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PROCEEDINGS OF THE NATIONAL ASSEMBLY

The House met at 14:01.

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

The DEPUTY SPEAKER: Hon members, we will once more invite you in the interest of safety for all present, to please keep your mask on and stay on your designated seat unless you have an emergency. That gentleman does not have an emergency at all. Your voting slips ... He's not listening at all. Hello! Hello! Hello, please take your seat! There are service officers who can help you with that. This is why they are here. Please take your seat and settle down! Thank you very much.

PRESIDENTIAL EMPLOYMENT STIMULUS MAKES SIGNIFICANT STRIDES

(Member's Statement)

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Ms A S ZUMA (ANC): Deputy Speaker, the ANC applauds the progress on the implementation of the Presidential Employment Stimulus. The ANC believes that President Cyril Ramaphosa's drive to inject much-needed jobs into South Africa's Covid-19 ravaged economy is beginning to bear fruit. This is evident in the second progress report on the implementation of the Presidential Employment Stimulus released by the Presidency recently.

The programme is well on its way to reaching its target of creating 800 employment opportunities by the end of the financial year. As part of the SA Economic Reconstruction and Recovery Plan the Presidential Employment Stimulus is designed to respond to the rise in unemployment caused by the corona virus pandemic. In the past year, about R13 billion was allocated from the stimulus from President Ramaphosa's R100 billion job protection and creation support package. The remaining R87 billion will be allocated over the next three years.

The Presidential Employment Stimulus supports a range of opportunities through the expansion of public employment as well as job retention in vulnerable sectors. In addition, employment opportunities' stimulus provides crucial support

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for livelihoods in the creative sector. Thank you. [Time expired.]

The DEPUTY SPEAKER: Mam, don't read. You don't have an extra second. Keep to your two minutes please! I am the referee here and I'll keep to the Rules you have accepted.

**KGETLENG RIVER RESIDENTS ASSOCIATION WINS HIGH COURT BATTLE
FOR PROVISION OF WATER TO RESIDENTS**

(Member's Statement)

Mr C BRINK (DA): Deputy Speaker, the judgement of the North West High Court in the Kgetleng River Local Municipality is a win for service delivery. Despite the apparent failure of local democracy in Kgetleng River, the DA is happy that the community could find a remedy within the framework of our Constitution. However, the judgement is a disgrace for the ANC - the party in control of Kgetleng River and the vast majority of other municipalities classified as dysfunctional.

After years of neglect and sabotage by the municipality, the court gave the responsibility for water provision to the residents' association. More than R7 million was spent by the

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residents on top of rates and service charges to fix the local purification plant. And now, at long last, people of Kgetleng River have a steady supply of drinkable water.

However, two questions now arise. The first to the Minister of Cooperative Governance and Traditional Affairs: What will you do to ensure that these residents get their money back as the North West is presently under national government administration? The second to the ANC: When will your mayors and councillors take responsibility for service delivery instead of leaving the hard work to others? I thank you.

The DEPUTY SPEAKER: Thank you very much. Hon members, you may not be so glad to know that I made a mistake earlier when I said you have two minutes. You have only one and a half minutes and you know that.

**EFF LAMBASTS MINISTER PRAVIN GORDHAN FOR APPOINTMENT OF ANDRÉ
DE RUYTER AS ESKOM CEO**

(Member's Statement)

Ms R N KOMANE (EFF): Deputy Speaker, the EFF ... [Inaudible.]
... of black executives and companies. The EFF was the only

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party that sent a warning when the CEO of Eskom, André de Ruyter was appointed. We warned that he was not qualified and he had failed in his previous positions to demonstrate the capacity. We were able to show how in his previous role he was responsible for degeneration of the shareholder value and the collapse of the operations which brought serious losses. He was appointed because he is white and it was clear that's all.

This is part of making the SOEs white gain. Mr Pravin believes in white people for simply being white and not in their capacity. De Ruyter did not hide that. At the helm of Eskom while corruption was thriving, shortly after his appointment he was already handpicking executives and suppliers appointment without following due process. When the EFF raised this including in Scopa meetings, people were keen to defend whiteness without looking into the corruption going on at Eskom. We are not shocked that there is racist marginalisation of black executives and suppliers at Eskom, Denel, Transnet and other strategic SOEs as part of the campaign to bring back whiteness as a measure of good governance under the new dawn. It is, in fact, the Eskom procurement of general manager ...

[Time expired.]

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The DEPUTY SPEAKER: No, no no, don't proceed! Hon member, I said one and half minutes. Hon member, I am not outsourcing this duty. [Laughter.] The clocks are here. Don't look at your watches. They don't work in the House. Only these official ones work, please. Please understand that. Fortunately for you, I have no control over the watches. The system works on its own. Just keep your ... Just quietly accept that on this matter you do not have any authority.

**ANC CALLS FOR ACCEPTANCE OF GEOGRAPHICAL NAME CHANGES BY
COMMUNITIES**

(Member's Statement)

Mr A M SEABI (ANC): Deputy Speaker, the ANC calls for communities to accept and participate in the changing of geographical names process. In South Africa it has been standard practice to change the names of geographical places which are not in line with the spirit of the Constitution. The transformation of the naming landscape is a critical component of the heritage landscape as a whole.

We call upon communities to accept the recent number of changes for towns, cities and airports in the Eastern Cape

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published in the government gazette that was issued on the 23 February 2021. Although the process was done through consultation, we understand that some citizens may have missed the opportunity to participate. All the gazetted names came from the Eastern Cape and were submitted to the SA Geographical Names Committee following a consultation process.

Prior to the changes, the provincial geographical names committee conducted public consultation on all the names that were changed. Amongst the names changed in the Eastern Cape are Port Elizabeth which is now known as Gqeberha and ...

[Interjections.] ... Gqeberha; the Port Elizabeth Airport now known as Chief Stuurman International Airport ...

[Interjections.] ... and the East London Airport now known as the King Phalo Airport. Thank you, Deputy Speaker.

The DEPUTY SPEAKER: Hon members, at first you'll get it wrong. The second time you'll get it right. Don't worry.

[Interjections.]

THE DISMAL STATE OF SOUTH AFRICA'S STATE-OWNED ENTERPRISES

(Member's Statement)

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Mr M N NXUMALO: Deputy Speaker and hon members, today I wish to take the Ministers of Finance and Public Enterprises to task. In light of the recent Budget debate and the lack of information shared around the SOEs, we suspect underhanded scheming by the Minister of Public Enterprises to once again request the syphoning off of public funds to resuscitate his lifeless SOEs.

In spite leaching billions of rands from the public purse, we are still faced with the majority of our SOEs performing dismally, being millions if not billions in the red and unable to deliver much needed services to the people of our country. As we have suggested this in the past, government must consider public-private partnerships for all our ailing SOEs to gain much needed skills and capital injections.

It is obvious that the current management and staff structures are woefully unable to accomplish their mandates. Public-private partnerships will take pressure off the National Treasury. It is continually charged with trimming budget allocations to other essential departments and their entities, such as the recent budget cuts proposed for Legal Aid to bail out SAA, Eskom, Prasa and Denel, among others.

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If a public-private partnership is not viable, government must consider selling off the offending SOEs. Despite having large debt burdens, they are still fixed assets that could be attractive to public buyers.

Einstein said the definition of insanity is doing the same thing over and over again, but expecting a different result. Thank you. [Time expired.]

INTERNATIONAL MOTHER TONGUE DAY

(Member's Statement)

Afrikaans:

Me H DENNER: Adjunkvoorsitter, op Sondag, 21 Februarie het ons Internasionale Moedertaaldag gevier – 'n dag waarop daar wêreldwyd erkenning gegee word aan die belang en waarde van elkeen van ons se moedertaal.

English:

The theme of this year's International Mother Tongue Day was *Fostering Multilingualism for Inclusion in Education and Society*. Languages, with their complex implications for identity, communication, social integration, education and

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development are of strategic importance for people and planet. Yet, due to globalisation process, these complexities are increasingly under threat or disappearing altogether.

When languages fade, so too does the world's rich tapestry of cultural diversity - opportunities, traditions, memory, unique modes of thinking and expression - valuable resources for ensuring a better future all lost. Sadly, this is being allowed here on our doorstep in our country, South Africa, which is famous for its cultural diversity and multilingualism.

Afrikaans:

Die feit dat daar nie erns gemaak word met grondwetlike bepalings oor taal, die uitbou, behoud and beskerming daarvan nie, is uiters kommerwekkend. Provinsiale taalwette word agterweë gelaat, en die belang van moedertaalonderrig, oftewel die jag wat deur the ANC-regering daarop gemaak word, dra by tot die globale agteruitgang van kulturele diversiteit. Dit is onaanvaarbaar en mag nie toegelaat word nie.

Dit is die regering se taak om grondwetlike bepalings toe te pas en ons inheemse tale - ons moedertale - te beskerm, te

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bevorder en te ontwikkel tot voordeel van alle Suid-Afrikaners. Dankie.

**THE NEED FOR IMPROVED SAFETY MEASURES FOR E-HAILING AND
DELIVERY VEHICLES**

(Member's Statement)

Mr L N MANGCU: Deputy Speaker, the ANC is concerned about the recent spate of criminal acts targeting e-hailing taxi drivers and online shopping delivery vehicles in the Nelson Mandela Bay area, which includes Gqeberha.

Criminals are holding the drivers at gunpoint and even using stun guns on them to hijack their vehicles. In one fatal incident, an e-hailing taxi driver was brutally murdered in New Brighton – which is in Gqeberha – after dropping off a customer.

This highlights the need for improved safety measures for e-hailing and delivery vehicles but also for the communities.

A co-ordinated safety approach is needed which should include the owners of e-hailing services, increased policing and

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policing forums to ensure protection and safeguarding of the drivers and passengers. The communities also need to come together to assist police as well as form neighbourhood watches to ... [Inaudible.] ... these communities no-go areas for criminal elements. Thank you.

The DEPUTY SPEAKER: I sympathise with my fellow presiding officer, hon Cedrick Frolick, whose tongue is going to have a tough time saying where he comes from!

**INDEPENDENT REVIEW PANEL FINDS GROUNDS FOR A PRIMA FACIE CASE
FOR PARLIAMENT TO INSTITUTE REMOVAL PROCEEDINGS AGAINST THE
PUBLIC PROTECTOR, ADV BUSISIWE MKHWEBANE**

(Member's Statement)

The CHIEF WHIP OF THE OPPOSITION: Deputy Speaker, the DA welcomes the finding by the Independent Review Panel that there is a prima facie case for Parliament to institute removal proceedings against the Public Protector, Adv Mkhwebane.

We urge Parliament to do this without delay. Given that the Public Protector is the people's watchdog, it is essential

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that the process moves with haste so that faith and confidence is restored in this prestigious office.

During her tenure as Public Protector, the courts have made damning findings against Adv Mkhwebane. The Constitutional Court found that she acted in bad faith and was not honest with the High Court regarding her investigation process in the Reserve Bank matter. She laid criminal charges against the former Public Protector, Adv Thuli Madonsela, for releasing a transcript of an interview she had with former President Jacob Zuma. Her appeal to overturn Judge Tolmay's scathing judgment of her poor handling of the Estina dairy farm matter was dismissed by the North Gauteng High Court.

Her independence and credibility have also been called into question on a number of occasions and she has failed to inspire trust within the public who deserve better. The interests of the people must always come first, and that is exactly why the DA voted bravely against her appointment in the first instance. Had you listened to our misgivings in the first place, we would not find ourselves in this position today. [Applause.]

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**SOUTH AFRICA'S JUSTICE SYSTEM'S FAILURE TO SECURE JUSTICE FOR
FEMALE AND CHILD VICTIMS OF VIOLENCE**

(Member's Statement)

Rev K R J MESHOE: Deputy Speaker, when gender-based violence activists accuse government of not having the will to fight rape and the abuse of women and children, government should not be quick to defend itself. The fact is that our justice system is indeed failing victims of violence in this country, particularly female and child victims.

The reported case of a two-year old toddler from Reiger Park who was raped - allegedly by her mother's ex-boyfriend - has been unresolved for more than two years.

It is alleged that the mother's ex-boyfriend took the toddler from her home to his residence. When her mother went to fetch her, she found her daughter raped, bleeding and unable to walk.

More shocking is that the police have failed to get to the bottom of this case even though the suspect is known. As all

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available facts seem to be pointing to the suspect, police must do more to finalise this case, even without DNA results.

The ACDP appeals to President Ramaphosa and Minister of Police, Bheki Cele, to personally intervene in this matter to ensure that this toddler and her family get justice very soon.

Families of victims of serial killers are also traumatised because they are unable to bury their loved ones due to delays in receiving DNA results.

The ACDP further calls on government to prioritise the building and staffing of additional forensic laboratories so that DNA samples needed as evidence can be processed much quicker. [Time expired.]

SOUTH AFRICA'S EMPLOYMENT STATISTICS FOR THE FOURTH QUARTER OF
2020

(Member's Statement)

Dr N P NKABANE: Deputy Speaker, the ANC views unemployment as one of the principal challenges confronting society. As such, we are concerned about the results of the Quarterly Labour

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Force Survey for the fourth quarter of 2020 which shows that South Africa's unemployment rate has increased to 7,2 million, while the number of employed people increased to 15 million.

The unemployment figures are worrying. This is the highest unemployment rate recorded since 2008. The rate has increased by 1,7% during the quarterly ... the fourth quarter of last year ...

The ANC understands fully that the lockdown restrictions resulted in this unprecedented unemployment percentage. We thus welcome President Cyril Ramaphosa's determination for economic recovery and structural reforms, including putting job creation at the center of government's priorities.

This is aimed at resuscitating the economy from the ravages of the COVID-19 pandemic. We believe the relief measures that government is implementing will see a strong recovery in employment. Thank you.

IMPLEMENTATION OF THE VACCINE

(Member's Statement)

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Ms A GELA (ANC): Deputy Speaker, the ANC welcomes the rollout of vaccines. The ANC recognises that the vaccine is an important intervention in the fight against the covid-19 pandemic. We therefore applaud the South African government for prioritising the implementation of this intervention.

The rollout of the vaccine is progressing, while, in the country, the government plans to vaccinate 67% of the population, to reach a herd immunity. South Africa has secured millions of vaccines, including 12 million from the Covax facility and 20 million doses from Pfizer.

The ANC commends government for working with the international community to ensure that the fight against covid-19 is intensified. We understand that most doctors and health care workers are relieved, and excited about the opportunity to be amongst the first South Africans to receive the vaccine.

We also welcome Treasury's allocation of R10 billion to purchase and deliver the vaccine, to fight the spread of covid-19. We call upon our people to use preventative measures against the corona virus, until the country has achieved a herd immunity. Thank you very much.

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GROSS IRREGULARITIES AND CORRUPTION AT PRASA

(Member's Statement)

Ms B VAN MINNEN (DA): Deputy Speaker, recently the Special Investigating Unit, SIU, reported to the Standing Committee on Public Accounts, Scopa, that many documents, contracts and payment details pertaining to transactions and operations at Prasa are missing. This is seriously hindering the SIU's ability to investigate the gross irregularities and corruption at Prasa.

Furthermore, procurement processes are routinely disregarded, overpayments are common, and there appear to have been deliberate attempts to hide the trail of irregularities and corruption.

We can only assume that transactions revealed last week at the Zondo Commission, where, shortly after signing a R3,5 locomotive deal, Swifambo paid R80 million to two people as the so-called donation to the ANC, are routine, and that the deliberate lack of records is an attempt to frustrate any investigation into the finances of Prasa.

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Given the train-smash state of Prasa and the fact that its contract is a paying kickback to the ANC, it is clear that SOEs are seen as cash cows and that the governing party has no interest in fulfilling its duty to the people of South Africa.

The DA assumes that we can look forward to the repayment of this money immediately. I thank you.

**LACK OF TRANSPARENCY IN THE HANDLING OF COVID-19 VACCINE
PROCUREMENT PROCESSES**

(Member's Statement)

Ms N N CHIRWA (EFF): Deputy Speaker, it is concerning that the nation is being misled and that there is this lack of transparency in the handling of covid-19 vaccine procurement processes. Parliament is supposed to represent the public and hold the executive accountable, and deem it an accomplice to the whole shenanigan of vaccines.

President Ramaphosa says that South African is rolling out a Johnson & Johnson vaccine, but in reality, this is Phase 3B of vaccine trials for covid-19 and the House is quiet. In fact, Minister Zweli Mkhize went as far as subverting the ethical

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process, ensuring that the nation and those participating in the Johnson & Johnson vaccine clinical trial are made fully aware that they are participating in a clinical trial.

The truth is when the Johnson & Johnson covid-19 vaccine was delivered and administered here in South Africa, it did not have the South African Health Products Regulatory Authority, Sahpra, approval, accept for research purposes. That is a fact. We are not shocked about this, as Dr Zweli Mkhize refuses to answer questions in the Portfolio Committee on Health, citing an irrational nondisclosure agreement that undermines the Constitution, right of access to information and, in fact, will breed a conducive environment for further corruption.

We now know that the gimmicks of sly Twitter daily updates and endless pictures were nothing but a way to invoice the Department of Health well over R80 million, to benefit Dr Zweli Mkhize, his cronies and his immediate circle. Can the President and the Minister stop misleading our people, and not govern by public relations when the covid-19 pandemic is destroying human lives ...

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Mr B A RADEBE: Deputy Speaker, on a point of order: The speaker casts aspersions on the character of Dr Mkhize and the President. According to Rule 85, it is not parliamentary. She must provide a substantive motion for that.

The DEPUTY SPEAKER: Objection sustained. The point of order is sustained. What you said, ma'am, cannot be said, except by a substantive motion

Ms N N CHIRWA: Deputy Speaker, which part is this?

The DEPUTY SPEAKER: It is in your statement. You mentioned it. I am not ...

Ms N N CHIRWA: Deputy Speaker, which part is this? Which part?

The DEPUTY SPEAKER: It is in your statement. You referred to the Minister benefitting. [Interjections.] Don't talk; she is able to speak for herself. Please, just be orderly. You heard what I said, ma'am, and you withdraw that.

Ms E N NTLANGWINI: Hon Deputy Speaker, on a point of order: You know for a fact that you need to be clear on which ...

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The DEPUTY SPEAKER: I am clear.

Ms E N NTLANGWINI: No, you are not clear on which part she must withdraw. Must she now withdraw the whole statement? Which sentence must she withdraw? You must tell us which sentence or which ... [Interjections.]

The DEPUTY SPEAKER: You are not listening. Listen. Sit down! Let me explain to you, because you refuse to listen.

Ms E N NTLANGWINI: No, tell us which part must she must withdraw.

The DEPUTY SPEAKER: Sit down ma'am, please. I request you to do so. I was very clear. She said that the Minister benefitted

in a way in which she says. There is no basis for her to say that without a substantive motion.

Ms N N CHIRWA: It is a fact. The SIU is investigating an R80 million tender ...

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The DEPUTY SPEAKER: Yes, it is "investigating". You did not say that.

Ms N N CHIRWA: It is also a fact that it was given to close people of Dr Zweli Mkhize. It is a fact.

The DEPUTY SPEAKER: Hon member, don't argue with me. The responsibility that you have is that, if you want to state it as a fact, you must do it as a substantive motion. If you said that it is an allegation, that would be a different story.

Ms N N CHIRWA: Are we talking about the investigation of the SIU?

The DEPUTY SPEAKER: Even if that is so ...

Ms N N CHIRWA: I cannot speak about investigations.

The DEPUTY SPEAKER: Hon member, you are debating with me and it is inappropriate and you should not do it. So, you withdraw immediately. Please, do so. The Rules require you to do so. If you don't want to do so, you don't proceed.

Ms N N CHIRWA: I will say it differently.

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The DEPUTY SPEAKER: No, don't say it differently; you withdraw!

Ms N N CHIRWA: You say I must say it is an allegation. I want to say that.

The DEPUTY SPEAKER: Hon member, you withdraw unconditionally!

Ms N N CHIRWA: I withdraw, Deputy Speaker. Can I continue? We now know that the gimmicks of sly Twitter daily updates and endless pictures were nothing but a way to invoice the Department of Health well over R80 million "allegationly" to the benefit of Dr Zweli Mkhize's cronies, his office and his immediate circle. Can the President and the Minister stop misleading our people, and not govern by public relations when the covid-19 pandemic is destroying human lives and livelihoods. [Interjections.]

The EFF unequivocally calls for the immediate removal of Dr Zweli Mkhize. Since the outbreak of covid-19, he has shown nothing but incompetence and his actions ... [Time expired.]
[Applause.]

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The DEPUTY SPEAKER: Hon member, you are out of order; ridiculously so! And so are your friends who are clapping with you. You are out of order. This is what happens when irrationality prevails over the House. [Interjections.]

Mr M N PAULSEN: ... what happens when old people sit on the Chair there. [Interjections.]

The DEPUTY SPEAKER: Hon Paulsen, ... [Interjections.] Hon Paulsen, ... Hon members, take your seats. [Interjections.] This is exactly what I said happens when irrationality rules the House. You are out of order and you must stop doing it.

Mr M N PAULSEN: Speaker, I hope you are going to deal with that member that charged and challenged me. I want to see that you have the guts to deal with the white boy in this House.

The DEPUTY SPEAKER: Look what you are doing! Look what you are doing!

Mr M N PAULSEN: Tell me you have the guts to deal with the white boy. You don't have the guts to keep white people ...

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The DEPUTY SPEAKER: Hon Paulsen, you are out of order and you should withdraw what you are saying. Withdraw it!

Mr M N PAULSEN: Are you going to hold the ... He cursed at me! But he must charge at me. He must not just threaten. I am ready for him. [Interjections.] I said that she must go back to Italy. So what?

The DEPUTY SPEAKER: Hon member, withdraw your statement.

Mr M N PAULSEN: Withdraw which statement?

The DEPUTY SPEAKER: Withdraw your statement. If you don't want to withdraw, you go!

Mr M N PAULSEN: Tell me what you want me to withdraw.

The DEPUTY SPEAKER: You will withdraw, or you go!

Mr M N PAULSEN: Which statement?

The DEPUTY SPEAKER: Hon member, if you don't know, you go. You are defying the House.

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Mr M N PAULSEN: Which statement?

The DEPUTY SPEAKER: I told you. Hon member, you withdraw or you go away. [Interjections.] I heard him. I heard him.

Mr M N PAULSEN: If it suits you, I withdraw. [Interjections.]

The DEPUTY SPEAKER: I heard him. Hon member, unconditionally. You will do it unconditionally. You will withdraw unconditionally. [Interjections.] Hon member, take your seat. You too, hon Mazzone. Hon member, take your seat. Take your seats. There is a member on the floor. You will withdraw unconditionally. Hon Paulsen, you take instructions from the Chair, please. Hon Mazzone, you are supposed to sit down. Hon Paulsen, withdraw unconditionally.

Mr M N PAULSEN: I withdraw unconditionally, okay?

The DEPUTY SPEAKER: Hon members, I request that you don't do what you have done earlier. It is irresponsible and it casts you who stood up and did it, and the House in bad repute. You are continuing to point fingers and you are continuing to suggest things that you should not. In the first place, what you said was out of order. That was out of order. So, you

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should not be ... Hon member, please, just accept that there is one Chair in the House

Mr M N PAULSEN: Speaker, you are not even speaking about what she said or about what he did. [Interjections.]

The DEPUTY SPEAKER: Hon members, ...

Mr M N PAULSEN: I must be bullied in this House and you preside over this bullying.

The DEPUTY SPEAKER: Hon member, ... What is happening now?

Ms P T VAN DAMMNE: Hon Speaker, this hon member here is well known for physically threatening members of this House. He told hon Mazzone to go back to Italy. He told me earlier to go back to Swaziland. So can you sanction him for his ... He is shouting at you like he is at a taxi rank. Sanction him!

Ms E N NTLANGWINI: Deputy Speaker, I had my hand up before her and I respected you and I sat down. She stands up and she just speaks. My hand was up. I ask to address you, with all respect. [Interjections.] Don't start with me, small boy. That is precisely what is happening and what these DA white boys are doing. They are charging at Nazier and ...

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[Interjections.] They are patronising ... [Interjections.] I withdraw that!

The DEPUTY SPEAKER: You will take your seat! Hon member, ...

Ms E N NTLANGWINI: I withdraw that. I withdraw!

The DEPUTY SPEAKER: Hon member!

Afrikaans:

Bly stil, ek praat. Wat gaan aan met jou? Bly stil, man!

English:

Listen here, you have no business to be talking back to the Chair and to everybody and also pointing your fingers as you are doing it. It is irresponsible and it is really bad that you are doing that. You can say what you want to and you will not ... Hon member, you know, I am trying to protect you, as a Member of Parliament, with some respect.

Afrikaans:

Agb Paulsen, jy gaan stil ... Jy gaan baie stil bly.

English:

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The next time you do that, you must use the door. You badly need fresh air. Look at yourself.

Afrikaans:

Kyk wat met jou aangaan.

English:

What is wrong with you, hon member? Go ahead and speak, hon member.

Ms E N NTLANGWINI: Thank you very much, Speaker. We accept your ruling and we ...

The DEPUTY SPEAKER: It's still Deputy.

Ms E N NTLANGWINI: Deputy Speaker. No, I'm speaking in the future, Speaker. Don't ... [Inaudible.]

The DEPUTY SPEAKER: Hon member, you know nothing about the future; absolutely nothing. That I can guarantee you.

[Laughter.] You know absolutely nothing about the future; nor do I by the way. Speak please.

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Ms E N NTLANGWINI: Thank you, hon Deputy Speaker. In all fairness, we accept your ruling. What happened was an utter disgrace and we sincerely apologise. However, you must also be fair in terms of your ruling. This member was charging and the other one even continued when I wanted to speak. He made severe comments towards me and you didn't note those comments that they made – very rude comments that they are saying that I can't even say now. That is what white privilege is about and what white supremacy is about. The moment they are ... [Inaudible.] ... they act exactly like that. That is what they are doing. He even continued during your ruling.

As much as hon Nazier must withdraw, this member must also withdraw what he did because they are equally guilty for what happened. [Interjections.] You know what he said because you will protect your friends.

The DEPUTY SPEAKER: Hon member, you see, the problem with ... you want us to rule in this way or that way. You want to give us instructions ... to do that. Please lower your hands, I'm speaking. That's what the Rules say you should do. You should wait. Is there any sense in not doing so? Jy wil nou [You want to] throw stones in my mouth and it's out of order. Hon members, you are throwing metaphorical stones at each other

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from where you are sitting. It is irresponsible and you must stop it. You are going to claim provocation. It is irresponsible. Two wrongs don't make a right. So I request that you be orderly please and let's not stoke racial, tribal ... and such stuff that we know constitutionally we shouldn't be doing. It doesn't ... [Interjections.]

Listen hon Van Damme, do you have any manners?

An HON MEMBER: Yes, she does.

The DEPUTY SPEAKER: She doesn't have any. She interrupts me while I'm speaking from the Chair. Why do you do that? Take your seat hon member, I'm still ...

Ms P T VAN DAMME: ... [Inaudible.] ... me a question. I said you must add ... [Inaudible.]

The DEPUTY SPEAKER: Hon member?

An HON MEMBER: Van Damme, sit down! Van Damme, sit down! The Deputy Speaker is on the floor.

An HON MEMBER: Hey, keep your mouth shut!

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The DEPUTY SPEAKER: Hon member, I don't need your assistance. I don't need anybody's assistance, please! Hon Van Damme, you don't do that; not ever again! It's out of order and it's not on for you to speak while the Chair is speaking. Please let it be fundamental in your conduct. It doesn't diminish your ideas, whatever they are; whether we agree with them or not. It doesn't. Just obey the Rules because if you do otherwise you invite us to throw you out of the House.

Ms P T VAN DAMME: Me?

The DEPUTY SPEAKER: Yes, you will be thrown out if you do that. You will be thrown out if you don't obey the Rules.

[Interjections.]

Hon member, okay, I think there's a ... Chief Whip, please allow me to finish what I'm trying to say. Hon Mazzone, I requested you to lower your hands because I'm addressing your members. No, I'm addressing your members and they are misbehaving and acting in a manner that is disrespectful. They must individually take responsibility. I don't think it is on for you hon member, that the only way a sanction against you is valid ... only when others are sanctioned as well ... when your conduct itself is irresponsible. It is out of order. I

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don't accept that and I've told you, both of you between those aisles, that it is not on to be provocative. You are creating an impression where the House must now wait instead of proceeding with the valuable work of the House, and we must address your conduct. Conduct? I mean really? No, no, no, I don't accept this. It doesn't advance anybody's political perspective; not one inch. Yes, ma'am, what are you rising on, hon member?

The CHIEF WHIP OF THE OPPOSITION: Deputy Speaker, thank you very much. I'm rising to also address the incident that happened. I think that my fellow Chief Whips in the House will know that part of our duty as Chief Whips is that when there is an attempt of a physical altercation, one of the things that the Whips do is to stop a physical altercation from happening. It was therefore my duty to go and stand between the EFF and any of my members because as Chief Whip – and as you can see the other Whips are agreeing with me – part of my job is to hold the decorum of the House. So, I apologise if I or any of my members did not hold the decorum of the House.

However, Chairperson, there are things that are being said in a xenophobic way that you don't hear on the microphone and that is why the hon Van Damme stood up and said that the hon

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Paulsen had told me to go back to Italy and had told her to go back to Swaziland, and was then continuing under his breath while you were talking.

So, please allow me to assure you sir, that there is no-one in this House that has more respect for you than the hon Van Damme. She is also one of my Whips and one of her jobs is to hold the line and to hold the peace on that side. However, if we have offended you in any way or if we have disrupted the decorum of the House, I apologise for that, but sir, what I have to do in my job as Chief Whip is to stop a physical altercation from happening within the House, and I think I did a pretty good job of it and I made sure that there wasn't ...
[Interjections.]

So, the hon Paulsen says I mustn't worry; that we can do this tonight. Hon Paulsen, have a look at my arm. You should see the other guy. Thank you very much, Deputy Speaker.
[Applause.]

The DEPUTY SPEAKER: Hon members ... Hon Paulsen, allow me ...

Mr M N PAULSEN: I just want to correct what she said. I said if she didn't stop she'd sleep alone tonight. [Interjections.]

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The DEPUTY SPEAKER: Hon Paulsen, can you withdraw that please?
Hon members, I said you must stop being provocative.

Mr M N PAULSEN: Chief! You came for me! If your man comes for me, he gets what's coming to him!

The DEPUTY SPEAKER: Hon Paulsen, can you leave the House? Hon Paulsen, leave the House! Leave the House hon member!
[Applause.] Please leave the House! Leave the House! There will be no question about it. Just leave the House! Hon Van Damme, stop what you are doing! You will leave the House! You will leave! You will follow him! You will follow him! Hon Paulsen, please, please, please, don't, don't ... Hon Paulsen?
[Interjections.] Hon Van Damme, I will not take ...

Ms P T VAN DAMME: No, he just threatened me!

The DEPUTY SPEAKER: I'm not going to take anything from you.

Ms P T VAN DAMME: He just threatened to beat me up!

The DEPUTY SPEAKER: You see hon Van Damme, you are provocative. You are deliberately inviting this provocation

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and you want us to rule in your favour. Look at her! Just look at her!

Afrikaans:

Kyk net wat gaan aan met haar!

English:

Just look at her! [Interjections.]

Hon Van Damme? Hon Van Damme? Hon Van Damme, leave the House!

[Applause.] Leave the House! You leave the House! You don't talk!

An HON MEMBER: Thank you.

Ms P T VAN DAMME: Gladly, gladly! You allow women to be threatened here and you allow them to be xenophobic. I'll gladly leave.

The DEPUTY SPEAKER: Hon Van Damme, leave the House! Hon Van Damme, leave the House!

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Ms P T VAN DAMME: [Inaudible.] ... Nazier Paulsen. He threatened to beat me up outside ... [Inaudible.] ... beat me up ... [Inaudible.]

The DEPUTY SPEAKER: Don't exacerbate that. You are threatening me now? Leave the House! No, hon member, leave the House please. Just leave the House! Hon Van Damme, stop doing what you are doing!

The CHIEF WHIP OF THE OPPOSITION: Deputy Speaker, I need to rise on an urgent point of order.

The DEPUTY SPEAKER: Yes?

The CHIEF WHIP OF THE OPPOSITION: Chair, when the hon Paulsen left he said to the hon Van Damme, I'll be waiting for you outside and I'll show what I will do.

The DEPUTY SPEAKER: Hon member?

The CHIEF WHIP OF THE OPPOSITION: Can we make sure that there is a police ... [Inaudible.] ... to escort hon Phumzile outside?

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The DEPUTY SPEAKER: Hon member, none of that will happen. None of that will happen. There are people here ...

The CHIEF WHIP OF THE OPPOSITION: Can we guarantee ...

[Inaudible.] ... because that's what he said.

The DEPUTY SPEAKER: Hon member, there are people here that are in charge of that. That will not happen. Hon member, please take your seat. Hon member, let's proceed with the business of the House please.

Ms E N NTLANGWINI: Yes, Deputy Speaker, I will let us proceed and I want us to proceed. However, what is said against Nazier is totally wrong. Nazier never threatened Phumzile Van Damme. I have worked with Nazier for 10 years. He will never lay a hand on any woman. So, he spoke to this gentleman ...

[Inaudible.] ... and this gentleman said to Nazier ...

[Inaudible.]

The DEPUTY SPEAKER: Hon member? Hon member, I heard him, which is why I said he must go.

Ms E N NTLANGWINI: So then he didn't speak to her.

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The DEPUTY SPEAKER: Hon member, take your seat because I heard what he said. Please don't do that. Don't do that. Hon members, we will proceed now. The ANC?

CONGRATULATIONS TO THE MATRIC CLASS OF 2020

(Member's Statement)

Mr E K SIWELA (ANC): Deputy Speaker, the ANC commends the matric class of 2020, for defying all odds and achieving the pass rate of 76,2%. Despite the decline of 5,1 percentages from the class of 2019, the class of 2020 has done fairly well, given the kind of challenges they faced during their examinations.

On all accounts, 2020 was a difficult year for the matriculants, but the determination and resilience they displayed against all odds was outstanding.

The ANC is impressed with the increasing number of bachelor passes by just over 13% and the 4% increase in the number of candidates who passed with a diploma. The Free State was the top performing Province followed by Gauteng, Western Cape and

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KwaZulu-Natal. The ANC congratulates all those who passed and wish them well in their future endeavours.

We would also like to thank the committed teachers and all those who played supportive roles, for their contributions. I thank you, Deputy Speaker.

CONSTRUCTION OF ROAD BETWEEN MATATIELE AND MALUTI

(Member's Statement)

Mr L M NTSHEYISA (AIC): Deputy Speaker, as AIC we are little bit happier with the construction that has taken place, the construction road between Matatiele and Maluti, that at last the people of Matatiele receiving those services. But that contractor seems to be lacking a lot, they don't seem to have a plan to construct the road. They have got to wait for a long period because they seem to borrow from somewhere, and they seem not be committed enough.

We have tried now to speak and engage local municipality to intervene. Sometimes now, the road will be closed but nothing they will be doing, no work will be taking place. So, we think now, the municipality should take care, not just to our

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tenders, to any person who doesn't have the proper tool or plant or have got no capacity at all. Thank you very much, Deputy Speaker.

ACCESS TO COVID-19 VACCINE FOR ALL COUNTRIES

(Member's Statement)

Mr B A RADEBE (ANC): Deputy Speaker, the ANC welcomes the call made by our President, His Excellency, Cyril Ramaphosa at the recent World Health Organization Global Citizen - Recovery Better Together campaign. For world leader to support the COVID-19 facility to ensure rapid and equitable access to COVID-19 vaccine for all countries.

We further endorse the views that the rich countries must donate 5% of their vaccines to needy countries, particular in our African continent.

In addition, it is also important for the transfer of medical technology to be enabled for the duration of the pandemic. This is essential as it would allow countries to increase the production of COVID-19 vaccine and improve distribution and lowering of the prices.

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We believe that this calls are morally sound, as the concerns are real and the task of vaccinating the poorest of the poor, requires a massive, global effort by rich and poor countries alike. Every day that goes by results [Inaudible.] that must be avoided.

The longer it takes to globally eradicate the virus, it may mutate further and nullify the effects of the vaccine. As long as the virus is here, trade flows and global supply chains will be severely disrupted and destabilize the already fragile livelihood of millions of people in the developing countries. I thank you.

The DEPUTY SPEAKER: Thank you, hon member, that concludes member statements. Are there any ministerial responses?

Mr A M SHAIK EMAM (NFP): Sorry Deputy Speaker, the next one is from NFP, we haven't had a turn yet.

The DEPUTY SPEAKER: Where have been hiding, you are not even on my list?

Mr M G E HENDRICKS (Al Jama-Ah): As well as Al Jama-Ah.

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The DEPUTY SPEAKER: Okay, go ahead I will give you that opportunity.

Mr M G E HENDRICKS (Al Jama-Ah: Deputy Speaker, as well as Al Jama-Ah.

The DEPUTY SPEAKER: Yah, all right you get your times.

**CONCERNS ABOUT THE NATIONAL DEPARTMENT OF HIGHER EDUCATION AND
TRAINING**

(Member's Statement)

Mr A M SHAIK EMAM (NFP): Deputy Speaker, the NFP notes with great concern, the failure by the National Department of Higher Education...[Interjection.] We have raised concerns, of many students who have made applications [Interjection.] of National Student Financial Aid. With deadlines ...[Inaudible.] having closed the applications [Interjection.] Many students have not met any response from the National Department [Interjection.]

The DEPUTY SPEAKER: NFP... sorry... NFP, hon Shaik Emam, hon Shaik Emam. Why is he not listening? Hon Shaik Emam.

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Mr A M SHAIK EMAM(NFP): ...despite intervention by the NFP - the Department of Higher Education - applicants have not shared or heard [Inaudible.] any response. Any little... [Inaudible.] are two... [Inaudible.] made application [Inaudible.] no response from the national department to date. Now, it clearly indicates the lack of capacity at the National Department of Higher Education to deal timeously with these applications of students. The failure of the department to act timeously will result in a negative impact on these students, who actually want to pursue their studies. Thank you.

The DEPUTY SPEAKER: Hon Shaik Emam, you and hon Hendricks are not on the list today. So you've decided to field yourself - I made a mistake by allowing you [Laughter.] but I will let yours go, because anyway, ATM was not here. So we will slot you into ATM slot and that's how you survive the chop [Laughter.] ...but next time hon Hendricks, you are not on the coach's list of players, you are not playing today, we will field you next time. So, let's get ministerial responses.

Mr M G E HENDRICKS (Al Jama-Ah): [Inaudible.]

The DEPUTY SPEAKER: Switch of your mic, hon member. Ubhodlela esiswini sakho [You are belching in your stomach].

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MINISTERS' RESPONSES

The DEPUTY MINISTER OF SPORT, ARTS AND CULTURE: Deputy Speaker, it's Deputy Minister Mafu from Sport, Arts and Culture. I just want to appreciate the discussion that has been taking place around the issue of the geographical change of names and to stress the fact that, that part of changing and dealing with transformation in the country and that process [Inaudible.] ...

The DEPUTY SPEAKER: Please switch off your mic. Go ahead mam.

The DEPUTY MINISTER OF SPORT, ARTS AND CULTURE: It is important for members to make sure that their constituencies are aware of this and make sure that those names that are not in line with what we want to do and build a better country, that process must take place. You have to make sure that you submit to the committees that deal with that and the department is very happy and willing to assist and to make sure that which actually transform the landscape. Thank you very much.

The MINISTER OF HIGHER EDUCATION, SCIENCE AND TECHNOLOGY:
Deputy Speaker, I rise to respond to the matter raised by hon

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Member of Parliament of the NFP, regarding the National Student Financial Aid Scheme. I want to assure the member and the public that the National Student Financial Aid Scheme is not just asleep is working very hard. As I am speaking now, they are processing the applications that have been made by many aspirant students.

The reason why we have not announced till now, is because there are certain funding matters that we are finalizing with National Treasury. Those matters we hope that will be able to finalise very soon. They have arrived from the fact that we had an extended academic year, which was not budgeted for and also we continue to support student with NSFAS even when the universities and colleges were closed.

So, that has posed new challenges, plus a huge increase in the applications by students from families some of whom in the past were able to pay for themselves but because of job losses and companies also that have could actually not survive COVID-19 - we now have a lot of students who qualify. So, we will be making announcements in due course. As this government, we are a caring government, we will ensure that we are able to respond to the students as soon as we have

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finalized these discussions, urgently together with National Treasury. Thank you.

The MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION:

Deputy Speaker, we welcome the statement by the ACDP, concerning the need for South Africa to combat gender-based violence. This is something the government is taking extremely seriously at all levels of the security establishment of our country and through the plan that is developed in the Presidency for Women, Youth and Persons with Disabilities. We have strengthened the fight against gender-based violence and femicide in our country.

We believe that with the support of people of South Africa and all political parties and various strong community based strategic initiatives, we will be able to combat this particular pandemic in our country.

Secondly, we welcome the ANC's call for vaccine to be a global good. We believe that this is extremely important, that all of us must be saved in order for the entire global community to be protected against the virus. We have proposed at the level of the World Trade Organization that there should a waiver, on the Agreement in Trade-Related Aspects of Intellectual

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Property Rights, TRIPS' regulations, allowing for technology transfer to developing countries so that we may expand an in-house production of vaccines in our own sovereign countries, in order to ensure that all of us rich and poor can access to vaccination against this terrible COVID-19 virus.

So, we support the call by the ANC that we should all establish the ability to innovate, to produce vaccines and to ensure that to the World Trade Organization, the African Union [Inaudible] vaccine access task team established by President Ramaphosa, that all countries have access to these vaccines. I thank you.

The DEPUTY SPEAKER: Next ministerial response, next ministerial response. Which Minister [Inaudible.] ... it doesn't sound like a minister trying to speak, clearly. Hon members, is there any other Minister who wants to reply? Deputy Ministers? No, this is not good man! Ee...ee...ee. I am afraid in the absence of any further ministerial responses, we will have to proceed ...we will remind them in future that when we have this opportunity, it is important that they be present to give responses to member' statements, as articulated hear today. We will do that members. The secretary will read the First Order of the day.

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CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON JUSTICE AND
CORRECTIONAL SERVICES THEREON - RECOGNITION OF CUSTOMARY
MARRIAGES AMENDMENT BILL

Mr G MAGWANISHE: Thank you very much, Deputy Speaker, hon members, the Report of the Portfolio Committee on Justice and Correctional Services on the Recognition of Customary Marriages Amendment Bill, dated February 2021. Our committee having considered the Recognition of Customary Marriages Amendment Bill passed by the National Council of Provinces and returned to the National Assembly for concurrence, agrees with the amendments to the Bill. Specifically, the Council amended the definition of traditional leader in clause 1 to substitute a broad, non legislation specific definition of a traditional leader and the date referred to in a short title from 2019 to 2020. I ask that this House supports the Report. Thank you very much, hon Speaker.

The CHIEF WHIP OF THE MAJORITY PARTY: Thank you very much, hon Deputy Speaker. Deputy Speaker, I move that the House adopts this Report. Thank you.

The DEPUTY SPEAKER: Hoh members, the Deputy Chief Whip invites you to support her call for adoption.

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The CHIEF WHIP OF THE MAJORITY PARTY: No, No, not Deputy.

The DEPUTY SPEAKER: Chief Whip. Yes, you must follow good leadership. You must assert yourself. That's good. Hon members, there are parties that indicated that they want to make declarations. So, the usual time for declarations will apply.

IsiZulu:

Ngicela niyeke le nto eniyenzayo nina eningakwesokudla sami. Ngicela nihlukane nayo ngoba ayikho emthethweni. [Uhleko.]

Declarations of vote:

Mr J SELFE: Deputy Speaker, I was a little bit ...[Inaudible.] by your conversation. This Bill is a product of Constitutional Court judgement in Ramuhovhi and others versus the President of the Republic of South Africa and others in 2017. On the question of the proprietary consequences of the polygamous marriages entered into before the Recognition of the Customary Marriages Act or the RCMA, and where the differentiation between people and pre act polygamous marriages in women and post act polygamous marriages, was justified. The Constitutional Court declared section 7(1&2) of the RCMA to be constitutionally invalid because it discriminated unfairly

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against women and polygamous marriages entered into prior to the promulgation of the Act, on the basis of gender, race, ethnic and social origin.

The Constitutional Court furthermore granted an interim order, which afforded joint and equal ownership, management control and the exercise of other rights of the marital property to her husband and his different wives pending the finalisation of this proposed amendment. This Bill could have been a huge step forward, to improve propriety rights of women in polygamous customary marriages, either as is always the case, with customary law related legislation. The ANC has not embraced our constitutional duty to develop customary law in order to fully reflect the constitutional values like equality and dignity of women.

It strongly remains our view that the unwillingness and refusal to include definitions of the term marital property, house property and family property leaves a massive whole of uncertainty. For obvious reasons, it creates the possibility of manipulation and collusion between the remaining wives and the husband, against a wife who is seeking a divorce. We therefore cannot support the Bill. [Applause.]

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Ms Y N YAKO: Deputy Speaker, we have dealt with this Bill here before it went to the NCOP. We supported it emphatically. We did this because most of us, are products of customary marriages. We have observed how this system marriage if left unchecked, can mean unimaginable harm to women when their husbands done.

Recognition of Customary Marriages Act was made to correct this error in law, but it has, as shown falling short of covering in full the rights of women in polygamous customary marriages. We must therefore pass our gratitude to the Limpopo Local Division of the High Court, which ruled that section 7(1) of the Act was unconstitutional because it discriminated against women in customary polygamous marriages entered into before the commencement of the Act. It left wives in polygamous marriages entered to before the commencement of the Act with no rights to marital property, and that this right was reserved solely for husbands. This amendment seeks to correct that defect.

Again, we must be ashamed that we correct this defect after being instructed to do so by the courts. It is our primary duty as this legislative House to develop laws that protect most marginalised in society, in particular black women, who

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have been abused by both the racism of white people and the patriarchy of their own people. It is not uncommon even today to see elderly black women getting kicked out of their marriages they have dedicated their lives to, with nothing simply because they are women or seeing them being kicked out of their houses by their in-laws when their husbands have passed away. This is particularly severe for women in polygamous marriages, where the balance of power between the wives is uneven. As we did when we first debated this Bill, we reiterate our concern that Parliament has taken such a long time to correct this constitutional invalidity.

The Constitutional Court confirmed the findings of the Limpopo High Court in November 2007 and Parliament was given until 30th November 2019, to correct this defect. It's now 2021 and we have failed thousands of women through the delays and ought to do better as the House of Parliament. The EFF supports this Bill. Thank you. [Applause.]

Inkosi R N CEBEKHULU: Deputy Speaker, the IFP welcomes the progress that has been made regarding the Recognition of Customary Marriages Bill. The Bill seeks to address the discriminatory regulations of ownership to matrimonial of property for spouses in both monogamous and polygamous

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marriages which were entered into before the commencement of the Act.

The Bill essentially seeks to do so by ensuring that spouses share equally in the right of ownership of family property, including the right of management and control of family property. This is a critical piece of legislation that will bring us closer to the imaginative protection of women and their property rights in customary marriages. It is unfortunate that it has taken this long for this House, to give effect to the confirmation of the 2017 order of Constitutional Act invalidity in the Ramuhovhi case.

It is concerning that legislating for vulnerable people in our democracy remains an audience process, potentially exposing these vulnerable people to harm. While the IFP recognises this progress, the party notes that this Bill does not address similar concerns carried by Muslim and Hindu women, who are married according to their particular customary rights. In the journey towards protection of all South Africans, it is important that this legislation be seen to care about the wellbeing and rights protection of all who need it. This is after all the mandate with which we are ... mandated. Further, this legislation must not be seen to be a truly responsive one

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waiting for the judiciary to hand down orders demanding our action. The IFP supports the Bill. Thank you.

Mr S N SWART: Deputy Speaker, the ACDP rises in support of this Report. One of the main objectives were to address those customary marriages that were entered into before the Recognition of Customary Marriages Act and this as a result of the two Constitutional Court judgements referred to by previous speakers where the concern was addressed that section 7(1) created a situation where women prior to the Act in customary marriages had no right to ownership, property ownership and control became the sole purview of the husband. So, clearly this needed to be addressed and whilst we appreciate the concerns from the DA about the other definitions, these amendments are in terms of the Constitutional Court.

Therefore, it is important for us to consider the fact that the Constitutional Court gave an interim relief and it gave Parliament until 30th November 2019 to pass the additional amendments. At our failure to do that, that remedial or the interim order, then became final which granted relief to women in customary marriages prior to the Act. So, the concern from our side is twofold: Firstly, these amendments deal

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exclusively with customary marriages and it is regrettable that to date as the hon member of the IFP said that religious Hindu and Muslim marriages are still not recognised and this should be remedied as soon as possible.

Secondly, the issue, of course, relates to the fact that this Amendment Bill took so long to be finalised by Parliament. Now, the Department of Justice made an application for the extension of the time period granted by the court.

Interestingly enough, that was rejected by the Constitutional Court. The court noted that the reasons furnished for Parliament's failure to remedy the defect in the legislation were not satisfactory, but there were obvious reasons for this. The court observed that extending the period of suspension would serve no useful purpose, as the interim order had become final. But the Parliament was free to continue to process the Bill regardless of whether there was an extension or not.

So, clearly it is very important for Parliament to look at these deadlines carefully. We, in the ACDP, welcome the fact that this has been dealt with at the Speaker's level, Deputy Speaker's level in the Programming Committee and there's now a mechanism in place to ensure that we, as Parliament, adhere to

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Constitutional Court's deadlines. The ACDP supports this Report. I thank you.

IsiXhosa:

Mnu N L S KWANKWA: Siyi-UDM - ewe ndiyayikhulula. Siyi-UDM siyakuxhasa ...

English:

... the Recognition of Customary Marriages Amendment Bill ...

IsiXhosa:

... ngesizathu esisaziyo sokuba, phaya emakhaya bayacalulwa abantu abangoomama. Liyinene elithi, sibone kaninzi kwaye kakubi apho kuthi kwakubhubha umntu ongutata, ashiyeke umntu ongumama nobetshate iminyaka emininzi engenalo ibango kwizinto zomyeni wakhe. Kwezinye iimeko, ngoku umntu anezinto athe wazakha nomyeni wakhe iminyaka bekunye, kufumaniseke ukuba ooMamJwarha, ooTshawe, ooCirha, baphuma bengaphethanga nto, umntu ade aphele ehlala nezihlobo. Okubalulekileyo kuthi nalapho sifuna ukugxila khona ...

English:

... is a point that we made even last year when this matter was being deliberated in the committee. The point was that we

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need to deal with this matter of customary marriages in a very comprehensive sense and try to close all the loopholes that exist in the Act and some of the definitions which are not clear because what we find in the judgements that you see from the various courts, it depends on who the judge is and how they decide to interpret and view the matter. The other problem is in some of these courts like the Western Cape High Court if you like, there are judges, for example, cases that are determined on the basis of the close proximity of applicants or the opponents to certain judges and not on the basis of the Customary Marriages Act because it has a lot of grey areas.

Some of you might know, but I'm not going to debate, that I've been treated appallingly by this court for a number of reasons, some of them which pertained to these areas which are very unclear. Areas which need the attention of an institution or an arm of government like Parliament to clarify these areas and not to wait for the Constitutional Court, Concourt, at some point to actually point us to the right direction. We will discuss those issues as ... [Inaudible.] ... when the time is right. However, the fact of the matter is that some of the judges have gone rouge in South Africa and they do as they

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please and they need to be ... [Inaudible.] ... Thank you very much.

Mr A M SHAIK EMAM: Thank you, Deputy Speaker. When the Constitutional Court in 2017, ordered Parliament to amend certain parts and the recognition of Customary Marriages Act of 1998, to give women in customary ... [Inaudible.] ... in marriages equal rights to assets and properties, this was, indeed, a victory for many South African women who have been in customary or polygamous marriages. This means that the amended law will provide adequate protection for women that have been discriminated against by families that some were refusing to recognise the spouse of the deceased ... [Inaudible.] ... of the deceased.

Now, it is common practice, Deputy Speaker, to South Africa when men have mistresses or they have what we call a polygamous relationships or entering into customary marriages for second or third wives without the first wife that when in ... [Inaudible.] ... and when the person is deceased the spouses, particularly from customary marriages and polygamous marriages, are actually have a serious problem when the first wives will not allow them to benefit from each. I think the Constitutional Court and its judgement had actually empowered

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our women, particularly that have been a victim of this for a very long period of time. In the previous piece of legislation ... [Inaudible.] ... women were refused any share or any assets that belonged to the deceased.

Now, the National Freedom Party supports this because this is one piece of legislation that we believe that will provide adequate protection to women who are happened to be in this polygamous relationship, and very importantly I think this is a lesson to men in South Africa that when you enter into this polygamous or customary relationship without your spouse and family members being aware of it, then you will, indeed, be leaving a serious challenge to these women, and now these women will have and receive adequate protection and will share in your wealth that you should actually ensure that ...

[Inaudible.] ... all given time that your ... [Inaudible.] ... enter in polygamous and a relationship that is done with utmost of integrity and that it is your responsibility to make sure that you protect all these wives and children out of this polygamous ... [Inaudible.] The National Freedom Party will support. Thank you.

Mr W M MADISHA: Thank you, Deputy Speaker. Cope rises to support the Bill. The majority of us who are Africans South

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Africans born in the deepest rural areas or villages which are governed by the kings, chiefs and indunas. Therefore, of course, to a lesser number those South Africans who lived and or still live in townships and, of course, some in the suburban areas are familiar with the customary marriages. We also know that the properties that get accumulated during the marriages belong to the husbands who when they die the first wife from whatever number the husband may have married becomes the main owner of the majority of those properties and accumulated wealth.

Without doubt, this is a momentous challenge the rest of the wives usually face and it, indeed, needs to be changed.

Section 15(3) (a) and (b) of the Constitution indicates that although everyone has a right to freedom of religion, beliefs and opinion that must be consistent with other provisions of the country's Constitution. It is correct that whatever number the married spouses or wives may be all must be allowed equal marital wealth, privileges including houses, other properties, et al. If that is not done, there shall be evil intrafamily contradictions where some members will die of hunger and poverty, whilst others shall rise and celebrate their enjoyment of wealth, food, quality education, health and all

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advantages. That won't be correct. Cope, therefore, supports this Bill put before the House. Thank you very much.

Mr M G E HENDRICKS: Thank you very much, hon Deputy Speaker. This Act should be rebuked because for us all this is a waste of time. This debate is a waste of time. ...[Inaudible.] ... race must be terms ...[Inaudible.] ... of religion and a ...[Inaudible.] ... civic culture which existed hundreds of years. When it comes to marriages the Constitution provides for ...[Inaudible.] ... trampling the equality clauses ...[Inaudible.] ... of the Constitution. Muslim marriages and Hindu marriages continuously being left out. We are saying the ACDP and IFP for giving leadership. There is one marriage that you ...[Inaudible.] ... initiated by Minister Naledi Pandor five years ago and the Constitution deadline that this ...[Inaudible.] ... must be sorted out by November 22. Therefore, this amendment will be thrown in the wastepaper basket in the years' time when we have one such marriage Bill. I'm sorry, Deputy Speaker, that we are all wasting your time. Thank you very much.

The DEPUTY SPEAKER: Thank you. No debate in Parliament, it is a waste of time Ntate ... [Interjections.] ... How can you be

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on my blind side? Please go ahead, Mam. I'm sorry, she is on the blind side. The mirror is here, so I can't see her.

Ms J M MOFOKENG: Hon Deputy Speaker, the ANC rises in support of the Recognition of Customary Marriages Amendment Bill B12 - 2019. The Recognition of Customary Marriages Act of 1998 was enacted to among others make provision for the recognition of customary marriages to provide for the equal status and capacity of spouses in customary marriages and to regulate the propriety consequences of customary marriages.

The Act gives full recognition of a type of marriage that has been practiced by many communities in Africa. This has been the case since time immemorial. The Act correctly affords customary marriages the same legal status of civil marriages.

While the 1998 Act, is indeed progressive and a reflection of africaness it has not been without limitations. The property rights of some women have been constrained and women in polygamous customary marriages still experience unfair discrimination. This Bill seeks to address such issues.

The Amendment Bill seeks to amend the principal Act for further regulating the propriety consequences of customary

marriages entered into before the commencement of the Act so as to bring the provision of the Act in line with the judgment of the Constitutional Court in *Ramuhovhi and Others vs President of the Republic and Others*, where the court found that section 7(1) of the Act to be constitutionally invalid because it discriminates unfairly against women in polygamous marriages.

Customary marriages who entered into such marriages before the commencement of the Act, on the basis of gender, race and ethnic or social origin. Section 7(1) of the Act provides that the proprietary consequences of the marriage entered into before the commencement of the Act, continues to be governed by customary law in terms of which wives have no right of ownership and control over marital property which right is reserved solely for husbands.

In the *Gumede vs President of the Republic of South Africa*, the Constitutional Court declared section 7(1) of the Act to be constitutionally invalid in so far as it relates to the defective monogamous customary marriages, but left open the question of whether section 7(1) was constitutionally valid in so far as it applies to polygamous marriage.

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Section 7(2) was also declared to be constitutionally invalid as it was often ordered that the words and I quote, "Entered into the commencement of the Act" to be removed from the subsection.

The Amendment Bill was passed in the National Assembly in 2020 and referred to the NCOP for concurrence. The NCOP conducted public participation processes between September and November of 2020. Because of the challenges which were brought about by COVID-19, provinces were afforded additional time for the public participation.

The Bill was passed in the NCOP and referred to the Justice and Correctional Services Portfolio Committee which adopted the report. The Bill not only ... [Inaudible.] ... the defect of the unconstitutionality which was found in the principal Act, it is progressive because it is a step closer towards legalising equal propriety rights between men and women engaged in monogamous and polygamous customary marriages. Moreover, it is a reflection of the ANC's commitment to the rights and total emancipation of women. Therefore, the ANC supports this Bill. I thank you. [Applause.]

Motion agreed to.

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Bill, as amended, passed.

CONSIDERATION OF BUDGETARY REVIEW AND RECOMMENDATION REPORT OF
PORTFOLIO COMMITTEE ON JUSTICE AND CORRECTIONAL SERVICES ON
OFFICE OF THE CHIEF JUSTICE AND JUDICIAL ADMINISTRATION

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

There was no debate.

Declarations of Votes:

Mr J SELFE: Hon Deputy Speaker, we rise in support of the report of the Budgetary Review and Recommendation Report of Portfolio Committee on Justice and Correctional Services on Office of the Chief Justice, OCJ, and Judicial Administration contained there. As the report says and I quote:

The intention when establishing the OCJ as the national department within the public service was suppose to be in the first phase towards an independent judiciary led court administration system to realise fully the judiciary's institutional independence in line with the Constitution. The Superior Court Act of 2013 establishes a legislated

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framework for the Chief Justice to exercise his or her judicial leadership supported by the OCJ and provides for the delegation of certain functions flowing from the Act to the OCJ.

While the report only notes that the envisaged transference of further functions to the OCJ which will then enable the realisation of the judiciary-led the court administration to be a reality, this has not happened. And we confirmed it from our side and we deemed it as a priority matter.

Other important matters identified by the report which needs to be addressed sooner rather than later is the improvement of the information and communication technology, ICT, infrastructure and ICT security and the physical security of the facility after 12 months.

We simply cannot have a situation where the rule of law can be threatened by the malicious access into either the ICT systems or the facilities housing the judiciary and the documents related to the disputes that has to determine.

Deputy Speaker, all of us who hold here are constitutional democracy are forever thankful for the supremacy of the

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Constitution. We are also not for a moment doubting the wisdom of those we entrusted the judiciary with the role of being the final arbiters of whether any action or decision is consistent with our Constitution. Thank you. [Applause.]
[Time expired.]

IsiXhosa:

Nks N YAKO: Ndiyabulela sekal Somlomo.

English:

We have consistently supported attempts to strengthen the Office of the Chief Justice by nagging Parliament and the Department of Justice and Correctional Services to making available sufficient resources to this office. We did this because it is critically important that this office which represents perhaps the most importantly the arm of our democracy in as far as law and justice are concerned to be sufficiently funded so that it remains robust in executing its functions.

We want the Office of the Chief Justice continue its role of strengthening the governance of the judiciary in a manner that would give confidence to ordinary people in the street that our judiciary is still beyond reproach.

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Importantly, we have argued here in the past that there are no reasons what so ever why the magistrate courts are threatened differently and administered by the Department of Justice and Correctional Service instead of the Office of the Chief Justice. This in our view will ensure that all functions of the judiciary from the magistrate to the highest court in the land are under the governance of the Office of the Chief Justice which must be sufficiency capacitated to provide training to judges and assist the Judicial Service Commission in maintaining law and order within the judiciary. Reassure the public that all the judges are ethgically upright and not susceptible to political machinations and bribes.

We are in full support of the Office of the Chief Justice and we support this Budgetary Review and Recommendation Report, BRRR. Thank you.

Mr M N NXUMALO: Hon Deputy Speaker, an independent and an impertail dudiciary remains one of the last vestiges of the rule of law, constitutionalism and the democratic checks and balances process. It is therefore vital that the Office of the Chief Justice continue unimpaired along its trajectory in persued of its end goal namely that of an independent

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judiciary-led court administrative system which will calminate in an institutionally independent judiciary.

Hon Deputy Speaker, it is no secret that our judiciary led by the Chief Justice is under attack from numerous quarters by those seeking to undermine the rule of law and the Constitution of our country. Our apex law has been referred to as a Western concept in fearing that it has no place in Africa.

Hon members, what is regretable is that these utterances have been made by the persons who were and also have led high political offices in our country. It is important to note that such oppositions have been preceded by these persons taking an oath to uphold, defend and protect the Constitution and the rule of law in our country.

The Office of the Chief Justice is also tasked with ensuring judiciary accountability. This must be extended to consequence management for judiciary officials who often delay justice with unreasonably long delays in handing down judgments.

House Chairperson, it remains a chosen that corruption is an endemic in our public service. Our judicial system must

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therefore be capacitated and independent enough to prosecute the guilty without fear, favour or predudice. The IFP supports this Budgetary Review and Recommendation Report, BRRR. Thank you, House Chairperson.

Mr F J MULDER: Hon House Chairperson, a capable, ethical and developed mental state is absolutely a necessecisty in South Africa. The capable and honest government, good leadership and governance and accountability, the professional ethical public administration is not what we are experiencing at the moment.

The Office of the Chief Justice has a key role to play in this regard. In the 2019-20 financial year, the Office of the Chief Justice underspent in the administration programme. The Superior Courts Services Programme, the Judicial Education and Support Programme and judges salaries.

Afrikaans:

Die onderspandering van die begroting het 'n direkte en negatiewe invloed op die nie-finansiële uitkomste van die kantoor van die hoofregter. Die onderspandering kan waarskynlik toegeskryf word aan 'n gebrek aan kundige aanstellings en kapasiteit wat die werksorde van hierdie belangrike kantoor negatief beïnvloed.

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Hierdie verslag laat die rooiligte flikker vir behoorlike regsbesteding in Suid-Afrika. Baie dankie.

Mr S N SWART: House Chair, the report of the Office of the Chief Justice, OCJ, raises a number of challenges faced by the office. The most important of which relates to the devastating impact of COVID-19 and budgetary cuts on the operation of the courts and access to justice. This is a deep concern and should be a deep concern to all of us. The report, when read with the judiciary's annual report, highlights several critical challenges arising from the lockdown which impacted negatively on the independence of the judiciary. The Chief Justice stated that those challenges are the absence of a full blown court modernisation, rule-making authority and a judicialru-led independent court administration. The latter, the judiciary-led independent court administration, is long outstanding. That aspect needs to be finalised.

The ACDP supports the committee project approach to this outstanding issues. We are extremely concerned by increasing case backlogs and the threat this poses to access to justice. The crisis highlighted how our inefficient court processes are and extreme need to modernise and digitalise the courts.

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For the first time virtual court hearings took place during the lock down. Pure courts were faring relatively well, but not so with trial courts. rial courts constute a major part of the court system and therefore the ACDP would like to see the Office of the Chief Justice capacitated more in this regard. As you have heard during lockdown many, many criminal trials and many civil trials were not able to take place and had to be postponed and this lead to a denial of justice. Justice delayed is justice denied! I thank you.

Mr C M SIBISI: Madam Chairperson and hon members of the National Assemly, the NFP would like to first and foremost welcome the report of the commiittee. We woould like to commend the Office of the Chief Justice for receiving a cleann audit. The Office of the Chief Justice is our custodian and safegfuard the laws of this country thus it must lead by an example and it must uphold and [Inaudible.] to uphold the laws. Regulations are integrity of the highest level.

With that said we agree with the committee's observation on the disatifasction on the performance of the lower courts. This courts are important part of ouer communities because they provide access to justice for our people in local communities particularly the poor.

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The NFP shares the concern of the committee on the cyber security breach of the Office of the Chief Justice in September 2020. Parliament was informed [Inaudible.] in ethics [Inaudition.] at the Office of the Chief Justice by the Auditor-General. This is a grave concern as it compromises [Iaudible.] as it was pointed out that the information and communications technology, ICT, is an area of weakness at the Office of the Chief Justice. The NFP would like to understand what the Department of Justice is doing to expedite the process to address the weakness in the ICT system.

We would like to express our deepest concern with the growing backlog cases which poses a threat to our judicial system. We agree with the sentiment of the committee that these crises have highlighted how inefficient our court processes are. Backlog of court systems delay justice and justice delayed is justice denied.

The department informed Parliament that it has developed a case backlog plan with the relevant to stakeholders. It is not clear to whether the implementation of the plan is progressing well. But reports that court hours have declined further suggest otherwise. [Time expired.] Thank you.

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Mr W M MADISHA: Hon Chairperso, Cope welcomes and supports the recommendations from the portfoiuo committee. Thank you very much.

Mr M G E HENDRICKS: Hon House Chair, the Office of the Chief Justice, OCJ, is our last hope for the independent judiciary after 25 years of our liberation. We do have imminent and respected judges and their leadership is mocked by judges who are captured. When it comes to information and tecknology, IT, systems the best checks and balances are put in place, however, in these days and age the new abnormal, ITC systems have been captured by spooks and there is a lot of catch up work to be done. Al Jama-Ah

Ms N H MASEKO-JELE: House Chairperson, the ANC rise to support the budgetary review and the recommendation report on the Office of the Chief Justice. A separate Budget Vote of the Office of the Chief Justice is the ANC's commitment to an indeopnedent judiciary, support to the rule of law, the doctrine of seapation of powers and the administration of

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justice. Our [Inaudible.] resolved that the Chief Justice, as the head of judiciary authority, should exercise authority and responsibility over the development and implementation of norms and standards for the exercise of judiciary functions such as the allocation of judges, cases and court rooms within all the court system and the administration of courts, including any allocation of resources, financial management and policy matters relating to the administration of justice.

In bringing justice closer to the people we welcome the completion of the Mpumalanga High Court. All nine provinces have at least one high court. Some of the OCJ's notable achievements includes obtaining a clean audit for yet another year. The department achieved 115 skills enhancement judicial education courses for judicial officers and aspirant judicial officers against the target of 80.

While we welcome these achievements, we are concerned about security at our courts, the safety of judicial officers and all staff members. We are aware that judicial officers are often seized with traumatic cases which sometimes negatively impact on them psychologically and even physically. [Time expitred.]

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Motion agreed to.

Report accordingly adopted.

**CONSIDERATION OF BUDGETARY REVIEW AND RECOMMENDATION REPORT OF
PORTFOLIO COMMITTEE ON JUSTICE AND CORRECTIONAL SERVICES ON
JUSTICE AND CONSTITUTIONAL DEVELOPMENT**

There was no debate.

The DEPUTY CHIEF WHIP OF THE MAJORITY PARTY: Hon House
Chairperson, I move that the Report be adopted.

Declaration(s) of vote

Mr J SELFE: Chairperson, the Department of Justice continues its backwards sliding performance. Many targets remain unachieved. The fiscal performance continues to be a measure of major concern, and the department has been run list for some considerable time. There are many challenges faced by entities under the control of the Department of Justice, but particularly, the National Prosecuting Authority, NPA. Underperforming disappointingly, they cannot possibly upgame their performance and deal effectively with crime, and

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especially, serious economic crime, unless they are properly resourced and funded.

No amount of assurances from the Minister and the President that they are serious about fighting corruption will change the fact that, unless the NPA is placed in a truly independent position, and given the resources to do the job, we will not succeed in making South Africans feel safe. Legal Aid SA warns the crown jewel of the justice fraternity is showing dangerous signs of backsliding. This must be avoided at all costs if South Africans are to have access to quality legal representation.

On the proposed budget, this will not be possible, and it's already the ability to attract quality young lawyers to legal aid, scooting back at the declining quality of representation, future overstretching of staff and the worrying declining output. While the report that is now tabled is the accurate reflection of the deliberations of the committee, and it's therefore supported, the budget itself is deeply problematic and it cannot be supported by anybody seeking justice in the country. Thank you. [Applause.]

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Ms Y N YAKO: Chairperson, justice is widely understood to be the first virtue of social institutions, and because of this, it must be seen to be impartial, applied without fear or favour and it must be blind to the world of presence. But the concept of justice by those in power, seems to be quite different. We are a country where big name politicians, white businessmen and top white executives in state-owned companies, loot freely without ever not to worry about prosecutions.

The law it seems is not made for the man and the woman on the streets, whether it's those who murdered in Marikana, or those responsible for the death of people at Life in Esidimeni, or those responsible for looting at Eskom, and now those responsible for looting COVID-19 funds in the Eastern Cape, KwaZulu-Natal and Gauteng. The law just seems blind to these criminal acts.

Why is it that today, the National Prosecuting Authority has not even indicted Markus Jooste of the Steinhoff for looting over R20 billion of PIC funds? What is it about white people and the seemingly immunity for ever facing up to their sins? Is the NPA only meant to chase after black people and shield white criminals? Chairperson, we are vehemently opposed to the idea of justice, that seems to dominate thinking among those

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in power. We want justice to apply equally to everyone who has broken the law.

Unfortunately, the NPA is deeply immersed itself in factional politics of the ANC and prosecutes in a factional manner too. This they do in the full view of the public, and the Department of Justice is actively involved in these injustices. Therefore, the EFF does reject this Budgetary Review and Recommendation Report, BRRR. [Applause.]

Mr M N NXUMALO: Chairperson, this year marks 25 years of the adoption of the Constitution of the Republic of South Africa. It is a remarkable achievement. The Constitution as the supreme law of our country, not only provides us with the foundation guarantees of human rights, but also the tools to build society based on democracy, equality and nonracialism.

Chair, as we reflect on the performance of the Department of Justice and Constitutional Development, and the various associated entities, we have to ask, are we achieving this goal? Are we progressing on our constitutional commitment to provide access to justice. Hon Chair and hon members, the BRRR reflects the stuck realities of our justice system. Legal Aid SA forms one of the core components of this Constitution

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version of providing access to justice, but is is desparately underfunded and receives very little portions on support.

This institution's budget has been reduced by R82 million in 2020-21. Despite these harsh financial constraints, the institution performed and achieved its objectives. We also need to remind ourselves, hon members, that the legal aid has received an unqualified audit option opinion, for 19 conservative years. This institution desperately needs our support. The IFP therefore fully supports the committee's findings that it does not support the proposed budget reduction to Legal Aid SA.

This is not the solution, but the budget reduction to this key institution will have severe knock on effects for thee criminal justice system. Hon Chair, now more than ever, we need to sharpen our oversight. We simply cannot accept that the Auditor-General's findings on the department are contineously ignored. We cannot accept that outstanding legal fees due to the declining department increased to R2,4 billion in the year under review. We cannot accept that the department itself, only achieved 49% of its planned indicators for 2019-20.

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The people of our country deserves much better. The IFP will continue to demand oversight against this department and its entities. [Interjections.] We will therefore accept the BRRR. Thank you. [Time expired.]

Sepedi:

MODULASETULO WA NGWAKO (Moh M G Boroto): Ntate Makosini Chabangu, aowa hle! E no se tima selo seo. Ke a go kgopela.

English:

The HOUSE CHAIRPERSON (Ms M G Boroto): Members, let's remember, we only have two minutes for the declarations.

Sepedi:

MODULASETULO WA NGWAKO (Moh M G Boroto): E time! E time, ntate.

Afrikaans:

Mnr F J MULDER: Die VF Plus ondersteun wel die verslag, omdat dit 'n baie duidelike teregwyding van 'n baie akkurate en kommerwekkende situasie is, wat in die departement heers.

English:

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On 20 November 2020, hon Minister Lamola addressed the committee on the department's performance for the period under review, highlighting his concern about the continuous decline in the department's performance, and attributed that the decline is stemming from the fact that over the past couple of years, a culture of underperformers and little accountability without consequences, that has extends itself.

Afrikaans:

Die Kabinet het verlede week 'n beplande grondhof goedgekeur met jurisdiksie oor gronddispute, besluitende gevalle waar grond moontlik in die toekoms sonder vergoeding onteien gaan word - 'n hoë hof en 'n appelhof. Dit is nou in die hande van hierdie Parlement om die grondhof amptelik deur die wetgewing tot stand te bring.

English:

The department's performance steadily declined as 2019-20 financial year progressed.

Afrikaans:

Hierdie departement moet eers sy huis in orde kry, voordat 'n grondhof ook nog 'n verleentheid vir die land gaan word.

Dankie.

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Mr S N SWART: House Chair, the ACDP shares the deep concerns expressed in this report about the poor state of the Department of Justice. We are in agreement with the recommendations of the committee that far more needs to be done to improve access to justice. Case backlogs are increasing and this is often a measure of how well or bad our justice system in its entirety is working. The absence of a well functioning electronic case managed system is highly problematic as well as the absence of an information technology, IT, system to allow virtual trials to take place. The onset of COVID-19 in this regard illustrated the necessity of an IT system that is efficient. COVID-19 seriously disrupted the functioning of our courts as officials became sick, some judges even passed away, and courts that were contaminated had to be closed down for a while and cleaned.

The proved convictional rate for sexual offences the welcome is less impressive when measured against the number of reported sexual offences. More attention and resources need to be directed towards supporting survivors of sexual offences. The committee is also looking at it. We welcome the fact that more Thuthuzela care centres are to be established as well as the fact that the National Prosecuting Authority, NPA, is engaging

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with the SA Police Service, SAPS, on the backlogs of forensic laboratories. This is a very serious aspect.

As far as state capture and corruption is concerned, the amendment of the Zondo commission regulations will greatly assist the independent directorate in prosecuting these matters. An amount of 81 priority corruption cases have been identified for swift finalisation in this regard. We also clearly need to be vigilant that we don't have the same COVID-19 corruption when we come to the roll-out of the vaccination. The ACDP will support this report because it clearly highlights the deficiencies in the department. I thank you.

Sepedi:

Mna W M MADISHA: Mmagorena, Cope e dumelelana le ditšhišinyo tšeo di tlišitšwego ke pego ye. Se segolo seo re se kgopelago ke gore e phethagatšwe, gomme re a tshepha gore go tla ba ka tsela yeo. Eupša, ka mokgwa wo ke bolelago ka gona, ke sa re re a e thekga. Thobela!

Mr M G E HENDRICKS: Hon House Chair, there can't be financial constraints to deal with the recommendations of the Truth and Reconciliation Commission to let the apartheid criminals have their day in court. We also can't deal with corrupt officials

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today, that this President speaks about, while corruption is worse than apartheid. A priority is not made to deal with bringing to justice those identified by the Truth and Reconciliation Commission, TRC. So this government...

Afrikaans:

...hulle moenie net skrik maak met een of twee sake nie ...

English:

...instead hundred cases that is needed at a time. A case in point is the state murder of Imam Abdullah Haron.

Hon House Chair, there must be a special ring-fenced budget so that this important area, 25 or 26 years after our democracy, is not neglected. We will never succeed rooting out corruption if apartheid criminals are not brought to book. Thank you very much, hon House Chair.

Mr X NQOLA: Hon House Chair, the ANC supports the budgetary review and recommendations report on the Department of Justice and Constitutional Development. The Department of Justice and Constitutional Development, other entities and institutions receive their budget allocations under the Justice and Constitutional Development Budget Vote. This include the

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National Prosecuting Authority, Legal Aid South Africa, Special Investigating Unity, SA Human Rights Commission and the Public Protector of South Africa.

While we appreciate that 2020 was not an ordinary year given the COVID-19 pandemic and the national lockdown which affected the operations of the Justice department and the entities that receive allocations from this Vote, we noted concerns of the underspending which have been reported. The Minister of Finance last year announced that additional funding to the tune of R102 billion was received from the Medium-Term Expenditure Framework, MTEF. This was to improve the NPA's prosecution capacity to revive the aspirant prosecutor programme, to operationalise the investigative directorate and fund the state capture commission. This is vital for a well functioning justice system.

We are gravely concerned that the Department of Justice received the qualified audit outcome and there has been a sharp increase in irregular expenditure. The department has achieved less than 50% of its target in line with our constitutional duty to perform oversight over the department has been backslashed. We have referred the matter of the department's nonperformance and the systematic challenges to

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the Public Service Commission for investigation. The Public Service Commission derive its mandate from sections 185 and 196 of the Constitution to, inter alia, investigate, measure and evaluate the organisation and administration of the Public Service. The mandate also entails the evaluation of achievements or lack thereof of government programmes. The Public Service Commission, PSC, has an obligation to ensure effective and efficient performance in the Public Service. [Time expired.] [Inaudible.] The ANC supports the report. Thank you very much.

Motion agreed to (Economic Freedom Fighters dissenting).

Report accordingly adopted.

**CONSIDERATION OF BUDGETARY REVIEW AND RECOMMENDATION REPORT OF
PORTFOLIO COMMITTEE ON JUSTICE AND CORRECTIONAL SERVICES ON
CORRECTIONAL SERVICES**

There was no debate.

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

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That the Report be adopted

Declarations Of Vote:

Mr J SELFE: House Chairperson, the department's goal is to ensure that sentenced offenders are incastirated, their behaviours are corrected, they are rehabilitated and they are reintegrated. In support of the progress towards this goal the department prioritised a number of performance indicators which are considered in the report. But if you really want to measure the effectiveness of the systems of corrections we should measure how many offenders offending? Are we breaking the revolving door of prisoners returning to prisons after [inadutable] their short period? The answer we don't know because the deprtment itself doesn't know.

The same is true with rehabilitation. Pitifully, if offenders attend Technical and Vocational Education and Training, Tvet, and further education and training, FET, skills training, production work stand empty. Agricultural land is not fully utilised. There are very few oportunities for offender labour to be used and it is not enough to hide behind COVID-19 yet the department says it has achieved most of its performance indicators.

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According to the Department of Correctional Services 99% of parolees and probationalists do not violate their release conditions. According to it 99% sentenced inmates are subject to correctional programmes. Anybody who has ever visited the correctional centre will know that these statistics are simply cannot be right. Indeed, the Auditor-General himself complained of what he called the lack of accurate and complete records.

While we support the report, COVID-19 or no COVID-19, the Department of Correctional Services itself is not fulfilling its core mandate.

Ms Y N YAKO: Chairperson, we have consistently made the case for prison reforms in this House. We can no longer go on as if prisons situation and its existence is no more. We have highly termed our prisons as correctional facilities and there is not any behavioural solution, therapy or remedy that is encouraged in these correctional facilities.

In 2020, according to the Judicial Inspectorate for Correctional Services, which itself is currently underfunded, South African prisons have a population of more than 160 000 inmates. An amount of 16 000 of are serving life sentences.

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There are only 119 bed bases available in these prisons, meaning that the Correctional Services spaces are overcrowded by over 40 000 prisoners. But 43 000 of these inmates are remanded detainees who could not be released on bail. If we had properly functioning lower courts. They are yet to take the Department of Public Works and Infrastructure to task for not fulfilling their mandate of making sure that prison structures are kept in good form.

It cost the depart over R123 000 per annum to keep an individual inmate in jail. Most of these inmates live in overcrowded conditions driving most of them to various forms of illnesses, most noticeable to mental illness.

While this is happening the Department of Correctional Services is dishing out tenders to feed these inmates at an inflated prices. We have submitted that inmates must be allowed to grow their own food which will also impact on their lifelong life on agricultural production. They must also be allowed to make their own clothes which will give them lifelong skills in sewing. There is no long-term vision that we can see for Correctional Services by this department other than maintaining a clearly dysfunctional system. Therefore we reejct this Budgetary Review And Recommendation Report, BRRR.

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Mr M N NXUMALO: Chair, the IFP has considered the BRRR with reference to the Correctional Services and we wholeheartedly support the recommendations made therein. We concur with the committee that the recurrence and increase of irregular expenditure by the department of Correctional Services is unacceptable. We need to focus on the fact that this department's irregular expenditure increased from R3,3 billion in 2018-19 to R4,4 billion in 2019-20. We need to demand accountability. This dire situation cannot simply just continue. The stakes are rather too high. At the end of the day it is the most vulnerable in our society who are depended on the effective services and programmes of this department who will feel the impact of this carnage.

The global pandemic cannot be used as an excuse. The Auditor-General, AG, has year-on-year pointed out weaknesses that required urgent attention, but, alas, this has simply been ignored. The IFP therefore fully supports the committee's recommendation that the department should provide a detailed report on the practical steps that it will take to address and prevent irregular expenditure and to regularly update the committee on consequence management. We as Parliament need to demand much more. We must demand accountability.

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The IFP is in agreement with the committee and also wishes to emphasise that the department need to urgently focus on the outcomes. Further, in its reporting it need to provide details on tangible outcomes and performance targets.

In the year under review we were told by the department that they have achieved 31 of its 36 planned targets. We, however, require much more details to ensure accurate performance measures. In these uncertain times we need to ensure that our limited resources are effectively managed. We simply cannot allow any wastage. The Department of Correctional Services and the Judicial Inspectorate have key roles to fulfill in our democracy. [Time expired.] We cannot allow their mandates to be compromised by ineffective management. The stakes are rather too high. The IFP accept the report. Thank you.

Declarations of Vote (cont.):

Afrikaans:

Mnr F J MULDER: Agb Huisvoorsitter, die VF Plus ondersteun die verslag en die aanbevelings soos aan die Huis voorgehou vandag. Ons is egter van mening dat dit hoogs onwaarskynlik uitvoerbaar sou wees. Die tyd sal leer. Die departement voldoen nie aan die mandaat wat vir hom gestel is nie en hierdie Huis sal waarskynlik in die toekoms nog moet oorweeg

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om hierdie departement onder administrasie te plaas, omdat ons nie oortuig is dat hy die aanbevelings op sy eie sal kan deurvoer nie. Dankie.

Mr S N SWART: House Chair, the ACDP agrees with the contents of the report, which is a severe indictment of the department.

The committee states that it is not impressed with the performance of the department and believes that there is "No value for the money spent by the department" because there are no tangible outcomes that the committee can realistically measure the department's performance; and these are hard words that need to be said and it was agreed on across political lines.

The overall pace and performance of the department does not convince us in the committee that the goals of the National Development Plan, NDP, plan vision 2030 will be achieved by this department at all.

To add to certain of the items highlighted, the department reported that 12 078 low risk offenders were released following the COVID-19 special parole dispensation; that was on 12 October 2020. And now with the focus on curbing gender-

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based violence and indeed other crimes, the ACDP shares the concerns of the committee expressed in the report that the rate of recidivism amongst parolees, with 75 parolees being rearrested for committing new crimes, mostly housebreaking and theft, is a serious issue of concern. And clearly the parole system must be reviewed in this regard.

Lastly, the ACDP is concerned about the increase in irregular expenditure, an increase from R3,3 billion to R4,4 billion in the year under review. The department, we believe, is not serious about preventing irregular expenditure as there is no evidence of consequence management for those responsible.

This is a very frank report about the poor state of the departments and the ACDP will support it. I thank you.

Mr C M SIBISI: House Chair, the NFP welcomes the report on the portfolio committee. We are deeply and gravely concerned about the irregular expenditure incurred by the Department of Correctional Services. Their irregular expenditure increased from R3,3 billion in 2018-19 to R4,4 billion in 2019-20.

Even the committee felt that the department is not serious about preventing irregular expenditure because officials are

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not held responsible for this and there is no evidence of consequence management for those responsible.

On COVID-19 the Department of Correctional Services said that its COVID-19 recovery rate was over 90%, however, Police and Prisons Civil Rights Union, POPCRU, refuted that statement claiming that the department was battling high levels of infections.

POPCRU has made some allegation against the department and Mr Arthur Fraser, calling for his removal. It's alleged that untrained warders were appointed; excluding experienced ones and that the department was failing to manage its COVID-19 cases.

We saw and read the statement of the department responding to these allegations, but we cannot simply take its word, these allegations need to be looked into because they are very serious allegations.

The NFP supports the report. Thank you, House Chair.

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Mr M G E HENDRICKS: Hon House Chair, I'm sure you will agree with me that [Inaudible.] is very important component to the rehabilitation of offenders.

Chaplains play a very important role especially those administering to their church members. There is only one Muslim chaplain for the whole of South Africa, based at Pollsmoor Prison in Cape Town.

But it upsets me in fulfilling my oversight role and complaints to my national parliamentary constituency office that since October there is no serving Muslim chaplain and I'm going to ask the ACDP in the meantime please to help us out.

Muslim prisoners, for whom their faith is their hope, have been thrown to a state worse than hell, especially during covid, with no chaplain. This discrimination must come to an end, hon House Chairperson.

The Muslim Prisoners Board and the Muslim Judicial Council, MJC, seem to be [Inaudible.] with contempt, this is disgusting.

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The National Chaplain must help, like it did in the past, and we hope that the governing party's spokesman that is going to speak after me will address some of these issues. We cannot now have this state of affairs in a democratic South Africa. Thank you, hon House Chair.

Ms J M MOFOKENG: House Chair, the ANC supports the Budget Review and Recommendations Report, BRRR, of the Department of Correctional Services.

The policies of the Department of Correctional Services are a reflection of the ANC's commitment to correcting offending behaviour to the safe and humane incarceration and to the rehabilitation of offenders and their social integration in line with the Bill of Rights.

The triple challenge of poverty, unemployment and inequality is one of the structural and contributing factors to crime which ultimately result in overcrowding correctional centres.

The ongoing challenge of overcrowding remains a major concern as it limits effect and meaningful rehabilitation. Some of the reasons for overcrowding are going levels in or ...
incarcerations, insufficient accommodation and ageing

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infrastructure and the high population demand to detainees. Another concerning issue is that the target of the creation of bed spaces through construction of new facilities was not achieved.

The department indicated that it would work towards improving the audit outcome. As the committee we will be monitoring the implementation of the roadmap to improve the audit outcome.

We welcome the completion of Tzaneen Correctional Centre. We thank the hardworking and dedicated officials of the department who worked throughout the challenging year that was. We encourage the department to work harder to encourage that services are delivered in an effective and efficient manner.

The ANC supports. Thank you.

Question put

Motion agreed to (Economic Freedom Fighters dissenting).

Report accordingly adopted

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MOTIONS WITHOUT NOTICE

The HOUSE CHAIRPERSON (Ms M G BOROTO): Hon members, wait who is that?

Mr M S SOKATSHA: Hon Sokhatsha, virtual platform.

The HOUSE CHAIRPERSON (Ms M G BOROTO): Wait hon Sokhatsha, no your Whip will talk to you. Wait a bit, there was female voice again. Who's that?

Ms R C ADAMS: House Chairperson, hon Adams.

The HOUSE CHAIRPERSON (Ms M G BOROTO): Wait for your Whip to signal to you. We are now in the House, hon Radebe continue.

**THE APPOINTMENT OF DR OKONJO-IWEALA AS THE NEW DIRECTOR
GENERAL OF WORLD TRADE ORGANIZATION**

(Draft Resolution)

Mr B A RADEBE: Hon House Chairperson, the ANC move without notice:

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That the House:

- (1) welcomes the appointment of Dr Okonjo-Iweala as the new Director General of World Trade Organization on Monday, 15 February 2021;
- (2) notes that effective from 1 March 2021, she will become the first ever woman and the first African in the organization's 25-year history to take the post of Director General;
- (3) acknowledges that Dr Okonjo is global finance expert, an economist and international development professional with over 30 years' experience working in Africa, Asia, Latin America, Europe and North America;
- (4) believes that her election a signals global unity of purpose and demonstrates strong commitment to dignity of gender equality; and
- (5) congratulates her, on her appointment at the World Trade Organization, as a such a critical moment in the global fight against COVID-19. I thank you.

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Agreed to.

CONDOLENCES TO THE PASSING OF MARIUS SWART

(Draft Resolution)

Mr M S MALATSI: House Chairperson, I hereby move without notice on behalf of the DA:

That this House:

- (1) notes with sadness the passing of Mr Marius Swart due to COVID-19 related complications on 17 January;
- (2) further notes that Mr Swart was a successful business man before becoming a full time politician and that he served with excellence as the inaugural Executive Mayor of the George Local Municipality after being elected to this position in 2000 local government elections;
- (3) recalls that Mr Swart retired from politics after 10 years as a dedicated public servant, where he served as Member of Parliament for the DA in the National

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Assembly, during the Fourth and [Inaudible.]
Parliament;

- (4) recognizes that Mr Swart made dynamic contribution to the development of the southern Cape;
- (5) acknowledges that Mr Swart is survived by his wife, Ms Sanet Swart, three children and three grandchildren ...[Inaudible.]
- (6) conveys its heartfelt condolences to the Swart ...[Inaudible.]

Sepedi:

Malatsi! Ntate Malatsi, tswalela video, o a kgaola. O be o sa fetša, o sa na le metsotswana ye 24. Ke be ke re tswalela video ...

English:

The HOUSE CHAIRPERSON (Ms M G BOROTO): ... to get a better bandwidth.

Mr M S MALATSI: ...House Chair, should I start because from my side I have finished?

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The HOUSE CHAIRPERSON (Ms M G BOROTO): ...oh thank you very much. Are there any objections to the motion? No objections.

Agreed to.

CONDEMNATION OF CORRUPTION

(Draft Resolution)

Ms N N CHIRWA: House Chairperson, on behalf of the EFF, I move without notice:

That this House:

- (1) strongly condemns scourge of corruption that has grown to become in our country with harshest contempt;
- (2) notes that corruption has proven time and time again that its ramifications are poorer infrastructure, an unstable economy, a deterrent to accessing quality health care, justice, free and quality education, housing and sanitation, unemployment, intentional development of the

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township, rural and formal communities, the [Inaudible.] obstruction to justice [Inaudible.] victims of gender-based violence, rape and femicide and is a vicious circle that this House must actively denounce and disassociates from;

(3) acknowledges that corruption is the very fibre for malfunctioning government. Corruption is one of the primary reasons why services budgeted for and planned do not trickle down to become a reality for our people and destitute communities that are in dire need of state intervention and resources that our people contribute to, for the betterment of our livelihoods;

(4) collaboratively asset that in more case than none, corruption equites to murder and perpetuation of intolerable absolute poverty, that more 50% of our population lives in;

(5) commits to take necessary steps within the bound of the constitution, to swiftly act against corruption including bypassing a motion of no confidence in Cabinet members who are found to be

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involved in corruption or if there's prima facie evidence. I so move

The HOUSE CHAIRPERSON (Ms M G BOROTO): Are there any objection? Yes. The objection is noted, therefore the motion without notice becomes a notice of a motion. The ANC.

Ms R C ADAMS: Thank you, House Chairperson.

The HOUSE CHAIRPERSON (Ms M G BOROTO): Yes, Ms Adams continue.

TRIBUTE TO JONAS GWANGWA

(Draft Resolution)

Ms R C ADAMS: House Chairperson, the ANC move without notice:

That the House:

- (1) notes South Africa jazz trombonist and Grammy award winning composer Jonas Gwangwa whose music powered the anti-apartheid struggle, pass on Saturday, 23 January 2021, at the age of 83;

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- (2) acknowledges that Jonas Gwangwa became a leading light on the South African jazz scene at the young age and went on to lead the ANC flagship musical ensemble;
- (3) remembers that he left the country in 1961 on tour of King Kong and remained in exile for 30 years;
- (4) further remembers that in 1980, at the request of the ANC leaders, he assembled and directed the *Amandla Cultural Ensemble*, which toured the world, helping the [Inaudible.] support the struggle against apartheid;
- (5) recalls the delighted audiences in Sophiatown, until it became illegal for black people to congregate and South African musicians were just merely practicing their craft;
- (6) further recalls that he was awarded the *Order of Ikhamanga*, South Africa's highest national award, presented [Interjection.] ...2010 [Interjection.] and;

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(7) conveys its condolences to the family and friends and the music industry. I thank you.

The HOUSE CHAIRPERSON (Ms M G BOROTO): Ms Adams, please take your time, for this item we have 1 minute 30 seconds each Party, thank you very much. Are there any objections to the motion?

Agreed to.

IsiZulu:

Ngizathi ngiyadlula ubaba uNxumalo angibulale. Hhayi ngiyadlula.

The HOUSE CHAIRPERSON (Ms M G BOROTO): ...expected from the virtual platform...

Afrikaans:

Ek gaan voort.

HONORING THE UNIVERTSITY OF KWAZULU-NATAL SCIENTISTS

(Draft Resolution)

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Mr M S SOKATSHA: House Chairperson, on behalf of the ANC, I would like to move without notice:

That the House:

- (1) acknowledges that scientists from the University of KwaZulu-Natal working with other laboratories were at the forefront of genomic surveillance work that has led to the identification of the new COVID-19 variant;
- (2) understands that the KwaZulu-Natal Research Innovation and Sequencing Platform identified the virus variant after sequencing 100s of samples of virus and noticing that this particular variant had been dominating [Inaudible.] from the samples collected in the past two months;
- (3) further understands that the evidence collated, strongly suggested that the current second wave being experienced in South Africa is being driven by variant;

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- (4) realises that according to the scientists the variant may be more transmissible and could weaken protection from vaccines and prior infections;
- (5) further realises that this variant is one of the several seemingly more contagious variant of the new coronavirus currently in circulation; and lastly
- (6) commends the doctors, the scientists and researchers who have been involved in management of the vaccine trials in the country, will [Inaudible.] with. I so move. Thank you.

The HOUSE CHAIRPERSON (Ms M G BOROTO): Hon members on the virtual platform, you are the ones who are exceeding your time - please help us - because you don't move, you don't come to moving the motion as was expected to. Are the any objection to the motion? No objections.

Agreed to.

Mr M HLENGWA: Madam House Chair, on a point of order, if I may crave your indulgence on the charity.

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The HOUSE CHAIRPERSON (Ms M G BOROTO): Yes, hon Hlengwa.

Mr M HLENGWA: About the IFP, I would like to apologize for earlier on, hon Nxumalo was unfortunately kicked out when he was supposed to read the motion and we crave your indulgence if you may allow me the opportunity later on or now to read the motion? We apologize for that technical glitch.

The HOUSE CHAIRPERSON (Ms M G BOROTO): Apology accepted, you will be called. ACD.

Mr M HLENGWA: Thank you, mam.

CONGRATULATIONS TO APhiwe Masondo

(Draft Resolution)

Mr W M THRING: House Chairperson, on behalf of the ACDP, I move without notice:

That this House:

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- (1) congratulates Aphiwe Masondo from Kloof High School on becoming the school's Dux and top learner in achieving seven distinctions;
- (2) notes that year 2020 was a difficult and trying year for most grade 12 learners, yet despite the adverse circumstances, young Aphiwe still managed to attain distinctions in English, IsiZulu, Mathematics, Life Orientation, life Science and Physical Science;
- (3) further wishes Aphiwe Masondo well in his future studies at University of Cape Town, UCT in the field of neurology and;
- (4) further congratulate all grade 12 learners who successfully completed their national senior certificate 2020 examinations. I so move.

Agreed to.

**KING GOODWILL ZWELITHINI CELEBRATES 50TH ANNIVERSARY OF HIS
CORONATION**

(Draft Resolution)

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

That the House—

- (1) notes that His Majesty King Goodwill Zwelithini kaBhekuzulu, the longest reigning monarch of the Zulu nation, will this year celebrate the 50th anniversary of his coronation;
- (2) acknowledges that, having led his people through the dark era of Apartheid, the King remains a champion of the ongoing struggle for full liberation from social and economic injustice;
- (3) appreciates His Majesty's wisdom and leadership by example, particularly in teaching the value of producing food and his advocacy for the fight against HIV/Aids;
- (4) further appreciates his commitment to preserving the traditions and values of the Zulu nation, and to promoting the role of the institution of traditional leadership in the quest for good governance;

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(5) further notes that, under his leadership, every family in the Zulu Kingdom has the security of being able to access enough land on which to live and raise a family; and

(6) wishes His Majesty a speedy return to excellent health, in recognition of the heavy burden he carries, to lead in a time of global pandemic.

Agreed to.

IsiZulu:

USIHLALO WENDLU (Nk M G Boroto): Liyanetha KwaZulu.

BELLVILLE HIGH SCHOOL CLASS OF 2020'S OUTSTANDING ACHIEVEMENT

(Draft Resolution)

Ms B VAN MINNEN: Chairperson, I move without notice:

That the House—

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- (1) notes that the Bellville High school achieved a 100% National Senior Certificate, NSC, pass rate for the eight consecutive year in the 2020 academic year;
- (2) further notes that all the matric learners achieved marks that would allow them to be admitted to tertiary education programmes with a nearly 95% passing the NSC with baccalaureus admittance;
- (3) acknowledges that the learners and educators managed to produce these excellent academic results despite the number of challenges they faced due to the COVID-19 pandemic including extended disruptions for 2020 academic year;
- (4) congratulates the educators of the class of 2020 on this outstanding achievement and wishes the headmaster Mr G J du Plessis and his team continued success.

Agreed to.

NSAFS' FAILURE TO PAY STUDENT FEES

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(Draft Resolution)

Ms P MADOKWE: Chairperson, I moved without notice:

That the House—

- (1) notes the worrying and deteriorating state of higher education in South Africa today;
- (2) notes that as we have just celebrated with the matric class of 2020 and are about to commence the academic year in institutions of higher learning;
- (3) thousands of qualifying hopefuls sits at home with no guarantee of access to education;
- (4) notes this despite education being a basic human right and constant assurance we are a generation that will benefit free education;
- (5) further notes that core issues now affecting returning student are student debts and registration fees;

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- (6) acknowledge that because of maladministration NSFAS has not paid institutions of higher learning and as a result in particular black institutions, NSFAS funded students cannot register can register due to debt owed;
- (7) further notes that South Africa does not have enough capacity to absorb all potential students, Unisa has been instructed to deregister 20 000 students who must now sit at home, babe ngomahlalela (and do nothing);
- (8) calls on all stakeholders to engage and resolve on all issues facing students to ensure that no student is left behind;
- (9) encourages all student movements to continue to engage in the pickets and not retreat until there is a solution.

Agreed to.

TRIBUTE TO DR SIBONGILE KHUMALO

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(Draft Resolution)

Mr M A ZONDI: Chairperson, I move without notice:

That the House—

- (1) notes with great sadness the passing of the world-celebrated opera and jazz icon, Dr Sibongile Khumalo, on Thursday, 28 January 2021, at the age of 63, after a long illness;
- (2) acknowledges that she performed for distinguished audiences at events, one of which was at the 75th birthday of our late President Mandela;
- (3) remembers that she led the singing of the South African national anthem at the historic 1995 World Cup rugby final;
- (4) further remembers that she also performed internationally, including at London's famed Royal Albert Hall;

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- (5) understands that her hits including Mayihlome and Thula Mama became household names, and her songs took her to the top of the radio charts;
- (6) recalls that Dr Khumalo received the presidential Order of Ikhamanga in Silver in 2008, for her contribution to arts and culture; and
- (7) extends its condolences to the family, friends and associates of Dr Sibongile Khumalo.

Agreed to.

ONGOING GANG-RELATED VIOLENCE IN CAPE TOWN A MAJOR CONCERN

(Draft Resolution)

Mr S N AUGUST: Chairperson, I move without notice:

That the House—

- (1) notes the ongoing gang-related violence in Cape Town;

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- (2) further notes that it was reported that seven murders took place on the Cape Flats last weekend;
- (3) realises that the South African Police Service is under siege and cannot bear responsibility for ensuring safe living environments for our people on its own;
- (4) calls on the South African Police Service and the Department of Social Development to urgently convene a dialogue on real and sustainable measures to combat the scourge of violence; and
- (5) further calls on these departments to engage their regional and local counterparts - and appropriate community-based organisations - with a view to fundamentally re-thinking current strategies and tactics to stop the senseless killings which place too much emphasis on policing and too little on community development.

Agreed to.

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CONTINUOUS EVICTIONS DESPITE APPEAL TO THE PRESIDENT TO PUT A
MORATORIUM

(Draft Resolution)

Mr A M SHAIK EMAM: Chairperson, I move without notice:

That the House—

- (1) notes that despite numerous requests to the National Department of Human Settlements, Water and Sanitation and appeals to the President of the country to put a moratorium on an eviction of various residents in different parts of the country continue to be evicted;
- (2) further notes that the occupants of the Woodstock Hospital are in the process of being evicted by the City of Cape Town;
- (3) realises that the people of Rondevlei in Lavender Hill have also been harassed, intimidated and threatened and had their shacks demolished by the red ants of the City of Cape Town;

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- (4) acknowledges that South Africa has a housing crisis and municipalities countrywide are not in a position to provide fully serviced sites which will enable residents to build their own homes;
- (5) an appeals to the authorities, to consider the plight of the homeless in South Africa which is one of the most unequal societies in the world.

Agreed to.

CONGRATULATES PROFESSOR PULENG LENKABULA ON HER NEW POSITION

(Draft Resolution)

Mr B S YABO: Chairperson, I move without notice:

That the House—

- (1) welcomes the appointment of Professor Puleng Lenkabula as the new vice-chancellor of the University of South Africa, Unisa, effective from 1 January 2021;

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- (2) further notes that she will officially take over in April 2021, following the extension of the term of office of the incumbent, Professor Mandla Makhanya, for a period of four months;
- (3) understands that Professor Lenkabula becomes the country's fifth female vice-chancellor and Unisa's first woman vice-chancellor since its establishment 148 years ago;
- (4) commends the Unisa Council, Senate and Institutional Forum on showing commitment to transformation; and
- (5) congratulates Professor Puleng Lenkabula on her historic appointment and wishes her well in her new position.

Agreed to.

**TRIBUTE FOR BOXING TRAINER AND PROMOTER, MZIMASI MNGUNI WHO
DIED AT THE AGE OF 72**

(Draft Resolution)

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Mr A M SEABI: Chairperson, I move without notice:

That the House—

- (1) notes with deep sadness the passing of the legendary boxing trainer and promoter, Mzimasi Mnguni at the age of 72 on Saturday, 13 February 2021, after a long illness;
- (2) remembers that he used classrooms in Mdantsane to prepare his boxers to fight against opponents who trained in state-of-the-art gymnasiums all over the world;
- (3) recalls that his passion and loyalty were evident throughout his boxing career, which started fittingly in the mecca of South African boxing, the township of Mdantsane understands that in 2016, Bra Mzi was awarded the Steve Tshwete Lifetime Achiever Award at the South African Sports Awards;
- (4) recognises that he has been one of the most influential figures in South African boxing; and

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- (5) conveys its condolences to his family, friends and the boxing fraternity.

Agreed to.

**STELLENBOSCH LOCAL MUNICIPALITY'S ANNOUNCEMENT TO ELIMINATE
LOAD-SHEDDING**

(Draft Resolution)

Dr L A SCHREIBER: Chairperson, I move without notice:

That the House—

- (1) notes that the Stellenbosch Local Municipality has recently announced that it is determined to become the first municipality in the country to reduce and ultimately eliminate load-shedding by purchasing and generating its own supply of electricity;
- (2) further notes that Stellenbosch plans to mitigate the economic impact of load shedding by reducing its reliance on Eskom and instead rely on deriving energy from alternative, greener energy sources, including

the potential use of solar panels, purchasing electricity directly from existing Independent Power Producers, IPPs, and allowing members of the public to generate their own electricity and sell the surplus to the municipality;

- (3) recognises that the amendment of Schedule 2 of the Electricity Regulation Act, 2006, promulgated in October 2020, enables municipalities in good financial standing to research options to generate its own electricity and to procure electricity directly from IPPs;
- (4) acknowledges that Stellenbosch has already signed Memoranda of Agreement with the University of Stellenbosch and the Council for Scientific and Industrial Research to investigate the best options for the municipality to procure and generate its own electricity and become energy resilient; and
- (5) congratulates the council and management of the municipality and wishes them well on their journey to become energy independent with long-term energy sustainability.

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Agreed to.

GREAT HERO IN THE MUSLIM COMMUNITY, MR SHAFIEK RYLANDS DIES

(Draft Resolution)

Mr M G E HENDRICKS: Chairperson, I move without notice:

That the House—

- (1) notes with deep sadness the recent passing of a great hero in the Muslim community, Mr Shafiek Rylands, due to a sudden illness;
- (2) further notes that Mr Shafiek Rylands was a pioneer in the export market for fruit and vegetables;
- (3) recognises his role in assisting many farmers to comply with international standards and helped South Africa to become a leading exporter of fruits; and
- (4) further recognises that he contributed largely to putting South Africa on the international map as a

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chief buyer for a listed supermarket over a period of
fourty years;

- (5) acknowledges that he listed on the JSE for 40 years;
and extends its heartfelt condolences to the Rylands
family.

Agreed to.

IsiNdebele:

USIHLALO WENDLU (Ksz M G Boroto): Maqhegu, ngiyala, ingasi
phambi kwamehlwami nginiqalile. Ngiyala, akutjhidwe lapho.
Vulani. Niyangizwa.

CELEBRATING WOMEN'S ACHIEVEMENTS ON INTERNATIONAL WOMEN'S DAY

(Draft Resolution)

Ms B MALULEKE: Chairperson, I move without notice:

That the House—

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- (1) notes that International Women's Day is annually held on 8 March to celebrate women's achievements throughout history and across nations;
- (2) further notes that it is also known as the United Nations (UN) Day for Women's Rights and International Peace;
- (3) acknowledges that the majority of the world's 1.3 billion absolute poor are women and on average, women receive between 30 and 40 percent less pay than men earn for the same work;
- (4) further acknowledges that women also continue to be victims of violence, with rape and domestic violence listed as significant causes of disability and death among women worldwide;
- (5) understands that the theme for this year is "*Choose to Challenge*" and
- (6) calls on all activists to raise their hand high to show that they choose to challenge and call out gender

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bias and inequality and celebrate women's achievements throughout history and across nations.

Agreed to.

NOTICES OF MOTION

Tshivenda:

Muf C M PHIRI: Ndi khou livhuwa Mudzulatshidulo wa Nnḁu, ndi khou takuwa ndo imela ḽihoro ḽivhusi, ḽihoro ḽa vhadzimu na vhathu ḽine ḽa pfi ANC, ndi tshi khou dzinginya uri kha dzulo ḽi ḽaho, heino Nnḁu i ite khanedzano nga ha ...

English:

... efforts to eradicate corruption in the public and the private sector through increased awareness and access to information.

Mr C MACKENZIE: 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 role and future sustainability of the South African Post Office in an area of declining male

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volumes and how it can transform to meet the demands and opportunities of the 4th Industrial Revolution and the digital age.

Ms P MADOKWE: 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 crisis of higher education in relation to National Student Financial Aid Scheme, NSFAS, maladministration and it not being able to fund students.

Sepedi:

Ms C PHIRI: Modulasetulo, re le mokgatlo wa ANC re šišinya gore ka tulo yeo e latelago ya Ntlo:

debates about the investment - both private and public, because it is crucial for South Africa to accelerate its economic growth.

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

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That the House debates the growing crisis of unemployment especially among the youth and the need for government to prioritise job opportunities for South Africans in the low or no skill sector.

Ms T BREEDT: 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 –

- (1) debates the current models of the youth development in South Africa especially taking into account the National Youth Development Agency, NYDA, its current mandate, the actual input into youth development that the NYDA has completed since its inception whilst noting that youth unemployment is at an all time high and even higher than in countries currently tarnished by civil war;
- (2) take into account that the NYDA has had questionable projects which has not stimulated youth development nor youth employment.

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The HOUSE CHAIRPERSON (Ms M G BOROTO): Hon Gantsho, will you please try and move to a better position, we will come back to you.

Mr S N SWART: Chairperson, 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 existence and negative impact of race clasification in the country whether by indirect means or otherwise.

IsiXhosa:

Mnu N L S KWANKWA: Sihlalo ohloniphekileyo, egameni le-UDM ndenza isiphakamiso ngaphandle kwesaziso:

Sokuba le Ndlu-

ishukuxe intswela-ngqesho nendlala, ngakumbi emaphandleni kumaphondo, idibanise nolutsha eMzantsi Afrika. Siyabulela.

The HOUSE CHAIRPERSON (Ms M G BOROTO): mam Gantsho, are you ready now?

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Ms N GANTSHO: [INAUDIBLE.]

The HOUSE CHAIRPERSON (Ms M G BOROTO): We will give another member in the House to do the motion on your behalf.

Mr T V MASHELE: 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 the environmental sustainability as an important component of economic development and transformation.

IsiZulu:

Mnu T W MHLONGO: Sihlalo, egameni le-DA ngiphakamisa isaziso ngokuhlala okulandelayo:

Ukuthi le Ndlu - idingide udaba olubalulekile kakhulu lokhetho lwe-Sascoc.

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

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That the House debates the crisis and scourge of corruption and efforts to implement in order to eradicate the scourge of corruption and hold accountable involved individuals and members of the Cabinet in perpetuating and participating in corruption.

Ms N P MAHLO: 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 agro-processing and agriculture, job creation and land reform central to achieving an integrated and inclusive rural economy.

Mr A M SHAIK EMAM: 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 –

- (1) debates abuse, harassment, intimidation and murder of Palestinian people who are being dispossessed of their land and property by Israeli;

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(2) resolves to downgrade the South African Embassy in Israeli to close their office until such time Israelis stops their hostility against the Palestinian people;

(3) respect the right of Palestinian people and complies with all international agreements entered into.

Ms W S NEWHOUDT-DRUCHEN: 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 public trust and credibility of criminal justice system and enhances a state's ability to provide for public safety.

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

That the House debates how can Members of Parliament convince the public to use their constitutional right to vote for the purpose of taking the country forward.

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Ms M L LUBENGO: 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 accelerating economic growth through a skills revolution.

Ms B S MASANGO: 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 deepening levels of hunger and poverty in South Africa especially since the beginning of the national lockdown to curb the spread of covid 19 and the resultant spread of social ills among the poor and vulnerable.

Mr M G E HENDRICKS: Chairperson, we are okay, thank you very much.

Ms K D MAHLATSI: Chairperson, I hereby give notice that on the next sitting day of the House I shall move on behalf of the DA:

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That the House debates achieving transformation and development of the agricultural sector and the pertinent role played by the Land Bank as one of the South African most important finance institutions.

Debate Concluded.

The House Adjourned At 16:57

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