is another. In this regard, the governing party shows its complete contempt of disregard for our Constitution and the judiciary through recent events. If we allow the governing party to continue with their corrosive attitude to our democratic foundation, then we would have successfully failed as a nation. The unwillingness to hold members accountable for looting from the pockets of struggling citizens and their disrespect for Constitutional Court rulings are of the loudest alarm to the realm.

It is time to elect the more responsible and respectable alternative government and that is the government of the IFP. I thank you, hon Deputy Speaker and hon members.

Mr I M GROENEWALD: Thank you Deputy Speaker, the FFPlus supports the Bill, however, the biggest problem is the fact that the Bill will not address the collapsing of municipalities.

The single biggest failure of the ANC is that of local government, proven by the Kgetlengriver judgement, the fact that more and more municipalities cannot even deliver on their core functions as set out in the Constitution of South Africa. There are three legislative pillars in the local government of which the structures act as is one, and the ANC governed municipalities can’t give adherence to any of them, like the VBS scandal where the Municipal Finance Management Act, MFMA, has been disregarded.

The reason for these massive failures is the ANC cadres that have been deployed at local government. These councillors are of the view that they cannot he held hostage by their own laws and regard legislation only as a guideline, therefore, not regarding any law as important. Proof of this is the local government’s illegal meetings and court orders that are being disregarded, noncompliance with administration laws and no adherence to their own municipal bylaws.

*Afrikaans*:

Hierdie verandering in die Strukturewet gaan niks beteken nie, want die ANC-regering gaan dit nie implementer nie. Die ANC- regering gaan nie hieraan gehoor gee nie.

*English*:

An example is the disregard of the code of conduct for councillors. No consequence management is applied to mayors and speakers that don’t even pay rates and services, yet they have to enforce this Act, which they won’t as they are in contravention themselves. It seems that the ANC government only sees local government as the only place to redeploy its cadres, a place to make money and a place to take more money from the people.

*Afrikaans*:

Plaaslike regering is nie meer die middelpunt van

dienslewering nie, maar ’n kweekhuis vir korrupsie.

*English*:

The ANC again, after how many projects started to implement the District Development Model, DDM; a model that has proved that local government is a failure and the ANC’s inability to adhere to legislation and the implementation thereof. The DDM is concentrating on implementing projects that municipalities should have implemented according to legislation that is already in place and dismally failed to do so.

South African citizens are not slaves to government but government should be servants to taxpayers as they are the source of income which allow government to govern.

If you want a better government, get rid of the ANC. There will be an opportunity this year with local government elections. Only government that is not an ANC government will be a better government because it won’t take much to govern better than the ANC. Thank you Deputy Speaker.

Mr W M THRING: Hon Deputy Speaker, can I continue?

The DEPUTY SPEAKER: Yes, please. Go ahead.

Mr W M THRING: Thank you, sir. The ACDP Notes that the amendments from the Municipal Structures Amendment Act arise to a large extent from the Independent Electoral Commission, IEC, in order to address the challenges experienced in the administration and management of local government elections.

It bears mentioning that the Department of Co-operative Governance and Traditional Affairs, SA Local Government Association, Salga, as well as some municipal councils contribute to this amendment Bill with the intention of

promoting certainty on some matters and strengthening oversight and governance in municipalities.

The ACDP is cognisant of the Structures Act, which amongst other things, provides for an appropriate division of functions and powers between categories of municipalities regulation the internal system structures and office bearers of municipalities, as well as providing for appropriate electoral systems.

As we prepare for local government elections this year, it is imperative that we have a structures that under guards our municipalities and strengthen oversight and governance at a local level. It is of the view of the ACDP and most rational thinking South Africans that if ever there was a time that our municipality needed to be strengthened, it is now. This is evidenced by the report of the former Auditor-General of SA, Kimi Makwetu, who published his local government audit outcomes for 2018-19, revealing that of the 257 municipalities and 21 entities countrywide, on only 21 municipalities received a clean audit. The rot must be stopped.

The ACDP is heartened by the level of unanimity amongst political parties in Cogta, where the Portfolio Committee on

Co-operative Governance and Traditional Affairs, where 48 of the amendments in the Bill from clause 1 through to 32 were unanimously adopted by the committee.

What is now needed is the practical application to address the challenges experienced in the administration and management of local government elections and to strengthen oversight and governance in municipalities. A failure to do so will be catastrophic. The ACDP supports this report and the amendment Bill. I thank you.

Mr C H M SIBISI: Thank you Deputy Speaker, the amendments to the Municipal Structures Amendment Act mostly emanates from the proposal of the Independent Electoral Commission to address the challenges experienced in the administration and management of local government elections. Therefore, proposed amendments to the Principal Act with a view to promote certainty on some matters and strengthening oversight and governance in municipalities.

The Bill consists of Independent Electoral Commission proposals informed by challenges it experienced in the management of local government elections. The Bill also tackle governance matters such as the removal of plenary type of

municipality, errand councillors removed from office – not being eligible to be a councillor for two years.

Municipalities establishing oversight committees with defined roles and responsibilities. If a Speaker has breached a code of conduct or refuse to investigate a breach, the municipal council must establish a special committee to investigate.

The NFP notes the Bill but remain concerned about the power of national executive committees and the possibility that impact reports could be changed by the executive committee before submission to the municipal council.

We therefore, would like to propose that such reports must be investigated if another councillor reports a case of misconduct. We welcome the fact that when a councillor is removed, they are not able to come back. We believe that this could potentially bring instability. Many of these councillors are almost always invisible to the communities they serve even when members of the community that matters are up to councillors.

These are seldom elevated to the relevant structures and bring about change to the issues that communities experienced.

That’s why the NFP will support the Bill. I thank you, hon

House Chair.

Mr M G E HENDRICKS: Thank you very much, hon House Chair, our freedom is fake, we cannot come to the aid of the African child. The African child lives in sewage, learn in sewage and play in sewage. Sewage pollution of roads and waterways is worse than climate change.

The National Environment Management Act, NEMA, provides for municipal officials to be taken to court if there is noncompliance. While there have been noncompliance findings in the City of Cape Town, the appeal goes to the MEC, who is from the same political party and then the city wins the appeal.

The NEMA Bill doesn’t prevent this anomaly and proper

oversight.

The green scorpions looking after the environment and the blue scorpions looking after the waterways are nothing but toothless frogs and it is unfortunate their members do not address this particular concern. Thank you very much.

Ms D R DIREKO: Thank you, hon House Chairperson, hon Minister and Deputy Ministers, hon Chief Whip and Deputy Chief Whip, and hon members, I would like to dedicate this speech to Mr Siyabonga Sekate, who passed away in a car accident a few days ago. Mr Sekate was one of our Portfolio Committee on Co- operative Governance and Traditional Affairs social media follower who participated in a very meaningful way to our meetings through that particular platform. We wish his family peace and strength during these trying times.

Hon members would remember that it was exactly a year ago that the President announced on the evening of 15th March 2020 that the COVID-19 outbreak was declared a national disaster. We pay homage to those that have succumbed to the pandemic and continue to encourage our frontline workers to remain steadfast in their resolve to protect us and contain the pandemic. We salute them.

Today, also indicates to all of us that we are left with less than three months before the present term of local government ends. From the various oversight and engagement that we as the portfolio committee were having with municipalities, provincial and national stakeholders, have noted the poor state of affairs in some of our municipalities.

As a committee, we have taken a cautious decision that we will not rest until we see positive change taking place in our municipalities. Having said that, today as I stand before you, I am delighted to announce to the House that we have been armed with a legislative intervention that will take us closer to resolving and readdressing some bad habits that have been taking place in our municipalities.

As the ANC, we believe in good governance, quality services, accountability and to root out corruption, hence, local government is very dear to us.

We understand that we are approaching local government elections and we know that the role of the opposition is to negativity in everything. They’ll use this platform to grandstand unnecessarily and mention all the negative things of which some of them not necessarily the truth.

The DA is wrong by saying that the ANC councillors are blocking development. As the ANC, our priority is the people, hence, we allow all the municipalities to come to the committee and hold them accountable despite their political affiliation.

There is an hon member of the FFPlus who spoke about better governing party than the ANC. Maybe he is speaking about the apartheid regime because he is a beneficiary of such a government which oppressed us and our grandmothers.

Back to my speech, the Municipal Structures Amendment Bill has been finalised at the most appropriate time. As we see the curtain being drawn on the present term of local government, and the dawn of the new term of municipalities, after the elections that are planned for later this year ...

In short, through this Bill, we will be tightening local government, putting municipalities on the clock and ensure that municipal operations continue despite attempts to disrupt or spoil the functioning of the municipalities. This Bill represents a culmination of engagement with all the local government stakeholders over the past two years. Needless to say, it has been anonymously supported by all the political parties.

With the limited time that I have, I want point out five main features of the Bill; firstly, if a councillor is removed from the office by the MEC because he or she has breached a code of conduct, then that councillor will not be eligible to stand

for any elections of municipal council for a period of two years. The code also provides that if the Speaker is the alleged perpetrator or if the speaker refuses to authorize an investigation, then the council must establish a special committee to investigate and make findings on any alleged breach of the code of conduct.

Even more importantly, we want to remind all councillors that the code also provides that if a councillor agree to a resolution which conflicts with any applicable legislation, then that will constitute the breach of the code of conduct, and as a result of such action, he or she may be removed from the office.

Secondly, the Bill makes expression provision for all the municipalities to establish oversight committees, which are commonly referred to as Municipal Public Accounts Committees, MPACs. This committee will no longer allow office bearers such as Mayors, Deputy Mayors, Whips, MEC or mayoral committee or officials to be members of the MPAC.

The MPAC whose responsibility will be aligned to the relevant provision of the MFMA will have to review the reports of the

Auditor-General, comments of management and audit committee, and thereafter make recommendations to the council.

The Bill then requires that all the reports the MPAC to be submitted to the Speaker, who must make sure that the report is tabled in the next meeting of the municipal council. So, if previously, the MPAC reports were kept away from council meetings because it simply catered for certain people or cover up certain actions, the Bill now makes that action unlawful.

We will be closely monitoring the work of the MPAC and also see how they attempt to reduce the ever-increasing unauthorised, irregular, fruitless and wasteful expenditures that municipalities are responsible for.

Sadly, we noted that were instances in the past where council meetings were not convened because the Speaker or acting Speaker simply refused to do so. That will now be a practice of the past because now the Bill allows the municipal manager to call and chair the meeting. However, if the municipal manager is absent or refuses to call the meeting, the MEC for local government may designate a person to call and chair the meeting so that the council can also meet and deal with the business that they were elected for.

The Bill also provide for a Whip in a council and stipulates specific functions for the Whip some of which include; liaising with different political parties to ensure representation in a council and council committees; maintaining of sound relationships between the various political parties; assisting the Speaker to count votes in the council meeting; informs the Whips of all political parties about the important matters on the council agenda; facilitating the interaction between the executive and legislative oversight structures in the municipality; and lastly, resolving the conflict between the various municipal office bearers.

Lastly, the electoral-related amendment in the Bill are aimed at ensuring an effective and timeous response to instances where vacancies are actual. The Bill provides for ... [Inaudible.] [Time expired.] Thank you, hon House chair.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Sibisi, close your mic. Did you hear? Is it closed?

Question put

Motion agreed to

Bill, as amended, passed

# CONSIDERATION OF CUSTOMARY INITIATION BILL AND OF REPORT OF PORTFOLIO COMMITTEE ON CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS THEREON

Ms A F MUTHAMBI: House Chair, our portfolio committee in a sitting on 10 February 2021 considered and unanimously adopted the amendment of the NCOP to the Customary Initiation Bill.

The Customary Initiation Bill responds to the ineffective regulation of initiation schools, including the lack of a national statute that deals with the customary practice of initiation comprehensively; the lack of a national legislative instrument as facilitated; abuse of the customary practice of initiation resulting in the needless death and serious bodily harm to the initiates.

The processing of this Customary Initiation Bill started immediately after its tabling in Parliament on 28 February 2018. Thereafter, the committee of the Fifth Parliament embarked on an extensive public participation process involving travelling across all the provinces that practice customary initiation in order to hear oral submissions and receive written inputs. Following the completion of the

committee process, the National Assembly read the Bill for the second time on 04 December 2018 and thereafter sent it to the NCOP for concurrence in accordance with the procedure outlined in section 76 of the Constitution. The Bill therefore lapsed with the dissolution of the Fifth Parliament in May 2019. The NCOP revived it on 17 October 2019. Following its own extensive public processes, it adopted its amendments on 2 December 2020 and immediately referred it back to this committee for concurrence with amendments.

The portfolio committee would like to thank the colleagues in the NCOP for the amendments proposed in the Bill and trust this will go a long way in addressing a legislative gap in respect of customary initiation. I also would like to thank the committee members for the united vision shown in considering and adopting the proposed amendments to the Bill. I hereby present the report to the House. House Chair, thank you so much.

There was no debate.

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

*Declarations of vote:*

Mr C BRINK: Chairperson, this is a Bill that passed in the previous Parliament and had to be revived. The Bill never gets a difficult terrain between modern and traditional life between the rights of the individuals in a constitutional democracy and the attachment of communities to traditional customs and ways of life.

The role of Parliament is not to prefer one way of life over another but instead to ensure that the law protects individual freedom and dignity under all circumstances. Initiation practices which have, over time, been part of all cultures need not be abusive or deadly. But for many young people these practices have, in fact, been abusive and deadly.

Every year young boys in particular are maimed and killed in the care of people who operate or pretend to operate under traditional authority. Many of the initiates claim to have had no choice in the matter even some parents have claimed that they were acting under compulsion. This is not just a failure of Parliament and government, it is a failure of traditional leaders who enjoy official recognition and public funding.

In terms of this Bill, initiation schools will at long last be regulated along with initiation practices such as male circumcision. Clear obligations are set out for caregivers and parents, and potential initiates now have an explicit right to participate in the decision of whether or not to attend initiation school. And if initiates decide to undergo circumcision, they have an explicit right to choose between medical and traditional circumcision. The Bill also creates offences without which a law like this would have been difficult to enforce.

If government has the capacity to enforce this Bill it will tilt the balance of law in favour of young people in rural areas who have suffered a lot of abuse, and it will prevent entirely preventable death and injury. The DA supports this Bill. I thank you.

Ms H O MKHALIPHI: Chairperson, when this Bill was tabled in the House in 2019 we expressed our emphatic support to it. We did so because each and every year hundreds of young boys who only seek to undergo the cultural practice of initiation perish under the bogus initiation schools across the country, but more particularly in the Eastern Cape.

Many other charlatans have abused this sacred cultural practice and established illegal schools to get financial benefits from initiation. Parents are excluded and children die in the name of culture. We maintain that it is not culture if it kills and there is no room in our democracy for condoning practices that maintain and kill our people. The Bill therefore is long overdue and it brings together institutional mechanisms which ought to have been introduced a long time ago to prevent the deaths of so many of our country’s young men.

We welcome the expansion of the definition of abuse from the amendments made by the NCOP to include a whole range of practices that may be abusive to initiates. We are particularly pleased with the provision that at least three members of the oversight committee must be women. For far too long we have had perverted notions of culture that exclude the participation of our women drummed down our heads.

Authentic initiation process is traditionally inclusive of women and it is in the main women who suffer the most from having their sons injured or killed at these initiation schools. We also welcome the establishment of the provincial initiations oversight committee but we are of the view that

these schools have been cascaded to regions as well as branch level.

We would also have loved it if the Bill had made it mandatory that traditional surgeons must be trained and licensed and that their license must be renewable on a yearly basis based on stringent training and hygiene requirements. The EFF is in support of the general provision of the Bill. Thank you very much, Chair.

Mr M N NXUMALO: Chair, the IFP is pleased with the amendments to the Customary Initiation Bill as they reflect the purpose that brought about its drafting. The effective regulation of customary initiation practices is of paramount importance and it will extend much needed protection for those young people whose culture and heritage it is to undergo initiation.

The requirements that initiation schools and traditional surgeons should be registered will also allow for accountability and transparency where it was not easily available before both to initiates and the communities at large.

The IFP remains adamant that the government should not interfere with the performance of traditional rights and rituals but it should strive to ensure that such rituals are performed in a healthy, safe and dignified affirming environment. All interventions on the part of government aimed at preserving the lives and the dignity of initiates will be supported by the IFP.

The IFP notes, as it has in the past, that unregulated initiation schools open up a room for abuse and harm to take place that has long lasting effects on the initiates, their families and also their communities. We have seen this in the past, the tragic loss of lives at bogus initiation schools run by unqualified surgeons.

We have also noted with concern the abduction of initiates without parental concern to participate in the initiation process. The IFP condemns such practices as they challenge the customary initiation traditions and threatening the lives and the future of our young initiates.

The IFP calls for the government to act decisively and with expedience against those who ignore the provisions of the Bill. We trust that government institutions will work together

with traditional leaders and traditional structures to ensure that the intentions of this Bill are in place and are followed and fulfilled. We also hope that once this Bill commences, no lives will be lost when initiates participate in these customary practice. Hon Chair and hon members, the IFP supports the Bill. I thank you, Chair.

Mr W W WESSELS: Chairperson, we do not have a declaration but we are in support of this Bill.

Mr S N SWART: House Chair, this much needed Bill had to be revived after lapsing in the previous Parliament and the ACDP shares deep concerns about abusive initiation practices leading to tragic and needless deaths of initiates. It is deeply concerning that many initiates and even their parents do not consent to such practices. Initiation schools will now be regulated to end bogus initiation schools and to protect the initiates. The ACDP supports the Bill trusting that it will bring to an end the tragic deaths arising from unregulated initiation schools. I thank you.

USihlalo (Kkz M G Boroto): Baba uSibisi, ungaceda uvale imaykhrofowunu yakho ngombana uyasithikameza. Ragela phambili.

Mr C H M SIBISI: Chair, it is no secret that the customary practice of initiation has been subjected to abuse and has resulted in the death of initiates, or caused serious bodily harm, due to ineffective reparation of initiation schools.

National and provincial laws that address issues on customary initiations do exist but these laws lack application. In fact, these laws do not deal with initiation comprehensively. Year in and year out, we have seen on the news a number of initiates being reported to have died while in initiation schools, due to a number of health-related factors.

The Eastern Cape Department of Health statistics reveal the following: during 2018 winter initiation season, 21 boys died in the province, 16 from Mpondoland; in the 2018 summer season, 23 boys died; and in the 2019 winter season, 17 boys died, 14 from Mpondoland.

According to the provincial Co-operative Governance and Traditional Affairs, Cogta, Department, 500 boys have died at initiation schools over the past five years. In that time, 191 people have been arrested and fewer than 75 cases have been brought before courts, leading to only 14 convictions.

In this recent summer initiation period, reports came out stating that 11 initiates have died since the beginning of the December summer initiation season in the Eastern Cape. Twenty- two initiates were reported to have been admitted to hospitals in the province, due to botched circumcisions and dehydration.

We have also read reports that, during this past summer initiations, three initiates were found dead with bullet wounds to their upper bodies inside a hut in Tsomo. This is to mention but a few incidents that we have learned about during the past initiation season.

The Customary Initiation Bill, CIB, claims that it aims to protect, promote and regulate initiations and to ensure that it takes place in a controlled and safe environment, to protect lives and prevent any abuse, but the question is: Is the department confident that through this Bill, we will begin to see more visual regulation and strict consequences to those that fail to adhere to its regulations? Some of these deaths and injuries occur in the deepest parts of the rural areas due to the nature of the culture itself. How is the department going to ensure that it strengthen its relationship with SAPS for more visibility and ... [Inaudible.] ... of the law, which seeks to protect initiates from the death and hunger-related

risks, is the effective implementation? Therefore, the NFP supports the Bill.

Mr M G E HENDRICKS: Hon House Chair, I want to bring to the attention of this House that the Imam came with a sword and with one cut did the job. So, customary initiation has an over 300-year tradition, especially in the Cape.

The Muslim community has been blessed in that we hardly hear of tragedies. So, we will obviously support this Bill to reduce the tragedies that we hear about.

However, resources must be made available to raise the standard of this important cultural practice, which cuts across cultures and religions and this seems to be the shortcoming in the amendments. So, I am sure that the House will find it very interesting that, in the Muslim community, this has been a long tradition. Thank you.

Mr B M HADEBE: Hon House Chair, once again, as Cogta, we are united around this matter. This piece of legislation seeks to protect, promote and regulate initiation and provide acceptable norms and standards from structures at national,

provincial and local level, with a view to ensure that initiation takes place in a controlled and safe environment.

This is a critical debate that will reinforce protection of life, prevention of injuries and prevention of abuse of any form during and after initiation.

Over the past years, there have been deaths of young men due to unsuccessful circumcision and assault in some cases. In some cases, underage children are ... [Interjections.]

*IsiZulu:*

USIHLALO WENDLU (Nk M G Boroto): Baba uSibisi ngikucelile ukuthi uvale uma uqede. Kanti kwenzenjani? Uyasihlukumeza. Qhubeka Bab’uHadebe.

Mr B M HADEBE: In some cases, underage children are taken to these schools without parental consent or permission. The Customary Initiation Bill is desirable to protect and regulate the customary practice of initiation uniformly across the country.

To hon Barry White ... I mean hon Nxumalo from the IFP, ...

[Laughter.] ... it is not government’s intention to interfere

with customary practices, rather to clamp down on illegal initiation schools that have led to more than 4 000 hospital admissions and more than 130 amputations, since 2012.

Initiates deaths in the past few years in some areas are more than 400.

The ANC appreciates that, in its preamble, the Customary Initiation Bill recognises the right to life, affirms the right to cultural practice and emphasises the protection of children from abuse, maltreatment and neglect.

Having said that, it is also highly important to highlight the task of traditional affairs, as informed by the National Development Plan and the Back to Basics project. It is to inform the transformation development, promotes traditional affairs institutions through monitoring and providing support to institutions in each administration of traditional affairs and committees, in accordance with customs and tradition.

It is against this backdrop that he ANC views culture as an integral component of development, in that it contributes to such a process, but it can also play a facilitative role in an unfolding and developmental process.

Some surgeons have also been found to be operating under the influence of alcohol, drugs and even using unsterilised instruments, which contributes to the spread of blood-borne diseases such as HIV, excessive bleeding and other related diseases.

As the ANC, therefore, we say this Bill will help traditional leaders and strengthen them to hold on to this culture and to be custodians that can regulate and ensure that culture is done and practiced under a good condition.

Ours is to never rest until we reach zero deaths of initiates. The objectives of this Bill, as legislated, is to provide for an established national initiation oversight committee and provincial initiation co-ordinating committees. It is also to provide for an effective regulation of initiation schools to provide regulatory powers to the Ministers and premiers to provide for monitoring and implementation of the Bill.

The Customary Initiation Bill will also make provision for municipalities to strengthen their bylaws regulatory processes. Municipalities must ensure the provision of necessary infrastructure such as land, clean water and sites for initiations.

South Africa is governed by laws and we cannot allow lawlessness. Therefore, the Customary Initiation Bill seeks to deal with decisive elements such as those who hijack our culture, commercialise our culture for their benefit. It is about punishing wrong doers such as criminal elements who abduct underage boys without knowledge of their parents and families for financial gain.

It is worth noting that the Customary Initiation Bill is not there to interfere with the practice itself but to identify those areas that are problematic that have led to many fatalities and to ensure that our culture is practised without fear. It is good for our children. So, when they go to initiation, they must come back alive.

Culture plays a significant role in terms of informing and contributing to nation-building. Nation-building is one of the highest priorities of the ANC. The culture has always been central to the role in our society.

*IsiZulu*:

... phecelezi uma ngingena ngolukaMageba, malungu ahloniphekile nani bantu baseMzansi Afrika lo Mthetho esikhuluma ngawo namhlanje, uMthetho ozama ukukhusela isizwe

sakithi ekulandeleni amasiko esintu lapho abafana bethi bengena esigabeni sobudoda. SinguKhongolose sithanda ukuyibeka icace ukuthi lo Mthetho uhulumeni azama ukuwuphasisa, awuzami neze neze ukugxambukela emasikweni kodwa uhulumeni uzama ukusiza ukuvikela umphakathi. Aphephise nezimpilo zabafana bathi uma bengena esigabeni sobudoda bangene ngendlela ephephile.

Sithanda futhi ukuqiniseka konke lokhu esikwenzayo sifuna ukukwenza ukuphephisa izimpilo zabantu. Ngakho ke, kafushane lo Mthetho uzama ukuvikela abantu nabafana abancane, labo abandlulela esigabeni sobudoda samasiko. Ngiyethemba ukuthi sonke malungu ahloniphekile sizawemukela lo Mthetho obizwa ngokuthiwa yi-Customary Initiation Bill. Ngiyabona.

Ms A F Muthambi, as Chairperson of the Committee, introduced the Report.

There was no debate.

The Chief Whip of the Majority Party moved: That the Bill, as amended, be passed.

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

Motion agreed to.

Bill, as amended, passed.

# CONSIDERATION OF THE FIRST REPORT OF THE NATIONAL ASSEMBLY RULES COMMITTEE

There was no debate.

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

The CHIEF WHIP OF THE MAJORITY PARTY: Thank you very much, hon Speaker. Hon Speaker, I rise that this Order be tabled and be agreed to. Thank you.

*Declarations of vote(s)*:

Mr G G HILL-LEWIS: Thank you, Madam. The Democratic Alliance objects to the new dispensation which will see the Deputy President only appear in the House once a quarter for a question time. We believe that fundamentally undermines the ability of this House to hold the Leader of Government Business to account for his own performance and the performance of the government of which he is the leader of its business in this House to account for in Parliament through questions. We don’t understand why the EFF has driven this agenda and it is objecting to this report, and nevertheless we object too. Thank you. [Applause.]

Ms E N NTLANGWINI: Thank you very much. I think I will leave my mask like that, Speaker. Speaker, it was the Eff that proposed the question session for the Deputy President must be held once every quarter and not monthly as it’s being the case

... [Interjections.] ... wait for it, don’t rush. We just could not understand the reasoning for having someone come every month to Parliament and more often than not to fumble insignificantly to things. With more opportunities to table motions for debate in the House, it is the essence of democracy that all voices however small need to be heard.

Speaker, we reject with content it deserves the findings of the subrules committee which found that there was nothing wrong with the conduct with Mr Dyantyi whom he was presiding officer using the rules unduly to evict hon Mkhaliphi and me that day from the virtual platforms. The applications of the Rules of the House must never be ended at punishing particular individuals or political parties. The fact that the report condones the reprehensive conduct of Mr Dyantyi who has evicted hon Mkhaliphi and many other members from the House without due process as provided from the rules is shameful.

However, hon Mkhaliphi is the Whip of the EFF as me, it is part of her responsibility to call any presiding officer to order if she feels that the rules are not being adhered to. She did this on that day and without given any chance to explain herself Mr Dyantyi just kicked her out. In what world is this type of conduct of presiding officers permitted shamefully? We understand that we raised issues that are not comfortable with you, Mr ... [Inaudible.] ... and any other ANC members and the DA, but we have rights to speak in this House, and we have the rights to object within the rules.

Therefore, when it sees injustice being done, there is no substantive reasons this committee provided in support of the decision of Mr Dyantyi to evict hon Mkhaliphi from the House.

Presiding officers must never be allowed to use the virtual platform to bully and suppress members or parties they don’t agree with.

The only inference that we can withdraw is this and the punishment merely was because she is an EFF member. We reject this report and run against all the basic principles of the democracy and all society. We reject it with the contempt it deserves. [Applause.]

Mr N SINGH: IFP, Speaker, can you give me a chance. Thank you very much, hon Speaker. Colleagues, the outset I would like to place on record as I’ve done on numerous occasions before that the Rules Committee needs fair to infrequently for it to adequately address the manner of working and functionality as is required by our ever-involving National Assembly, and what we call people’s Parliament. That being said, I’m very pleased that we did meet recently and apply our collective mind to the most pressing issues confronting us from the rules perspective and which we advise that the IFP supports the findings and recommendations as contained in the report.

Before touching on the few issues raised, allow me the opportunity to remind us all that these rules are our

collective rules. In terms of our constitutional dispensation Parliament is permitted to manage its own internal arrangements and that requires not only a collegial and sometimes conciliate a posture from the various political parties represented in the Sixth Parliament, but also a fairness in the applicability of rules by the presiding officers and committee Chairpersons, I think the point made by the hon member of the EFF. Consistency or application will greatly assist in resolving many of the current contentious issues that continue to play the sittings of the National Assembly. Interventions could be established to ... [Inaudible.] ... suspicious. One such intervention, hon Speaker, could be the publication of a compendium of source of established precedent as regards unparliamentary language so that all of us have it in our position.

We also have a National Assembly guide to procedure, but this was last printed in 2004, up closer for Second Parliament in the introduction to this publication, it is specifically highlighted that the process of transformation of the institution that is this Parliament is ongoing and will in progress in order to mould our Parliament and I quote:

... into an institution which can effectively play its constitutional role of meeting the needs expectations of the public.

It is only ... [Inaudible.] ... and few specific in the report, firstly, on the question session to the Deputy President. The IFP supports the recommendations that the Deputy President answers questions at least once per quarter and more if it’s being necessary. Hon Speaker, the Deputy President has a mandate over many key areas of governance and it may be required that he attend more than once and all to answer questions direct to these various portfolios. We support these recommendations subject to that ... [Inaudible.]

... With regard to the written parliamentary questions and questions not answered by such members of the executive, we have always expressed concerned that this is a matter not only that undermines the role of Parliament and the relationship between the executive and Parliament, and we believe that the Speaker and the presiding officers need to take firmer action against the members of the executive. And we also welcome the fact that Parliament or the Subcommittee on Rules will look at the Fifth Parliament’s report in this manner. Therefore, we support this report, hon Speaker. Thank you.

Dr C P MULDER: Hon Speaker, the Constitution provides that Parliament consists of two Houses, the National Assembly and the National Council of Provinces, that is set out in section 43(a) of the Constitution and it clearly states that the National Assembly is here to represent the people, and the people are represented in the form of political parties that participate. The report that we are dealing with at the moment is dealing at seven difference subjects that came through the process of Subcommittee on Rules and Rules Committee to the House.

I would like to start off by referring to the colleague from the EFF just now. It was good to hear her feelings so strong about rights of members to speak and that there should not be interference with members to speak. However, if I remember correctly there is only one party in this House that for the last 10 years has gone another way to prevent people from time to time to speak, only one party and that is the EFF. No other party, only the EFF has done that, that’s the reality. [Applause.]

Therefore, you are very strong about the right to speak, respect that for all members in that instance. Hon Speaker, political parties are represented in the Chief Whips’ Forum

... [Interjections.] ... Political parties are represented ... [Interjections.]

Dr M Q NDLOZI: Don’t point a finger at us.

The SPEAKER: Order!

Ms O M C MAOTWE: But which 10 years you are talking about ... [Inaudible.] ... 10 years EFF ... [Interjections.]

The SPEAKER: Hon Maotwe, that is out of order, you are not going to drown out the speaker on the podium. Order!

Mr J S MALEMA: Yaa, but he must not point a finger, that is racism. That’s racism, don’t point a finger ... [Interjections.]

The SPEAKER: Yes, he will not point a finger at the members of the EFF, hon Mulder.

Mr J S MALEMA: ... a white man with a baldhead point a finger is racism.

The SPEAKER: Your point is taken. Hon Dr Mulder, don’t point a

finger at hon members please, proceed.

Dr C P MULDER: The EFF has just proved my point in terms of not allowing members to speak. [Applause.] That is your problem. “Don’t point your fingers at me, that is racism” your leader told me just now, listen. [Laughter.] “Don’t point your fingers” your leader told me ... [Interjections.]

Mr M N PAULSEN: He didn’t point at you bloody idiot.

The SPEAKER: Hon Paulsen, you will speak when you are recognised.

Mr M N PAULSEN: Good idea.

The SPEAKER: Hon Mulder, please concentrate on what you want to say.

Dr C P MULDER: I will do so, Mam.

Mr W W WESSELS: Hon Speaker, on a point of order. Speaker, the

hon Paulsen just referred to the member as “a bloody idiot.”

That is unparliamentary and I ask you to ask him to withdraw that, please.

The SPEAKER: Hon Paulsen! Hon Paulsen, did you refer to the

hon member on the podium as “an idiot?”

Mr M N PAULSEN: I did, yes, Speaker.

The SPEAKER: That is out of order, please withdraw.

Mr M N PAULSEN: I withdraw.

The SPEAKER: Thank you very much. Can we now proceed, please?

Dr C P MULDER: Yes, Mam, we will continue. Therefore, one of the proposals here is to change the rules with regard to the composition of the Chief Whips’ Forum, and I think that is very positive because it gives clarity and certainty in terms of how that body should now be constituted, and I think that is very positive. Section 43(a) of the Constitution also make provision that the National Assembly should act as a national forum for public consideration of issues. The provision in the report specifically makes reference now and makes possible that there will be more opportunities for the bests for

smaller parties, I think that is very positive, and I think that it will give an opportunity to some of other parties also to bring the issues to the House which I think it’s a very positive step.

The specific bone of contention on this report seems to be the question with regard to questions to the Deputy President should that be monthly or should be every quarter. Now, with all due respect I think the issue that we are dealing with is basically how do we keep the executive to account. How do we actually effectively keep the executive to account? Therefore, with all due respect, I don’t think the answer will lie there in terms of more opportunities to question the Deputy President. I think we should once again think in terms of what we’ve had at the beginning of this Parliament, way back in 1994, something that was called interpellations with the baseline between parties and members of the executive, and it made for a very interesting interaction between political parties and individual members of the executive in a small mini-kind of debate. I think that we should go back and have a look at that, bring that back, and it will make Parliament more lively and it will serve the purpose that we want to achieve. Thank you very much, Mam. [Applause.]

Mr S N SWART: Thank you Speaker. The ACDP has considered this report and as it raises a number of important issues it is worthy of our consideration.

I think the first issue which is covered here relates to the Rule relating to the request by the independent review panel for an extension of its time. The reasoning is given in its report but I think the Rule captures what was necessary at the time. I think when the Rule was initially drafted, 30 days to complete this process seemed to be adequate but it clearly was not in the circumstances of this matter. That is to be supported.

Of course, the ACDP supports the view that smaller parties should be given additional time to speak in Parliament and engage in mini-plenaries, and we are grateful that this was discussed in the Whips’ meeting, in the Programming Committee and it has now been captured in this report, where additional opportunities will be given for smaller parties to engage in mini-plenary debates. This obviously enhances multiparty democracy.

We do share concerns about the unanswered questions and we are pleased that steps are being taken to address this issue.

Questions are of course a very important part of holding the executive to account and the fact that reports are now going to be referred in this regard by the Rules Committee to the Subcommittee on Review of Assembly Rules for consideration to look into this issue, is to be welcomed.

Now, of course the contentious issue relates to the Deputy President coming to the House to answer questions. As I understand, the Rule has been changed from once a month to once a quarter at least. So, it does appear that the very least that the Deputy President will be appearing is once a quarter. From our perspective, we would obviously like to see the Deputy President appear far more frequently given the fact that he is the Leader of Government Business and is in charge of a number of issues that we would like to see adhered to and answered to here in Parliament. So, from our perspective, whilst there are a number of very positive aspects in this report, we believe that this aspect is not satisfactory as we seek to hold the executive to account. We share concerns in this regard.

Mr A M SHAIK EMAM: Thank you hon Speaker. First of all, allow me to thank you, the Chief Whip and others, particularly in the Chief Whips’ Forum. I know that originally this matter was

brought in your presence, and that was the issue of smaller parties not being given enough opportunities, particularly with motions. Very importantly, what we highlighted was that sometimes smaller parties may get an opportunity — lucky if they are — once in three years or so, to pose questions to Ministers, the President and Deputy President. So, you know

... [Inaudible.] ... less the Deputy President comes to the House, the greater the chances are that smaller parties will not get an opportunity.

However, ... The other thing of course that we addressed was the issue of the three minutes, and clearly and once again, we want to thank all those that supported this initiative ... and to want to increase from three minutes to five minutes because clearly you cannot make a reasonable presentation in three minutes. So we thank you for that.

The problem that the NFP has is that, whilst there are Rules in place, they are clearly not being adhered to. I think at some stage we need to look at the Rules ... and they not stringent enough to protect and maintain the decorum and dignity of the House because very often members abuse the indemnity that they enjoy by being Members of Parliament ... insulting and abusing, tainting the image and reputation of

members of the House, and all that they are required to do is to withdraw but the damage has been done because millions of people have been viewing this. Very importantly, even when you ask them to withdraw from the House, you know the damage has already been done. So I think that at some stage we must look at whether the punishment for the crime that has been committed is good enough or not because it’s not a deterrent.

Having said that, the NFP ... [Inaudible.]

The SPEAKER: You’re protected. Please proceed. Is it the network? Hon Shaik Emam, are you able to reconnect? The thing is that I did not hear how he concluded.

Mr A M SHAIK EMAM: [Inaudible.]

The SPEAKER: Are you supporting?

Mr A M SHAIK EMAM: Yes, supporting Speaker. Yes, supporting indeed.

Mr M G E HENDRICKS: Thank you very much Speaker and greetings. This House needs the leadership of the country’s Deputy President and Leader of Government Business. How can he lead

if we hardly have a chance to engage him? As earlier mentioned, ... this disadvantages smaller parties ... will hardly have an opportunity to engage with the Deputy President.

Deputy Chief Justice Zondo must not ask smaller parties, where were you and why did you not raise your voices, as he raises concerns about harm caused to the country during the tenure of the last five Parliaments. In spite of these issues, Al Jamah- ah will support the report.

The DEPUTY CHIEF WHIP OF THE MAJORITY PARTY: Thank you hon

Speaker. As the ANC, we support the report of the Rules Committee. As this House, the National Assembly, we have Rules which govern our proceedings and which also allows us to have the Chief Whips’ Forum where we said in the report, which we are supporting now, that all parties must be represented because that is the consultation forum and also because we are a multiparty Parliament.

With regard to the mini-plenaries, we support ... that all parties’ voices must be heard as per our democratic multiparty Parliament. We support ... that they will have a voice in the mini-plenaries.

On the issue of the unanswered questions, the Rules Committee has referred those to the subcommittee on rules which will therefore process it and take its report back to the Rules Committee for adoption.

On the issue of the Deputy President, we as the ANC support

... that the Deputy President appears before the House once a quarter. The reason is that, as members of the executive, they do account to this House and we therefore want them to perform their delegated functions ... their responsibilities as per their delegated functions, so that when they come to the House they have all the responses that we need as members of the House.

On the ruling of Mr Dyantyi, we therefore say that as the ANC we encourage the presiding officers to always invoke the Rules because as members of the House, especially the Whips, we have a responsibility to ensure that the decorum of the House is always maintained. We know the processes as to where we take our concerns to if we are not satisfied with the rulings of the presiding officers. We therefore encourage presiding officers to make sure that they always invoke the Rules as leaders and also as members of ... as the Whippery ... as Whips of different parties ... [Inaudible.] [Interjections.]

... caution our members to make sure that ... [Inaudible] ... the ruling of the presiding officers. They must follow the processes by taking their concerns to the relevant structure. [Inaudible.] [Interjections.] We therefore support the ... [Inaudible.]

The SPEAKER: Hon Deputy Chief Whip, please hold your horses.

There’s a point of order.

Mr A H M PAPO: I rise on a point of order based on the hybrid Rules. Members are not allowed to open their microphones, either in the House or on the virtual ...

Dr M Q NDLOZI: We are allowed to howl.

Mr A H M PAPO: ... and make ... In fact, you see now; this is exactly what ... [Inaudible.]

The SPEAKER: Please take ... I will rule on the matter. Proceed with your point.

Mr A H M PAPO: Member Ndlozi opened his microphone and made a general statement that we have incompetent presiding officers. He was not rising on a point of order or on a point of

privilege based on the Rules. Speaker, my request is that this be ...

Ms H O MKHALIPHI: [Inaudible.]

The SPEAKER: Hon Mkhaliphi!

Mr A H M PAPO: This ... They are talking about leadership. We are talking here about Rules. We are debating a Rules report. They just behave exactly ... what the Rules which ... the report we are debating ... [Inaudible.]

Mr J S MALEMA: Remove that blanket from your mouth.

The SPEAKER: Thank you. Hon members ...

Mr A H M PAPO: The former youth leader. It’s a disgrace! It’s

a disgrace! [Interjections.]

The SPEAKER: It’s okay hon member. Hon members, members are allowed to stand ... No, I’m ruling. You cannot raise a point of order on a point of order that has not been dealt with. I want to rule on this point. Hon members, there are Rules of this House. These Rules ... Whether you personally

participated or not, your party was represented in every Rule that we have adopted as this House in this term and therefore I expect each and every member to respect the Rules.

Members on the virtual platform, you are allowed to raise points of order. Any presiding officer who refuses to take a point of order would actually not be right. What you are not allowed to do is to interject and to disrupt. There is a difference when you are in the House and you interject because in that sense you are not interrupting and cutting off the person who is on the floor. If you want to raise a point of order and you are on the virtual platform, please indicate that you want to raise a point of order. If not, you are out of order. So I want to say that we will not be taking any howling on the virtual platform. You will indicate if you have a point of order that we can rule on. That is my ruling. Hon member, you had your hand up?

Ms E N NTLANGWINI: Thank you very much Speaker. While the hon Hope was raising his point of order, he pointed out that the hon Malema is disgraceful. He must withdraw immediately. He must withdraw. They are continuing on the DA’s side as well. I can point them out. They must withdraw immediately. [Interjections.]

The SPEAKER: Hon Papo, did you say the hon Malema is a disgrace?

Mr A H M PAPO: ... [Inaudible.] ... statement was made when he said I must remove a blanket from my mouth. I said that’s a disgrace. We are in the middle of a pandemic and he says I must remove a blanket from my mouth. [Interjections.]

The SPEAKER: No, no, no, the point I’m making is, did you say

hon Malema is a disgrace?

Mr A H M PAPO: I said his behaviour is a disgrace. If that is unparliamentary I withdraw but I said his behaviour is a disgrace. [Interjections.]

The SPEAKER: Thank you. Hon members, I would like to go back to Hansard. Hon member Papo ...

Mr M Q NDLOZI: On a point of order.

The SPEAKER: What is your point of order when I’m ruling?

Dr M Q NDLOZI: Oh, sorry Speaker. [Laughter.]

The SPEAKER: I’d like to go back to Hansard. Hon Papo, I deliberately asked whether you said hon Malema is a disgrace. I am ruling that you are making a statement. You are calling a member I am ruling on a liar. That is not acceptable. Hon Radebe, I am ruling. Hon Papo, if I find out from Hansard that you said hon Malema is a disgrace, you will come back to this House and withdraw. I am saying this because he said, yes, I did say. Then he said, I said he’s behaviour is. I want to be certain because the ruling would be different if you are referring to behaviour and not to the person. If you are referring to the person of the hon Malema as disgraceful, then I would rule against you. So, I want to be certain on that matter and come back to the House.

Hon members, it would be very good if we started behaving and respecting the decorum of the House, asseblief. [please.] Can we proceed please?

Mr W T LETSIE: Hon Speaker, I have had my hand up.

The SPEAKER: Can I ... Please identify ...

Mr W T LETSIE: My name is hon Letsie, hon Speaker.

The SPEAKER: Please take the platform, hon member. You are ...

Mr W T LETSIE: Thank you very much Speaker. Hon Ndlozi called hon member Papo a marshal. That is unparliamentary. I think he should also withdraw that, hon Speaker.

The SPEAKER: Hon ... He said he’s a marshal?

Mr W T LETSIE: Yes, he’s not leadership; he’s a marshal.

The SPEAKER: Hon member, that is not unparliamentary ... [Laughter.] ... as much as it does get to the person of the member. It is not unparliamentary to call a member a marshal. The hon member who called this hon member a marshal, please desist. [Laughter.] No hon members, let us go on and finish what we are here to do. Hon Deputy Chief Whip, we interrupted you to take a point of order. Please proceed. Did she finish?

The DEPUTY CHIEF WHIP OF THE MAJORITY PARTY: Hon Speaker, I

managed to finish, unless I was not audible enough. I can start afresh. Thank you.

The SPEAKER: Thank you. We don’t need you to start afresh hon

member. However, this comes out of the disruptions when you

are on the platform. We end up not getting what the person who is on the floor is saying because we disrupt. The system disrupts.

Hon members, there were objections to the motion. Hon Papo, we want to finalise this Order. I have not asked you to intervene. I have asked one member to keep quiet and I expect all members to keep quiet. Hon members, there were objections by the EFF and the DA to the report as moved by the motion of the Chief Whip of the Majority Party. The objection was that this not be accepted on the two issues that were raised by the hon members. I therefore want to put the question.

Question put.

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

Report accordingly adopted.

# QUORUM AVAILABILITY

(Announcement)

The SPEAKER: Before we can pass any Rule in the House may we just confirm that we have the requisite number. Yes, we do have the number of the members on the platform and therefore we do pass this. Can we proceed to the next order, secretary? May I have your attention, please? Hon members, the next item on the Order Paper is the consideration of the independent panel recommendations which we established in terms of the Rules of the National Assembly on the removal from office, in terms of section 194 of the Constitution, of a holder of a public office in a state institution supporting constitutional democracy. It was piloted by a motion from hon Mrs N W A Mazzone to initiate an inquiry in terms of section 194(1) of the Constitution for the removal of Adv B Mkhwebane from the Office of the Public Protector.

Before proceeding with the question it is necessary to note that this is the first time such a matter has come before the House in terms of the Rules, 129R(a)(f). As such it is necessary to outline the process to be followed. Hon members, you will remember that in 2019, the House adopted Rules to provide specific procedures for the Assembly in an advent of a motion to remove an office bearer in an institution supporting constitutional democracy. The Rules provide for different stages for such a process. First, they allow any member to

submit a motion which must include grounds as referred to in section 194 of the Constitution to remove an office bearer. When the motion is in order, the Speaker must refer the motion to an independent panel to establish whether there is a *prima facie* case to answer. The panel is appointed after nomination by political parties. The independent panel must then report and the recommendations therein must be considered by the House. What comes before the House is the report of the panel. The House must decide whether to proceed with an inquiry by a committee of the Assembly or not.

At this stage the House does not proclaim on the culpability of the office bearer or not, but whether a committee of inquiry is warranted. In the present instance the independent panel established by the Speaker reported on 24 February and the report was subsequently published and distributed. The panel was made up of Justice Bess Nkabinde, Adv Dumisa Ntsebeza SC and Adv Johan de Waal SC.

In accordance to 129(z), the Speaker scheduled the recommendations in the report for consideration by the National Assembly. With due urgency as required by the Rules, this matter was discussed and agreed to by the Programme committee. The independent panel has recommended that, in

terms of the motion and records placed before it, there is a case for the Assembly to proceed with a committee inquiry.

These relevant recommendations are contained in paragraphs 260 and 261 of the report as well as the annexure.

Hon members, I must also indicate that I have received a correspondence which requests that the House suspend its consideration of the report in the light of the pending court challenge against the validity of the Rules and the fact that any deliberations thereon would impinge on the National Assembly Rule 89: Matters sub judice.

Rule 89 states that no member may reflect upon the merits of any matter on which a judicial decision in a court of law is pending. The rationale for this Rule is that Parliament should not be seen to be seeking to influence the administration of justice. With respect to this matter I must again stress that the matter before the House today is whether to proceed with an enquiry or not. It is not to pronounce on the validity of the relevant Rules or determine whether the Public Protector should be removed. In this regard I would caution members from reflecting on the merits of the arguments before the court. We are dealing with correspondents in this regard.

Hon members, having clarified this process, we can now proceed. The secretary will read the order.

# CONSIDERATION OF RECOMMENDATIONS OF INDEPENDENT PANEL ESTABLISHED IN TERMS OF RULE 129U TO CONDUCT A PRELIMINARY ASSESSMENT ON A MOTION FROM MS N W A MAZZONE TO INITIATE AN ENQUIRY IN TERMS OF S194(1) OF CONSTITUTION, 1996 FOR REMOVAL OF ADV MKHWEBANE FROM OFFICE OF THE PUBLIC PROTECTOR ON GROUNDS OF MISCONDUCT AND/OR INCOMPETENCE

There was no debate.

Question put: That the Report of the independent panel which recommends that the Assembly proceed to conduct an enquiry into the Public Protector on the specified grounds be agreed to.

*Declarations of vote*:

The CHIEF WHIP OF THE OPPOSITION: Madam Speaker and fellow Members of Parliament, I stand to support the fact that Parliament sit and approve that we have a panel to do the specific investigation. As the Speaker has explained it is the first time, and it is the first nature that we will have such

an investigation and such a panel into a Chapter 9 head of institution.

It is important for us to remember that South Africans look to us and our Chapter 9 institutions to maintain the security and the sovereignty and the respect that our Constitution and our Bill of Rights have. Therefore, it was by order of the court that Rules were established which we followed as Members of Parliament to make sure that any motion that come before the House will be just and will be done in the correct fashion. We have now had a panel which I think and I am sure many will agree that the three of the finest legal brains in our country agree that there is *prima facie* evidence which require this panel to sit.

I have had the privilege of sitting on a panel where South Africans stood together for the betterment of South Africa and put political ideologies aside. I know what can be achieved when we sit as South Africans and not as various political parties for the betterment of South Africa. I therefore stand to rise in favour of the panel being established and I would like to thank the Speaker, and I would like to thank the staff and the legal services of Parliament for making sure that we follow the letter of the law, crossed every t and dotted every

i, and that we have done everything absolutely correctly. Let us safeguard our Constitution. Thank you, Madam Speaker. [Applause.]

The SPEAKER: Before I call the next party I’m advised that hon Shaik Emam’s hand is up. Is it a point of order, hon Emam Shaik, or is it a hand by mistake?

Mr A M SHAIK EMAM: No! Hon Speaker, my hand was up. I would like also to speak on this matter, but since you are giving turns I should not have done that.

The SPEAKER: Yes, your turn will come. I proceed to invite the EFF.

Ms E N NTLANGWINI: Hon Speaker, we state from the onset that we oppose to the adoption of the recommendations of the independent panel appointed by you to conduct the preliminary assessment on the need to the removal of the Public Protector. We do this from a legal principle point of view. This House had never had Rules to give effect to section 194 of the Constitution on the removal from office of the heads of Chapter 9 institutions. These Rules were developed in 2019,

only after the DA, backed by its allies in the ANC, tabled the motion to remove the Public Protector from office.

As a general rule, our law does not apply retrospectively, our law is forward thinking. On what basis in law therefore would a person be tried under rules or regulations that were adopted after the effect? The principle was emphasised by the Chief Justice and the National Council of Provinces at the beginning of this term when some opportunistic DA members opposed to the swearing in of hon Kenny Motsamai on the basis that he has served time in prison. The Chief Justice stated clearly that the Constitution was adopted in 1996, and would therefore it hold no bearing on matters happened before its adoption. These Rules which enabled the appointment of the independent panel were therefore made with the Public Protector in mind. The end goal was created a watertight method to remove the Public Protector from office and no one else.

The last time this House made laws targeting a specific individual was when the apartheid government enacted the Sobukwe clause that kept Robert Sobukwe in prison indefinitely because they feared him so much. What is it that this regime fears the Public Protector so much? Pushing through this process will give credence to the widely-held views that the

process has nothing to do with the grounds for the removal of the Public Protector as listed in the Constitution, but everything to do with using these institutions of state, including Parliament, to remove someone who is not flexibly political manipulation and by the President and his backers.

Allowing this process to continue will not merely be processional matter, but it will substantively gives the President power to remove the Public Protector immediately. Section 194(a) of the Constitution gives the President power to suspend the Public Protector from office at any given time after commencement of the committee proceedings of a committee established by the National Assembly for her removal from office. This is what those who are prosecuting the Public Protector want her gone as a matter of urgency. This is what we will be enabling if we allow this process to continue. [Applause.] This is without a doubt unconstitutional - persecution of a black woman whose only sin was to demand accountability from the posture boy of white monopoly capital. Parliament is to embark on a shameful and illegal process to remove a head of an institution supporting democracy and we will not allow this to happen. If this motion passes we will immediately approach the courts to stop this process from taking any shape or form. It exposes the ANC who are in

complacent in illegally persecuting the Public Protector. If a name was Marthinus van Schalkwyk, Groenewald or Mazzone the process would have been different. But because her name and her skin is black now all of a sudden Rules and independent panel must be established because she is black. We will take you to court. We object. I thank you.

Mr N SINGH: Hon Speaker, at the outset let me say that we as Parliament cannot pre-empt any decision that the President of the country may take or make which he is constitutionally- empowered to take. Having said that, on behalf of the IFP we would like to thank you for managing the process on the appointment of the independent panel and more importantly, for consulting leaders of the political parties when that panel was appointed.

Coming to the report, we feel that the following *points in limine* must be given due consideration. The first is that of due and fair process. The second, just as important, is that of the *audi alteram partem* rule. Adv Mkhwebane must be provided with fair opportunity to substantively respond to the allegations that have been raised against her as would be accorded any Chapter 9 institution or any person for that matter as enshrined in our Constitution.

The sterling work of this independent panel must be commended. The thoroughness of the preliminary assessment and the recommendations suggested is testament to the legal brains that [Inaudible.] The allegations remain of a *prima facie* nature until tested, and of course, subject to due process which - as I have stated before - includes the principle of *audi alteram partem*.

The IFP supports the recommendation that this enquiry now move on to the next stage namely, the establishment of a parliamentary committee which will further interrogate the findings and that will present its own findings and recommendations to the House. The IFP trusts that the members of this House will execute their mandate to exercise oversight to support and protect the Constitution and be guided by the rule of law in ensuring that those that occupy such critical offices do so competently.

Further, the IFP would lament if in this process, we are hampered by politics trumping procedure. Hon Speaker, the IFP respects the ruling of our judiciary even the one this morning by the Constitutional Court, and trusts that the process that

- we believe - must commence will be transparent and carried out in expeditious but considered manner so as not to hamper

the work of the Office of the Public Protector and that of this Parliament.

We support the report but we also say that we need to protect the integrity of the Office of the Public Protector. And the person of the Public Protector must be above ... until proven otherwise. We look forward to the constitution of this multiparty committee that will take this matter further. Thank you, hon Speaker.

Dr C P MULDER: Hon Speaker, there comes a time when we, as Members of Parliament, should elevate ourselves above party politics. This is such a time. We are dealing with a very, very serious matter. Let there be no doubt.

The provision in the Constitution which provides that a person in public office in terms of Chapter 9 can be removed, is nothing new. It was put into the Constitution in 1996 and deals completely with it in section 194 of the Constitution.

The only thing that happened now was that it is expected of us to have rules on how implement that provision in the Constitution.

Those Rules were adopted. They are part and parcel of the problem. So, in terms of those Rules, certain processes start. The motion was drawn up; it was found to be in order; the Public Protector had the opportunity to express herself and she was listened to; a panel was established; it did what it needed to do; and it brought out a report. Today we are dealing with recommendations of that report.

If you look at the position of the Public Protector, it is one of the most important offices in our constitutional dispensation. It is very, very important. The Public Protector plays a specific role that needs to be played to protect the public in terms of keeping the executive to account. That’s the role of the Public Protector.

The previous Public Protector set a very high bar and we all should strive to that kind of excellence. What the panel did was, they went into what is needed in terms of the provisions of section 194 and that section clearly states that the Public Protector can only be removed on three grounds. That’s the only way that the Public Protector can be removed. On the grounds of misconduct, incapacity or incompetence. That’s what the Constitution clearly states.

Then it sets out the procedure that needs to be followed once we get to that point. So, in terms of the Rules, all the necessary processes were taken up to this point and correctly so. Now, we are at the position and the point where we need to look into the recommendations and the findings of the independent panel. What did the findings say? In terms of incompetence, they went completely into the essence of that and the panel came up with the following summary in respect of incompetence: The panel finds that there’s substantial information that constitutes *prima facie* evidence of incompetence. That’s a fact!

When it comes to misconduct, the panel comes to agreement again and it says in summary and in respect of misconduct, the panel finds that there is sufficient information which constitutes *prima facie* evidence of misconduct. You cannot ask for anything clearer than that. It is absolutely crystal clear what the panel found, and it is now up to Parliament to play our role of upholding the Constitution which we feel so strongly about. We now need to appoint a committee in terms of the Rules of the National Assembly to take this process further. The FF-Plus will definitely support that and we ask all members to do the same. Thank you, Speaker. [Applause.]

Mr S N SWART: Hon Speaker, the ACDP believes that if one fixes the leadership of Chapter 9 institutions with the same Constitution-inspired deference that is accorded to judges, it behoves that leadership to behave accordingly. When there is misconduct, incapacity or misconduct in evidence, then special provisions as set out in section 194 come into play. The 17- step process set out in the Rules is designed [11:05] to protect the dignity and effectiveness of the very Chapter 9 institutions.

Today’s consideration of the report is part of that process. As the Speaker has indicated, we are not voting today on whether the Public Protector is guilty of misconduct or incompetence. What we are doing today is exercising a *quasi- judicial* function to consider a preliminary report of the independent panel as to whether an inquiry should take place. It is that later enquiry that will determine whether the Public Protector is guilty of misconduct or incompetence. It is crucial to note that the panel needs only to establish a *prima facie* case to answer of misconduct or incompetence to warrant and recommend a later enquiry.

The legal threshold for *prima facie* evidence is not very high. It is similar to a public prosecutor considering whether there

is a *prima facie* evidence to prosecute a case. In this case, it is the court at a later stage that decides on the version of guilty or not. So, when we vote today on whether or not to refer the matter to the committee, we should set aside our political views and vote in the same manner that judges do when they make decisions, when they consider on this basis of *prima facie* evidence. Impartiality, independence and objectivity should be brought to bear with a view to acting rationally when we so vote.

If the decision is to be purely political, then the elaborate efforts, costs, processes and procedures would definitely be superfluous. Politics should not trump procedure - as the hon Singh has said. In this regard, the panel makes it very clear that its findings are *prima facie* evidence of incompetence that stretches over three years as well as that relating to misconduct.

The issue of retrospectivity is also dealt with in the report and found to have no legal basis. As a result of a conclusive *prima facie* evidence contained in the report, the ACDP believes that the report should be referred to a committee for a formal enquiry to be held. Any other decision will, in our view, be a miscarriage of justice. We would like to thank the

hon Speaker for this process and support the report. I thank you. [Applause.]

Mr B H HOLOMISA: Madam Speaker and hon members, the UDM objects to the recommendations of the independent panel. We acknowledge the importance of section 194 of the Constitution. However, in this case of the incumbent Public Protector, Adv Mkhwebane, regulations or rules were specifically drafted for her with retrospective effect.

The Public Protector complained long time ago about the lack of funding to hire competent staff to no avail - as you all know. The UDM strongly believes that, if there is anyone who should be removed from office, it is the current ANC executive members who are acting there as gatekeepers with billions of rand going to private hands and their friends. I thank you.

Ms T L MARAWU: Hon Speaker, the ATM reiterates its position that the discussion of the Independent Panel report must be suspended. Further to the letter dated 14 March 2021 addressed to the Speaker of National Assembly, hon Modise, where the ATM is cautioning the Speaker not to flout Rule 89 of the National Assembly Rules. The ATM reiterates its position that Parliament is risking becoming a constitutional delinquent by

embarking on matters that are pending before the courts of the law.

The recent constitutional ruling denying the Public Protector direct access is really victory to those who can’t wait to remove Adv Mkhwebane. This is because the merits of part A application arrived to be taken to the Supreme Court of Appeal whilst the Supreme Court of Appeal paper work is being worked.

The Western Cape High Court application is set down for 7 to

11 June 2021 meaning referring the matter to a sub-committee is still ultra vires because Rule 89 of the National Assembly rules for [Inaudible.] ...discussion matters that are sub judice.

The decision of the Supreme Court of Appeal and the Western Cape High Court cannot be lawfully pre-empted by Parliament without offending the separation of powers doctrine hence Rule

89. What purpose would it serve to refer the matter to a portfolio committee when that committee is restrained by Rule

89 to discuss the merits which are pending in court? The ATM demands that the hon Speaker withdraws and suspend any discussion on the Independent Panel report until the courts

have pronounced themselves on the ... [Inaudible.] ... of the process. I thank you.

Mr A M SHAIK EMAM: Hon Speaker, the NFP has a concern in terms of whether we are acting within the law taking into consideration the fact that there is a matter pending before the court which is only expected to be heard sometime in June or July this year.

Having said that, it is not unusual, even though in terms of the report we have from the panel and the *prima facie* evidence they claim to have found, we must also be mindful that often judgements that have been given are appeal by other courts and some of them have been set aside. So, when we go into a committee of this nature we need to go with an open mind.

Hon Speaker, my problem on committee that is going to be put in place is the objectivity of the members that are going to serve in this committee because some of them have gone publicly and made pronouncements on their views on this issue. I am concerned that it might lack objectivity because those that want the Public Protector out are going to go there and do what they have to do, get the Public Protector and vice versa. I am a little concern about that, hon Speaker.

However, the NFP is of the view that if we are acting constitutionally correct and a committee needs to be put in place while we can ensure that the committee is made up of independent objective members who do not have any hidden agendas in this Public Protector issue, then yes indeed it will go a long way to also give the Public Protector an opportunity to come before this committee and make her presentation. We will then interrogate the report and be able to get an opportunity to question the Public Protector and come to a decision whether indeed there has been sufficient ground to declare that the Public Protector has misconduct and incompetent as alluded to by this particular committee.

The NFP will support a committee to be put in place, however, our concerns are the independence and objectivity of members on that committee so that the Public Protector is given an opportunity to present her side of the case. My concern is if the matter then goes to court again based on the objectivity of the members that are on that committee and the fact that they have made pronouncements before. Is that also not going to be a problem? That is the view of the NFP. So, we will support the establishment of a committee on those bases. Thank you.

Mr W M MADISHA: Hon Speaker, for us to address the matter us properly we must do what South Africans sent us here to do. That means following the Constitution and putting our personal emotions aside. If we go to section 182(1) to (5) namely the functions of the Public Protector, it gives the country pure clarity on what the Public Protector must do, namely, investigate, then investigate, then investigate and report to the country what she has found from her investigations.

We have, however, allowed ourselves and the country to be divided by what I would call intra-organisational leadership challenges of one organisation. I urge the South Africans ... [Interjections.]

The SPEAKER: Hon Makhosini, you are disturbing us. Please put off your gadget, your camera so that we can proceed with the business here. There is a speaker on the podium. Please continue, sir.

Mr W M MADISHA: I urge all South Africans, through this Parliament of course, to check what the Public Protector must do if she finds wrongdoings as directed by the Constitutional obligations in chapter 9(182). I ask those South Africans who say Thuli Madonsela was wrong to have emerged with what she

found out through her investigations which have led to the establishment of the Zondo Commission. Can they today rise and say that Thuli Madonsela should have been removed for having identified wrongdoings ... [Interjections.]

The SPEAKER: Hon member of the ATM, Marawu, please put your camera and your microphone off. You are disturbing us.

Proceed, sir. I am sorry about this.

Mr W M MADISHA: Was Thuli Madonsela wrong when she identified, for example, that former President Zuma did whatever he did and that has led us to having the Zondo Commission? The present Public Protector investigated the Reserve Bank and ABSA, was she wrong to do that? Did she act in bad faith when she positively identified that R1,3 billion had disappeared and two Judges namely, Heath and Davis were wrong in affirm her truths? Was she wrong when, in line with the Constitution, investigated and found out that President Ramaphosa, Minister Gordhan, Minister Nkwinti, Mr McBride, Baloyi, Bosasa accusations against President Ramaphosa and her investigation on PRASA? Is that wrong? Are we saying that the courts must not be respected, and the *audi alteram partem* rule must not be considered?

What we must do is accept the report but not remove the Public Protector until all the truths are found and her incapacity proven. The committee must still go on and South Africans must follow the truth. A lot is still there. Thank you.

Mr M G E HENDRICKS: Speaker, the horse has now bolted in defiance of the orders of the Secretary-General of the governing party. The country needs stability and this is not helping. The inquiry must not proceed. Constitutional democracy will be harmed if access to justice outside our courts is not available that is free, quick and without the time consuming and high costs that the judiciary opposes on the streets. One cannot expect high standards about courts who apply in matters determined by the Public Protector. That is why there is an easy appeal process through the High Court.

With respect, the Independent Panel recommendations in terms of the high standards normally expected of legal eagles and not people in the streets for which we have put in place an office of the Public Protector. This is also the case with commissioners in the CCMA. Here there is no easy access to the high courts for judgements, so through the Public Protector, Parliament opens its doors to the streets. The last people that should rule our legal eagles especially the best in the

country ... This is a street matter and the streets have spoken through the voice of the Secretary-General of the governing party. Al Jama-ah cannot support this report. The Public Protector must serve her full term. Thank you very much, hon Speaker.

The DEPUTY CHIEF WHIP OF THE MAJORITY PARTY: Speaker,

Parliament, as I have said earlier, is governed by its own Rules which are in line with the Constitution of the Republic. Hence, we have the NA Rules Committee, the NCOP Rules Committee, the Joint Rules Committee and the subcommittees on Rules which process the amendment, review and establishment of the Rules which govern both Houses.

It is a pity, though, that, in the Fifth Parliament... [Interjections.]

The SPEAKER: Please hold on, Deputy Chief Whip. Hon Ndlozi, you keep on interjecting, and it is not to rise on a point of order. I think it is ...

Dr M Q NDLOZI: It is a point of order, Speaker.

The SPEAKER: It is? Well, if it is a point of order, we will hear you.

Dr M Q NDLOZI: I rose on a point of order earlier, but you did not recognise me.

The SPEAKER: No, you did not rise on a point of order earlier. But you are saying that you are rising on a point of order now. You have the floor. You will be heard. Please proceed.

Dr M Q NDLOZI: Speaker, my point of order relates to a procedural allocation of the list of speakers ... [Inaudible.] This has the ANC speaking last today. What is this supposed to mean? Is this their motion?

The SPEAKER: Hon Ndlozi, I actually have no point to rule on. Your point of order is not sustained. Please proceed, Deputy Chief Whip.

The DEPUTY CHIEF WHIP OF THE MAJORITY PARTY: Thank you, hon

Speaker.

It is a pity that, in the Fifth Parliament, Parliament was directed by the Constitutional Court in the case of EFF, DA

and Others to establish Rules in line with section 89 of the Constitution. It is in that vein that Parliament took upon itself to ensure that it established Rules for the removal of all individuals appointed through the processes of Parliament so that such individuals are given an opportunity to appear before the committee conducting the enquiry to allow them to clear themselves and also make a representation.

In this regard, Parliament established the Rules on section

194 and those Rules were adopted on 28 November 2019. Those Rules were approved and adopted by all parties in the House and also supported by all Members of the National Assembly. The Rules for the regulation of the removal of heads of Chapter 9 institutions were then published in the Announcements, Tablings and Committee Reports.

Due processes were followed during which the Speaker consulted all parties represented in Parliament for the appointment of the Independent Panel. That panel was appointed by the Speaker to assess the merits and demerits of the motion that was submitted to the Speaker with all the supporting information by the DA’s Chief Whip, hon Mazzone.

The panel completed its work. The Independent Panel submitted its report to the Speaker who then scheduled it to be decided upon by the House today.

Once the House has decided on that report – whether it refers it to a committee based on section 194 of the Constitution – that committee will be a multiparty committee which will deal with the Independent Panel’s report.

After that ... In that ... [Inaudible.] ... It is during the enquiry of that committee that the Public Protector will be given an opportunity to appear before it to make her own representation.

The ANC is mindful of the fact that we are dealing with a matter of public interest. As representatives of the public, we must at all times be seen to be processing matters of public interest.

With this understanding, the ANC supports the motion to establish a section 194 multiparty committee to deal with this matter and to afford the Public Protector an opportunity to make her representation. It is not fair that the Public Protector is seen ... is walking around with this dark cloud

hanging over her. She must make a representation to the committee.

Then the report of the committee will be presented to the House for its decision.

Today we are dealing with the report of the high level panel, not the process of the enquiry. Thank you.

The SPEAKER: I now put the question ...

Mr N F SHIVAMBU: Speaker, I raised my hand but you did not recognise me.

The SPEAKER: My apologies. Is this a point of order, hon Shivambu?

Mr N F SHIVAMBU: Speaker, from a procedural point of view, we want to advise that we should not proceed with this vote, because the report which is being discussed now has concluded that the Public Protector is guilty. What are we going to investigate and deal with? The report which you are saying we must approve here is not a process report. It is a judgment

which says that we have weighed the capacity of the Public Protector and we have found her guilty.

The SPEAKER: Hon Shivambu, that is not a point of order.

Mr N F SHIVAMBU: And therefore Parliament must go and discuss the details of the ... [Inaudible.] ... of the Protector. ...

[Inaudible.] ... a guiding process.

The SPEAKER: Hon Shivambu, that is not a point of order.

Mr N F SHIVAMBU: It is unconstitutional what we are doing because, already she is ... [Inaudible.] ...

The SPEAKER: No.

Mr N F SHIVAMBU: The court date has been set to deal with this issue. Why are you insisting on voting on an issue that is already settled before it has reached the court?

The SPEAKER: Hon Shivambu, that is not a point of order. I am ruling on you because this is not a point of order. You cannot come into this debate by stealth. The EFF ...

Mr N F SHIVAMBU: It is a question to you!

The SPEAKER: No, hon Shivambu ...

Mr N F SHIVAMBU: You can’t vote on this thing because it is

not procedural. It is against the Rules of Parliament!

The SPEAKER: Take your seat, or I will switch that mic off because yours is not a point of order at all.

Mr J S MALEMA: Speaker ...

The SPEAKER: Hon Malema, are you rising on a point of order?

Mr J S MALEMA: Speaker, yes, I am rising on a point of order. When you started, you said, a sub judice matter is one which is awaiting the judgment of the court. I don’t agree with that because once a matter is before the court and a date has been set, that is sub judice because it is not like a criminal case. It is a different case altogether where parties have to exchange and the arrangement must be made and a court date has been set on this matter. Therefore, to get us to engage on a matter that the court is going to hear is to set this Parliament up. Please, I appeal to you to be patient.

The SPEAKER: Hon Malema, you are taking us right back to where hon Shivambu was. I must rule against you.

Hon members, I now give hon Singh the floor.

Mr N SINGH: Hon Speaker, I rise on a point of order. We as Parliament have been the subject of court rulings before where they have indicated to the House that we have made an incorrect ruling. I think those of us who participated in this debate and will vote the way we do will accept the findings of a court. We need to proceed. The debate has been concluded. We now need to proceed in terms of how we normally do as per our Rules and put the report to the House. Thank you.

The SPEAKER: Thank you, hon member. I would like to proceed, hon members.

Mr J S MALEMA: On a point of order, Speaker! On a point of order! That hon member was talking on which point? [Interjections.]

The SPEAKER: Hon Malema, he spoke on the same point you did. I now want to proceed on this matter.

Hon members, I now put the question. Are there any objections to the recommendations made by the Independent Panel that the Assembly proceeds to conduct an enquiry into the Public Protector on specific grounds ... [Interjections.]

Will you please shut off that mic of hon Siwela!

Are there any objections? [Interjections.]

The SPEAKER: The objections of the EFF ... [Inaudible.]

An HON MEMBER: We all object!

The SPEAKER: No, the objection of the EFF, the ATM, of Al

Jama’ah, and of the UDM are noted.

Hon Mazzone, why are you rising?

The CHIEF WHIP OF THE OPPOSITION: Hon Speaker, given that there are objections, I wonder if I could ask you to call for a division on this matter. [Interjections.]

The SPEAKER: Hon Mazzone, are you opposing? [Interjections.]

The CHIEF WHIP OF THE OPPOSITION: Hon Speaker, I am not opposing, but I think that, given the fact that there are opposing views, a division should be called on the matter in light of the importance of a Chapter 9 institution.

The SPEAKER: I am advised that members who call for a division are members who oppose or object.

Mr N F SHIVAMBU: Hon Speaker ...

The SPEAKER: Hon Shivambu, are you calling for a division?

Mr N F SHIVAMBU: Yes, we are calling for a division. But let’s vote on this. We are restating the fact that this process ... [Inaudible.]

The SPEAKER: Thank you very much.

Division demanded.

The House divided.

*During division*:

Mr J S MALEMA: There’s a division. Let’s go. We want so see these sell-outs who are conniving with whites to ... [Interjections.] [Inaudible.]

The SPEAKER: Order! Please mute all the mics. I have 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.

Party Whips will confirm the votes of their parties and they will indicate whether they are voting for or against. A member who wishes to abstain or vote against a party vote may do so by informing the Chair.

We have now confirmed that there is a quorum. Voting will now commence. The doors to the Chamber will be locked, and members will not be allowed to enter the virtual platform until voting is concluded.

Whips? I now want to ...

Mr S N SWART: Speaker, my apologies. I rise on a point of order. I have members who are experiencing difficulty

connecting. That was prior to the doors being closed. Mr Wayne Thring, for example. I wonder whether we could just check with IT? Thank you.

The SPEAKER: The bells were rung. If I make that concession, I will have to break it every time. So, I must apologise ...

Mr S N SWART: I understand, Speaker. This was prior to that but, thank you; I understand.

Mr J S MALEMA: Speaker, I rise on a point of order.

The SPEAKER: Hon members, I am not entertaining any interjections; we are now voting.

I now put the question, and the question is that ...

Mr J S MALEMA: On a point of order, Speaker.

The SPEAKER: No, hon Malema. We are now voting.

Mr J S MALEMA: Speaker ...

The SPEAKER: Hon Malema, we are now voting. I am not taking any interjections or whatever. Hon Swart raised a point of members. Unfortunately, we will not open up the system for anybody. The doors will not be opened for anybody. We are now voting.

Ms E N NTLANGWINI: But, on a point of order, Speaker. You allowed hon Swart.

The SPEAKER: We are now voting, ma’am. Please take your seat.

Ms E N NTLANGWINI: No! You don’t even know what hon Malema’s point of order is. You are pre-empting what he is going to say. He’s allowed to make a point of order.

The SPEAKER: Is it about voting?

Ms E N NTLANGWINI: Yes, he wants to make a point of order.

Dr M Q NDLOZI: You listened to Swart! You listened to Swart!

The SPEAKER: Is it about voting?

Ms E N NTLANGWINI: Yes!

The SPEAKER: You have the floor, ma’am. What about voting?

Ms E N NTLANGWINI: No, hon Malema will raise the point of order. He rose on a point of order. Please allow my member to raise his point of order.

The SPEAKER: Hon Malema, is your point of order about voting? [Interjections.] Is it about voting, hon Malema? [Interjections.]

We will proceed, hon members. Party Whips, the question has been ...

Mr J S MALEMA: Speaker ...

The SPEAKER: Hon Malema, you were given a chance. You did not respond.

Mr N F SHIVAMBU: It’s not about voting. It’s not about voting,

Speaker. Please allow the president to speak.

The SPEAKER: Hon members, may I read Rule 116. It is about points of order during a division:

Subject to all other Rules relating to the taking of points of order while a division is in progress, members may only raise points of order directly related to the procedures during division.

I put the question to hon Malema again. Is it about the voting?

Is it about the procedure of voting? [Interjections.]

Mr J S MALEMA: It is about the voting.

The SPEAKER: Please address the House.

Mr J S MALEMA: Hon Speaker, you said you closed the doors. But members of the ANC keep on leaving. When they leave it is written here, Nkosazana Dlamini-Zuma left. How do you deal with that aspect because it is going to affect the quorum of the House? Because when the doors are closed it means no one should leave. You can’t go in, you can’t go out.

The SPEAKER: Hon Malema, the hon member to whom you referred is on the virtual platform. That member, if she ...

Mr J S MALEMA: I am giving an example!

The SPEAKER: You are giving an example. I am saying, that hon member who chose to leave will not come back to vote.

Therefore there will be no contamination of the votes by people who were not here. Rather it will be a minus vote for whoever. So, can we proceed?

Ms H O MKHALIPHI: Do you have a quorum now, Speaker? That is the question that the president is raising. Do we have a quorum to proceed now, Speaker?

The SPEAKER: Hon Mkhaliphi, we have a quorum. Can we now get the votes?

Mr V ZUNGULA: According to the Rules, Speaker. According to the Rules! [Interjections.]

The SPEAKER: Hon Zungula, hon members, no! You called for a division. You now have the division. We want to proceed to voting. Allow this House to vote and exercise that right that you called for to be exercised.

Ms H O MKHALIPHI: Speaker, according to your calculation, how many members are on the virtual platform, and how many members are there in the Chamber? We have to know because many members have left ... [Interjections.]

The SPEAKER: Give me the numbers.

Hon members, you are on the virtual platform. You can see the numbers. Hon members in the House ...

Mr V ZUNGULA: Speaker, the numbers in the platform also include secretaries and admin staff ...

The SPEAKER: Hon Zungula’s mic will be switched off now.

[Applause.]

Hon members, the numbers in the House ... As you give me the numbers of your members, you will give me the numbers in the House and on the virtual platform. We start now.

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

[TAKE IN FROM MINUTES.]

Question agreed to.

Motion agreed to.

Report accordingly adopted.

Mr N SINGH: Hon Speaker?

The SPEAKER: Yes, hon Singh?

Dr M Q NDLOZI: The DA leads; the ANC follows!

Mr N SINGH: I raised my hand, sir.

The SPEAKER: Hon members, there is a member on the floor. Hon Singh, you are recognised.

Mr N SINGH: Speaker, I rise on a point of order. I would like you to investigate this matter and, after you are satisfied or not, give a ruling either today or later.

When the division was called, hon Malema said, and this is something that one needs to check in Hansard: “I want to see those organisations conniving with the whites.”

Now, I submit, hon Speaker, that that is unparliamentary and I would like you to investigate that matter and give us a ruling in due course. Thank you.

The SPEAKER: Thank you, hon Singh. That matter will be investigated. We will come back to the House.

Dr M Q NDLOZI: On a point of order, Speaker.

The SPEAKER: Hon Ndlozi, is your point of order on the point we have just discussed?

Dr M Q NDLOZI: Yes.

The SPEAKER: Please proceed.

Dr M Q NDLOZI: Speaker, a point of order has to be called on or during when the articulation is being made. You can’t call a point of order five weeks after the incident you are referring to has happened, or five years after the incident has happened. I know that you, together with the hon member who has just called the point of order both know that you cannot sustain this point of order. Otherwise the House would be rendered extremely useless because then next week I’m going

to bring a point of order from the Fifth Parliament. What are you going to do? You can’t ... [Interjections.] [Inaudible.] There is nothing to investigate. It’s white people who said it was that they are white. What’s wrong with that?

The SPEAKER: Hon Ndlozi, I have ruled on this matter.

Hon members, in terms of section 192 ...

Dr M Q NDLOZI: It is a wrong ruling! Why don’t you ...

[Interjections.] [Inaudible.]

The SPEAKER: Hon Ndlozi, your mic is off!

In terms of section 194 of the Constitution, read with Rule 129(z), the report of the Independent Panel will now be referred to a committee for a formal enquiry.

# MTHOKOZISI NTUMBA SHOT AND KILLED BY POLICE DURING THE WITS UNIVERSITY STUDENTS PROTEST

(Draft Resolution)

Ms N T MKHATSHWA: Speaker, I move without notice:

That the House –

1. notes with sadness the tragic passing of Mr Mthokozisi Ntumba, who was shot and killed during the Wits University protests on Wednesday, 10 March 2021;
2. recognises that the 35-year old Ntumba was shot returning from a doctor’s consultation in Braamfontein when the police fired bullets to disperse protesting students;
3. welcomes the arrest of four police officers from the Public Order Policing Unit last week, in connection with the killing of Mr Ntumba;
4. understands that they will appear in Court on Wednesday, 17 March, facing charges of murder, attempted murder and defeating the ends of justice;
5. calls for the investigation of the shooting of a Commerce Faculty woman student from the University of Johannesburg during the student protests in Braamfontein on 15 March 2021;
6. further calls for further training on protest management in a democratic South Africa for police by the Safety and Security Sector Education and Training Authority; and
7. extends its sympathies to the family and friends of Mr Ntumba, as well as the university community and the country at large.

I so move.

Agreed to.

# TEMBA BAVUMA AND DEAN ELGAR APPOINTED NEW FULL-TIME CAPTAINS OF THE PROTEAS CRICKET TEAM

(Draft Resolution)

Mr J ENGELBRECHT: House Chairperson, I move without notice:

That the House –

1. notes that Mr Temba Bavuma and Mr Dean Elgar were appointed as the new full-time captains of the Proteas Cricket Team on Thursday, 4 March 2021;
2. further notes that Mr Bavuma will take over the leadership of the One Day International and T20 sides, which will include the next three T20 World Cups, and that Mr Elgar will lead the team in the

next cycle of the ICC World Test Championship as the new test captain;

1. recalls that Mr Bavuma spent his career breaking new ground, becoming the first black specialist batsman for the country and the first black batsman from South Africa to score a test century, and recognises that his historic appointment as the first black captain for the Proteas should come as no surprise;
2. acknowledges that Mr Bavuma has said that captaining the Proteas has been his dream for many years and that he is honoured to accept this responsibility and looks forward to this new challenge;
3. further acknowledges that Mr Elgar similarly has said that captaining the Proteas, specifically the Test side, which he regards as the pinnacle of cricket, is the biggest highlight of his career and is grateful for the opportunity to represent South Africa in this capacity;
4. calls on the federations and administrators of all sport codes in the Republic to shift their focus away from board room disputes and continue to pursue projects and transformation agendas that

will benefit the development of sport and ensure equal opportunity for all players who wish to represent their country on the international stage; and

1. congratulates Mr Bavuma and Mr Elgar, and wishes them success in their new roles.

I so move.

The HOUSE CHAIRPERSON (Mr C T FROLICK): Do you have an

objection, hon member?

The CHIEF WHIP OF THE OPPOSITION: I don’t, House Chairperson. House Chairperson, I just wish to inform the House that, that was the hon Engelbrecht’s maiden speech to the House today. [Applause.]

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

May I also remind the hon member that there is a specific time limit [Laughter.] when introducing your Motions Without Notice. I’ve given you a few seconds before you are new. I won’t be so generous in the future.

Agreed to.

# PRESIDENT OF THE EFF CELEBRATES 40TH BIRTHDAY

(Draft Resolution)

Mr B S MADLINGOZI: House Chairperson, I move without notice:

That the House –

1. joins the masses of our people in South Africa, the African continent and the diaspora in wishing the President and commander-in-chief of the EFF who celebrated his 40th birthday on 3 March;
2. recognises that the generation of Economic Freedom Fighters is blessed to be led by President Julius Malema;
3. acknowledges that he has lived his life for the humanity, dignity and economic liberation of black people and through his leadership he has ensured the revival and continuation of the radical black liberation tradition; and
4. wishes him a long life of commitment to the attainment of economic freedom in his lifetime.

I so move.

Agreed to.

# THE SAD PASSING OF AMAZULU KING, HIS MAJESTY KING GOODWILL ZWELITHINI KA BHEKUZULU

(Draft Resolution)

Mr Z M D MANDELA: House Chairperson, I move without notice:

That the House –

1. notes with sadness the passing of AmaZulu King, His Majesty King Goodwill Zwelithini ka Bhekuzulu, in the early hours of Friday, 12 March 2021;
2. further notes that the 72-year-old King Zwelithini had been in hospital for weeks for what was initially reported to be a problem with his blood glucose levels;
3. remembers King Zwelithini as the longest serving monarch of the Zulu Kingdom with a reign spanning over five decades;
4. further remembers that as the constitutional monarch of the kingdom of KwaZulu-Natal, he was head of the Ubukhosi, the state-recognized institution of Traditional Leadership that consists of local chiefs;
5. further remembers that his leadership role also entailed chairmanship of the Usuthu Tribal Authority and Nongoma Regional Authority, both established under the provisions of the KwaZulu Amakhosi and Iziphakanyiswa Act; and
6. conveys its condolences to the family of the King and the Royal Kingdom.

I so move.

Agreed to.

# WORLD CONSUMER RIGHTS DAY ON MARCH 15 TO TACKLE PLASTIC POLLUTION

(Draft Resolution)

Mr M N NXUMALO: House Chairperson, I move without notice:

That the House –

1. notes that World Consumer Rights Day is observed every year on March 15, since 1983, with the aim to raise global awareness about consumer rights and needs;
2. further notes that the theme for 2021 is *‘Tackle plastic pollution’* in light of the fact that plastic pollution is one of the most pressing issues facing the planet;
3. acknowledges that consumer awareness of the plastics crisis is growing around the world and that consumers have a critical role in shaping the marketplace, therefore, should be aware of their rights;
4. welcomes local initiatives like EnviroBuggy, designed to remove plastics and micro-plastics from South African beaches, where South Africans are taking a hands-on and a practical approach to the plastic pollution crisis; and
5. calls on all South Africans to support local supermarkets by recycling their plastic shopping bags as well as on the government and stakeholders to support consumers and to mobilise businesses to

ensure sustainable consumption is accessible to all.

I so move.

Agreed to.

# SOUTH AFRICAN DOCUMENTARY, MY OCTOPUS TEACHER, NOMINATED FOR AN OSCAR AWARD FOR BEST DOCUMENTARY FILM

(Draft Resolution)

Mrs H DENNER: House Chairperson, I move without notice:

That the House –

1. notes that the South African documentary, *My Octopus Teacher*, which centres around award winning South African filmmaker, Craig Foster, who develops a friendship with a curious octopus while diving in the Atlantic Ocean, has been chosen as one of the five nominees for an Oscar award for best documentary film;
2. further notes that its directors, Pippa Erlich and James Reed, have both been nominated for a Director’s Guild of America, DGA, Award at this year’s 73rd DGA Awards;
3. acknowledges that *My Octopus Teacher*, among others, also won two awards at the Critic’s Choice Documentary Awards in November 2020, being the only film to win more than one trophy, winning in the categories for Best Science/Nature Documentary and Best Cinematography;
4. further acknowledges that the film was nominated for a British Academy of Film and Television Arts, BAFTA, award in the Best Documentary Feature Category, still to be awarded; and
5. congratulates the directors, producers and all involved in the making of this film on the awards and nominations it has won and gained thus far and wishes them luck with their Oscar and other nominations.

I so move.

Agreed to.

# DR PATRICE MOTSEPE EELECTED THE NEW CONFEDERATION OF AFRICAN FOOTBALL, CAF, PRESIDENT

(Draft Resolution)

Mr M G MAHLAULE: House Chairperson, I move without notice:

That the House –

1. congratulates Dr Patrice Motsepe for his election as President of the Confederation of African Football, CAF, on Friday, 12 March 2021, in Rabat, Morocco;
2. notes that he contested the CAF presidency elections unopposed following the withdrawal of his three West African rivals as well as the Court of Arbitrations’ ruling on the incumbent, Ahmad Ahmad, who intended to run for re-election;
3. remembers that the president of Mamelodi Sundowns Football club launched his action plan a week ago at the Sandton Convention Centre in Johannesburg;
4. understands that he is the first President of CAF from the English-speaking countries on the continent since the body was founded in 1957;
5. supports his dream to develop African football and make it the best in the world; and
6. further congratulates Dr Motsepe on his historic election, and wishes him well in his new position.

I so move

Agreed to.

# CONDOLENCES TO THE MENTOOR FAMILY AND THOSE CLOSE TO FARANAAZ

(Draft Resolution)

Ms M M SUKERS: House Chair, on behalf of the ACDP, I move without notice:

That the House-

1. notes with sadness the passing of Faranaaz Mentoor, from Strand, in the Western Cape, who was brutally murdered on 26 February 2021;
2. further notes that the 31-year-old mother was assaulted along with two other young women in a Wendy house;
3. remembers that Faranaaz was a bright spark, a young woman who will now never have the opportunity to develop to her full potential; and
4. extends its deepest condolences to the Mentoor family and those close to Faranaaz.

Agreed to.

# CONDOLENCES TO THE FAMILY AND FRIENDS OF MR DA SILVA

(Draft Resolution)

Dr M M GONDWE: House Chairperson, on behalf of the DA I hereby move without notice:

That the House-

* 1. notes with deep sadness the untimely passing of Mr Urwin Da Silva on Saturday, 6 February 2021, as a result of a tragic car accident;
	2. further notes that Mr Da Silva, a former Springbok player, was a well-known and reveredresident of George who made significant contributions, on so many fronts, to the community of Pacaltsdorp and George as a whole;
	3. recalls that Mr Da Silva was also a former employee of George Municipality for a considerable number of years and at the time of his passing, at the age of

69 years old, he was an active member of the Pacaltsdorp Community Policing Forum and Pacaltsdorp Neighbourhood Watch;

* 1. recognises that Mr Da Silva will also be remembered for his love and passion for rugby,cricket, farming and rearing animals;
	2. acknowledges that Mr Da Silva is survived by his wife of 45 years, Ms Ivy Da Silva, his children and his grandchildren; and
	3. conveys its heartfelt condolences to the family and friends of Mr Da Silva and the communities of George and Pacaltsdorp.

Agreed to.

# CELEBRATION OF GHANA’S INDEPENDENCE

(Draft Resolution)

Mrs T P MSANE: House Chairperson, I rise on behalf of the EFF to move without notice,

That the House-

1. notes that Saturday, 6 March, marks 64 years since Ghana her gained independence from [Inaudible.] British colonial control;
2. further notes that the independence of Ghana, then known as the Gold Coast, was the first African country to be free from the direct colonial control and that this illuminated the flames of freedom across the continent of Africa and inspired many

oppressed people to rise up, to demand their own emancipation;

1. acknowledges that the leadership the Independent Movement in Ghana and Dr Kwame Nkrumah in particular, were convinced that the independence of Ghana meant nothing until all of Africa was free from colonial control;
2. further acknowledges that in their Constitution, Ghana made it clear, that the country was prepared to collapse its sovereignty in persuade of the goal of the Union of African States Government. This they did because they were convinced that Africa can only be truly free when united under the banner of one federal state, with a centrally planned economy, a single defence force and a coordinated approach to foreign policy;
3. accepts that 64 years after Ghana gained its independence, Africa is still under vicious neo- colonial, control [Inaudible.] debt and with policies dictated to the continent from else; and
4. further accepts that the only way to break this vicious system of neo-colonial control is to unite the continent from Cape to Cairo, Madagascar to Morocco.

Motion not agreed to.

# AFTER WINNIE MADIKIZELA-MANDELA

(Draft Resolution)

Ms J TSHABALALA: House Chair, the Chief Whip of the Majority Party, moves without notice:

That the House-

1. notes that Mbizana Local Municipality in the Eastern Cape has been officially renamed after the late struggle icon, Winnie Madikizela Mandela, to honour her for her part in the struggle against the oppressive apartheid regime;
2. acknowledges that the Co-operative Governanceand Traditional Affairs Member of Executive Council, MEC

gazetted the name change on Thursday, 4 March 2021, following consultation processes and approval by the community;

1. recalls that Mama Winifred Nomzamo Madikizela- Mandela was born at Mbhongweni Village in Mbizana on

26 September 1936;

1. recognises that Mbizana will officially be renamed after Winnie Madikizela-Mandela on 1 April 2021;
2. acknowledges that the proposal to rename the municipality after its most famous daughter was first made in 2018; and
3. commends the municipality for the gesture to rename itself after the daughter of the soil to keep her legacy alive. Thank you. [Applause.]

Agreed to.

# SALUTE AND HONOUR PRISON WARDENS

(Draft Resolution)

Mr S N AUGUST: House Chair, on behalf of GOOD, I hereby move without notice:

That the House-

1. recognises our prison wardens across the country who daily face difficulties putting their lives in danger not only through the nature of their work but also their health as COVID-19 gripped the world;
2. notes that they are at high risk of contracting COVID-19 working in confined spaces within our prisons;
3. further notes that our prison wardens, have to leave work daily and interact with their families, further putting their households in danger;
4. realises that they have been the forgotten ones, earning little reward, many unseen for their commitment to keep us protected; and
5. salutes them and honours their bravery towardsduty in our country.

Agreed to.

# FIRST KHOI AND SAN CULTURAL CENTRE

(Draft Resolution)

Mr A M SHAIK EMAM: House Chairperson, on behalf of the NFP, I move without notice:

That the House-

* 1. notes that 1 March is a very significant day inthe lives of the Khoi and San people, the first indigenous people of South Africa;
	2. further notes that on 1 March 1510,511 year ago, the Khoi defeated the Portuguese sailors when 12 of them attempted to steal cattle belonging to the Khoi-Khoi from one of their villages;
	3. understands that this resulted in 150 Portuguesemen armed with swords, lances and crossbows taking revenge on the Khoi and the San with approximately

170 Khoi warriors fighting back with stones,

spears, fire-hardened assegais with iron-tips defeating the Portuguese sailors resulting in 64 of their raiders including their leader Francisco De Almeida, the Portuguese Viceroy of India and 11 of his captains being killed;

* 1. also notes that Khoi and San will be launching the first Khoi and San Cultural Centre in Fish Hoek, on False Bay on Friday, 19 March 2021.
	2. congratulates and commends the Khoi and San people for successfully defending its people, property and its cattle from the Portuguese enemy; and
	3. congratulates the Khoi and San for launching such a well-deserved and long overdue cultural centre.

Agreed to.

# CONGRATULATIONS TO ADV RAJAB-BUDLENDER AND THE NEC OF PABASA

(Draft Resolution)

Mr X NQOLA: House Chair, the ANC moves without notice:

That the House-

1. congratulates the Pan-African Bar Association of South Africa, PABASA, on the election of a new National Executive Committee, with Adv Nasreen Rajab-Budlender as its Chairperson;
2. notes that PABASA held a successful second Annual General Meeting on 11 October 2020;
3. welcomes with appreciation the election of a capable woman to the senior position of chairperson and acknowledges this as a progressive move which contributes to transformation of the legal profession in South Africa;
4. congratulates the entire newly-elected NEC and appreciates the balanced gender representation;
5. expresses appreciation to the inaugural chairperson, Adv Muzi Sikhakhane Senior Counsel and the rest of his team, for the sterling work done in PABASA’s first year of existence and for the successful

pupillage program conducted by the Pius Langa School of Advocacy; and

1. wishes Adv Rajab-Budlender and the NEC of PABASA a successful term of office.

Agreed to.

# COMMEMORATION OF HUMAN RIGHTS DAY

(Draft Resolution)

Ms W S NEWOUDT-DRUCHEN: House Chair, the ANC moves without notice:

That the House-

1. notes that Human Rights Day is a national day that is commemorated annually on 21 March to remind South Africans about the sacrifices that accompanied the struggle for the attainment of democracy in South Africa;
2. further notes that on this day, in 1960, police opened fire and killed 69 people at a peaceful anti-pass laws demonstration in Sharpeville;
3. recalls that the democratic government declared March 21 as Human Rights Day to commemorate and honour those who fought for our liberation and the rights we enjoy today;
4. believes that the commemoration provides the country with an opportunity to reflect on progress made in the promotion and protection of human rights; and
5. calls upon all South Africans to take responsibility to ensure that our human rightsrecord and history are preserved and strengthened for future generations.

Agreed to.

# ACHIEVEMENT OF KAKAMAS HIGH SCHOOL

(Draft Resolution)

*Afrikaans*:

Me V VAN DYK: Voorsitter, ek stel sonder kennisgewing voor:

Dat die Huis-

1. kennis neem dat Hoërskool Kakamas in die Noord-Kaap 90% slaagsyfer vir die Nasionale Senior Sertifikaat aan die einde van die 2020 akademiese jaar behaal het;
2. ook kennis neem Kakamas as die beste akademiese skool van die Noord-Kaapse kwintiel 1 tot 3 skole in die 2020 akademiese jaar uitgewys is;
3. verder kennis neem dat die Graad 12 leerders en opvoeders van Hoërskool Kakamas hierdie prestasie ten spyte van die vele uitdagings wat die skool en die gemeenskap in die gesig staar, behaal het;
4. besef dat Hoërskool Kakamas die 2021 akademiese jaar sonder ’n fisiese Wetenskap opvoeder begin het, weens die feit dat die leerdergetalle onvoldoende is om vir ’n permanente departementele opvoedersposisie te kwalifiseer, en weens die onvermoë van die gemeenskap,

wat deur armoede en werkloosheid gekenmerk word om die

aanstelling van ’n opvoeder te borg; en

1. die leerdere en opvoeders hiermee hartlik gelukwens met hul prestasiea, en die skoolhoof, mnr Van Niekerk en sy span baie meer sukses toewens vir die toekoms.

Agreed to.

# SUDDEN PASSING OF PROFESSOR EBRAHIEM ARNOLD OF THE BO-KAAP

(Draft Resolution)

Mr M G E HENDRICKS: Al Jama-ah moves without notice:

That the House –

1. notes the sudden passing of Professor Ibrahiem Arnold of the Bo-Kaap;
2. recognises him as an esteemed chartered accountant for more 40 years;
3. further recognises that he served as chief executive at the International Peace College of SA and the premier of Higher Education Institute of the Muslim community;
4. further acknowledges his position as vice dean of the Prince Sultan College for business Jeddah, Saudi Arabia;
5. also notes that he practised good governance with the financial affairs in many Muslim organisations by setting high standards to avoid corruption and looting of public funds;
6. recalls that he was a founder member of the Muslim Students Association, MSA, whose graduates are now rooted in most of the Muslim community organisations serving good causes; and
7. extends condolences to the family, friends and community.

Agreed to.

# LONG-DISTANCE RUNNER NONTU MGABHI HELPS RAISE FUNDS TO REFURBISH BADLY DILAPIDATED SCHOOL

(Draft Resolution)

Mr J B MAMABOLO: The ANC moves without notice:

That the House -

1. notes that Ms Nontuthuko Mgabhi – a long distance runner – helped raise more than R1,5 million to refurbish a badly dilapidated school and provided hundreds of learners with uniforms;
2. further notes that she first came to prominence last year when she ran seven marathons in seven days on all seven continents;
3. further understands that Mgabhi hails from the village of Mseleni and first became aware of the situation at Khiphinkunzi when she was approached by a feeding scheme, the Southern Lodestar Foundation, to assist;
4. further understands that she a registered psychologist and a human resources general manager at Richards Bay Coal Terminal;
5. acknowledges that she intends running *Marathon des Sables* in 2021 where she will undertake a 251-km ultramarathon in the Sahara Desert to raise funds to provide flushing toilets for Khiphinkunzi Primary School; and
6. extends its gratitude to Ms Mgabhi for her gracious and unwavering compassion and wishes her well in all her endeavours.

Agreed to.

# NOTICES OF MOTION

Mr X NQOLA: House Chairperson: I move on behalf of ANC that in its next sitting:

That the House debates using the African Continental Free Trade Agreement to build partnerships especially in sub- Saharan Africa.

Ms C V KING: House Chairperson, I hereby give notice that on the next sitting day of the House I shall move on behalf of the DA:

That the House debates the enrolment and funding disparities at higher education institutions.

Ms B MATHULELWA: House Chair, I hereby give notice that on the next sitting day of the House I shall move on behalf of the EFF:

That the House—

* 1. debates that feeding scheme at schools in townships and rural areas must be provided by local businesses with immediate effect,
	2. call for the administrative areas to feed their local schools as they have full capacity to do so than giving this opportunity to ANC friends and families of ministers through the tender system and buying from European racists’ shops and super market to eliminate the viral scourge of poverty out there.

Ms A MOTAUNG: Chairperson, I hereby give notice that on the next sitting day of the House I shall move on behalf of the ANC:

That the House debates assessing foster care progress implementation and progress in providing for all families whose children cannot live with their own parents.

Mr R N CEBEKHULU: Chairperson, I hereby give notice that on the next sitting day of the House I shall move on behalf of the IFP:

That the House debates the continued demonstration at universities and TVET Colleges during registration.

*Afrikaans:*

Dr W F BOSHOFF: Huisvoorsitter, hiermee gee ek kennis dat ek op die volgende sittingsdag van die Huis, namens die VF Plus sal voorstel:

Dat die Huis—

1. debateer dat daar ongelyke erkenning vir gelyke werk tussen universiteite en private instellings vir hoër onderwys is;
2. ook debateer dat daar wel deur die bepalende private instellings vir hoër onderwys nie toegelaat word om na hulself as universiteite te verwys of om die status van professor aan verdienstelike akademici toe te ken nie;
3. verder debateer dat die gevolglike voortsetting van

’n eindelose krisis in universiteitstudie in Suid-

Afrika deur die bogenoemde voortgesit word; en

1. debateer dat die aksies van gemeenskappe om hulself deur unversiteitsonderrig te bemagtig, boonop daardeur gekniehalter word.

Ms T V B MCHUNU: House Chairperson, I hereby give notice that on the next sitting day of the House I shall move on behalf of the ANC:

That the House debates investment in green and sustainable solutions offer us opportunities to promote our long-term economic competitiveness and climate resilience.

Mr S N SWART: House Chair, I hereby give notice that on the next sitting day of the House I shall move on behalf of the ACDP:

That the House debates the usage of Ivermectin in public and private hospitals as part of the treatment of COVID-19 patients.

Mr O S TERBLANCHE: Chairperson, I hereby give notice that on the next sitting day of the House I shall move on behalf of the DA:

That the House debates the implication of the one hundred and seventy two thousand seven hundred and eighty seven case backlog in the processing of Deoxyribonucleic acid, DNA, samples by the South African Police Services Forensic Science Laboratories leaving victims and families of serious crime with little hope that justice will ever be served.

Ms L H ARRIES: House Chairperson, I hereby give notice that on the next sitting day of the House I shall move on behalf of the EFF:

That the House debates the shortages of gender-based violence, GBV, shelters, shortage of shelters for homeless people, and also the shortage of disabled children, Early Childhood Development, ECD, facilities.

Mr X NQOLA: House Chair, I hereby give notice that on the next sitting day of the House I shall move on behalf of the ANC:

That the House debates monitoring the participation of South Africa in multilateral forums related to foreign policy.

Mr A M SHAIK EMAM: House Chairperson, I hereby give notice that on the next sitting day of the House I shall move on behalf of the NFP:

That the House debates on evictions in democratic South Africa in the absence of suitable and habitable housing for all as enshrined in the Constitution.

Mr P M P MODISE: House Chair, I hereby give notice that on the next sitting day of the House I shall move on behalf of the ANC:

That the House debates the increasing investment needed to attract, train and deploy social workers, psychologists, councillors and mentors to support the most vulnerable groups to be better able to become self-confident and critical thinking citizens of this country.

Ms A MOTAUNG: House Chairperson, I hereby give notice that on the next sitting day of the House I shall move on behalf of the ANC:

That the House debates social cohesion as a critical element in our attempt at uniting the country, deepening our democracy and making it safer for all who live in it, especially in the context of the COVID-19 pandemic.

Mr M L SHELEMBE: Chairperson, I hereby give notice that on the next sitting day of the House I shall move on behalf of the DA:

That the House debates the undue delay caused by the department of military veterans to roll out services and benefits including military health services, education support, housing, military pensions, job placement and daily support to the military veterans and their dependents.

Mr M G E HENDRICKS: Chairperson, I hereby give notice that on the next sitting day of the House I shall move on behalf of the Aljamah:

That the House—

1. debates that Parliament must give orders to municipalities not to promote gentrification to keep blacks out of the city close to central business districts like in Cape Town;
2. notes that the City of Cape Town in the Western Cape has embarked on such an attempt to keep historically disadvantage people out of the city as a political agenda of gentrification;
3. further notes that the city and the Western Cape province, WCP, do not believe that the inhumanity of

forcibly removing historically disadvantaged people of the inner city should be reversed;

1. understands that the recent argument at the City of Cape Town’s legal representative and the city does not have an obligation to correct apartheid spatial planning that may be determined by the courts raises much concern.

Ms T M A TONGWANE: Chairperson, I hereby give notice that on the next sitting day of the House I shall move on behalf of the ANC:

That the House debates I move on behalf of ANC that in its next sitting the house debates integrating our broader economic recovery plan with what we need to do to achieve a sustainable economy and future

The House Adjourned AT: 18:12