**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**WEDNESDAY, 8 SEPTEMBER 2021**

***PROCEEDINGS OF THE NATIONAL ASSEMBLY***

The House met at 10:01.

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

The DEPUTY SPEAKER: Hon members, in the interest of safety for all present in the Chamber, please keep your masks on and sit in your designated area. Obviously for as long as you can cope. We appreciate nature, but it can be very ... it has no rules like we do. The first item on the Order Paper is a motion in the name of the Chief Whip of the Majority Party.

Mme Caterina? Chief Whip?

The CHIEF WHIP OF THE MAJORITY PARTY: Well, now is Caterina;

it’s Castelina.

The DEPUTY SPEAKER: Castelina. It’s alright.

The CHIEF WHIP OF THE MAJORITY PARTY: That’s my Christian name; you must respect that name. I was given that name by Father ... [Inaudible.]. [Interjections.] Hon Deputy Speaker, and hon members, in respect to our Rules, I hereby move that this House, notwithstanding Rule 47(1) which provides for the sequence of proceedings, resolves that the First Order to the Third Order be taken before Questions today.

Motion agreed to.

# CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON POLICE ON APPOINTMENT AND INTRODUCTION OF NATIONAL FORENSICS OVERSIGHT AND ETHICS BOARD - DNA BOARD

Ms T M JOEMAT-PETTERSSON: Hon Deputy Speaker, hon Chief Whip, hon members, Minister in the House, the fight against crime requires that the entire criminal justice system closes ranks against criminals in our country. A significant factor in making sure that we fight crime effectively is ensuring that there are consequences for anyone committing a crime.

Criminals have to know that they will be caught and that there will be consequences for their actions. Our country cannot allow impunity to reign in the administration of justice and

there has to be swift justice for victims of violent crime and gender-based violence.

The National Forensic Oversight and Ethics Board provides us with another weapon in our arsenal to fight crime and to support the efforts of the police to find criminals who commit this heinous crime. The DNA board has a huge responsibility to make sure that in terms of the DNA database, the Department of Police must often maintain the database. In this regard, it has to maintain the National Forensic DNA Database to compare forensic DNA profiles.

The Portfolio Committee on Police register its appointment by the board by the Minister on 2 February 2021. The Minister introduced the board to the committee. The following five persons from the five private sector were appointed – Mr D Morema, Dr K Ehlers, Mr R Sono, Dr M Ndiyeza, Adv R Rawatt, and they are supported by the following four persons from the public sector, Adv L Nkosi-Thomas, Mr Rapea, Mr M N L Mthethwa from the Department of Correctional Services, Ms A A Grove from the Department of Health.

Hon Deputy Speaker and the hon Whip, I am sure that you all will join me in wishing the incumbents well for their term in

the DNA board. We have extraordinary challenges with the forensic science laboratories. We have a huge backlog in the testing of the DNA samples and thus, the portfolio committee has made it one of their priorities to ensure that the processing of DNA sample backlogs must happen with due urgency.

This people’s Parliament must note that we cannot allow the continued backlogs at the forensic science laboratories to grow. We would be doing a disservice to the thousands of women and children affected by intimate partners and other forms of gender-based violence. We as the ANC, we collectively condemn the fact that families of victims cannot proceed with dignified burials of their loved ones who have been victims of crime because of forensic science laboratories cannot rise to the occasion and conduct timeous forensic analysis of DNA samples, toxicology tests and the processing of the results.

The ANC says that this is unacceptable and it must stop, and we condemn it. But in the same breath, we wish to congratulate our Minister and the National Commissioner of the SA Police Service, SAPS, for the work they have been doing successfully in attending to this backlog. Minister, you are achieving much, but we have to achieve more.

Similarly, we are very concerned that the Department of Correctional Services has released 96 875 convicted Schedule 8 offenders on parole without having their DNA samples taken. We must make a call on the DNA forensic board to take this matter up with urgency it deserves. I want to wish the new DNA board all the best with respect for implementing its mandate and call on the House to support the National Forensic Oversight and Ethics Board. We call on the new board to vigorously fight to make sure that any and every victim of gender-based violence and femicide is protected through by this board.

We know that the DNA board will rise to the challenge in making sure that the SAPS plays a role with respect to the DNA databases. I want to state that we have extraordinary challenges with respect to the processing of DNA samples, but the portfolio committee is convinced that the Minister and his team are the correct people to solve this problem. I thank you.

*Sepedi*:

Ke a leboga.

*IsiXhosa*: Enkosi kakhulu.

*English:*

There was no debate.

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

*Declarations of vote:*

Mr A G WHITFIELD: Deputy Speaker, the National Forensic Oversight and Ethics Board is appointed by the Minister to serve in terms of section 159(v)(2) of the Criminal Law of Forensic Procedures Act for a five-year term of office. The Act makes it clear that the board serves for a period not exceeding five years yet the term of office of the previous board expired in April 2020 while the new board was only appointed six months later. The Minister did nothing to pre- empt this or immediately correct his noncompliance with the Act which resulted in there being no DNA board in place for a period of six months. If the Minister wishes to blame COVID-19 he would be disingenuous to do so because he knows that he should have commenced with the process to appoint a new board in 2019 already to ensure a seamless transition.

Curiously, this critical failure by the Minister is not included in the report before us today. This is just another

bungle in a long line of bungles by the Minister in his executive oversight role over the entire DNA and forensics environment which falls under the SAPS. The Minister was warned in 2019 already that the performance indicators in the quarterly report from the forensics division were pointing to a looming crisis, yet quarter after quarter the Minister watch the performance plummet and did nothing. The Minister was also warned in 2019 that the DNA board’s term of office would expire in April 2020 and he was asked what his plans were in 2019 already to prepare to meet the deadline. He ignored the early warnings from the committee and again did little to nothing.

The Minister was warned that something was wrong within the SAPS forensic division and the National Forensic Science Laboratory and he knew that the DNA backlog in 2019 was just less than 100 000. Again the Minister paid lip service to the crisis and sat back as we all watched the backlogs skyrocket to what is now almost a quarter of million case exhibits today. The Minister has been repeatedly warned that his failure to bring the DNA Amendment Bill to Parliament for the past four years is compromising the criminal justice system

due to violent Schedule 8 offenders being released on parole without having their DNA added to the national convicted offenders’ DNA database. Today we know that almost

96 800 convicted Schedule 8 offenders have been released on parole without their DNA being added on to this database because the Minister and his colleagues in Cabinet are sitting on their hands while the Bill gathers dust.

The reason the Minister has given Parliament for the delay is that he and the Minister of Home Affairs are investigating the possibility of a national DNA database to which every single South African will have to submit their DNA. A delusional DNA dystopia in the mould of Communist China. Now, while the entire forensic ecosystem has deteriorated dramatically in the last year, the burning question is: Where is the DNA board and what have they done to intervene? Have they requested meetings with Parliament? Have they briefed the Minister? How many times has the board actually convened to consider the catastrophic state of the SAPS forensic division and our laboratories? They have been in office for almost a year already.

In terms of the Act, the board must meet at least three times quarterly. So, by now they should have met at least three

times as they were appointed in October last year. The board has only appeared before Parliament once to introduce themselves. The oversight board has a critical role to play in holding the SAPS accountable to the DNA Act, but they appear to be missing in action. Perhaps because they have been ostensibly being replaced by the DNA technical task team in the Presidency far from the prying eyes of Parliament. The entire edifice upon which our DNA and forensic capability depends is crumbling. Our laboratories are grinding to a halt and the Act is not being fully implemented. Violent criminals are being released on parole without their DNA being loaded on to the convicted offenders’ database.

If we are to prevent the complete collapse of our DNA forensic environment, this House must demand that the DNA board and the Minister- not just the SA Police Service, provide monthly reports to Parliament on the steps that they are taking as a board to resolve the crisis we are facing. If our DNA forensic’s capability collapses, we would lose the most powerful weapon we have to fight violent crime in South

Africa. We need to unite behind this issue and demand accountability from the executive. But unfortunately the Da

cannot support this report because of the admission of the

Minister’s failure to comply with the Act. Thank you.

Mr H A SHEMBENI: Deputy Speaker, at the beginning of this year the forensic backlog stood at about 180 000 cases. These are cases of rape, murder, housebreaking and much more. The failure of the forensic laboratory has led to the acquittal of dangerous criminals, rapists and murderers because the evidence against them is simply not forthcoming. This is indicative of the general dearth of leadership across the police, but particularly with normal national forensics.

The National Forensic Oversight and Ethics Board is mandated to provide ethical oversight over the forensic department in the police. This to us is a very limited scope because it merely deals with managers’ complaints related to the taking, retention and use of all DNA samples and forensic DNA profiles. This is necessary to prevent the abuse of processes by the police**.**

However**,** we also submit that the failure of the forensic laboratory to perform its functions is a grave legal and ethical front to the constitutional rights of victims of crime. The board must be empowered to deal with these

violations of the right of citizens to competent forensic services in the Republic. However, it is impossible for the DNA Board to do so because it is appointed based on the likes or dislikes of the Minister who remains its executive authority. The proposed names of the DNA Board were submitted to Parliament by the Minister and it is very unlikely that his very own appointments would have any leg to stand on when the Minister is on the wrong side of the law.

The appointment of the DNA Board must be done in a manner that is transparent, and Parliament must have a say in the shortlisting and interviewing of members of the board. We cannot simply be expected to rubber-stamp decisions here that are taken by Bheki Cele in some dark corners. We reject this report.

The DEPUTY SPEAKER: Hon member, you know the Rules require of you not to call a member the way you did. So, if you do that again ntate, it will mean that you have been contemptuous of the Rules of Parliament. You dare not do that, and we will absolutely and strictly apply the Rules. The IFP?

Ms Z MAJOZI: Hon Deputy Speaker, the IFP welcomes the appointment of the second National Forensic Oversight and

Ethics Board as instructed by the Criminal Law (Forensic Procedures) Amendment Act. The work that the DNA Board must undertake is critical to the functioning of our justice system and it cannot be overstated. The IPF trusts that the board members that have had a few months to settle into their roles will work diligently to consistently clear the DNA case backlog, and implement mechanisms and systems that will improve the service.

The IFP urges the DNA Board to urgently step in and assist in righting the dysfunctional state of the national Forensic Science Laboratory, FSL, at a quicker pace. In March when the board was appointed, the backlog stood at 172 787 cases. The IFP recognises that this number has been reduced to

166 327 over the last five months. While this is indeed a welcome improvement, at this rate the backlog will only be cleared in January 2023.

The IFP recognises that even with this optimistic outlook, because of the slow rate at which new entries are being processed, according to the Department of Police between April and August almost 115 000 new DNA cases were registered. By

19 August, only 38% of these cases had been processed. This is concerning, especially when we consider the increasing rate of

contact crimes that rely on the national FSL for resolutions; the most worrying being the high rates of gender-based violence, femicide, sexual assault and other violent crimes.

Justice delayed is justice denied, and every person who has to wait years for a resolution is one person too many. Families, friends and communities are depending on the national FSL for closure. The delay also allows violent criminals to continue to torment our communities. This problem is not new and the IFP has remained concerned over the last 20 years. The resolution seems to elude us. The IFP supports the report.

Thank you, hon Deputy Speaker.

Dr P J GROENEWALD: Hon Deputy Speaker, when we talk about legislation and ensuring that it is enforced, there is one department that must see to that, and that is the Department of Police. The Minister of Police must set the example to ensure that when there is specific legislation applicable, he complies with that legislation and sets an example for the people of South Africa, because it is the Police Service that ensures that they enforce legislation.

Here we have an example where the hon Minister did not comply. So, he sets a very bad example for the people of South Africa,

and that is part of the problem of South Africa where people feel that, yes, we have good legislation but when it comes to enforcing certain legislation it doesn’t matter.

There is a real crisis when it comes to the DNA ... in the Police Service. We have the DNA Board appointed here and it is part of their obligations to ensure that there is proper oversight over the forensic laboratories, specifically when it comes to the Police Service.

However, the backlog on DNA samples only for gender-based violence increased from May this year to the 18th of August by more than 22 000. On the 18th of August we had a backlog of more than 90 000 DNA samples, specifically relating to gender- based violence.

*Afrikaans*:

Dit was gesê dat as daar van 1 Julie af alles 100% operasioneel is binne die laboratoriums, dan sal die agterstand weggewerk kan word. Die agterstand vergroot want daar is sekere toerusting in die laboratoriums waarvan die sertifikate**,** in terme van kalibrering**,** nie voltooi kan word nie as gevolg van ’n gebrek aan fondse ... die stryd in terme van leweransiers**.** En, dit is daardie kleiner jakkalsies wat

juis die wingerde verwoes. Daarom is die beroep van die VF Plus dat daar daadwerklik opgetree sal word. Die vrylating van gevangenes, wat, soos ons gehoor het, meer as ... in ’n omgewing van 96 800 is, van wie geen DNA monsters geneem is nie, ondermyn die strafregstelsel. [Tyd verstreke.]

*English*:

Mr S N SWART: Deputy Speaker, the ACDP believes that the backlog at the national FSL is ... [Inaudible.] ... backlog has a direct impact on the functioning of the criminal justice system and the people of South Africa — the victims of crime — are the real losers in this debacle.

We have seen the DNA case log grow year after year. We have seen ineffective and corrupt supply chain management systems that prevent laboratory and mortuary workers from accessing the basic materials they require. Forensic units remain in a state of decay. Staff are overburdened and under-resourced. In serving our people, these essential workers too are often robbed of their dignity.

Preventable failures have led to unacceptable delays. Families whose loved ones are victims of crime, often cannot proceed with the burials. They remain in a state of limbo. They are

being robbed of the justice and dignity they deserve. The victims of crime are therefore double victims. First of all,

... their perpetrators and then again by a state that robs them of their dignity when it comes to identification facilities at the laboratories.

Due to all of these wrongdoings and failures, the new board clearly has its hands full. We know from this report what the central problems faced by the board are but we share the concerns expressed about the board not accounting to Parliament to report on the progress it has made in solving these issues.

The ACDP welcomes the new board’s action plan to attend to contract management problems, to establish a forensic investigation unit and to drive down the DNA case backlog, but accounting to Parliament is crucial.

We are also concerned about operational competence and we again call for intensified and improved capacity. We need to build expertise and ensure that we not only attend to long- outstanding issues but strategically prevent new ones. The crisis at the DNA laboratories must be addressed urgently.

Lastly, we share the concerns expressed that almost

96 000 convicted schedule 8 prisoners have been released, without their DNA samples being taken due to the DNA Amendment Bill not being passed. This is absolutely disgraceful and seriously impacts the fight against crime, and must be corrected and addressed without delay. Regrettably, the ACDP, in light of these issues, cannot support this report. I thank you.

*Declarations of vote cont.:*

Mr N L S KWANKWA: Deputy Speaker, thank you very much, the UDM also does not support this report

*IsiXhosa*:

Isizathu sethu sesi, ngeli xesha urhulumente esalibele kukuzama ukulungisa le nto ethatha ithuba lakhe kwaye kungalandelwa migaqo-nkqubo yomthetho, ingxaki isekubeni abantu phaya ngaphandle ngamandla abo bahlukunyezwe zizaphuli- mthetho bafumanisa ukuba ubulungisa abude benzeke kubo kuba kukho le ...

*English*:

... delay on the DNA samples.

*IsiXhosa*:

Iyabachaphazela ke le nto abantu bakuthi ngobuninzi babo. Basithumile ke ukuba size apha sikwazi ukubathethelela. Kodwa ke Sekela Somlomo, amanyathelo afana nala okuzama ukuba kubekho ibhodi entsha kwaye ibe ne action plan yayo, ayancedisana ukuzama ukusombulula le meko ikhoyo.

Kufuneka ke ukuba sibenendlela siyiNdlu yoWiso-mthetho yeSizwe yokuwugqala siwujonge lo mgaqo-nkqubo wabo, sijonge ukuba ingaba uzakukwazi na ukuncedisa ...

*English*:

... with addressing the backlogs of almost 200 000 samples. These are challenges ...

*IsiXhosa*:

... ekufanele ukuba iPalamente iyangenelela kuzo nokuthi ...

*English*:

... to provide proper oversight over the National Forensic Science Laboratories ...

*IsiXhosa*:

... yile bhodi. Le bhodi kufuneka ibenedlela ethungelana ngayo nePalamente. Abantu bakuthi xa bechatshazelwa yile ...

*English*:

... National Forensic Science Laboratories and its work and with its delay of the DNA samples, they come to us, the representatives of the people ...

*IsiXhosa*:

... ababaleki baye emapoliseni nakwibhodi engekho ...

*English*:

... accountable to Parliament.

*IsiXhosa*:

Kufuneka thina sibenendlela ...

*English*:

... as the representatives of the people ...

*IsiXhosa*:

... yokungena sikwazi ukuthetha sikwazi ukubona ukuba ziintoni iingxaki ukuze sithi xa sibuyela kwiiconstituencies sikwazi

ukubaphendula abantu bakuthi. Ewe kona eli nqanaba luthathiweyo ...

*English*:

... is a step in the right direction ...

*IsiXhosa*:

... kodwa kufuneka sifunde ukwenza izinto ngendlela ...

*English*:

... in future.

*IsiXhosa*:

Siyabulela.

Ms T L MARAWU: Deputy Speaker, we are not debating this matter.

The DEPUTY SPEAKER: Chief Whip ...

*IsiZulu*:

... kahle. Yehlisa izwi lakho. Njengamanje usePhalamende. Kungcono ukukhuluma kanjalo uma uhleli e-Sterk ukhuluma

nomuntu ongale komfula. Manje sesilalele wena sonke le eNdlini ngoba ukuluma kangaka. Sicela ungayenzi lento.

Ms N P PEACOCK: Hon Deputy Speaker, the National Forensic Oversight and Ethics Board consist of five persons from outside the public sector with knowledge and experience in forensic science, human rights law as well as ethics-related. The levels of experience and expertise of these individuals allow the DNA Board to execute its mandate effectively.

The board provides oversight over the processes relating to the collection, retention, storage, destruction and disposal of the DNA samples. The retention and removal of forensic DNA profiles as well as the bridge in respect of taking, transporting, analysis, storing and use of communication of forensic DNA samples as well as forensic DNA profiles.

Importantly, the board must also monitor the performance of the National Forensic Science Laboratory of the SA Police Service, SAPS, as well as the National Forensic DNA Database and ensuring minimum standards are complied with and are adhered to. The board must also ensure compliance with ethical and privacy issues.

Ethically, the discussion centres on the balance between the rights of the individual as well as the rights of society. The concerns expressed by society are that DNA profiling may violate an individual’s genetic privacy. The challenge of DNA testing has been well-documented. The longstanding challenges regarding the DNA analysis backlog have resulted in tragic consequences for the victims of crime, particularly women and children, and also impacted negatively on the criminal justice system. The consensus cannot be downplayed by the current DNA analysis challenges as a result of the continuous backlog that we have been seeing.

We recently hosted the Women’s Parliament during which the challenges experienced with gender-based violence and femicide, hence, we support the fact that this board should be considered on that. Between April and June 2021, overall sexual offences increased by a significant 74,1% compared to that of the previous financial year. During this period the SAPS recorded 12 702 sexual offences cases which was the highest number of cases in this financial year period. Of the total sexual offences, 10 006 were rape cases, representing 78,7% of the total. All subcategories except contact sexual offences recorded the highest number in the financial year 2017 and 2018 as well as 2021 and 2022.

The current backlog of gender-based violence-related DNA analysis is around 90 201 cases. This is unacceptably high. The SAPS is failing the women of South Africa. However, we are confident in the solutions initiated by the SAPS to address the significant backlog and bring that peace to the victims of gender-based violence. We are intensifying our oversight over the DNA analysis backlog reduction programme. The reduction programme, hence what the opposition have just stated, there is progress in what the Minister is planning to do.

The Minister is not folding his hands; he does not sit in a corner. He is doing something because if he was not doing anything we could have not had this backlog reduction programme that speaks to the SAPS especially on the diversion of contact management strategy, public-private partnership and the appointment of the Forensic Service Technical Advisory Committee. The Criminal Law Forensic Procedure Amendment Act

27 of 2013 came into operation in January 2015. The transitional operation includes the use of mucus samples of all individuals of schedule 8 offences for forensic DNA.

Within two years from the date of commencement of the Act, the period of transition expired on 31 January 2017, as result, mucus samples did not need to be taken from convicted schedule

8 offenders whose mucus samples were not taken prior to the date of the commencement of the Criminal Law Amendment Act of 2013. It must be noted. It is important. This only applies to that individual convicted before the Act commenced. DNA samples are taken from all convicted individuals. The Minister has approved the Amendment Bill for further processing by the Cabinet Committee of the Justice, Crime Prevention and Security, JCPS, cluster. A request for approval of the Bill for introduction to Parliament shall be sought from the Cabinet ... and the date to brief the Minister.

We call on the Minister to fast-track the tabling of the Amendment Bill to ensure the taking of the DNA samples from convicts incarcerated between or prior to 2015. I want to wish the new DNA Ethics Board ... and call on all members to execute their mandate without fear or favour. DNA remains one of the most effective crime-effecting tools and we need effective control and functioning of the DNA database. In so doing, the ANC supports the report. I thank you, Deputy Speaker.

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

Report accordingly adopted.

The DEPUTY SPEAKER: Before I move to the Second Order, hon Chris Hunsinger has drawn my attention to the presence of a new member in our ranks, Nicholas Myburgh. Welcome hon member. [Interjections.] Hon Myburgh, in future you listen to the Chair, not to the crowd. [Interjections.] [Laughter.] There must be order in the House, your induction will otherwise be faulty if allow you. Welcome! Welcome!

# CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON POLICE ON APPOINTMENT AND INTRODUCTION OF NATIONAL FORENSICS OVERSIGHT AND ETHICS BOARD (DNA BOARD)

Ms T M JOEMAT-PETTERSSON: Hon Deputy Speaker, hon Chief Whip, indeed, the Portfolio Committee on Police has been working.

The Critical Infrastructure Protection Act was accented to and promulgated by the President on 28 November 2019. The Act replaced the old National Key Points Act of 1980 and the purpose of the Critical Infrastructure Protection Act was amongst others, to provide for the identification and declaration of infrastructure as critical infrastructure, to provide for guidelines and factors to be taken into account,

to ensure that there is transparent identification and declaration of critical infrastructure.

This Parliament is sacrosanct. The security at this Parliament has to be beefed up, so that we understand the critical infrastructure that this Parliament is and we do not allow all and sundry to past our security systems.

When we did these interviews, we did the interviews physically in Parliament and 90% of these candidates who came for the interviews walked through without security clearance, without being checked. They had access to this building without security clearance and this is a critical infrastructure complex. This secured. It is a national key point.

We have recommended Adv Lufuno Khorommbi, Mr Willie Renier du Preez, Ms Keletso Lefothane, Mr Grant Son, Mr Richard Zitha, Vincent Mello, Patience Mbava, Eugene van Rooyen and Ms Silinyana. It is youth, they are young and they are vibrant. They have technical skills. Adv Lufuna is a tech guru who will help you with all kinds of cybercrime.

I am a child of the Khoi and the San. Last week, I wore a leopard skin, which was handed down from the Khoi. It is not

... Please, I am not breaching any protocols, because I don’t wear skins, but this was handed down. So, I am a child of the Khoi and the San, but the Khoi and the San cannot be camping out at the Union Buildings, planting marijuana and dagga and vegetables. The Union Building is a national key point and must be respected. They must be removed, hon Minister.

Our view is that the need for the National Key Points Act to be updated has been achieved and we firmly believe that the new Critical Infrastructure Protection Act rises to the challenge of the 21st century. Our harbours, our ports, Eskom are key points.

The nomination list includes all the requisite skills you require, Minister. Please, when you select five, consider what the committee is presenting to you. We will be able to receive and consider your applications, Minister, your assessments, your recommendations and reports on critical infrastructure.

But we will not only accept recommendations; we will also consider how the police will be monitoring these key points.

We cannot always call in the SANDF. The police are protecting this precinct. They must do their jobs and they must do so properly. These hon members must not be taken for granted.

Their security is not fashionable; it is not some kind of privilege. This Parliament is our inheritance. We fought for it. We shed our blood for it. It must be secured.

*Sepedi*:

Ke a leboga.

*Afrikaans:*

Baie dannkie.

*IsiXhosa*:

Enkosi kakhulu.

*Declarations of Vote:*

Mr O S TERBLANCHE: Hon Deputy Speaker, hon members, South Africans, the Critical Infrastructure Protection Act 8 of 2019 was accented to and promulgated by the President on 28 November 2019. The Act replaced the old National Key Points Act 102 of 1980. This Act applies to the identification and the declaration of infrastructure as critical infrastructure, the determination of critical infrastructure as critical infrastructure complex and the protection of infrastructure.

In a country like South Africa, I am convinced that the majority of us will agree that critical infrastructure must be properly listed, maintained, controlled and secured because of its importance to the country as a whole.

*Afrikaans*:

Ons is bewus daarvan dat daar ’n geweldige agterstand is om hierdie baie belangrike bate van die land behoorlik te identifiseer, behoorlik te bestuur en veral behoorlik in stand te hou.

*English*:

The Act is establishing a Critical Infrastructure Council and compels the Minister of Police to appoint the following people: the Secretary for the Police Service, an official at the level of at least a chief director or an equivalent level designated by each of the heads of the following departments: Department of Defence, the Department of Home Affairs, the Department of Public Works, the National Disaster Centre, the South African Local Government Association, the South African Police Service and the State Security Agency, and five members appointed in terms of subsection 8 from the private sector and civil society, appropriately qualified, knowledgeable in the respective fields.

*Afrikaans*:

Dit is presies waarmee ons nou op hierdie stadium besig is.

*English*:

The process for Parliament to nominate 10 m embers of the private and civil society sectors are contained in section 4(7) of the critical Infrastructure Protection Act.

The Speaker referred the matter to the Portfolio Committee on Police who followed a proper prescribed process to submit the list of names to the NA. The committee received 42 applications on the advert placed in the media of which 37 applicants met the minimum requirements and shortlisted 20.

The panel eventually interviewed 17 remaining candidates between 8 and 10 June 2021. Our chairperson has just informed Parliament about the names that were decided on.

The attached name list indicates the performance of the candidates during the interviews, as scored by members of the interview panel. The Minister of Police must now appoint five of these candidates to serve on the Critical Infrastructure Council. All candidates were properly vetted by the State Security Agency and their academic qualifications were checked by the human resources division for correctness.

The process must be finalised now to allow the critical Infrastructure Council to be established without delay and start its important task. Almost two years have passed since the promulgation of this Act and it must now be implemented as a matter of urgency.

The SAPS and all the partaking departments have a very important role to play in the administration of this Act. This must be done under the watchful eye of the Critical Infrastructure Council. The DA supports this report. Thank you.

Mr H A SHEMBENI: Deputy Speaker, it is now 34 months since the Critical Infrastructure Protection Act was passed into law.

One of this Act many instruments is the establishment of the Critical Infrastructure Council that it has taken this long to interview and recommend for appointment of members of this Critical Infrastructure Council should be a source of shame to the efficiency of this Parliament.

The country needs this council to function properly to replace the apartheid era National key points Acts and its somehow draconian provisions on what constitutes National key points. We supported the passing of the critical infrastructure, being

both at the National Assembly and the NCOP, and are supportive of the work that the Critical Infrastructure Council is mandated to perform. We participated in the interview processes for the selection of this councillors and have no issues with the appointment of any of those shortlisted.

However, we must mention that we are worried about the emergence and entrenchment of securocrats under the leadership of this particular administration which is only too happy to use whatever excuse under the sun to suppress opposing views.

Parliament must remain vigilant than to put an end to this tendency promoted by Mr Ramaphosa, the President.

The Critical Infrastructure Act is one of those pieces of legislation which may be abused by a paranoid and insecure government such as the one we have today to further suppress the rights of citizens under the guise that critical infrastructure is at risk. We will oppose all emerging pictorial advances by the ruling party which has lost all moral authority to lead this nation and has resulted through the use of force. The police, and the courts must refuse to be used by those who have planned that our country for their own narrow ends. We therefore support this Report. I thank you, Deputy Speaker.

Ms Z MAJOZI: Thank you, hon Deputy Speaker. The IFP welcomes the interviewing of candidates for the Critical Infrastructure Council Act. We recognise that the process was conducted in a transparent, fair, consultative and consensus seeking manner to ensure that fit and proper people as well as the best suited candidate will be appointed.

The IFP trust that the council will be appointed with urgency as the House rises in preparation for the local government elections. While the process has been transparent, it has been long and with many interruptions. It will do the committee and the country well to push for speedy appointments and allow the appointees to begin serving their five-year term. The IFP recognises the qualifications of the shortlisted individuals and believes that they possess the appropriate knowledge and experience in the relevant fields. As they will be serving on the body that often deals with sensitive information and structures, they are a welcome addition to the oversight and protection of our critical infrastructure.

The IFP is particularly interested to see how the council once appointed will engage with key stakeholders and the public. We know the Critical Infrastructure Act replaces the controversial and the draconian piece of legislation that

often punished civilians ... [Inaudible.] ... to conduct in places considered to be the national key points. The IFP trust that the council will continue to consider and make a recommendation to respect of applications for places to be designated as critical infrastructure in a way that encapsulates our constitutional principles. The IFP accepts the Report. Thank you.

Mr S N SWART: Thank you, Deputy Speaker. The ACDP supports the Report. Thank you.

Mr N L S KWANKWA: Thank you, Deputy Speaker.

*IsiXhosa*:

I-UDM nayo iyayixhasa le ngxelo. Izizathu zezokuba kakade kufanelekile ukuba thina njengesikhokelo kurhulumente ...

*English*:

... in critical infrastructure rather ...

*IsiXhosa*:

... sibe nendlela esiyikhusela ngayo kwaye siqiniseke ukuba asiyiyo indawo yokudakasela, kuba kalolu ingaphela sele iyimingxunya yezihange ukuba asiqondanga okanye isidima sayo

sibonakale sijongelwa phantsi. Okubalulekileyo nenye into esiyithandayo kukuba, kweli tyeli eyonanto siyizamayo kukuqinisekisa ukuba ...

*English*:

... there is a balance between protecting infrastructure ...

*IsiXhosa*:

... nokukhusela amalungelo abantu boMzantsi Afrika ukuze babenendlela efanelekileyo youkusebenzisa ...

*English*:

... and accessing infrastructure.

*IsiXhosa*:

Okunye okubalulekileyo, kukuqinisekisa ukuba kule-council aba bantu babekiweyo abanachaphaza okanye abanabala likaNtsho ngesiXhosa, ngabantu abanokuthi xa bewunikiwe umsebenzi ngendlela bakwazi ukuwenza kuba isakhono kunye nolwazi zikhona. Bazakuyidinga ke inkxaso yethu yethu nokuba thina siyiPalamente sibaqwalasele ukuba benza le nto bafanele ukuba bayayenza. Siyabulela.

Ms S PATREIN: Thank you very much, Deputy Speaker and Members of the National Assembly. The African National Congress support the appointment of the Critical Infrastructure Council. The Critical Infrastructure Council play a central and critical role in the protection of the country’s key infrastructure such as transport goods and services. The government has the responsibility of ensuring that the critical infrastructure is protected against any possible threat that might arise from natural disaster, terrorism, nongovernmental grouping, invasion and further threats.

The protection of critical infrastructure includes among others the vast network of highways connecting bridges, channels and railway. It is important to keep these different facilities in good shape as they are needed for the operation of the society and to maintain normalcy in the daily life and the wellbeing of the South African people. The Critical Infrastructure Act of 2019, provide an outline of the identification and declaration of infrastructure as critical infrastructure, and it will also determine the critical infrastructure as critical infrastructure complex and protection.

The critical infrastructure needs to be protected because they play a critical role in the economic growth of the country.

They are capital, intensive and a high cost investment of the country and they are vital to the country’s economic development and prosperity. The Critical Infrastructure Act provide a clear process to be followed in reference to the appointment of the infrastructure council and indeed the process as outlined in the Act was duly followed.

Hon Deputy Speaker, the Speaker of the National Assembly referred the matter to the relevant committee of the National Assembly, to publish the notice and also to advertise to the newspapers. The committee was charged with the responsibility of doing the short listing process, the instruction was that it must not be less than 20 people who are disqualified in terms of section 5 of the Critical Infrastructure Act. The Portfolio Committee on Police has also followed the due processes and all steps as set out in the legislation.

Further, the advert was placed in the newspaper with the closing date which was said to be 22 February 2021. The portfolio committee received 42 applications and two applicants did not meet the deadline and one applicant unfortunately passed away during the processes. In total, 37

applicants met the minimum requirements. The committee finalised the list of 20 candidates for the interviews and wrote to the Speaker’s Office to facilitate the process of vetting by the State Security Agency for the 20 applicants for the Critical Infrastructure Council on 14 April 2021.

The portfolio committee presented the final list of 20 candidates to the State Security Agency for vetting processes and to the Human Resources division to verify on their qualifications. The processes were undertaken in May 2021 and all candidates were vetted. Out of all of them only one was flagged for a possible criminal record. The interview process took place on 08 to 10 June 2021. Different political parties were part of the interview. The interviews were conducted physically in Parliament Offices, in Cape Town.

Ten candidates were recommended for the appointment as members of the Critical Infrastructure Council. That was the last step of the processes. The processes were fully and correctly followed. Hon Deputy Speaker, given the fact that all processes were correctly followed on the appointment of the Critical Infrastructure Council as stipulated in the Act, therefore, the ANC support the Report. Thank you.

*Sesotho*:

MOTSOKASEPHADI YA KA SEHLOHONG WA MOKGATLO O BUSANG: Ha ke

lebohe Motlatsi wa Sepikara. Ke tsitsinya hore tlaleho ena e beilweng mona re e amohele re le Ntlo ena ya Palamente. Ke a leboha.

Motion agreed to.

Report accordingly adopted.

# CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON POLICE ON PETITION OF MRS NICKY KINNEAR ON THE DEATH OF HER HUSBAND, LT COLONEL CHARL KINNEAR

*Afrikaans*:

Me T M JOEMAT-PETTERSSON: Agb Adjunkspeaker, ek werk vandag vir my brood. Ons het hierdie petisie gehoor.

*English*:

Hon Deputy Speaker and hon members, the killing of police officers cannot go unchallenged. We have lost too many police officers in the line of duty and we have just heard from our hon President Ramaphosa at the commemoration of police

officers who have given ultimate sacrifices of defending and protecting all our lives.

On Sunday, the Minister, the National Police Commissioner, the Deputy Minister and the President, commemorated the Police Day which is dedicated to remembering our fallen heroes and heroines. My apologies that I could not make it hon Minister.

According to the SA Police Service, SAPS, 34 police officers lost their lives in the call of duty between, 1 April 2019 to

31 March 2021. Another 860 succumbed to COVID-19. All of us need the Police. We need their security to go about our daily business. For the police officers to lose their lives on the call of duty, is a blow to our country and it is a blow to our national security.

Lt Charl Kinnear was one of a kind of a police officer, who dedicated his life to protecting the lives of others. In his fight against violent crime and gangsterism, in his investigation into corrupt police officers, selling weapons to gangsters we heard, led directly to his death.

Our committee heard the cry of his wife, Nicolette Kinnear, her family, her sons, they were crying and are still crying out for justice.

Mrs Kinnear we promise you, your husband’s life will not be left in vain. We will get to the bottom of the death of your husband.

Hon members and hon Deputy Speaker, the cry of the widow has been for justice. The police have arrested a few gangsters and are currently being charged for the murder of Lt Colonel Charl Kinnear. However, this is only the tip of the iceberg. We have to thank the leadership of SAPS, for giving this matter its full attention. The attack on the police officer, is an attack on the state.

The portfolio committee received an unsolicited petition, referred by the Speaker of the National Assembly, from Mrs Kinnear and the portfolio committee on 21 February 2021 to consider the petition. It was concerning to all the members that SAPS was warned that Colonel Kinnear was being followed and that other officers associated with the investigation into gangsters were on a hit list and could be killed.

Despite the information provided to SAPS, Colonel Kinnear was killed on 18 September 2020. This caused the stress not only to his family, but it caused the stress to our nation, it caused a tress to a community who believed in him. Many people really, supported Colonel Kinnear and respected the work he was doing. It changed the lives of many people. For the sake of his wife and children, let us find closure.

If there has been any collusion between police officers and gangsters in the death of a seasoned detective. We categorically condemn this. We are thankful that after this long investigation, someone has been charged with his murder. However, is this enough? Certainly, hon Deputy Speaker, we do not believe that this is enough. I thank you.

*Declarations of Vote*:

Mr O S TERBLANCHE: Hon Deputy Speaker and hon members, the report that this House is considering, at the moment, is no ordinary report, but embodies all the complexities ... [Inaudible.] ... of the things playing out at the SA Police Service at the moment. The late Lt Colonel Charl Kinnear is one of the unfortunate victims of the current battle raging on in the SA Police Service, SAPS, currently between two opposing

factions for the soul and control of this important institution.

Ordinary police practices and investigative failed and did not provide any desired solutions to solve this cruel bloody murder. The Kinnear family were obliged to approach Parliament to enforce proper police action.

The Portfolio Committee on Police met on 23 February to hear Mrs Kinnear’s petition. The following negative aspects were conveyed to the committee: Death threats, alleged unlawful phone tapping and surveillance, attempted murder, a failed hand grenade attack, failure to provide protection, malicious transfer, victimisation, ignored representative patience to see their management, including the National Commissioner.

Yes, like so many South African citizens who are experiencing daily failures, the criminal justice system is also failing Mrs Kinnear and her family. Even as we speak, this case is still not finalised. The Kinnear family wants to know who is responsible for this failure and what consequence management will be instituted?

Lt Colonel Kinnear was only doing his job and paid with his life for that effort. Surely, the Police management has a lot to answer. Corrupt elements must be rooted out of the Police. Minister Cele, played the innocent game again! Yet another incident that he was not informed again and obviously not even concerned about it! Our National Commissioner positioned himself very carefully behind his policies, assessments, etc, and his normal done and dusted stance.

However, the reality is that he did not respond to the 59 letter page from Lt Charl Kinnear addressed to him personally. Now, Gen Sitole the question is: Did you receive that letter? If no, who else received it? More importantly, what was done about it?

The state of the SA Police Service, SAPS, is a really serious matter. The National Police Commissioner is on record where he admitted in the portfolio committee that the SAPS is no longer able to fulfil its section 205 constitutional responsibilities. Meaning that the Police can no longer prevent, combat and investigate crime. It cannot maintain public order. It cannot maintain and secure inhabitants of the Republic and their property. And cannot uphold and enforce the law.

The citizens of South Africa apparently; you are on your own. The recent unrests in KwaZulu-Natal and Gauteng, proved that this is intact a true reflection of the operational ability of the Police at the moment. Something drastically needs to be done. This state of affairs cannot be allowed to continue any longer. The Police must be restructured and transformed. The devolution of certain Police functions to provincial level must be pursued.

The friction between the Minister and the National Commissioner must be addressed. The current National Commissioner is compromised and his suitability to serve further in his post must be determined. The Supreme Court of Appeal upheld a High Court Judgment that he and two other members of the Police management had bridged their duties and makes his job as head of SAPS now untenable.

The faction fights amongst the top echelons must be solved. The public has lost faith in the Police’s ability to protect them and ensure their safety. The crime statistics are spiralling out of control. The apparent deep-rooted factional divisions within the SAPS and its politicisation make the findings of the internal solutions almost impossible. I

therefore call on the State President to intervene. The DA supports this report. Thank you, Deputy Speaker.

Mr H A SHEMBENI: Thank you, Deputy Speaker. Gangs are able to flourish the way they do in the Western Cape because they have managed to capture the highest levels of police authorities in this province and nationally. Criminal elements have infiltrated each and every level of the police in this country, and this has emboldened criminals because they have full knowledge that they are protected by powerful forces within law enforcement agencies. This leaves honest hardworking and ethical police officers such as the late Colonel Charl Kinnear alone and at risk. Their lives are at risk because they must not only fight dangerous criminals out there, but must also focus on the enemy within. The death of Colonel Kinnear was the clearest indication that our police force in the Western Cape is rotten to the core, everyone in the police knew that the colonel was investigating high profile drug lords. It was known that these drug lords were, and are still, working with the high profile police officers.

The colonel was offered police protection, and that protection was withdrawn which led to his untimely death. Why must it take so long to determine who authorised the removal of his

protection, and the reasons for such removal? Why must it take so long to figure out who within the police worked with the gangsters to assassinate the colonel? What message is this sending to other dedicated and honest police officers in the Western Cape? Do we want to offer them no hope at all that they are appreciated and protected by the state they are serving so diligently?

The EFF would like to take this opportunity to thank Mrs Nicky Kinnear for her bravery and her dedication to her husband’s memory. It takes a brave person to confront the rot in the police that led to the death of her husband the way she has confronted it. We will continue demanding answers from the police. If the police leadership had any dignity left, the National Commissioner would have resigned and Jeremy Vearey would have accounted for their failure to protect Colonel Kinnear. The leadership of the police are a very shameful branch who cannot even protect their own ethical and dedicated members. We accept this report and commit to never let the death of Colonel Kinnear go unpunished. I thank you, Deputy Speaker.

Ms Z MAJOZI: Thank you, hon Deputy Speaker. The coldblooded man requires for us as Parliament to demand answers from the

SA Police Service and the Minister of Police. Lieutenant- Colonel Kinnear’s death not only robbed his children and wife of a father and husband, but came at a great cost in the fight against organised crime in South Africa. As the committee we have heard the plea of Mrs Nicky Kinnear. She has called for justice to be served and for the rot in the SA Police Service, SAPS, which failed to protect her husband to be exposed and rooted out. There are many unanswered questions such as why protection for Lieutenant-Colonel Charl Kinnear was removed and what his own investigation revealed.

The IFP strongly agrees with the ... [Inaudible.] ... on the committee’s agenda until the committee has been able to get much-needed answers. We cannot sit back and allow corruption in the SAPS to spread. Organised crime is flourishing in this corrupt environment, and any fight would be futile if we do not also destroy the rot in the SAPS. Our latest crime statistics paint a very green picture of what we, as South Africans, face and call on the police for a national strategy to address the horrifying increase in reported murders and organised crime. From April to June alone there has been an increase of 66,2% in murders reported compared to the same period last year according to the SAPS latest quarterly crime statistics.

We have brave men and women who are risking their lives investigating drugs lords and gangsterism ... fighting against corrupt police officials and state officials. These hon men and women literally embodied all that is good in mankind in ensuring justice is served. We cannot allow the legacy of these brave police such as Lieutenant-Colonel Kinnear to be forgotten. We have to honour their lives and their courage in fighting to keep our children safe. The IFP, therefore, feel strongly that this matter needs to be closely monitored by Parliament and we simply cannot accept the vague responses from the Minister of Police and the National Commissioner of Police and that internal processes are proceeding within SAPS.

The Kinnear family and the public deserve ... [Inaudible.] ... report by the Minister’s investigation and the Independent Police Investigative Directorate, Ipid and ... [Time expired.]

Mr W W WESSELS: Hon Deputy Speaker, the FF Plus supports the report. I thank you.

Mr S N SWART: Hon Deputy Speaker, hon Sukers is ready.

The DEPUTY SPEAKER: Hon Sukers, connection problem. Go ahead Mam.

Ms M E SUKERS: Thank you, Deputy Speaker. Shall I proceed?

The DEPUTY SPEAKER: Yes, please, go ahead Mam.

Ms M E SUKERS: Deputy Speaker, Mrs Kinnear’s petition documented in the report of the Committee on Police provides us with a timeline of events surrounding the tragic death of her husband Lieutenant-Colonel Charl Kinnear. The ACDP wants to reiterate and add to some of the questions raised by Mrs Nicky Kinnear. First, who are the ... [Inaudible.] ... police officers attached to the Western Cape Crime Intelligence Unit who threatened Colonel Kinnear and his family? Have they been apprehended, and if not, why not? When these individuals were investigated and named by Ipid who made recommendations to the National Prosecuting Authority, NPA, that they be criminally prosecuted and why did the NPA not follow through and do so?

Why was the provincial crime intelligence unit made up of the very people that Colonel Kinnear felt he could not trust tasked with investigating the threat that Colonel Kinnear and his family felt that they were under? Why were the same members of this unit accused by Colonel Kinnear of following him and intercepting his calls placed under official protection following the murder of Colonel Kinnear? Why if Colonel Kinnear’s name appeared on a heap list together with

that of the superior Major-General Vearey was it only the latter who received adequate protection?

Colonel Kinnear must be commended and we want to honour Mrs Kinnear for having the courage to pursue this matter and appear before the Committee of Police. Mrs Nicky Kinnear and Colonel Kinnear represent the best of SAPS. In the words of the committee until the committee deals with the leadership of the SAPS, we will not be able to deal with the assassination of Colonel Kinnear. We support the Committee on Police in this crucial endeavour. The ACDP would like to add that the response by the Minister of Police, Bheki Cele, included in the report is ambiguous, vague and lacking in necessary details and it is simply not good enough.

Lastly, the murder of Colonel Kinnear was an attack on the state whose responsibility it is to uphold the rule of law in the defence of human sanctity, safety and security. The state cannot uphold the rule of law while those officers to Colonel Kinnear run a mark in South Africa’s security institutions. We owe our ... [Inaudible.] ... to man like Colonel Kinnear and their families who remained resolute in their commitment to make South Africa a safer place by confronting evil and who in doing so make the ultimate sacrifice. I thank you.

Ms L N MOSS: Hon Deputy Speaker and members, please allow me to present the Kinnear petition report before the House. It is exactly a year since Lieutenant Kinnear ...

The DEPUTY SPEAKER: Hon member, kindly take off your mask. Notice that all speakers have been doing so. So, we also want others to read your lips. Go ahead. [Laughter.] Order! Order! You are disrupting the member in the House.

Ms L N MOSS: Thank you, Deputy Speaker. It is exactly a year since Lieutenant Charl Kinnear was brutally assassinated at his home at Bishop Lavis, in front of his wife, Nicolette Kinnear and their children. May his soul rest in peace.

Hon Deputy Speaker, the Portfolio Committee on Police received a petition that was referred to by the Speaker, that it came from Mrs Nicolette Kinnear, the widow of the assassinated Colonel Kinnear, on the 13 November 2020. The Portfolio Committee on Police met on the 23 February 2021 to consider the petition. The petition was tabled in the portfolio committee by Mrs Nicolette Kinnear, who requested the portfolio committee to investigate the matter in answering the questions as to why the police protection was withdrawn while

there was clear evidence that her husband’s life was in

danger.

The primary interest of the petition is to uncover what really happened and get significant information around the death of her husband. And most importantly, to get justice for her husband. Hon Deputy speaker and members, the Constitution of the Republic of South Africa section 56(d) says:

The National Assembly or any office committee may receive petitions, representations or submissions from any interested persons or institutions.

Subsequently, section 69(g) provides the same clause for the NCOP and Mrs Kinnear is presenting the petition to the portfolio committee and it is within her rights to do that. Mrs Kinnear then thanked the portfolio committee and appreciate the opportunity granted to her and her family by the portfolio committee to present the events that lead to the death of her husband, and to seek clarity to the questions she has around the death of her husband.

Colonel Kinnear was a dedicated member of the blue family, which is the SA Police Service. He served the people of the

republic with distinctions. He was a hardworking and dedicated police officer and he worked under a very dangerous unit in the Western Cape, particularly in Cape Town, which is the

Anti-Gang Unit.

Mrs Kinnear made a submission to the portfolio committee and provided background of serious offences that transpired. Mrs Kinnear said that she strongly believes that her husband was failed by his own SA Police Service and that her death of her husband came as a result of negligence from the police. She further argued that her husband was killed because of the nature of the job he was doing. Like any other soldier, he died on the battlefield with his boots on.

His assassination was as a result of the investigation he was busy with. He was killed because of his expertise and his preparedness to fight against gangs and drugs in the Western Cape. Mrs Kinnear felt and continues to feel that the public was robbed a great principled police officer and as family, they were robbed a husband and a father to her children. Mrs Kinnear concluded by saying that she wanted answers as to why the 24hours’ security was withdrawn or removed on the 3rd to the 18th of September, which was ultimately the day he was brutally murdered at his house.

The members of the portfolio committee expressed their feelings on the matter. There were questions raised. All the portfolio committee members sympathised with the family of the Kinnear on their loss. Colonel Kinnear was once again another victory to the criminals and a huge loss to the SA Police Service, particularly the Anti-Gang Unit both in the Western Cape and the Gauteng province and a loss to the society at large.

The members of the committee expressed their dissatisfaction on what has happened; that SA Police Service has lost two senior officials in a similar manner, in the same month and in the same year. Proves that there is a clear organised crime to cover certain illegal tracks.

The National Commissioner expressed his condolences to the Kinnear family on behalf of SA Police Service and provided a brief security policy no3 of 2019, which makes a provision for protection of SA Police Service members in case of threat to their lives. That interim measures are put in place while there are still assessments being done and in case of Colonel Kinnear an assessment was not completed.

The portfolio committee and the police are committed to ensure that the truth comes out and justice for Kinnear remains a priority. In conclusion, we ... [Inaudible.] ... Mrs Kinnear for standing up for justice for her husband and his rights.

But also, ...

*Afrikaans*:

... menseregte. Elke mens in ons land en in die wêreld het ’n

reg om te lewe. [Tussenwerpsels.]

*English*:

In conclusion, ...

*Afrikaans*:

Elke polisieman en polisievrou in die polisiemag moet beskerm word.

*English*:

Our police men ... [Inaudible.] ... Our police women ... [Inaudible.] ...

*Afrikaans*:

Genoeg is genoeg!

*English*:

The ANC supports. I thank you.

Question put.

Agreed to.

Report accordingly adopted.

Business suspended at 11:28 and business resumed at 15:00

The SPEAKER: Hon members, please keep your masks on and sit in your designated areas. I thank you.

The last item on today’s Order Paper is questions addressed to

Ministers in Cluster 4: Economics.

There are four supplementary questions on each question, parties have given an indication of which questions their members wish to pose a supplementary question. Adequate notice was given to parties for this purpose. This was done to facilitate the participation of members who are connecting to the sitting through the virtual platform.

Members who will be posing supplementary questions will be recognized by the presiding officer.

In allocating opportunities for supplementary questions, the principle of fairness, amongst others, has been applied.

If a member who is supposed to ask a supplementary question through the virtual platform is unable to do so due to technological difficulties, the party Whip on duty will be allowed to ask the question on behalf of the member.

When all the supplementary questions have been answered by the executive, we will proceed to the next question on the Question Paper.

The first question has been asked by the hon A Steyn to the Minister of Agriculture, Land Reform and Rural Development.

I am informed that the Minister will be answering questions from the chamber. The hon Minister!

# CLUSTER 4 – ECONOMICS

Question 189:

The MINISTER OF AGRICULTURE, LAND REFORM AND RURAL

DEVELOPMENT: Hon Speaker, thanks to the Members of Parliament, particularly the ones who have asked questions on the Department of Agriculture.

Firstly, Madam Speaker, before I speak. As a department we are saddened about the incidents of farm killings that we have experienced over the past few months. Indeed, this is a loss to the sector, not only to the families and friends, but it has an impact on food security of our country; but also to the workers who are working in the farms.

I must also say that we were saddened this morning to hear of the passing away of one of our members in the avocado industry, who has been working for the avocado association and really trying to transform this industry so that it can be inclusive. And we really want to say to the family ...

*IsiZulu:*

... kaSizwe akwehlanga lungehlanga.

*English*:

I also know, hon member, yesterday we had an incident where two farmworkers and other three people who were in other car

lost their lives as a result of an accident. And Deputy Minister Skwatsha is there in the Franschhoek to meet the families of those farmworkers who were affected. Again ...

*IsiZulu:*

...sithi kulabo bemindeni akwehlanga lungehlanga. Nalabo abasesibhedlela sithembe ukuthi bazakululama.

*English*:

The answer to the question asked by hon Steyn in respect of the database of all land under the custodianship of the Department of Agriculture, Land Reform and Rural Development, is that we do have a database on the land that is under our custodianship.

The immoveable asset register is a management tool that we use for the purposes of recording the description of all immoveable assets as well as the location, ownership details, quantity and certain financial information relating to these assets.

The immoveable asset register is managed within our policy and for the purposes of ensuring accountability and control in order to achieve accurate financial reporting.

Some of these land referred to by hon Steyn is that land that was under the South African Development Trust of the old, land under various homelands: KwaZulu-Natal, Gazankulu, Lebowa, KaNgwane, KwaNdebele, QwaQwa, Transkei, Bophuthatswana, Venda and Ciskei.

I want to indicate that some of the immovable assets which are signed or vested in other authorities in terms of specific legislation, therefore, do not form part of our register.

That is the answer to the question as I asked by hon Steyn. Thank you very much.

Mrs A STEYN: Minister, firstly, we share your concerns and also sending our deepest sympathy and condolences to the families that have lost people on farms and farmworkers.

Minister, thank you for the answer. I was hoping that that is the answer because I expect the department to have a database.

What I can’t understand, Minister, is I’ve been asking your department to get access to the database so that we can look and visit farms to see what is happening on these farms.

On the 15th June I was then forced to fill in a prior application request to get this database; I still haven’t received it. I also did not get any indication that I can’t receive it. I said I will go there myself and take information if it’s too big to email to me.

Are you deliberate in keeping the country and myself in the dark about the 9,8 million hectares under custodianship of your department? If not, why am I not receiving the information? Thank you, Speaker.

The MINISTER OF AGRICULTURE, LAND REFORM AND RURAL

DEVELOPMENT: Hon Steyn, indeed, I’m not sure why you are not receiving that information. We will follow up because this is public information that is accessible to Members of Parliament but also to members of public.

As I indicated, the types of land that are under our custodianship, in addition to those are the farms that we have actually leased to the respective farmers under the 30-year lease through the proactive land acquisition system.

I commit to this Parliament, through the Speaker, that we will follow up and you will receive that database that you have

asked for and we’ll also communicate with you and the

portfolio committee in this regard. Thank you very much.

Mr Z M D MANDELA: Hon Minister, likewise the ANC sends its condolences to those that have lost their loved ones over the recent past.

Hon Minister, the land audit report of 2018 reveals that most of the communal land under traditional leaders or land in the former homelands or Bantustans has not been properly surveyed.

What progress, if any, has the Inter-Ministerial Committee on Immovable Assets achieved in ensuring that all land under state custodianship is properly surveyed or classified or categorised? Thank you.

The MINISTER OF AGRICULTURE, LAND REFORM AND RURAL

DEVELOPMENT: Hon Mandela, as you indicate correctly so, this is one of the issues that has been discussed by the Inter- Ministerial Committee on Land and Agriculture chaired by the Deputy President, Mr D D Mabuza.

The work that we are currently doing, working with the Surveyor-General’s Office, is to really undertake this work

that you say must be done, to look at the perimeters of that land but what we have also done is to amend the Deeds Registry Act so that it can allow for the recording of all land in South Africa, particularly that in the communal areas.

I must say that one province that has gone a bit further in this regard is the province of KwaZulu-Natal, as a result of the Ingonyama Trust land. A majority of that land under Ingonyama Trust has surveyed not all and that’s one of the work that is continuing.

One of the issues we are dealing with is having consultations with the traditional leaders and their communities in respect of tenure reform. Deputy Minister Skwatsha last week was meeting with the House of Traditional Leaders in the Eastern Cape and in the coming week he will be in KwaZulu-Natal meeting with the house there because our view remains that we need to formalise the tenure security of all people in rural communities. Thank you very much, sir.

Ms T BREEDT: Madam Speaker, on behalf of the FF-Plus I would also like to offer our condolences to those farming families that have lost dear ones. The Minister said and it is a great loss to agriculture.

Hon Minister, my question is: How much of this learning custodianship is earnable and under production, with tenants leasing from government? And would it not better if this land would be released to these tenants with tittle deeds? I thank you, Madam Speaker.

The MINISTER OF AGRICULTURE, LAND REFORM AND RURAL

DEVELOPMENT: Hon Speaker, indeed the land that is earnable out of the land that is in the custodianship of the state is minimal.

As we’d all appreciate that the then apartheid government when it dealt with the issue of the land question it moved more of the African communities to arid lands in the former homelands. A lot of that land that’s where you’ll find a lot of degradation because of overgrazing and overpopulation.

So, the minuscule led that is there that is farmable is what has been through the proactive land acquisition.

And I agree with you, hon Breet, it’s something that as a state we need to look at, whether or not is it worth keeping that land under lease hold or we should transfer that land to the various farmers that have been given the land.

But at the same time the minimal land that is under communal land, I think the responsibility that we all have, particularly led by government working with communities, it’s how we assist communities in communal areas to continue to farm that land so that they can provide their household food security. This will require input support, implements so that that farm can be farmed, as well as irrigation infrastructure in areas where such land can be irrigated.

But what is also more important is to make sure that we rehabilitate that land that can still be brought back to grazing in order to manage that land effectively and to the best for the community’s concern. Thank you very much.

Ms M E SUKERS: Speaker, I want to join my colleagues in conveying the ACDP’s condolences to those farming communities who have lost members.

The question of a database of all land under state custodianship is an important one, Minister, particularly since it has been reported that 80-90% of land claimants opted for cash payments instead of land.

Can the Minister inform this House, from the database, what percentage of land claimed is still productive versus that which is lying fallow and what interventions are there to assist skill and upgrade the emerging black farmers whose land has been restored to him or her? Thank you.

The MINISTER OF AGRICULTURE, LAND REFORM AND RURAL

DEVELOPMENT: Hon Speaker, one cannot have the exact numbers given that one did not have the question prior. However, as an estimate, what could say about 80% of land that has been transferred to communities who have opted for land were particularly for agricultural development is actually not being productive.

There are valid reasons why that’s the case. Firstly, some of it is because the post settlement support that has not been adequately given to those communities; secondly, is as a result of tensions that sometimes occur among members of the community about the governance of the land but also about the choices of how that land can be made to be productive.

I do what to say that one of the things that we have committed ourselves as this government is to really find a way in which we can support those communities, not only in terms of

conflict resolution where such conflict exists, but how we can actually assist them to farm that land productively.

I must also say that some of the agribusiness industries have worked in partnership with some of those communities and we have seen successes, which are positive.

And we would like to also appeal to other private investors but to work with communities in an inclusive manner but also which is beneficial to communities, not where communities will continuously be workers and the dividends are only received by those who are the investors.

I hope if we do this we can make sure that that land is brought back to production. Thank you very much.

Question 163:

The MINISTER OF FINANCE: Sorry, Madam Speaker, I said I need to ... in answering this question put a couple of qualifications. The first one is that it is too early to ... it is just a month or so since the incidents. It is too early to give accurate figures. Secondly, the actual details we will them from Statistics SA when they release the third-quarter

figures. So, whatever I am going to say will be largely preliminary comments on it.

The recent events of violence and looting in parts of Gauteng and KwaZulu-Natal in July, this year, has had a crippling impact, not only on the economies of these two provinces but also both on the South African and the Southern African Development Community, SADC, regional economy. It is expected to weigh on GDP growth in an otherwise modestly recovering economy.

The official statistics on the affected sectors covering the period of the unrest will be reflected – as I have said – in the third-quarter GDP numbers. The estimated costs to the economy have been widely varied but the consensus estimate is about R50 billion. National Treasury suggests that the unrest could have little under 1% point from the GDP growth in 2021. In addition, these impacts could be lasting as costs of the unrest on unemployment and sentiment could persist beyond 2021.

This view is also reflected in the ... [Inaudible.] ... literature which estimates that economic impacts of the unrest episodes linger with GDP potential trending 0,2% points below

pre-shock unrest levels for at least six quarters after the event. Business sentiment has been negatively affected.

Translating into stalled investment activity and affecting the spatial competitiveness of the South African economy.

Value and supply chains have been disrupted in key sectors such as retail and financial services. The unrest has led to a loss of revenue for property investors, retailers, manufacturers, pharmaceuticals as well as revenue for state- owned enterprises, SOEs, like SA National Roads Agency, Sanral and Transnet. Furthermore, additional costs will be incurred for the rebuilding of the affected infrastructure, especially along the key entry route.

Furthermore, South Africa’s risk premium which has been trending downwards, between March and June 2021, is likely to increase, as a result of the unrest. Longer-term borrowing costs represented by the long-term government bond yields have remained elevated. Taken together, the unrest presents an untimely and negative shock to South Africa's growth prospects. Thank you, Madam Speaker.

Mr S N SWART: Speaker, hon Minister, may I firstly congratulate you on your appointment as the Minister of

Finance and I believe this is your first appearance in Parliament, so you are welcome. The ACDP believes that the economy’s relevant buoyant start to the year is likely to be seriously affected by the combination of the renewed COVID-19 lockdown measures and the recent rioting and looting that took place in KwaZulu-Natal and Gauteng.

And Minister you have correctly painted quite a bleak picture of the economic outlook as a result of the KwaZulu-Natal and Gauteng unrest. While the second-quarter GDP grew by 1,2% on the new reporting methodology adopted by Statistics SA, the impact of the unrest is – as you have indicated – still to be felt. But it is clear that many ruined businesses in the two provinces are expected to take years to rebuild and these two provinces contribute half of the country’s GDP with Durban being the gateway to the southern subcontinent and accounting for about 70% of South Africa’s imports. The economists correctly, as you indicated Minister, indicated the loss at about R50 billion. Now, you have also indicated that we will only know when the third-quarter GDP data comes as to the extent. But I am sure, hon Minister, maybe you can give me an indication that in all likelihood the GDP growth will drop and could you then give us some indication as to what this impact will be on the medium-term outlook as well as the impact on

the unemployment rate given that it has reached 34,4% in the second quarter. I thank you, Madam Speaker.

The MINISTER OF FINANCE: Thank you, Madam Speaker and thank you, hon Swart, I have indicated in my initial response that we are expecting a less than 1%-point decline in GDP figures in the third quarter. Any decline in the growth outlook is likely to have a negative impact on unemployment as well. We will have to gather ... as there is a subsequent question which is coming which I have to deal with on what measures need to be taken to deal with this issue. Thank you.

Ms K D MAHLATSI: Hon Speaker, as a follow-up to the Minister, on behalf of hon Maswanganyi, Minister, many sectors of our economy were in distress before the July unrest. Looking at the impact of the damages caused by the unrest, what will your department and the government, in general, do to rebuild and accelerate economic opportunities and transformation in a manner that will benefit everyone, in particular small businesses in distress in KwaZulu-Natal and Gauteng. I thank you, Speaker.

The MINISTER OF FINANCE: Madam Speaker, there are a couple of measures that are taking place, part of which is that some of

the business entities are insured and our division, Sasria, is assisting those companies that are insured to recover. A third component is that we have made an appropriation via the Department of Trade and Industry and Competition to cater for the small and medium enterprises of about R3,9 billion, I can’t remember the figure right now but it is above

R3 billion. So that is intended also to deal with the small and medium enterprises

But broadly, given the level of unemployment, we need to beyond just dealing with the current unrest and say, how do we make sure that we can ensure effective recovery of the economy, even beyond the COVID-19 levels. Thank you, Madam Speaker.

Dr D T GEORGE: Speaker, I agree with the Minister that the actual cost has not yet become clear given the damage to supply chains and business confidence. It is likely hundreds of billions. The problem will not go away until we root cause is addressed. The unrest was triggered by a collapsing ANC. The former president of the party facilitated the capture of the state, refuses to testify, is jailed for contempt of court and is now on so-called medical parole. Unrest broke out today in the North West province, again as a result of an ANC

faction fight. As the ANC collapses it seems to want to burn our country down with it.

Minister, what steps are you going to take to hold to account those responsible for the economic destruction that is being inflicted in our country? And insurance will not cover all the costs. Will you be supplementing this shortfall to business?

Thank you.

The MINISTER OF FINANCE: Madam Speaker, I don’t think I am qualified to deal with Mr George’s question about the root causes of the problem but what I need to do is to respond to two of his questions. The first one, what is going to be done to those who are looting. I think the government is doing everything possible to ensure that they pursue those who are behind the destruction of property. That is the first point.

The second point, he is attributing this thing to the ANC and I think that is not what I am up to. So, the government is pursuing those people who are responsible for the destruction of property, and that is going to be the main response.

Ms E N NTLANGWINI: Hon Speaker, I will take it. I think hon Hlonyana is experiencing network problems. Minister, there is

a perception which likely based on the reality out there that the destruction of the critical infrastructure such as schools and the rail network is carefully orchestrated and sabotaged by the tenderpreneurs fat cats who want to get tenders to repair the very infrastructure that they have damaged.

What control measures have the National Treasury put in place to ensure that any contracts that may have been given out for the repairs of these schools are not given to politically connected businesspeople and who may have caused the destructions in the first place? I thank you, Speaker.

The MINISTER OF FINANCE: Speaker, no, there are a lot of stories that go around about what is the root cause of the unrest and looting. I will leave that issue to the relevant authorities to investigate. It is not for me to say who those people are and what their orientation is. I cannot comment on that because there are law enforcement agencies who are trying to establish that.

But in so far as contracts that are being awarded, in this country, in terms of Section 217 of the Constitution and the relevant legislation based on that constitutional provision, tenders and contracts are awarded on a competitive basis and

those people are awarded those contracts on that basis. That is the first point. The second point, Treasury does not award those tenders, it is the relevant institutions that award those tenders and, therefore, Treasury cannot be responsible for that to the extent Treasury is setting up the standards that are required to be followed by individuals. Where those standards are not followed, Treasury will take the appropriate action. Thank you.

Question 176:

The MINISTER OF FINANCE: Madam Speaker, it is not that National Treasury is in isolation from the whole government and in isolation from major efforts by all South Africans can ensure a recovery of the coronavirus. Treasury will contribute a small part ... I am making this point as a point of departure before I outline what key contributions, as small as they may be, that National Treasury can do.

What we are going to require to structure, change and make sure that the economy can recover, is to mobilise all of South Africans to work together and ensure that the economy is brought back to perform better. In a small way, to unlock growth potential of the economy as National Treasury, our focus will be accelerating the implementation of the economic

Reconstruction and Recovery Plan, because we are making on the basis that government as a collective has agreed on a plan; focus on growth and job creating structural reforms; maintaining physical sustainability which in our view includes effectiveness and efficiency on spending with a greater emphasis on capital expenditure than on consumption expenditure - I think we will be dealing with this matter in detail in the Medium-Term Budget Policy Statement, MTBPS, at the appropriate time - and lastly, strengthening the capacity of the state.

Recent announcements which demonstrates that government’s commitment to accelerate the implementation of structural reforms to support growth, include, amongst others, moving with speed to deal with bottlenecks blocking the release of the spectrum – I think the question to the Minister of Communications and Digital Technologies will be able to expand in detail on it.

The work done to make Transnet Board Authority an independent subsidiary of Transnet, this will enhance competitiveness on our port systems. We are in a process together with our colleagues at Home Affairs, reviewing the visa regulations to attract skills and boost tourism.

The progress on the implementation of a focused strategy on investment in water infrastructure to ensure that the supply of water resources meets the demand. Parallel to that, we are mindful that there will be vulnerable communities ... and then with regard to achieving sustainable relief for vulnerable households. The baseline budget for social assistance grant is around R205 billion for 2022-23. The social wage comprising a range of government interventions including social services, free basic services and others, is around 60% of total noninterest spending. This is about R1,5 trillion per annum.

National Treasury is working with The Presidency, the Department of Social Development and other partners to consider various options for reducing the national poverty gap. This includes considering what might replace the R350 of Social *Relief of D*istress, SRD, grant. However, all options also need to be considered with respect to their affordability as well as their fiscal and revenue implications before a final decision can be made. I thank you.

Ms Z MLENZANA: Thanks, hon Speaker, Minister, let’s acknowledge that the many government interventions since last year - as you are saying – have provided relief to millions of workers, poor households and even private companies in

distress. We also acknowledge the fact that the work done to implement the structural reforms as announced by the President is in place.

Hon Minister, my question is: How has government in various ways looked into the stimulus packages so as to contribute to the growth of sectors that create the most jobs such as infrastructure built programme, agriculture and manufacturing? I thank you, Madam Speaker.

The MINISTER OF FINANCE: Thank you, Madam Speaker, I think it is common cause – that’s what lawyers say, I am not a lawyer – that this government at the appropriate time made available in different forms about 10% of total gross domestic product, GDP, in this country to deal with the issues of the pandemic, amongst other things, was income support, supporting industries and guarantees for small and medium enterprises.

All those efforts for intended to support the affected industries and vulnerable groups. That is well known. Thank you, Madam Speaker.

Mr A N SARUPEN: Thank you very much, Madam Speaker, let me preface my remarks by saying that I am grateful to hear that new Finance Minister is interested in unlocking economic

growth. In that vein, I would to ask the new Finance Minister if National Treasury has undertaken a study on the role that black economic empowerment, BEE, policy plays in the deterring foreign investments, handling growth and promoting corruption? If so, what were the findings? If not, will he commit to undertake such a study? Thank you.

The MINISTER OF FINANCE: To my knowledge, Madam Speaker, no such a study has been done. To my knowledge, no one has placed before us evidence-based information suggesting that black economic empowerment is impacting negatively on investments.

Once that information is made available to us, evidence-based, we will be able to take the appropriate action. Thank you.

Mr N F SHIVAMBU: I am trying to unmute here and there seems to be a problem, Madam Speaker.

The SPEAKER: You are audible. When you said you unmuted, you were audible. Thank you.

Mr N F SHIVAMBU: The follow up question much more pointedly is that: Don’t you think that driving monetary policy and fiscal policy of the current government, which focuses on austerity measures of cutting budgets is part of the contributing

factors to limiting the role of the state in driving economic development because if you check the year-on-year GDP, the most shrinking sector of the economy is the government sector? Don’t you think that instead of pursuing austerity measures, there must be a different approach in the manner in which we deal with economic growth, particularly in usage of fiscal policy in a manner that is more sustainable, because the fiscal policy thus far has been austerian and that is very problematic in a manner in which we can drive a much more sustainable and impactful economic growth? Thank you.

The MINISTER OF FINANCE: Thank you, hon Speaker and hon Shivambu, I suspect we are barking at the wrong tree as fiscal and monetary policies, which in this regard have not been the main culprit. If we were working on a government which has a policy which is austerity, we would not be having R100 billion over the Medium-Term Expenditure Framework, MTEF, on infrastructure. We have R30 billion on infrastructure on average per annum. Such a policy cannot by all intent and purpose be characterised as austerity measures. We must then say why is it that we can’t achieve the objectives when we achieved ... given that expenditure framework which is before us. I do not share hon Shivambu’s conclusion. Thank you. Madam Speaker.

Mr M HLENGWA: Hon Speaker, may I please I intervene? Thank you very much, Madam Speaker, maybe to go to the question that you asked Minister, why we are not achieving what we are supposed to be achieving. The answer is that there is no agility in government’s plans to meet the real life time challenges which may prevail from time to time. There is policy inconsistency which has been the hallmark of ANC successive government we have seen now.

It is quite clear from your response, hon Minister, that there is no plan to deal with the challenges that prevail right now, save the isolated ad hoc interventions that you have, which are lacking clarity in themselves. The question then becomes, Minister: What is the plan? When can we expect the plan in order to provide economic clarity on the matter so that we can get the economy moving? Let’s stop speaking from both sides of our mouth and get to the specifics of how to get this economy going. We have heard this before. Let’s get to the real thing.

The MINISTER OF FINANCE: Madam Speaker, I suspect some of the hon members forget easily. Government placed before this Parliament, the National Development Plan, NDP, which is being implemented from time to time in phases. You can’t say in that respect that there is no plan. Let me put that as the first

point. In addition to that, without ignoring the existing National Development Plan, this government responded to a specific crisis in addition to that plan by developing the Reconstruction and Recovery Plan. There are plans and they are in place. The government is pursuing them actively. Thank you.

Question 155:

THE MINISTER OF FINANCE: My apologies Madam Speaker I thought there was a break between this question and the next one.

Thank you, hon Speaker. I think as part of our commitment to ensuring value for money, we are intervening decisively to improve our procurement systems. We are strengthening the capacity of supply chain personnel; we are working together with law enforcement agencies to bring to book all those involved in acts of corruption.

What are the immediate tasks we want to achieve? We will be bringing before this Parliament a single statute that deals with procurement to ensure coherence in the procurement procedures. We’ll be bringing to Parliament at first place the Procurement Bill.

The second thing that the Procurement Bill will deal with is to appoint what is called procurement regulator to ensure and

oversee the entire procurement processes. The third element of that is data and transparency which will control all the information in all our financial systems across the government, across institutions to ensure that there’s transparency in the data procurement system.

The fourth element will be to enhance compliance and enforcement mechanism. In this regard, we intend to intensify our collaboration with other law enforcement agencies such as the Hawks, the NPA, National Prosecuting Authority, and the Public Protector. Thank you Madam Speaker.

Mr A M SHAIK EMAM: Thank you hon Speaker and congratulations on your appointment. Thank you for what you have just said Minister but I must advice you that it is not as easy as said. Politics at the moment are a very lucrative business.

Political parties have a control over wherever they govern in local, provincial and national spheres. They decide who the CFOs, directors and municipal managers are.

Minister, let me also remind you and I’d like to give advice on that. Even the quotation system why quotations are where there is a limit in terms of rather go quotation tender

system, that is being exploited to such an extent that if you add the volume, there’s billions of rands that.

Minister, what can you do currently to put in place some standardised form of pricing so that you can ensure that different spheres of government, right from local government to are paying market related prices so that in the meantime while you put in other measures in place we could try and save as much money as possible?

THE MINISTER OF FINANCE: Let me agree with Emam that this is not an easy task. Processes to undermine the procurement system are so embedded at all levels of government. Like him, I would not want to mislead this House and conclude that, that is going to be an easy task. That is going to require an effort and collaboration by all of us. There’s no way that national Treasury can know what happens in a municipality for arguments’ sake. That’s going to require a collaboration of these members of Parliament to the constituency offices and all of us. So that’s the first thing, the monitoring part of is going to require us to work together in monitoring that.

We are going to do our best as I have indicated to put up systems even before Procurement Bill is in place, we are

examining a number of steps to take in order to deal with this.

Among other things, people hide with the issue that they are providing this issue to small and medium enterprises. We are looking at a different dispensation on how we are going to manage the procurement processes for small and medium enterprises so that it is not confused with the broader procurement of the state where corruption takes place.

In this regard we’ll be able again in the medium term budget

policy statement to clarify that. Thanks Madam Speaker.

Ms Z NKOMO: Thank you, hon Speaker. Minister, as part of the reform process and building a capable developmental state, has the National Treasury and government considered the possibility of insourcing some of the services that have been put out on tenders in order to curb the of cans corruption and loss of resources? If not, why not and if yes Minister, could you provide a brief overview of the details? Thank you.

THE MINISTER OF FINANCE: The overriding consideration must be what is the best effective and efficient way of utilising government resources, that should be the overriding

consideration. Having done that and we must pose a question, which of those services are better placed insourced in the state to give effect to that overriding consideration of effective and efficient state resources and that is what we will be doing and doing in variations from time to time. Thank you Madam Speaker.

Dr D T GEORGE: Thank you Speaker. The Minister mention that the government will be working with prosecution authorities to pursue criminals who steal the people’s money. Government has been talking about fighting corruption for decades, year after year Scopa reports hundreds of billions in fruitless and wasteful expenditure and irregular expenditure and nothing gets done about it.

The national Treasury’s mandate is to ensure that the people’s money is spend appropriately and properly accounted for. They have not been able to do this. So called prosecutions never get anywhere.

Minister, how many individuals or company directors have actually been prosecuted and jailed for stealing the people’s money? If none why not and if so, will you make a list

available of those prosecuted or jailed so that the people can know and see that action is actually being taken? Thank you.

THE MINISTER OF FINANCE: I suspect that the hon George, I don’t know whether it’s the election fever. He’s asking the wrong question to the wrong Minister. Let me illustrate this point.

What we can do together with Presidency is to create a regulatory framework and provide information via different sources including the State Capture Commission. For instance, the President has even made it that easy that even for cases that are ongoing at the moment. The State Capture Commission is ongoing for the prosecuting authority to take appropriate action.

So, from a treasury perspective, we have done what we could in terms of providing information to the relevant authorities including from the financial intelligence centre Madam Speaker. We have made information available. It’s now up to the right authorities who have the power to arrest and prosecute to do that. Unfortunately, they do not fall under National Treasury. Hence I’m saying he’s knocking at the wrong door. Thank you Madam Speaker.

Mr N F SHIVAMBU: Thank you very much Speaker, I think my network is far much better now. I think the major focus and debate on procurement is in relation to its formatting rule particularly the micro economic in terms of how do you drive localisation and industrial policy.

Your won election manifesto has a dying ANC says that you should allocate 30% of procurement to small and medium enterprises but about 80% of procurement should be of locally made goods and products. Don’t you think that now is the right time to amend the primary procurement legislations, particularly the PFMA and MFMA to then emphasise the centrality of localisation because that is going to drive localisation and industrial expansion therefore job creation and reduction of poverty and to some extend the narrowing of inequalities [Inaudible.] who control the economy of South Africa today.

That is the issue that we have to look into but then can’t we then deal with much more substantial amendment of the primary procurement legislation instead of looking

The SPEAKER: Hon Shivambu mute your mic. Thank you.

THE MINISTER OF FINANCE: Hon speaker, my mandate from the giant ANC and the party of the future is that one of the things I need to do in structuring the procurement is to take The reform initiatives which are critical both to advance the interest of the press people and the interest of transformation in general.

Among other things, if he talks about micro economy, as I have been indicating, we will be in November. Among other things we’ll be saying, what is it that we need to do for micro enterprises? What is it that we need to do in order to advance this localisation.

Cabinet has already given the Minister of Finance a task with another Minister to look into the finer details of the localisation programme. So that is the task have for Mr Shivambu from the giant ANC and the party of the future. I thank you.

Mr N F SHIVAMBU: The question is in relation to, it’s not about future plans. The issue is, are you going to amend the procurement legislation to enforce localisation component.

That is the question.

THE MINISTER OF FINANCE: The question has been answered in several ways. I’ve said we are bringing Procurement Bill before Parliament.

The SPEAKER: Hon Minister and hon Shivambu, both of you were not given an opportunity to speak. Hon Shivambu, I hope you will not repeat that in the House. Thank you.

Question 182:

The MINISTER OF MINERAL RESOURCES AND ENERGY: Thank you, Madam

Speaker, the question is on renewable energy, to date the department has completed procurement of 6422 megawatts of renewable energy, through four bidding rounds as at the end of June 2021, 5422 Megawatts is already connected to the grid and is part of the energy supply. The department is in the process of procuring a further 6800 megawatts of renewable energy, from this proposal 2600 megawatts is under bid window five which is being evaluated with a preferred bidder announcement planned for the month of October 2021. The remainder of the 6800 megawatts capacity is planned for procurement before the end of March 2022.

In line with the Integrated Resource Plan 2019, additional renewable capacity will be released to Eskom and municipality

as and when the request for section 24 determination are received. The biggest allocation of new generation capacity to be developed between now and the year 2030 is renewable energy. The Integrated Resource Plan 2019, provides for 14400 megawatts of additional wind power, 6000 megawatts of additional solar power and 2088 battery storage. Amendment of schedule 2 of the Electricity Regulation Act is also deregulating procurement of embedded generation up to 100 megawatts and there are many projections about it. I don’t want to get into those projections.

Analysis of the potential jobs in the renewable energy space so that large number of jobs will be created during manufacturing and construction phase. Obviously, the assumption is that manufacturing will be taking place in South Africa and not anywhere else. It is crucial for us, as a country, to maximise economic opportunities that come with the planned power generation capacity. The department is working with the business, labour and community representatives to develop localisation and industrial plan that will make it possible for us to attract investment and develop local manufacturing capacity. That is my answer to the question.

Thank you.

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Thank you, hon Minister. The first supplementary question will be asked by the hon Mahlaule through the virtual platform.

Mr M G MAHLAULE: No, thank you very much. It will be in the Chamber, Chair. Thank you very much, Minister. What are some of the constraints relating to firstly, fundability; secondly, affordability and thirdly, and commercial viability that might inhibit the currently processed renewable energy projects as well as the development of green energy industry in an integrated manner ahead of time? Thank you very much.

The MINISTER OF MINERAL RESOURCES AND ENERGY: What we should

always take into account is that, renewable energy is relatively new technology in South Africa. If you look at the bid window one, two, three and a little bit of window four, one of the issues was that, it was expensive to build renewable energy, but I always argue that, that was a subsidy for introducing a technology that was necessary in the economy. Therefore, it is not a cost rather than a premium paid for introducing a technology to the economy. So, that is the issue.

The second inhibiting factor is the fact that the components of building renewable energy are manufactured outside of South Africa that is an inhibiting factor in the sense that it doesn’t give the South Africa optimal benefit of the technology. Lastly, it is the fact that it is still dominated by foreign companies and we have a responsibility to ensure that there is increased participation of South Africans in the technology. Thank you very much.

Mr K J MILEHAM: Thank you, House Chairperson. Minister, we welcome the recent bid window five of the renewable energy independent power producers, IPPs, procurement programme and the forthcoming bid windows six and seven later this year and early next year. Of concern, however, is the backbone to which these IPPs must connect. We already know that the Northern Cape, which is arguably South Africa’s sunniest province is at maximum capacity for new connections. So, my question Minister is: What is being done to create the necessary grid infrastructure to accommodate new IPPs and what steps will be taken to ensure the rapid conclusion of power produce agreements with Eskom? Thank you.

The MINISTER OF MINERAL RESOURCES AND ENERGY: I would imagine

that hon Mileham understands that grid development falls under

the Department of Public Enterprise. So, we all understand the fact that at this point in time, the plenty of sun and wind in the Northern Cape is something that was not anticipated.

Therefore, Eskom is ... [Inaudible.] ... to build an additional grid capacity in the Northern Cape. I cannot give you and say this is the plan because it is in another Ministry. But Eskom is in discussion with all of us to increase the grid capacity in the Northern Cape.

Ms P MADOKWE: Thank you very much, House Chairperson. Minister, the fixation with independent power producers is ruining Eskom and offers no credible energy security prospects for the country. Eskom is paying more to IPPs than it is making from selling this electricity. Besides, there is no fully industrialised country today that is exclusively relied on this type of energy. What initiatives are you taking to make sure that proven forms of energy generation are sourced for the country and comparatively, how much do these proven sources of energy cost compared to the IPPs?

The MINISTER OF MINERAL RESOURCES AND ENERGY: Again, I will

repeat this that Eskom is in DPE. IPPs are in energy and the issue is IPPs generate supplementary energy to the shortfalls of the old monopoly supply of energy called Eskom. It’s a

supplementary programme and we are taking it very serious and hon Madokwe says there’s no country that is exclusively depending on renewables or IPP’s. The reality of the matter is that over 70% of energy is still generated by Eskom. There can be no exclusive reliance on IPPs at this stage because more than 70% is an Eskom. IPPs generate less than 10 % of energy for South Africa. Obviously, the cost I agree with her that it is costly as I explained earlier. I take that as a premium paid to attract a technology that is going to be needed a lot more into the future and that’s where we are. So, IPPs are supplementing Eskom and we’re having a clear programme of supplementing Eskom and that is why half the time one of the issues that I normally get rebuked for, is to say to Eskom, when you come with a very loud programme of closing coal power station, please give us a clear build programme to replace that energy capacity, because if you don’t do that you are making us exited that we will move to a cleaner energy. But the reality of the matter is that we need assurance as well for security of energy supply. Thank you.

Mr M HLENGWA: Thank you very much, House Chair. Minister, you have lamented twice now in your responses about Eskom not being...

*IsiZulu:*

...hhayi, isiNgisi ke mfowethu angisicoshanga emgwaqeni. Ukhululeke, ungadlali kabi.

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Hon Hlengwa, please address me.

Mr M HLENGWA: Chair, the Minister has lamented twice now in his responses on the issues around Eskom being housed in DPE and then, of course, him dealing with 30% of energy supply. Minister, have you given consideration to making presentations to the President to have Eskom moved to your Ministry, to ensure consistency and integration of your programmes?

Ultimately and fundamentally, you are the one responsible for energy and as things stand now, you are the stepchild or the bridesmaid to DPE, and the programmes they make with Eskom and then, you have to play second fiddle. This is a serious fundamental policy question for the purposes of energy supply to the country that will have coherence. Thank you, Chairperson.

The MINISTER OF MINERAL RESOURCES AND ENERGY: One of the main

principles in governance is the ability to co-operate. It

doesn’t matter how many Ministers you are. That is why I can

give you answers on Eskom without lamenting, but explaining where it is located. I give you answers on Eskom. Therefore, I don’t think that is the major issue. The major is whether we co-ordinate our work and therefore, there is no need for me to go to the President and ask for Eskom to come to my portfolio. The day the President make that decision, he will make that decision. I think, my options will be now on that. I don’t think that is the issue. The issue is in DPE like many major SOEs and therefore a discussion of where these entities are located is a function of co-ordination with various Ministries. It’s quite a bigger challenge for the DPE than it is for me. However, one of the other issues that you must remember, hon Hlengwa, is that energy is not just electricity. Energy is a much bigger portfolio than just electricity.

That’s why when we talk of energy, we deal with issues like your Petro SA, gas fire, shell gas, and all range of other commodities in energy. It is not just electricity, but halve the time many people believe that energy is electricity. It’s much bigger than that. Thank you.

Question 195:

The MINISTER OF MINERAL RESOURCES AND ENERGY: I always get

worried, hon Lorimer, about transformation. It always worries me because there is this mentality that transformation scares

investment basically assuming that investors fear investing where there is black investment. It’s a terrible thinking. South Africa has a history. We are from apartheid and therefore, there is a responsibility on our part to equalise society and I don’t think we should be apologetic about that.

Mining is doing relatively well currently, despite the fact that we insist on Black Economic Empowerment, BEE targets and transformation targets. But transformation is necessary as a long-term intervention for us to co-exist as a country and people irrespective of the colour of our skin. So, co- existence is a necessary mechanism of building a nation. I don’t think we should be scared of black investment and therefore make an assumption that, if there’s black investment, investors will run for cover. There’s no such.

Money has no colour. Once you invest there, investors co-exist with you when your money is there.

Mr J R B LORIMER: Minister, your assessment of my reasoning has nothing to do with race but it has to do with reality. I’ll be fascinated to know why you thought people were not investing in South Africa’s mining industry, but that’s not my question. My question, Minister is: If it can be shown that transformation requirements do have the effect over low-range

product, will the Minister be prepared to drop transformation

measures and change the ANC’s current mining policies?

The MINISTER OF MINERAL RESOURCES AND ENERGY: That’s exactly

my worry about hon Lorimer. He is so obsessed with racism that blacks are a scarecrow to investors. Mining industries do relatively well now. I can tell him that even shafts that were closed in Marikana are now open because people who make money in mining do invest in mining. The reality of the matter is that we should work together and invite investors to come to South Africa.

The reason that we have just finished exploration policy working with the Mineral Council, is to attract investment into mining working with the industry and not the DA. We are working with the industry to attract more investment. That’s why it is quite a bold move to start and finish that exploration policy. So, it is not a question of money coming in now. It is about long-term survival of a nation. That nation includes the beneficiaries of BEE.

I can tell you that in a research I did last year, I discovered that, for example, in the employment equity in nine big companies in the industry, not a single one has less than

50% of managers being black. So, companies in the sector do not have this fear of black presence in the sector. It is an obsession of the DA. Thank you.

Mr S N SWART: House Chair, arising from the response of the hon Minister, there can be no doubt that mining sector is facing various challenges that threaten it very viability beyond own policies regarding transformation responded to in the question. This includes rife criminality, murder and mayhem. What steps, hon Minister, will you take with the hon Police Minister to ward off what is being referred to as procurement mafia, illegal miners ... [Inaudible.] ... which threaten the viability of the mining sector? Thank you.

The MINISTER OF MINERAL RESOURCES AND ENERGY: I tried to

listen very carefully. I agree that the mining industry is facing many challenges. Illegal mining and illicit trading of mineral products and precious metals is a big problem. I’m sure the hon member will be aware of the discussions that are between our department and the Ministry of Police to try and set a specialised unit to deal with illegal mining and illicit trading of precious metals. That is an effort to deal with this issue.

However, I can tell you that the mining industry, despite the challenges that it is facing, is doing very well. It is performing. Many say it is performing because of the price of commodities. The price of commodities is cyclical. It is good today and they may be very low this time next year. That is not the issue. The issue is whether the mining is managed properly. That’s why when you assess the performance of mining, you don’t only assess sales and profits. You also assess productivity of the sector compared to other timeframes that are comparable. So, if compare that, mining is doing well in terms of production and in terms of sales.

Therefore, we quite excited with the performance of mining including in the last quarterly reports that were released. It is doing well. I can also add that, for the first time in a number of quarters even ... [Inaudible.] ... you get from water has registered a positive contribution to the GDP this time. Thank you.

Mr M J WOLMARANS: Thank you, hon Minister for the responses. Noting that the mining sector, the industry and its value chain are an integral part of our economy, can the values attached to Broad-Based Economic Empowerment, BBEE and local procurement regulations in the mining sector accelerate

mineral beneficiation, considering the skewed control and ownership of this sector? Thank you, hon Chair.

The MINISTER OF MINERAL RESOURCES AND ENERGY: Beneficiation,

thank you, hon member. Hon Chair, beneficiation is value addition. I don’t think it can only be linked to BBEE. It is a function of the industry adding value to minerals. To me, the biggest issue with beneficiation, as we sit here today, is the price of electricity. If the price of electricity continues to increase - when it is high – and you put an additional 15% tariff on it, beneficiation will actually be discouraged. I can tell you that there was, at one point, export tariff added to minerals. All business people could do was to calculate the cost. If the cost of electricity and the cost of the tariff is higher than the tariff, people pay the tariff and export the mineral. I think this is an issue that requires all of us in government to deal with unadministered price called electricity price. If we do that, we might make headway with beneficiation. Thank you, hon Chair.

Mr A M SHAIK EMAM: Minister, I think you will agree with me that the purpose of Broad-Based Economic Empowerment was as a result of empowering those who had been disadvantaged as a result of the inequalities of the past. Would you perhaps be

able to give us some facts as a result of implementing this? How has it advantaged ... Remember we have 17,5 000 new black millionaires or multi-millionaires that were created in South Africa. Could you tell us, through this in the mining sector, how many poor blacks were empowered to the extent that they also benefited from this? More importantly, how many smaller black businesses benefit from these, that are employing many other people today in this country? Thank House Chair.

The MINISTER OF MINERAL RESOURCES AND ENERGY: I can’t give you

the exact numbers, hon Emam. But I can assure you that before the end of this year, in the department we are discussing the possibility of a mining evening where we can physically assess the progress we are making, which is quite visible. That’s why I could give you the numbers of progress we have made in employment equity.

We are looking into the progress we are making in Black Economic Empowerment but I can tell you that we are making a lot of progress there without wanting to advertise names of companies. We have consolidated those companies and some into big companies. You know, when one company became a big supplier of Eskom, there was a big noise here that it is concentration and we had to argue for that company. It is

concentration because it is black. When it is a white company, it is a good company. It can’t be like that. We must appreciate the fact that blacks must be big as well and compete. We are making progress in that regard.

Before the end of this year, hon Emam, we’ll invite you. Remind me to invite you. We are working on a mining evening where we are going to talk to small and big mining companies. One of the issues that occupy us as a department is being invited in mining areas for people to be given procurement opportunities. We facilitated that with a number of companies and not the people who want to grab wealth. I am talking about people who ask for procurement in the industry. We call CEOs, bring them in and have a discussion. Progress is being made in that regard. Thank you.

Question 164:

The MINISTER OF FINANCE: Hon House Chairperson, the process of appointing the Board of Public Investment Cooperation, PIC, including the Chairperson of that board is underway. The process should be finalised by the 30th of November at the latest, that’s what we can give Mr Shivambu at the moment.

Mr N F SHIVAMBU: No, thank you very much House Chair, that is not the question that we’ve asked the Minister of Finance. The question is very clear in of term what should happen. There is act that guides the appointment of the PIC, which specifies that who must be chairperson and who else my composite that particular board. And, recently the outgone Minister of Finance had been operating on the basis of interim boards, even a chairperson, who is currently chairing a board of a private bank elsewhere. Reuel Khoza of Discovery Bank in terms of what happens, and there is no way that, there can’t be conflict between a chairperson of very important institution like PIC, still presiding over a private bank. So that the ... [Inaudible.] ... issues that we are dealing with – are you going to comply with the prescripts of the PIC? Because, that is what you should have responded to, instead of saying that you are going to appoint the board in November. That’s not what we are asking. We have never asked you that. We have asked you whether you are going to comply with a certain section, in the PIC Act, in terms of appointment of the PIC Board, particularly its composition of who must be there, who must not be there. Thank you House Chair.

The MINISTER OF FINANCE: It is a pity that ... the questioned posed or asked by Mr Shivambu says:

By what date does he intend to appoint a Chairperson of the Board of the Public Investment Corporation in terms of the specified Act?

My answer to hon Shivambu question of by what date, I said by the 30th of November, in response to his question. He seems to be interested in one part of the act. That act creates an architecture which is new, which says which constituencies must be represented on the board. And the chairperson amongst other things will be the Deputy Minister of Finance or another Deputy Minister in the economic cluster, that’s what that act says. We are therefore in the process of consultation with those constituencies which are mentioned in the act in order to give us the appropriate names. Why we are targeting the 30th of November is precisely because the term of the temporary board that existed, ends on the 30th of November.

That is what Mr Shivambu does not ... and I have answered his question, but he wants me to answer in a specific way, which I am not going to do. Thank you.

Ms E D PETERS: Thank you, hon House Chairperson, Minister noting your processes underway to appoint the board and Chairperson of the PIC. Could you elaborate more on the

importance of good governance and the need for stability in an institution like the PIC. Thank you House Chair.

The MINISTER OF FINANCE: I am definitely concerned about good governance in the PIC. The PIC is an important institution in the South African economy. And therefore its stability is quiet critical for our economy, particularly the listed equities. So, we will be doing all our best. The act helps us even by defining what kind of quality of people that are going to be required to chair specific committees. For instance, an investment committee will be required to make sure that, that person is a chartered accountant. So, we are working hard without the constituency sited in that act, to ensure that we can provide a quality board, which can assist us in providing with good governance in that institution. Thank you, hon House Chairperson.

Dr D T GEORGE: Thank you, House Chairperson. It is important that the PIC should be properly led by a competent board and chairperson. There is no doubt that PIC is in crisis today. Recently, in the Standing Committee on Finance had to listen to mess that arose from one of the PIC’s investment fiascos involving Igbo survey and others. The PIC also made a significant investment era with a client and its explanation

of what happened pointed to the significant governance problems. Minister you reply, 30 November. What process will be followed to appoint the board and the chairperson of the board? Will the appointments be process under the ANC’s cadre deployment programme and if so, how will the cooperation ensure that the Chairperson of the board acts in the best interest of investors and not his or her political patron and associates? Thank you.

The MINISTER OF FINANCE: I would have thought that the hon George was part of the people as a Member of this House who crafted that act and how it should be constituted. There’s no reference in that act to cadre development committee. That act says, Treasury will appoint X, the unions that have got bigger numbers will appoint three, the depositor will appoint so much, all of those people are not cadre development. So, what we are trying to achieve at the moment, is that those who are responsible to appoint people to that board must give us quality people to ensure good governance. That’s the process we are doing. Once that process is in place, we will take the relevant names as recommendation to Cabinet for approval.

Thank you House Chair.

Mr M HLENGWA: Hon House Chairperson ... [Laughter.] ... thank you very much. Minister, of course time will tell in so as far as the deadline that you have given to us. But I think what needs to be ... [Inaudible.] ... of is, its common course that the PIC has had problems and even more specifically in the recent past. So the question becomes, is the appointment process that you are currently are seized with coupled with you making an assessment of the problems and maybe give us a sense of your reading of the state health of the PIC, because that will be a key feature driving the determinations of those who will be appointed on to the board. So, really I am interested to get your assessment of how things are, as well and how will that influence the board that will be appointed. Thank you.

The MINISTER OF FINANCE: I am say, I mean, investments include taking risk. There’s no doubt that the PIC has taken in some instances which were bad. No doubt about it, it’s in the nature of investment decisions. But, if you look at the total portfolio of the PIC, and you look at bad investment as a percentage of that total portfolio, is negligence. Something which is missing in the debate. Then, you ask me about the state of health, I am quite confident that the state of the institution is healthy and has a got a nice balance sheet. The

portfolio broadly is performing well. There’s however difficulties which have associated with lot of investigations with Mpati Commission with another commission with current cases of investigation, of necessity, that creates anxiety in the institution because no one knows whose being investigated and who is not investigated. That in itself is placing the institution in a difficult position because of low morale. The board we’ve got to appoint have got to make sure that it can change the morale of the staff of the PIC, to be able to perform their task moving forward. I am quiet convinced that the PIC is in a health state. It has gone through its challenges and is beginning to recover. Thank House Chairperson.

Question 177:

The MINISTER OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES:

Chairperson, on the question that has been asked with regard to what we have done to get the Post Office to work during the

... those that were affected by the looting, we need to indicate that the damage at the branches that were looted has been assessed and where minimum damage existed, operations continued. In some instances, manual processes have been put in place to ensure the continuation of services. Where there was more serious damage, clients have been advised of the

nearest branch where services could be obtained. In some instances, additional cash paypoints have been arranged to accommodate social grants beneficiaries where no alternative facilities were available, and this is in addition to the option to use automated teller machines, commonly known as ATMs.

The SA Post Office together with the SA Social Security Agency, Sassa, has also developed a system whereby beneficiaries of the R350 social relief of distress, SRD, grant are paid on specific days of the week according to the last three digits of their identity document numbers to reduce the numbers and manage the queues. Thank you, House Chair.

Mr B M MANELI: Thank you, hon Minister, for a response that is reassuring to South Africans, which is that the services will still continue post the crisis that we have experienced.

Hon Minister, may I then ask a follow up question as to what plans are in place to ensure the sustainability of the Post Office in the future given the separation of the Postbank and its negative contribution to the Post Office? I thank you, House Chair.

The MINISTER OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES: House

Chair, we are having discussions with the Post Office on the Post Office of tomorrow. They have given us a proposal which we are considering and we are going to workshop it with them so that we finalise that, and then we’ll go to the Cabinet with that Post Office of tomorrow ... This will coincide with the amendment of the SA Post Office Bill so that then we can start working towards the Post Office of tomorrow**,** together with the support of the National Assembly in terms of processing the amendments to enable that Post Office of tomorrow. Thank you.

Ms E N NTLANGWINI: Chairperson, I will be taking the question of the hon Pambo.

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Okay, go ahead, hon member.

Ms E N NTLANGWINI: Minister, the SA Post Office had been in trouble long before the riots. It had been running at a loss for the past 10 years and we’ve had branches closed across the country, depriving millions of people of the means of communication. Part of the reasons for the loss is that it ... [Inaudible.] ... allowed private companies to deliver parcels

of 1 kilogram or less, even though the Postal Services Act states that delivery of these parcels must be monopolised by the Post Office.

Minister, why have you allowed private companies to eat away the business of the Post Office, in spite of what the legislation says? Thank you, Chair.

The MINISTER OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES: House

Chair, I’m sure the hon member is aware that the small private players that came into the space of the Post Office came into the space after the prolonged strikes at the Post Office, which deprived South Africans of postal services. In business and in nature, there is no vacuum.

Small businesses came in and made ... [Inaudible.] The responsibility that we are confronted with ... as assigned with this responsibility of ... [Inaudible.] ... is to not reverse the tide and destroy small businesses that are participating but it is to reposition the Post Office to play a critical role and that’s where the amendment ... in the logistics apace but also in the services space ... When government moves to ... is moving to online services from the work that we are doing in another sector and we will come to

this House to explain what we are doing to get government to online services.

The Post Office, which has the largest reach of any government institution in the country, should serve as those hubs. In addition, through the Department of Small Business Development, the Small Enterprise Development Agency*,* Seda, has been working on digital hubs, centres of entrepreneurships and technology hubs in rural areas and the Post Office, where it’s located with the network that is already in place, can be used for those digital hubs and ensure that they assist small businesses to run their businesses from there but also transfer goods and parcels of small businesses from one point to the other because of the network that they have.

So, the participation of small players does not preclude the revitalisation and repositioning of the Post Office to continue playing a critical role in this country. Thank you.

Ms E N NTLANGWINI: Chair, on a point of order: I think there’s some form of misleading in the answer by the Minister to my question.

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Hon Ntlangwini, I have not yet given you permission. I’ve just recognised you. What is your point of order?

Ms E N NTLANGWINI: Thank you. Sir, the Chair is misleading in her answering of the question. If she can check what I had asked pertaining to my question, pertaining to the Post Office, because I have said ...

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Hon Ntlangwini?

Ms E N NTLANGWINI: No, I’m coming to what you are saying. I don’t know what this is. Is there a minute or are there minutes to points of order? If there is then you must tell me because I’m raising my point of order ... you want to interject me. You want me to do my point of order within five seconds. What is this now?

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Hon Ntlangwini, I’m

definitely sure that you know you are out of order.

Ms E N NTLANGWINI: For what?

The HOUSE CHAIRPERSON (Mr M L D Ntombela): We cannot just ... [Inaudible.] ... a conversation between yourself and the Minister. Please don’t do ... [Inaudible.]

Ms E N NTLANGWINI: Okay, thank you. Then she has misled the House, Sir.

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Don’t do that, hon

...

Ms E N NTLANGWINI: No, that’s fine. That’s fine. She and I will do it at another time. She has misled the House. That is the point of order. That’s fine. Thank you.

The MINISTER OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES: You

are the one who is misleading the House.

*IsiZulu*:

USIHLALO WENDLU (Mnu M L D Ntombela): Awume kancane mhlonishwa. Akwenziwa kanjalo, uyakwazi lokho.

*English*:

The MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION: On

point of order, Chair.

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Hon Minister,

what’s your point of order?

The MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION: The

point of order is that the hon member cannot say the Minister misled the House. She would have to provide substantive evidence of that, and unless she has such evidence, she should withdraw that particular statement. Thank you, Chairperson.

Ms E N NTLANGWINI: But I wasn’t done saying what I wanted to

say, hon Naledi. Your Chairperson interrupted me.

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Hon Ntlangwini, can you allow the House to proceed with dignity? Could you please?

*IsiXhosa*:

Nksz E N NTLANGWINI: Ewe Tata, ndiyaxolisa.

*English*:

The HOUSE CHAIRPERSON (Mr M L D Ntombela): The hon Minister Pandor has raised a point of order which is sustained. Could you please withdraw the statement that the Minister is misleading the House? Could you please withdraw that, hon member?

Ms E N NTLANGWINI: Hon Chair, with due respect, I wanted to raise the point of order to ... like substantively prove to you where the Minister is lying. You interrupted me. However, I will withdraw for the sake of progress because you are the Chair and you will want to remove me because that is your power that you have now. I will withdraw what I said and I will prove to the Minister that she lied.

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Hon member? Hon member, please. Hon Ntlangwini?

Ms E N NTLANGWINI: I withdraw, Chair.

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Hon Ntlangwini, please.

Ms E N NTLANGWINI: I withdraw, Chair. I withdraw, Chair. My good Chair, I withdraw.

*IsiXhosa*: Ndiyaxolisa.

*IsiZulu*:

USIHLALO WENDLU (Mnu M L D Ntombela): Kulungile, siyabonga. Sesicela ukuqhubeka nomsebenzi ...

*English:*

... please. The order is sustained, hon Pandor. The last supplementary question will be asked by the hon Shaik Emam. Am I right? Is it Majozi? Oh, the hon Majozi from the IFP?

Ms Z MAJOZI: Hon House Chair, in addition to difficulties of delivering poverty relief grants that were highlighted in Question 177(ii), a study conducted at the University of Cape Town’s sociology department showed that rural beneficiaries of social grants can spend up to 6% of their cash transfers on travelling to access their funds and fees such as charges from ATMs.

What specific measures have been put in place to ensure that these challenges will not apply to recipients of poverty relief grants, especially those residing in remote areas?

Thank you, House Chair.

The MINISTER OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES: House

Chair, it is indeed true that the majority of beneficiaries of social grants spend the bulk of their money on travelling to

get access to social grants, and part of the use of the Post Office is because it is available across the country and therefore the efficient services that must be provided at the Post Office become critical.

However, part of the other measures that have been put in place is to make sure that beneficiaries of social grants can have access to their grants through ATMs which are in their locality. We are working on the Post Office of the future, together with the Department of Social Development and Sassa to make sure that even spaza shops in our localities can be able to have machines that will allow them to dispense social grants as a channel for the Post Office. Thank you.

Mr A M SHAIK EMAM: Thank you, House Chairperson. Minister, I don’t want to sound like a stuck record and complain. There is no doubt that our people do experience great difficulty at some of the post offices. I have seen that myself. We do have challenges.

I think my question is, when can you do an audit of these post offices so that you can see exactly for yourself? Some of the challenges might not necessarily be, you know, as a result of poor management or anything, but I think it’s the issue of

technology ... the numbers of people that go there. So, there is a whole host of problems. The problems exist. All I want to know, Minister, is what can we do more than what we are doing to make things easier for our people? I know you spoke about ATMs. There’s also a cost factor attached to that. Maybe some ATMs outside the Post Office or, you know, where people don’t have to pay ATM fees. However, some new measures to try to make it easier, particularly for the most vulnerable and the elderly. Thank you, Minister.

The MINISTER OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES: Thank

you, House Chair and thank you for the question. Indeed, there are challenges in the Post Office that are experienced daily by our people. It is for that reason that we have engaged with the Post Office on the Post Office of tomorrow. As soon as we have finalised that, which should be in this year, we will come and share the details with this House once Cabinet has approved, in terms of what those measures are that we are planning to undertake. We have to have an engagement with the National Treasury because, indeed, if they have cost factors, they must be budgeted for. However, within the resources that would be available within the portfolio, we should be able to prioritise that which we can do immediately, but that should be in line with the Post Office of tomorrow. Thank you.

Question 175:

The MINISTER OF EMPLOYMENT AND LABOUR: My apologies, Chair, I was talking to myself. Thank you for the question from hon Dunjwa. The current civil unrest has left massive duties, amongst them are the data collection, gathering of information, repairing of the damaged properties and a whole range of crucial interventions that have been made, especially to assist the displaced workers.

As much as some information is already available, and the number of interventions undertaken, but it remains true that a lot of work still needs to be done. As work continues we might see more, as indicated by the Minister of Finance. There is funding that we have set aside in the form of a relief scheme to assist the workers affected by the unrest. This relief scheme has been gazetted as the destroyed, affected or looted workplaces. The temporary financial relief scheme.

The online link or portal has been developed and started working from 25 August 2021. All affected employers are therefore encouraged to apply. The Minister, Deputy Minister as well as senior management of the Department of Employment and Labour have hosted more than seven information sessions throughout the affected provinces, addressing the employers

and employees on the benefits of the relief scheme. The Department of Employment and Labour administers also construction regulations which require that a construction works permit or be issued to companies that want to undertake building.

Under normal circumstances the process takes about 30 days and currently, given the urgency to bring the economy back to the race, the issuing of the construction works permit to construction companies is customised that it takes not more than 15 days.

Productivity SA has been offering its services particularly to small businesses to introduce new turnaround strategies, workplace change and productivity improvements in their establishment. Information on interventions that exist within government that they can access to obtain relief and assistance to their employees.

So, this relief scheme requires physical verification why the Department of Employment and Labour officials to the looted, affected or destroyed workplaces prior to the release of payment by the UIF because of the past experiences and a lot of fraud, we are physically verifying these.

The KwaZulu-Natal province has already established unrest teams to work out this physical verification throughout the province. They are working with our officials. This process of verification has already begun. Thank you, Chairperson.

*IsiXhosa:*

Nksz M L DUNJWA: Enkosi Sihlalo, sibulele Mphathiswa. Kumava ethu ngeli sebe kukuba kuzo zonke iinzame enithi nizenze iinyawo zona niyazirhuqa. Abasebenzi nabo banaloo mava. Sifuna ukuqonda ke Mphathiswa ukuba, kula maphondo aye afunyanwa lolu dushe nezidubedube, uzakubenza kusini na abantu baseMzantsi Afrika ukuba babenalo ithemba kule meko bakuyo? Ingaba isebe eli alizuzirhuqa iinyawo ngoku?

Okwesibini, masibulele ukuba ngoku kwezokwakha nibe ninika imvume yokuba kwenziwe ezo zinto kwaye niye nazicutha iintsuku nazenza zali-15. Singaqiniseka njani ukuba nizakukwazi ukuyigcina loo nto? NgesiNgesi kukuthi:

*English*:

How consistent and committed will those permits be really issued in 15 days?

*IsiXhosa*:

Ndiyabulela.

The MINISTER OF EMPLOYMENT AND LABOUR: Hon Chair, I know that the delays of money are frustrating to all of us. It is worse for the people waiting for the relief monies. Hon members, we operate in a space of employer-employee relationship. There ought to be a link between the employer and the employee, and that link must extend also to us.

All claims that get sent to our entity such as the Unemployment Insurance Fund, UIF, must clearly demonstrate the existence of this link. Where we are able to see clearly the chain that connects the employer and employee, claims are settled within no time. We have to do that.

Let me just say this for purposes of information: 80% of the total UIF benefits are for unemployment benefit and 20% for maternity, illness, adoption, commission, death benefits. So, for all benefits we require a valid application, valid banking details and the last four years’ complete employment history declared to the UIF before the client is retrenched or dismissed — this includes maternity, adoption and sick leave. So, 95% of the delays are caused by no or incomplete employment history which is critical for the claims. Otherwise

we would end up violating the very same rules if we do not insist on that.

When employees or workers submit applications for benefits and verification is done on the UIF database, the following is found to be the cause of delays in those instances. The employee was never declared to the UIF by the employer or no employment history. Employment history in the UIF data base also becomes a problem and normally the problem which faces us. But we can assure you that we are going to try by all means to stick to our promise. Thank you.

Dr M J CARDO: Chairperson, to the Minister, we know that the violence and looting in KwaZulu-Natal and Gauteng were triggered because the ANC is a party at war with itself. ANC factions are happy to burn and destroy economic infrastructure and plunge communities into misery if it means getting Jacob Zuma out of jail. But there are also deeper causes behind the unrests like poverty and structural unemployment. When is your government going to change labour laws and deregulate the labour market so that millions of low skilled workers can be absorbed into employment?

The MINISTER OF EMPLOYMENT AND LABOUR: I would not want to go back into the issues of the causes of the violence. There has been a lot of debates in relation to this. It is also a fact that the issue of high unemployment, poverty and inequality has contributed to this but it is no justification for the unrest.

Remember that what you are talking about, hon Cardo, is the legacy of apartheid which we are dealing with today in this country. The issue of changing the labour laws ... We are not sure why we should change the labour laws. At this stage nothing convincing has been put forward with regards to changing the labour laws.

Our argument is always simple. When these laws were designed it was to protect the rights of the workers. The workers whose rights were denied by the apartheid regime. I am talking about the basic rights for workers, the right to organise, the right to collective bargaining, the right to negotiate and the right to fair dispute and resolution mechanism including the right to strike. These are the fundamental rights in the Constitution of this country. I do not know what you want to be emended in those rights.

So, we must talk about the rights of both the employer and the employees. The employers have the rights and the employees must also have rights. Unless something convincing is put on the table so we can have discussions on that matter. Thus far, we are not yet convinced; we just hear a lot of noises.

Ms C N MKHONTO: Hon Chairperson, to the Minister, the unrest in KwaZulu-Natal and Gauteng started off with the strike by truck drivers protesting for a number of concerns relating to their work environment. Have you met with the representatives of these drivers to fully understand what their concerns are? If you have, what are you doing to ensure that the trucking industry is able to function peacefully?

You have just alluded to the relief schemes and the unrest schemes. Are truck drivers also considered in those schemes? Thank you.

The MINISTER OF EMPLOYMENT AND LABOUR: Hon Mkhonto, you would remember that this issue started some time back about three years back and there have been engagements with the recognised union and the unrecognised unions which have just emerged in the industry. Four Ministries, Minister of Police, Minister of Transport, Minister of Home Affairs together with Employment

and Labour have engaged with this together with the Premier of KwaZulu-Natal where it started. It spread also to Gauteng and even to Mpumalanga.

What has happened is that we have been able to engage with them but led by Employment and Labour we have decided to form the various provincial forums where we engage at the lowest level — at the grass root level with these unions. We are engaging with them and have indicated to them one of the ways of dealing with this particular matter is for us to fast track the issue of the labour migration policy in this country where we are not just looking at the trucking industry but the different sectors, agriculture, the security industry, the retail and the hospitality and so on. So, we will be able to come up with proposals.

And you are correct, when we are dealing with the issue of the unrest we are also looking at all the affected industries in this regard. Even the trucking industry has been affected. But remember, we are not only dealing with this matter of the relief scheme alone, there are various schemes by the different departments. Small Business has the various relief schemes and the DTIC also has some of the relief schemes. We

are looking into all the various industries, how we enter into that and we are co-ordinating and integrating our approaches.

Ms H DENNER: Hon House Chair, to the Minister, you stated that delays with UIF payments are caused by insufficient information. Delays can also be caused if the employer did not pay over employees UIF contributions as you know. Inspection and enforcement services is tasked to ensuring that labour legislation is adhered to by all employers in the country. In light of this, can you please confirm whether or not inspection and enforcement services has intervened at Luthuli House since the ANC has allegedly failed to pay salaries for a number of months, and even worse, failed to pay over third party deductions such as UIF, SARS and the employees’ pension fund? And if not, which would be very unacceptable, then why not? Thank you, House Chair.

The MINISTER OF EMPLOYMENT AND LABOUR: Once we know that the matter is in the media and once the workers, as individuals, bring the matter to our various offices, definitely we will have to enter into that particular space and understand exactly the nature of the dispute. But we can’t jump on the basis of media reports, we have to ensure that we follow the procedures in dealing with those issues. Thank you.

Question 184:

The MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT: Thank

you very much, hon House Chair. Hon Modise, in terms of preparing for the upcoming climate change conference in Glasgow in November this year, there are three aspects where we need to do preparatory work. Firstly, our contribution to mitigate the greenhouse gas emissions, secondly, the progress we have made with regard to adaption, thirdly, the way in which we are mobilising resources and other mechanisms so that we have the means of implementation.

With regard to our contribution to reducing greenhouse gasses, our country is committed to submitting a revised nationally determined contribution to the United Nations ahead of the meeting in Glasgow. We have already put out for public comment a draft revised nationally determined contributions, NDC. We have received numerous comments including from the Climate Commission and we are busy at the moment taking the recommendations through the Cabinet system, and once this is concluded we will be advising the public on our decisions.

We have also put in place six extensive architecture so that once the revised NDC has been adopted we will be able to implement. This include sectoral targets; industry targets as

well as monitoring mechanisms. All of which will allow us as a country to reduce our contribution to greenhouse gasses.

Last year, Cabinet approved the national adaptation strategy and we have worked extensively with provinces and all 44 district municipalities to ensure that we have local adaptation policies in place. What we are now doing is mainstreaming these polices in terms of the municipal budgets so that over a period of time we should have more climate proof infrastructures and other mechanisms to deal with extreme weather events.

Of course in terms of the means of implementation, our colleagues in the Treasury have introduced the carbon tax. We have received a lot of finance through bilateral donations from a number of developed countries. We are currently exploring opportunities for multilateral and concessional financing so that we understand what available to the the South African industry and state-owned entities in order that they are able to transition their productive processes to implement lower carbon technologies.

With regard to our concerns as we approach the Conference of the Parties, Cop 26, we obviously understand that the Paris

Agreement came into full force in 2020. But in Madrid at Cop 25, we did we not finish the Rule Book. We haven’t concluded on the carbon trading mechanisms and we haven’t concluded article 13 on reporting and transparency. We have yet to launch a programme of work on the global goal of adaptation, and of course we were very concerned about the fact that we need to see further commitments from developed countries to honour their obligations under the Paris Agreement to provide support and means of implementation to developing countries. Thank you very much.

Mr P M P MODISE: Thank you very much, House Chairperson. Hon Minister, it is expected that in the forthcoming Cop 26 climate conference to be held in Glasgow, national governments will be expected to report their national determined contributions and highlight their actions, their targets, their policies and measures that government aim to implement in response to climate change. What are some of the challenges that South Africa faces in terms of its own NDCs? What contributions is government receiving from both private and civil organisations? Is there adequate domestic and international support for South Africa’s climate change action and strategy? Thank you very much.

The MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT: Thank

you, hon Modise. I think that you have more or less indicated what the key challenge is. The key challenge is that the Organisation for Economic Co-operation and Development, OECD, has estimated that over the next 15 years developing countries are going to require in the region of US$3 trillion to

USD4 trillion in order that they can adequately implement mitigation and adaptation measures in their countries.

To date, we have not yet seen adequate fulfilment of the pre- 2020 obligations by developed countries to mobilise a

US$100 billion per annum to support developing countries with mitigation and adaptation measures.

Furthermore, the amount of finance that is available is primarily focused on mitigation measures. But we would understand that in our country and in most developing countries climate change is already a reality. Infrastructure is already being destroyed and many developing countries are finding that the impact of extreme weather events is undermining their ability to fulfil the Sustainable Development Goals.

So we believe that when the developed world talks about Cop 26 as the ambition Conference of the Parties, Cop, we agree that ambition is required, but we believe that there need to be equal ambition for all three goals of the Paris Agreement, mitigation, adaptation and means of finance from developed countries to developing countries. I thank you.

Mr D W BRYANT: Thank you, Chair. South Africa is currently the 11th highest emitter of greenhouse gasses, with Eskom being the highest emitter. So far this government failed to ensure compliance with the NDC, the nation’s determined contributions. How now will the Minister ensure that the new carbon targets are achieved? She has mentioned sectoral targets in monitoring in monitoring systems. Is she confident that the new measures are actually going to have consequences in terms of noncompliance particularly with Eskom?

The MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT:

Unfortunately, the hon member has been poorly briefed in his supplementary question. The current NDCs allow an upper limit of 650 million tons of carbon dioxide per annum. South Africa is 60 million tons below that. Where you get your information that we haven’t complied with the existing NDCs, I have no idea. But allow me to assure you that we have done a great

deal of research to low emission pathways for the revised NDC that we will be presenting to the country. We are confident that with the appropriate support, both domestically and internationally, we will be able to fulfil our obligations in terms of the Paris Agreement. Thank you.

Mr M N PAULSEN: Thank you, Chair. Minister, climate change poses a significant threat to South Africa’s water resources, food security, health, infrastructure, ecosystems services and biodiversities in a country where people are poor and the levels of inequality are high. These effects of climate change are critical challenges to development. What is the government doing to gear up to improve its responses to the dire impact the climate change is having on the poor? Thank you very much.

The MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT: Thank

you very much hon Paulsen for that question because I think it highlights a very important issue as we are transiting to a low carbon economy and a low emission society. That is the question of climate justice. I think that when we understand, when we talk about climate justice is, first of all, those who live in developing countries have contributed the least to greenhouse gas emission and yet they are caring the heaviest burden.

Let’s think about Mozambique as an example. In 48 hours a cyclone wiped out viral and displaced thousands of people, destroyed hundreds of thousands of hectors of agricultural land. Does the Mozambique economy have a tax base to put it right? No! So where does the money come from for this issue?

Let’s take our own country. We understand that at the moment 90% of our energy generation comes from coal. We understand that most of the units that are generating those coal-fired power stations are located in the province of Mpumalanga. We know that a range of power stations are due for decommissioning by the end of this decade. What will happen to the workers in those industries? What will happen to the inhabitants of those communities who either work for Eskom or are working for suppliers of Eskom?

When we talk about the transition we have to talk about a just transition. And what that means is that those workers and those communities cannot carry a disproportional burden of the consequences of transitioning to a lower carbon footprint in our economy and in our society. [Time expired.]

We have raised money to support Eskom’s research into how this

can be done to save jobs and livelihoods.

Mr N SINGH: Thank you very much, hon Chairperson. Hon Minister, the impact of climate change, not only in South Africa and Africa, but the rest of the world is well-known by all of us. You have just sited a few examples. We hear about massive earthquakes, we hear about arid areas and we hear about massive plants where a number of lives are lost than infrastructure damage. You have also said that you are concerned that the Paris Agreement has not been honoured in terms of the financial arrangements and emission standards.

Sometimes it is reported that the developed countries require us, the developing countries, to have higher standards than them. The question is, for all of us as Members of Parliament we talk about NDC - the national determined contributions. We in the environmental of the portfolio committee know what that is. Will you sponsor a statement in Parliament where we can talk about this for all Members of Parliament know what NDCs are and what the impacts of climate change are on society at large? Thank you.

The MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT: Thank

you very much, hon member. I would love nothing more than constant debates on this issue so that everyone in our society understand what is considered to be the greatest existential threat to humanity in our time. Thank you.

Question 201:

The MINISTER OF EMPLOYMENT AND LABOUR: Thank you, hon

Chairperson. Our information is that, there has indeed been in recent time a conflict between the mining group and a local community, leading to disruptions. This arose out of the belief held by the community members that, Rio Tinto was not meeting certain social responsibility obligations. But there are also different groups on this particular matter, sometimes

opposing one another. The Cooperative Governance and Traditional Affairs, and D M Maree have been engaging with the parties, and the dispute has been resolved.

It is worth making a point, especially, in the light of the recent court decision that, companies must engage with local communities who have a major stake and say, in what form of development takes place in their areas. So development is very key. It’s not like in the olden days where the mining companies must just get in and do as they wish. So, the communities also have a stake, and our labour centre in Richards Bay remains ready, where there is employer-employee matter that they warrant rendering of any services for our part. So, at the moment, the dispute is more of a social dispute with the communities. That’s the information we have. Thank you.

Dr M J CARDO: Thanks, Chairperson. I am sorry, Minister, that it doesn’t sound like your department is being involved, but Rio Tinto is not the only employer that it has to stand on its operations to close shop because of the ANC’s failure to ensure community safety or to deliver basic services, Clover decided to quit Lichtenburg because of few financial losses due to water and electricity disruptions, as well as pothole ridden roads all caused by the ANC incompetence and neglect.

Minister, my question is, what is your department doing to stop thousands of job losses that are occurring in the ANC-run municipalities across the country, simply because the ANC can’t deliver basic services?

The MINISTER OF EMPLOYMENT AND LABOUR: Thank you, hon

Chairperson and hon Cardo. First of all, I think that it is important that you raise a question in relation to Rio Tinto and Richards Bay, and I have been able to tell you our information in relation of the nature of the crisis there. So, you can’t start bringing something else which is not relevant here. But regarding what is happening in relation to the employment in the different areas, I think that the hon members are approaching these challenges of an unemployment in

a piece meal fashion, and it is not assisting our course at all.

Again, moving away from implementing our well-considered plans because, the news of the day or a quarter is causing more harm than good in our work of rebuilding the country. So, this time around, we are refusing to just drop the plan that is underway and develop another plan because of what was projected, and that it has become actual. Let us remember that some of us lead by foresight and we benefit from it. Now, we are talking about the reconstruction and the recovery plan which was announced towards the end of 2020 by the President.

It significantly expanded the role of government in stimulating and supporting employment, and with it, the co- ordinating role of the Department of Employment and Labour. This includes the greater engagement between the social partners, labour, employers, community and even government, If I may allege there. We can also tell you about what the government is doing, the creation of the National Pathway Management Network, to provide the support and opportunities for training in the employment and work experience in one of the initiatives that are already underway.

Please do note the, when we are talking about the National Pathway Management Network, because hon members, the unemployment giant is not going to be cleared by the Department of Labour, even by government for that matter, but it is a collaboration of ... [Interjections.] ... [Inaudible.] by making sure that there are those linkages, and I think if you go to ... [Interjections.] ... Thank you.

*IsiZulu:*

USIHLALO WENDLU (Mnu M L D Ntombela): Siphelile isikhathi Baba.

*IsiZulu:*

UNGQONGQOSHE WEZEMISEBENZI NOKUQASHWA: Ngiyabonga Baba.

Mr S W MDABE: Thank you, House Chair, hon Minister, what is the magnitude of companies that approach your department entity, given this or that reason that lead them to close businesses? Thank you.

The MINISTER OF EMPLOYMENT AND LABOUR: Well, at this stage, I will not be able to give the exact figures, but what we know is that, the Commission for Conciliation, Mediation and Arbitration, CCMA, has been inundated with the calls for the

companies who are in distress. But at this stage, I will not be able to say what exactly is the magnitude. It is very clear that the CCMA has to deal with a number of queries, and it has to start some of the processes. Also, we do have the other entity, Productivity SA, even though it seems to be very busy, but I can only be able to give that information later on.

Thank you.

Ms C N MKHONTO: Thanks, Chair. Minister, the employer-employee relationship that you just explained about, is not the only factor to the closure of operations in Richards Bay, but the violent protest that led to the closure of operations at Richards Bay Minerals, are as a result of unheard concerns by young people who feel excluded from employment opportunities, the social and labour plans of the Rio Tinto Group, as well as those of many mining companies are ambiguous and pay lip service to community upliftment and employment.

What role have you played, to ensure that the social and labour plans of the Rio Tinto Group, as well as those of other mining companies offer credible and attainable measures for inclusion of surrounding communities in the economic activities of the mines, especially, the inclusion of the youth? Thank you.

The MINISTER OF EMPLOYMENT AND LABOUR: Thank you, hon

Chairperson. I think I did mention at the beginning that, if you have such conflict with the communities, it’s very important that the companies become sensitive to the role of the communities, that’s why I talked about social responsibility. I went further to talk about the development of those communities. The various companies need to understand now that, we are talking about not just them taking profits and going, it is about the development of those communities.

That’s why there must be an engagement with those communities. That’s why it is important that, the use of local labour offering an employment to the local people is very important. That’s why in this particular space, the Department of Minerals and Energy together with Cooperative Governance and

Traditional Affairs have been involved, in trying to deal with these particular issues. That is how I have answered this particular question. But I think that, the issue of social responsibility and development of the communities by big capital is coming to the fore now, and in the whole world.

It is very clear that, there is a change of how they have to approach the development in the communities where their companies are operating. Even with us, we need to put it in

the agenda. We have already done so, and we are continuing to engage the different companies through the different departments. Thank you.

Mr S L NGCOBO: Thank you, hon Chair. Hon Minister, Richards Bay Minerals is the KwaZulu-Natal’s largest taxpayer, which is experiencing complications with the extension of the life of the mines, projected to contribute billions to the local economy. Has this department made plans to intervene together with the Department of Mineral Resources and Energy, D M Maree to ensure that the employment opportunities are not only secured for the youth, but are also protected, should another force majeure come into effect?

The MINISTER OF EMPLOYMENT AND LABOUR: Hon Ngcobo, on these bases that I have said, on our information, the Department of Mineral Resources and Energy and Cooperative Governance and

Traditional Affairs engage in that particular space, to deal with the disruption, and we were told that, partly, the issues

have been resolved. But if the issues become the employer- employee issues, we are ready as the department and we are monitoring that to enter into that particular space and try and do some particular facilitation.

We normally do the facilitation through our CCMA. Also, if the company is getting into distress, we also use the Productivity SA to say, how do we save that company? So, it is out of that concern that we cannot be able to lose such jobs and lose the tax contribution if that company goes, that the different

departments have engage into that particular space. So, we are definitely engaging. Thank you.

Question 165:

The MINISTER OF MINERAL RESOURCES AND ENERGY: Hon Chairperson,

hon members, I think what I need to do is to clarify that the department never had a different process for Karpowership South Africa as the bidder. It had one process. It approved 11 bidders as preferred bidders and that is it. If a particular bidder has issues with the environmental assessment, they will take that up. That is why it is not the Department of Mineral Resources and Energy that appealed that decision, it was rather the Chamber of Commerce on the coast that appealed it. It was not the Department of Mineral Resources and Energy. The process that is outlined is for all the 11 bidders that we announced as successful bidders. I thank you.

Ms P MADOKWE: Chairperson, as a follow-up question to the Minister, I feel like this question does not in any way

insinuate there was a specific process for Karpowership but we are interested, in particular, in the developments that have happened to this particular bidder. Nonetheless, since Karpowership SA has sent an administrative appeal to the Minister of Forestry, Fisheries and the Environment asking her to overrule the scientifically sound decision by her department to refuse to grant approval for this project. Is your department, Minister, in support of this appeal by this company? If yes, on what basis are you in support of this appeal despite growing evidence of the dangerous gases that will be dumped by the Karpowership project, particularly, in Richards Bay?

The MINISTER OF MINERAL RESOURCES AND ENERGY: Unfortunately,

hon Chairperson and hon Madokwe, the Ministry of Mineral Resources and Energy is not the spokesperson for Karpowership. We can’t be a spokesperson for a company. All we do is assess applications, make a determination and announce the outcomes. What happens beyond that is up to the company to take the issues up. If they appeal the decision to Minister, the relevant Minister will deal with that appeal. You can’t expect us to say we are working with this company. We had approved 11 bidders. All those bidders – from where we stand – complied with all the processes and they were granted as the winning

bidders. Beyond that, you can’t expect us to speak on

Karpowership and any other bidder for that matter.

Mr M G MAHLAULE: Thank you very much, Chair, thank you very much, Minister, how else can we determine that Karpowership South Africa, as an operator of the largest floating power plant fleet of 25 power ships, would constitute an increase in energy utility since the governmental activity is technocratic and seldom involves the kind of democratic consultations between departments that could be concluded timeously. What mechanisms does the department have in place to avoid pursuing its objectives at the cost of the environment and human security? Thank you very much.

The MINISTER OF MINERAL RESOURCES AND ENERGY: Hon Chairperson

and hon members, science is science. It is applied in these processes but if an applicant complies with the stipulations; technology, finance, legal and others, our responsibility is to grant them the right to operate. Therefore, how do you deal with that if there is a question about the environmental effects and human costs? That issue is going to be tested scientifically.

But the reality of the matter is that Karpowership operates in more than one country and, therefore, we are an exception in fearing it. But, the scientific side of it, the environmental assessment, is done by a different department and that department will be challenged by those who are not happy. And I think we must allow that process to take its course.

Mr K J MILEHAM: Chairperson, Minister, the decision by the Department of Forestry, Fisheries and the Environment is just one of the setbacks in the reaching of financial closure by the various projects in the Risk Mitigation Independent Power Producer, RMIPP. Others include obtaining the necessary commissions, licences, authorities and agreements with the National Ports Authority, the National Energy Regulator of South Africa, Nersa, and Eskom.

And I am informed that there are at least two legal challenges to the process. You have already extended the so-called hard deadline by which these projects must reach financial closure from the end of July this year to the end of September and it looks increasingly unlikely to be achieved. Will you concede that this project was poorly conceived and even more poorly implemented by your department and your Ministry and could

almost be a textbook example of how not to go about emergency power generation?

The MINISTER OF MINERAL RESOURCES AND ENERGY: Hon Chairperson,

I think the assumptions made that the department runs entities that apply and processed through its processes are ill- informed. We put up a request for proposals, companies put proposals, they are assessed on the same standards and use the same criteria and if they meet those criteria they are approved. So, if it is considered ill-conceived, it should apply to all 11 entities. But I do not hear any of you who are concerned about raising the issue of the 11 contracts. All of you are jumping up and down on the basis of one contract of Karpowership and my submission is, it is like any other of the

11 bidders and any bidder who is not happy about the decision beyond the approval have the right to take that up and appeal it. South Africa is properly regulated and there are legal entities to deal with all those issues.

*IsiZulu*:

Mnu M HLENGWA: Ngiyathokoza, Sihlalo, mhlonishwa Ngqongqoshe, esinye sezizathu ezikhishwe uMnyango Wezamahlathi, Ezezihlanzi Nemvelo ukuthi bakhathazekile ngokuthi akubanga khona

ukuxoxisana okwanele nemiphakathi ethintekayo ukuthi ibeke izizathu zokuthi bangabavumeli baqhubeke basebenze.

Ngakhoke, mhlonishwa Ngqongqoshe, njengoba sazi ukuthi siphila esikhathini sezinto ezintsha nokuthi umthelela walezi zinto emiphakathini yakithi uma ingachaziwe, ingaziwa, sibeka abantu bakithi engcupheni yokuthi baphile ngaphansi kwezimo ezizobalimaza.

Umbuzo-ke uthi, nina njengomnnyango obhekene nalezi zindaba zamandla nezingozi ezingavela ngenxa yalawo mandla, yimuphi umsebenzi eniwenzayo ukuyoxoxisana nemiphakathi ukuthi niyinikeze ulwazi ukuqinisekisa ukuthi imiphakathi yakithi iyingxenye yezinqumo ngokugcwele ngaphandle kokuthi ichazelwe ngendlela ezoyizwa bakwazi ukuthi bayiqonde. Ngiyathokoza, Sihlalo.

*IsiXhosa*:

UMPHATHISWA WEZEZIMBIWA NAMANDLA: Sihlalo ohloniphekileyo, xa sisenza ezi projekhthi kula mnyango wethu, sikhupha le nto kuthiwa yi ...

*English*:

... request for information.

*IsiXhosa*:

... iinkampani zonke ziyibone, noluntu luyibone. Sikhuphe kwakhona ...

*English*:

... Section 34 determination publicly.

*IsiXhosa*:

Sikhuphe ...

*English*:

... request for proposals publicly. Now ...

IsiXhosa:

... ukuba ndikuva kakuhle uthi masingapheleli apho, masenze ii

...

*English*:

... public hearings. No.

*IsiXhosa*:

Utsho, uthi masenze ...

*English*:

... emergency procurements that can be done but we must appreciate that if we are going to that we must do that for bid window 5, bid window 6 and bid window 7. And I think ...

*IsiXhosa*:

... loo nto izakulitsala inkqubo yokufumana umbane

*English*:

... particularly in the face of regular load shedding in society. So our view is that, once we do that, we issue the same conditions. It looks suspicious to me when there is a big, loud noise on only one project out of 11. So once you do that, to me, you are raising suspicions of preconceived views about the project because there are 11.

We approved them on the same conditions. We approved them on the same day and they competed with others. And we must also expect to deal with the case of a company that challenged it in court which is now dillydallying wanting to retreat because instead of focusing on the processes it sought to dent the image of the individuals who were involved.

All those issues are issues that we are looking at but now we have bid window 5 out to tender, it will be assessed and we

will grant the winning bidders. Now If your determination will be, we must go and conduct public hearings, I don’t know if we will ever do what we are expected to do.

Question 181:

The MINISTER OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES: Thank

you House Chair for the question. The recommendations from the Presidential Commission on the Fourth Industrial Revolution outline key elements to remedy the nation for the participation in the Fourth Industrial Revolution and they package those interventions in three broad categories, namely, which is building a Fourth Industrial Revolution, FIR, infrastructure. Secondly, invest in human capital. And thirdly, to secure and avail data for innovation.

Therefore, access to digital infrastructure by all is the precursor and cornerstone of ensuring participation in the Fourth Industrial Revolution. And work is underway to ensure a fast-track infrastructure rollout that will include partnerships with the private sector, including SMMEs through phase two of the SA Connect Project and we have also proposed to industry opportunities for us to work towards an open access network, an approach that will enable the adoption of colocation in network deployment, which can spread and fast-

track the deployment of digital infrastructure, including in underservice areas but also inspisely populated areas such as the Northern Cape. And through the National Electronic Media Institute of South Africa, Nemisa, the department is finalising the digital skills training programme for small, medium and micro-enterprise, SMMEs, in partnership with the Media, Information and Communication Technologies Sector Education and Training Authority, MICTSETA, and Small Enterprise Development Agency, Seda, the entity of the Department of Small Business Development.

In partnership with the Department of Higher Education and Training and the centres of entrepreneurships and rapid incubation and the digital hubs of Seda at the Tvet colleges and the universities. The department is working to ensure that SMMEs in townships and rural areas are supported to transition their businesses to digital, including using digital services.

The Minister is currently having engagements with mobile telecommunications operators with regard to drastic reduction of prices of data and their obligations towards access to public goods services such as education and health. The affordability of data will support the relevant innovations, however, the telecommunications amongst other industry must

have access to high demands spectrum to provide efficient and affordable services. Thank you.

Ms A H MTHEMBU: Thank you very much, hon House Chair. Thank you, hon Minister. What partnerships are in place with other sectors such as the education and labour sector to create programmes that deliberately address the skills technological gaps and its technological gaps through reskilling and upskilling initiatives in order to align with the Fourth IR? Thank you, hon House Chair.

The MINISTER OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES: Thank

you for the question. And through you, hon House Chair, as I indicated through Nemisa we have partnered with the MICTSETA to make sure that employers and employees have food programmes in place to reskill employees that will lose jobs in the sectors that are affected more specially that the Fourth IR is not only affecting technology, is also affecting how manufacturing takes place. Therefore, the employees in the manufacturing sector need to know how to participate in three D printing or three D manufacturing. They need also to know how to use robotic or train them on the management of robotics, the play of artificial intelligence and general in the internet of things.

So, that partnership that we are doing we are making sure that its cornerstone to that. Our engagement with the Department of Labour will commence on contribution of the National Skill Fund towards the retraining of workers in sectors that are going to be rapidly impacted more specially when we release the 5G spectrum. And I am not only talking 4G. I am talking about 5G as we prepare the country for 6 and 7G spectrum.

Thank you.

*IsiZulu*:

Mnu Z MBHELE: Ngiyabonga, Sihlalo ngaphambili ...

*English*:

... Minister, I think anyone who knows anything about take innovation will understand that while can be supported and boasted by the government, it is really driven by or primarily dependant on government intervention. If anything the Fourth Industrial Revolution need the government mostly to stay out of the way of take innovators and to give, take entrepreneurs freedom enabling environment for them to take risks and making business for the benefit of consumers and society at large.

Now clearly we are not there yet, despite what you outlined in your previous responses.

So, my question is, what are the practical measures would you, Minister, propose specifically to remove the barriers and red tape that are created by many policies of this ANC government in order to ensure that we fulfil those take innovation and investment friendly requirements for the Fourth IR successful all once whether that is in urban or rural communities? Thank you. [Time expired.]

*IsiZulu*:

Ngiyabonga.

The MINISTER OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES: Thank

you, hon House Chair, I have notice that we are now in the electioneering mode. Hon Mbhele is not correct in his assertion that government must stand aside. If government stand aside it will mean, we will not release high demand spectrum. It will mean that there will not be digital migration to make sure that we got spectrum ready for the next generations.

So, hon Mbhele, you must make your choices. We will step aside and not push for the release of high demand spectrum, which will mean the telecommunications mobile operators who need the spectrum for them to support the economy because they have

carry the economy during the Covid-19 and we cannot reverse those gains. We need to continue in that spirit.

Those telecoms will need the 5G spectrum. They need the 6G spectrum. They need the 7G spectrum because they have become the super high way. We no longer dependent on the N1 to reach our markets. We are now dependent on the Telkom operators and the availability of spectrum to reach our markets for products.

So, government cannot stand aside. It’s the ANC government’s policy to make sure that the high demand spectrum is made available and when is made available not only two Telkom mobile operators but to industry in manufacturing, in mining, SMMEs who are offering services. And if we stand aside and not provide for those SMMEs because the majority of the innovators are not big companies, the majority of the innovators are small players, are small innovators who we must make sure that they are enabled to participate as in the spectrum layer to make sure that those services that are robotics, artificial intelligence, printing internet of things can be provided whether is Financial Technology, Fintech, or whether is Apps that they put every day out. They are supported and they have

a platform to run in a cost effective way when the data prices are affordable

If the government stand aside, the price of data will remain unaffordable with the majority. The people in the Northern Cape, the people of Limpopo, the people of deep rural KwaZulu- Natal, the people of the Eastern Cape, the people of Mpumalanga and North West, the people of the rural areas of Free State will remain and cautions of the rural portions of the Western Cape, of Beaufort West and other areas will remain without access to the spectrum without access to data which is critical for innovations to take place.

And therefore, we cannot as government stand aside. We will do our best and supported by the governing party to make sure we deliver on cheaper data prices for the poor, cheaper data prices for a child in the rural areas and access to high demand spectrum for industry. Thank you.

Mr S TAMBO: Thank you, hon House Chair. I will be taking the question on behalf of hon Pambo.

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Okay. Go ahead, hon member.

Mr S TAMBO: Minister, what tangible projects have you initiated to rule out fibber to rural areas and townships in order to enable young people in this areas in order to have t access to internet and stay connected to opportunities in the economy?

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Thank you, hon member. Hon Majozi? Sorry, hon the one who took the question. Where am I? Where Am I? Where am I? Where am I? Hon Minister?

The MINISTER OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES: Thank

you, House Chair, I think it shows the time of the day already where we are. Thank you, House Chair and thank you to, hon Tambo, for the question. I have indicated in my initial reply, we have approached industry on open access networks so that the deployment of fibber, we don’t do multiple deployment in cities and densely populated areas, but we can make sure that there is deployment in rural areas.

We are engaging with the Telkom operators on that and also the industry players in terms of thrashing for fibre. And with that we are confident that within the month of October we should be able to Cabinet for proposal on our move on open access network to make sure that we can reach the deepest of

rural areas and enable the poor children from Hatshikundamalema, where I come from and Tshifuḓi, where my father comes from to have access to fibber or connectivity for their education. And that even if we get to a fourth wave or the sixth wave of the coronavirus, the children will continue to learn from home and we can declare as a country an amount of data that must go to each of households by the year 2025.

Thank you.

Ms Z MAJOZI: Thank you, hon House Chair. Minister, has there be any consultation with the Independent Communications Authority of South Africa, Icasa, relating to this decision of

30 August that the temporary radio frequency can assigned to licensing will have to be returned to Icasa by not later than

30 November? Secondly, if so, what specific facts were taken into account to justify this decision by the authority considering the reality that the fourth wave of the pandemic might arise soon? Thank, Chair.

The MINISTER OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES: Thank

you, hon House Chair for the question. My response to that is that Icasa is independent from the department and they account to Parliament. We will request the House to invite Icasa to go and explain for their decisions to then withdraw the spectrum

by 30 November. But on our part we are engaging with industry and should the third wave come through we will make a policy directive to ensure that industry is not jeopardize to have spectrum.

We are also engaging with the industry in terms of their dependence on the spectrum because when people are already travelling on the road, House Chair, you can’t say now the road is slow or you can’t say the road is removed. We need to find a mechanism to say how do industry continue with the spectrum as we finalise the allocation of spectrum. I am sure members are aware of the decision of Icasa to abide by court decision and my response to say we are communicating with the industry to find the best mechanism to the release of high demand spectrum. Thank you

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Thank you very much, hon Minister. I think members have realised now that fatigue is taking its tall. The time allocated for the questions have expired. Outstanding replies received will be printed in Hansard. That’s concluded the debate and business of the day. The House is Adjourned.

The House adjourned at 17:59.