**UNREVISED HANSARD**

 **NATIONAL ASSEMBLY**

**FRIDAY, 10 SEPTEMBER 2021**

***PROCEEDINGS OF THE NATIONAL ASSEMBLY***

The House met at 10:01.

House Chairperson Mr C T Frolick took the Chair and requested members to observe a moment of silence for prayer or meditation.

# CONDIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON JUSTICE AND CORRECTIONAL SERVICES - ON CRIMINAL PROCEDURE AMENDMENT BILL

There was no debate.

THE CHIEF WHIP OF THE MAJORITY PARTY: Hon House Chair, I move

that this Report be adopted by the House. Thank, you.

Motion agreed to.

Report accordingly adopted.

# CRIMINAL PROCEDURE AMENDMENT BILL

(Second Reading debate)

Mr G MAGWANISHE: Chairperson and hon members, report of the Portfolio Committee on Justice and Correctional Services on the Criminal Procedure Amendment Bill dated 7 September 2021, the Portfolio Committee on Justice and Correctional Services having considered the Criminal Procedure Amendment Bill reports the Bill amendments in the case of Centre for Child Law and Others v Media 24 Limited and Others.

The Constitutional Court declare section 154(3) of the Criminal Procedure Act of 1977 in consistent with the Constitution to the extent that it does not protect the identity of children in criminal precedence. Actually, the section does not protect children once they have reach the age of 18 years.

The Constitutional Court gave Parliament 24 months to enact remedial legislation. That is before 4 December 2021. The Criminal Procedure Amendment Bill, which was referred to the committee on 26 May 2021 proposes to remedy section 154(3) of the Act by provident location of any information that reveals

the identity of a child accused or a witness or a victim unless a court authorised the publication providing ongoing protection to child accused, witnesses and victims once they reach 18 years unless the court authorises otherwise. The committee received submissions from Centre for Child Law proposing certain refinements, which the committee agreed with.

We therefore ask this House to approve the report. Thank you, House Chair.

*Declarations of Vote*:

Mr W HORN: House Chairperson, the DA supports this Bill. Appreciation and gratitude, House Chair, must firstly be expressed for the work of the Centre for Child Law, which assisted secretary knows during a very difficult time in her life in order confirm and clarify not only her rights but the rights of all children victims of crimes should enjoy against being identified during criminal proceedings.

The case also enables our courts of course to help to develop with our laws with as far as the issue of ongoing protections once the victim even witnesses a time attitude. The Constitutional Court in dealing with the matter therefore for

the need to carefully balance various constitutional rights interest. On the one hand the best interest of children and their rights to dignity and equality and privacy and on the other hand the right of freedom of expression and principle of open justice.

The result of court order, House Chair, find out this section 154(3) of the Criminal Procedure Act was unconstitutional and as far as it did not protect children who are victims of crime from publicly identified and recognised the need for this protection to extend into adulthood in the case of some victims.

The Bill before us today is as the result of court order, which directed to Parliament and the section. A further wording in conclusion, House Chair, of appreciation to the Centre of Child Law who assisted the committee during the public hearings ... weakness in the Bill by advocating for the in the Bill ...

The HOUSE CHAIRPERSON (Mr C T Frolick): We seems to have lost the connection on the virtual platform or the mic has been muted.

Mr W HORN: Yes, House Chair, I was unfortunately muted. Allow me to conclude.

The HOUSE CHAIRPERSON (Mr C T Frolick): Please, for a second.

Mr W HORN: This Bill, House Chair, is as a result of the court order directed to Parliament section to properly to protect chid victims of crime.

In conclusion, a final word of appreciation a further word of appreciation Chid Law. We assisted the portfolio committee during the public hearings to close public weaknesses in the Bill by advocating for the inclusion in the Bill over an express on publication on social media platforms and as well. Thank you, House Chair.

Ms Y N YAKO: Chairperson, the EFF welcomes and support the Criminal Procedure Amendment Bill. The Bill arouse from the Centre of Child order court judgement which ruled from section 154(3) of the Bill does not afford protection to child victims of criminal offences. And that the protection does not continue to apply even after a child accused or witness or victim turns 18 years of age.

In contrast, the law supposed to continue to protect them while the Bill is step at the right direction to provide ongoing protection even when they are still under 18 years of age as a society. Our society hates children. In townships, rural areas and cities, our children have turned to murderous and they are killing each other.

As of 11 May 2021, 12 542 persons between the age of 16 and 25 have they are in castrated by correctional services, 2 543 and

53 of them are in castrated for murder and 695 are in castrated for gravely bodily harm. These are young people who should be at school. Institutions of higher learning play sports, music, involved in robotic competitions and being young and looking forward to a bright future.

But these are colonial and apartheid legacies that the ruling party fail to address through redistribution of land, distribution of wealth and failure to build a society that looks after its future.

So, we should prioritise the potential of children not only when there is a crime involved but because they are the future. So, the EFF does support this Bill. Thank you very much, Chairperson.

Ms Z MAJOZI: Thank you, hon House Chair. The Criminal Procedure Amendment Bill aims to ensure ongoing protection for child victims of crime. The Bill importantly gives effect to the Constitutional Court’s order in the matter of the centre of child law and others versus Media 24 limited and others that declared section 154(iv) of the Criminal Procedure Act constitutionally invalid. The section 154(iii) of the Criminal Procedure Act, failed to extend the protection of children beyond their reaching the age of 18 years.

As it was confirmed by the Constitutional Court, the failure to ensure ongoing protection is contrary to the best interests of the child and would ruin the proposed initial protection afforded. The Constitutional Court order directed Parliament to rectify this situation within 24 months of the judgment.

The Centre for Child Law has provided very helpful guidance on the proposed amendment. The IFP wishes to extend its gratitude to this organisation for its inputs. The Centre for Child Law in specific proposed further clarification for the cohabitation and publication should also extend to social media and electronic platforms and that a child accused a witness or a victim may publish their own identity. The IFP believes that this Bill is critical to ensure the dignity and privacy of the children beyond the age of 18 years. Therefore,

it’s ensuring that there is no secondary ham in

identification. I thank you, Chair.

Mr F J MULDER: Thank you, House Chair. The Freedom Front Plus highlight the principle that a presiding judge or judicial officer at such proceedings may authorise the publications of such information relating to the proceedings as he or she may deem fit, if the publication thereof within his opinion be just, equitable and in the interest of any particular person. The Freedom Front Plus will therefore, support this Bill.

Thank you, hon House Chairperson.

Mr S N SWART: Thank you, House Chair. The ACDP supports this Bill and as per the speakers indicated it is as a result of the Child Law Centre versus the Media 24 with the Constitutional Court that determination about section 154 founded to be constitutionally invalid. In so doing, it’s struck in our view, the correct balance between the interests of the child, privacy and dignity versus the interests of open justice.

Indeed, the intention is with this Bill, to properly protect child victims of crime even beyond the age of 18 years. So, we join the other speakers in commending the Child Law Centre in

taking this matter to court to provide the necessary legal certainty of protection for children. We also, lastly, would like to mention the fact that this decision and this Bill has been asked way before the Constitutional Court deadline in December.

In that regard we wish to commend the Department of Justice, the Minister as well as the Portfolio Committee of Justice and Correctional Services for speedily finalising this Bill way before the Constitutional Court deadline. This given the fact that in many circumstances we have to, as Parliament, ask for an extension of these deadlines. However, in this case, we have managed to meet that deadline today. The ACDP will support this Bill. I thank you, House Chair.

Mr N L S KWANKWA: House Chair, thank you very much. The UDM welcomes and supports the Bill. It is important that steps such as these ones are undertaken in order to ensure ongoing protection of children who are victims of crime, but more importantly, in order to ensure that children who are victims of crimes do not suffer from secondary victimisation.

It was important that the defect in section 154, the Criminal Procedure Amendment Act, was addressed in order to deal with

the defects because the failure to protect children up until they are beyond the age of 18 years means that you subject them to all manner of secondary victimisation.

*IsiXhosa*:

Iphinde le nto ihambisane ncakasana nokuqinisekisa ukuba sakha uMzantsi Afrika onesiseko esingabantwana, abazakuba ziinkokheli zangomso. Sifuna ukuqinisekisa ukuba imeko yabo ngaphakathi emoyeni izinzile kwaye bakhuselekile kulo Mzantsi Afrika. Enye into eqaphelekayo yile yokuba, amajelo ezosasazo awabakhuseli abantu ngokwaneleyo ingakumbi xa bathe badlula kweli nqanaba belichazwa apha. Kufuneka ke ngoko siyithathele ingqwalasela loo nto, siqiniseke ukuba abantwana bethu bakhuselekile ukuze abantu bethu bangaxhaphazeki. Siyabulela.

Ms N H MASEKO-JELE: Chairperson, members of the executive, members of the House, it is Thomas Sankara who said, and I quote:

The revolution and women’s liberation go together. We do not talk of women’s emancipation as an act of charity or out of a surge of human compassion. It is a basic necessity for the revolution to triumph. Women hold up the other half of the sky.

It is befitting that I join fellow South Africans in paying tribute to the late former Deputy Minister of Science and Technology and Members of Parliament, Zanele kaMagwaza-Msibi. The late Deputy Minister was a trade blazer. When the role of women in the liberation struggle and in politics is often overlooked even erased, KaMagwaza-Msibi was a powerful woman who has left an indelible mark in South African politics.

She was committee to transformation in society, defeating patriarchy and improving the lives of our people. We send our condolences to her family and friends and the National Freedom Party and all who knew her.

The ANC support the Criminal Procedure Amendment Bill. The Bill seeks to amend the Criminal Procedure Act of 1977, so as to further regulate the publication of information, which reveals or may reveal the identity of an accused, a witness or a person against whom an offence has allegedly been committed who is under the age of 18 years; and to provide for matters connected therewith.

On 4 December 9:00 in 2019 in the case of Centre for child law and others versus Media 24 Limited and others, the Constitutional Court handed down judgment in an application

concerning the scope of protection provided by section 154(3) of the Criminal Procedure Act, 51 of 1977 for the anonymity of child victims, witnesses and accused in criminal proceedings.

The application arose from a judgment of the Supreme Court of Appeal, SCA. The SCA had declared section 154(3) to be constitutionally invalid to the extent that the provision does not protect the identity of child victims in criminal proceedings.

The South African Constitutional Court has a rich children’s rights jurisprudence. A significant contribution made by this Court to the development of the rights of children is its comprehensive jurisprudence on the best interests of the child, for which the Court has been praised by international bodies.

The constitutionalisation of the best interests of the child in section 28(2) of the Constitution of the Republic of South Africa, 1996 has facilitated this development.

Adding to our jurisprudence, the Constitutional Court, in this case, held that section 154(3) of the Act does not afford protection to child victims of criminal offences and that the

protection does not continue to apply even after a child accused, witness or victims turn 18 years of age, whereas it ought to, and section 154(3) was thus declared inconsistent with the Constitution and Parliament was given 24 months to correct the defect.

The first judgment held that the overarching purpose of section 154(3) of the Criminal Procedure Act is child protection; protection from the potentially harmful effects of publication of their names and identities as a result of being implicated in criminal proceedings.

Since this protection is only afforded to child accused and witnesses, the judges found that there is a lacuna in the law, as it pertains to protecting child victims in criminal proceedings. The first judgment held that the exclusion of child victims in section 154(3) limited the right to equality, as it constitutes an arbitrary differentiation that does not offer equal protection and benefit of the law. This lacuna also infringes the best interests of the child and their rights to privacy and dignity, which limitations were neither reasonable nor justifiable.

The first judgment, while endorsing the importance of freedom of expression and the principle of open justice, held that the default position of ongoing protection – not a blanket rule – would not severely encroach on media freedom.

I close with the words of President Nelson Mandela, and I quote: “Our children are our future and one of the basic responsibilities is to care for them in the best and most compassionate manner possible. “

The ANC supports the Bill. I thank you.

There was no debate.

Declarations of vote made on behalf of the Democratic Alliance, Economic Freedom Fighters, Inkatha Freedom Party, Freedom Front Plus, African Christian Democratic Party, United Democratic Movement and African National Congress.

Bill accordingly read a second time.

# CONSIDERATION OF CRIMINAL LAW (SEXUAL OFFENCES AND RELATED MATTERS) AMENDMENT ACT AMENDMENT BILL AND OF REPORT OF

**PORTFOLIO COMMITTEE ON JUSTICE AND CORRECTIONAL SERVICES ON AMENDMENTS PROPOSED BY NATIONAL COUNCIL OF PROVINCES**

**CONSIDERATION OF DOMESTIC VIOLENCE AMENDMENT BILL AND OF REPORT OF PORTFOLIO COMMITTEE ON JUSTICE AND CORRECTIONAL SERVICES ON AMENDMENTS PROPOSED BY NATIONAL COUNCIL OF PROVINCES**

Mr G MAGWANISHE: House Chairperson, the Portfolio Committee on Justice and Correctional Services, having considered the Criminal Law Sexual Offences and Related Matters Amendment Bill, and the proposed amendments of the National Council of Provinces, passed on 1 September 2021, reports that it agrees with the proposed amendments. The amendments proposed are largely technical and consequential.

Notably, it has proposed that the phrase “persons who are mentally disabled” be replaced throughout the Bill with the phrase “persons with mental disability” as this is the more respectful and appropriate term.

It is also proposed that a reference to “present or congregates” be omitted and clause 6 to avoid unintended consequences, resulting from overly broad phrasing. For

purposes of consistency and to allow these amendments brought by this Bill, further technical amendments related to the phrase “persons who are vulnerable” are proposed.

Therefore, we agree with all these amendments from the NCOP.

With respect to the Domestic Violence Amendment Bill, the Portfolio Committee of Justice and Correctional Services, having considered the Domestic Violence Amendment Bill and the proposed amendments of the NCOP, passed on 1 September 2021, reports that it agrees with the proposed amendments. The proposed amendments are largely technical and consequential in nature.

The NCOP also proposed that the language used in the Bill be amended to be gender-neutral and inclusive, so that the legislation is sensitive, flexible and engaging with regard to considerations of equality, dignity and identity. We therefore move that both reports be adopted. Thank you.

There was no debate.

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

*Declarations of Vote*:

Mr W HORN: Hon House Chairperson, when this House adopts the amendments which the NCOP effected these two Bills today, it will be into a conclusion of a parliamentary process which was for a good reason, a testimony of the way in which parties and members from different sides of this isle can work together to strengthen a legislative framework in order to assist society to deal with one of its greatest ills.

House Chairperson, enough has been written and said about a cancerous effect in which sexual violence, gender-based violence and domestic violence have on victims and our national psyche and wellbeing. If feels good that this Parliament acted in this way in working in unison with improving the legislation that assist law-enforcement, social services and other stakeholders in the justice system to help victims more effectively.

However, this is of course a theory. These two Bills once assented to by the President, hopefully in the near future, will still need regulations in order to be implemented. We will have to carefully watch over that process.

In addition, very much will depend on how capable and committed enabled those role-players who will be the ones who must assist victims of crime in line with these Bills. While we know that there is many compassionate and caring members of the SA Police Service, SAPS, and the National Prosecuting Authority, it remains a big issue that one of the reasons why as few as one in nine raped victims report the fact that they have been raped, it is the very real fear that suffer secondary victimisation by the criminal justice system.

Who can blame rape victims if they have little and no faith in the system, because they read in the newspapers that the backlogs with the DNA testing, running into hundreds of thousands and the fact that many samples become difficult and even impossible to test due to ageing.

House Chairperson, similarly, it remains true that the manner in which we as South Africans still afford men and fathers respect as heads of households, even in cases where men do nothing, but abuse that historical power, mostly by also making use of their physical power, maintains a situation where our domestic violence laws remain largely inefficient.

This will only change if we are able to change general health attitudes and beliefs. While also bringing proper assistance to those functionaries within the SAPS, the Department of Social Services, the Department of Health and the Department of Justice and Correctional Services.

While we therefore support these Bills wholeheartedly, it remains so that we must as the oversight body of the executive be obsessive in our oversight going forward about implementation. Otherwise the adoption of these two Bills will be nothing, but an academic exercise. Thank you.

Ms Y N YAKO: Hon House Chairperson, the EFF welcomes this report. For years South Africa has been plagued by the rise of gender-based violence and sexual crimes. Mostly perpetuated against women, children and those living with disabilities.

The EFF’s gender-based violence desk is inundated with calls from all over South Africa. From women who have been beaten, sexually assaulted and violated, children who have been at the mercy of family members who have been violated, for violating them physically and mentally. Families who have lost loved ones due to domestic violence and sexual crimes.

Criminals and sexual offenders have been brazen and audacity in targeting not only women, not only children and those living with disabilities, but also Lesbian, Gay, Bisexual, Transgender, Queer, Intersex and Plus, LGBTQI+, community.

We also appreciate the work done by both the parliamentary Houses, along with the parliamentary staff in making sure that bulletins were done towards these Bills. Not only is a big leap for this Parliament, it is also a big leap for the judiciary, a leap that is long overdue.

All that needs to happen now is to finalise these Bills as soon as yesterday. We thank you, hon House Chairperson.

Ms Z MAJOZI: Hon House Chairperson, the IFP welcomes the concerted effort to ensure that all critical areas are covered when it comes to the legislation governing sexual offensive and related matters. As indicated by the most recent crimes statistics, sexual offences continue to rise. It is therefore propelling this House to ensure that greatest protection is extended to victims.

The amendments made by the NCOP to the Criminal Law Sexual Offences and Related Matters Amendment Act Amendment Bill,

while consequential and or technical important, the IFP recognises that children are not the only ones who are vulnerable to sexual assault. The IFP welcomes the inclusion of vulnerable people as a broad umbrella, to encompass everyone who is in need of the protection.

As the world changes, we as the legislature must pass responsive laws that reflect the revolution of language. The IFP welcomes the inclusion of the 10 sexual intimidation to the law. This serves to criminalise conduct that while less violence is just as harmful and dangerous.

The IFP also recognises the change in language when referring to mental illness and disability. In addition, the IFP welcomes the further regulation of individuals and the National Register of Sex Offenders in terms of who may be removed and the reporting duty of convicted perpetrators. This is a positive step in creating a safe environment in our communities.

In relation to the Domestic Violence Amendment Bill, the IFP welcomes that the NCOP sort to make sure that language gender neutral and this holds prospect for more inclusivity.

Furthermore, the broadening of the definition of harassment to include, stalking and widening the scope of maintenance relevant to emergency monitory relief will ensure that the scourge of domestic violence is addressed efficiently.

It is progressive that the Amendment Bill takes note of the wide use of digital technology and the responsiveness. The amendment of clause one of the Bill such as section 1154(iii) of the Act, will explicitly prohibit the publication of protected information and an electronic social media platform is tightened. This will hopefully assist in closing the gap and offer further beatings of domestic violence, whether it be physical or verbal abuse. I thank you, House Chairperson.

Mr F J MULDER: Hon House Chairperson, if the Criminal Law Sexual Offences and Related Matters Amendment Act of the Bill serves its purpose well, and this is important, it should serve the purpose while it strengthen South Africa’s response to gender-based violence and femicide to include the particulars of all sex offenders and to expand the list of the persons who are to be protected to include other vulnerable persons and the implementation of the rules and regulations logic and rational, the FFPlus will support the amendment on

both the Bills before this House. Thank you, House Chairperson.

Mr S N SWART: Hon House Chairperson, today these Gender-based Violence Bills will be finalised by Parliament of the Department of Justice and Correctional Services as considered by the NCOP proposed amendments. This the ACDP welcomes. We do however, remain deeply concerned about the high-levels of violence in the country.

The crime statistics, recently released by the Police Minister, Cele, paint a horrific picture of what the most vulnerable in our communities, the women and children have to endure on daily basis.

During the period of April to June this year, a staggering

10 000 rapes were committed. That is in only in three months.

This is indeed horrific. The figures only go higher as many cases of sexual violence are not reported for fear of retribution and secondary victimisation. It is the primary role of government to protect its citizens and it is very clear that government is dismally failing in this regard.

It is not good enough just to blame this increase on the lockdown provisions. It is also very clear however that everyone in society must play a role in fighting this scourge of crime and violence.

The ACDP believes that churches, other faith-based organisations, civil society and communities can and should play a far greater role. Many community members are aware of what is going on behind their neighbour’s closed doors.

However, they do not want to become involved. That is just not good enough. There is a war against our children and our women and it would take a massive amount effort of communities working with the law-enforcement agencies to win this war.

Accountability is a very large motivator in the original trendiest to the Domestic Violence Act, which is why the original member proposal that if you suspect or know that the child and older person faced disabilities and is a victim of domestic violence, you should call the Police and is the correct way to follow.

Hon House Chairperson, while most of the amendments proposed by the NCOP are technical of nature, the ACDP raised our

concerns about amendments to use the neutral language in a Domestic Violence Amendment Bill.

Whilst we fully appreciate that the Lesbian, Gay, Bisexual, Transgender, Queer, Intersex and Plus, LGBTQI+ community are also a very vulnerable group we believe these amendments proposed by the NCOP may lead to legal uncertainty which may in effect in the refine against gender-based violence as opposed to heath matters. We are however, thankful that the Department of Justice and Correctional Services will be looking into this issue at our request.

In conclusion, the ACDP will support these two Bills. I thank you, House Chairperson.

Mr N L S KWANKWA: Thank you very much, Chairperson. The UDM adopts the report and supports the amendment to the Criminal Law, Sexual Offences and Related Matters Amendment Bill. We welcome any initiative to ensure that there is a comprehensive approach to dealing with gender-based violence and femicide in South Africa. Gender-based violence and femicide remains one of the most serious and difficult challenges that we face in our country since the advent of democracy in 1994.

But even though there have been drastic systemic changes in transformation that took place to some extent in 1994, trying to deal with these issues, gender-based violence and femicide remains a single and one of the biggest problems, in fact, we prefer to call it a pandemic. As a result, a criminal law system has a prominent role to play in ensuring that we combat this Mad Tamil in our society.

Not only should the criminal law play its role, but the citizens as a whole. There must be an approach by all South Africans and by joyous stakeholders by trying to address this issue, so that on a continuous basis, the criminal justice system is appraised and evaluated on a daily basis, to see how a comprehensive response to some of the weaknesses and challenges that exists.

But also, the societal changes and attitude are changes that are required. They are a matter that needs society to step up and play its role. The UDM would like to support the reports and the amendments. Thank you.

Ms W S NEWHOUDT-DRUCHEN: Hon Chairperson, hon members, Comrades and friends. The ANC rises in support of the Criminal Law, Sexual Offences and Related Matters Amendment Bill as

well as the Domestic Violence Amendment Bill. In 2019 Election Manifesto, the ANC made a commitment to South Africa to eradicate gender-based violence. Subject to the 53th and 54th National Conference Resolutions, we needed to speedily fight the eradication of abuse of women in society.

Government adopted the National Strategic Plan on Gender-Based Violence, which represents a clear national response to the call by activists to the government of South Africa and all living in South Africa to make our country safe and peaceful for women, children and gender non-conforming individuals whose lives and well beings are celebrated and valued, and which gender-based violence and femicide does not grant.

Given Outcome 3 of the strategy, the goal is that all people in South Africa are and feel safe. Outcome 4 of the National Strategic Plan is to have a victim-cantered, survivor-focused, accessible, equitable and quality services, which is made available across the criminal justice system, health system, education system and support system on various levels. In his women’s speech this year, the President applauded the work that has been done, and currently being done, with regards to implementation of the plan.

Among this, is legislative reform of the speed to Gender-Based Violence Bills which have been transmitted to the NCOP. Hon Chairperson, the criminal law seeks to extend the protection afforded to victims of gender-based violence. The cornerstone of the criminal law is the national register or criminal offenders. The Bill seeks to further regulate the inclusion of the particulars of persons in the national register to expand on the scope of sexual offenders, not only including the particulars of person who committed the offences against children and persons with mental disabilities.

But it also includes other vulnerable persons like younger women and persons with intellectual disabilities, persons over the age of 60 who receives home-based community base care and support. It seeks to further regulate the reporting of those who are aware of any sexual crimes committed against people.

The amendments from the NCOP is firstly, the replacement of the phrase, people with mental disability to people with disabilities, and then technical amendments and the renumbering of clauses.

Concepts of the domestic violence has been vastly refined by the Bill. The Bill broadens categories of domestic violence which includes the abuse of an elder, exposure of children to

violence, to domestic environment and in any of the numbered categories. Sexual harassment is now regarded as a separate listed category containing the subcategories. The Bill addresses issues of spiritual abuse into the victim’s workplace without consent and physical abuse of children.

The Bill places a positive duty on those in the health and education sectors to screen, council and provide emergency medical treatment to victims, plus the provision of persons to report the abuse of a child, the elderly or the person with disability to police. The Bill penalises wilful nondisclosure with a fine, imprisonment or both. In this digital age that we live in, the Bill encourages the process of applying for protection online. It is expected that this change will ease the burden placed on those looking for protection.

The NCOP sought to make the language of the Principle Act gender neutral and nonbinary, and therefore more inclusive. It is also broadened the definition of harassment to include stalking, and broaden the scope of the maintenance relevant to emergency monitory relief. The Bill is important as it will provide greater protection to children, women, the elderly and persons with disabilities.

While legislation is not the panicier to the challenges we face in the society, much more is needed. Collaboration between roleplayers in society, is needed. We do, however, believe that these Bills will go further in the protection of the most vulnerable in society, and promoting and contributing to the safer society. The ANC supports these two Bills. I thank you, Chair. [Applause.]

Question put: That the Criminal Law, Sexual Offences and Related Matters Amendment Act Amendment Bill, as amended, be passed.

Question agreed to.

Criminal Law, Sexual Offences and Related Matters Amendment Act Amendment Bill as amended, accordingly passed.

Question put: That the Domestic Violence Amendment Bill, as amended, be passed.

Question agreed to.

Domestic Violence Amendment Bill, as amended, accordingly passed.

# CONSIDERATION OF REPORT OF STANDING COMMITTEE ON FINANCE ON DETERMINATION OF REMUNERATION OF MEMBERS OF THE FINANCIAL AND FISCAL COMMISSION

Ms P N ABRAHAM: Thank you very much House Chair, this is the

Report on the Standing Committee of Finance on the

Determination of Remuneration of Members of the Financial and Fiscal Commission dated 8 September 2021. A letter, dated 13

April 2021, was received from the President of the Republic, requesting the National Assembly to consider the draft notice

of his determination of the salaries and allowances of members of the Financial and Fiscal Commission (FFC), amongst others.

The draft determination is made in terms of section 9(1) of the Financial and Fiscal Commission Act No. 99 of 1997 (FFC

Act), as amended by the Financial and Fiscal Commission

Amendment Act, 2015 (Act No 4 of 2015), in terms of the Independent Commission for the Remuneration of Public Office-

bearers Act, 1997 as amended by the Determination of Remuneration of Office-Bearers of Independent Constitutional

Institutions Laws Amendment Act of 2014 (Act No. 22 of 2014).

On 22 April 2021, the part of the draft notice from the President on the determination of the salaries and allowances of members of the Financial and Fiscal Commission, FFC, was

referred to the Standing Committee on Finance for consideration and report.

Section 9(1) of the FFC Act provides that members of the FFC are entitled to such remuneration, allowances and other

benefits as determined by the President taking into

consideration the recommendations from the Independent Commission for the Remuneration of Public Office Bearers

(Commission). The determination by the President must be approved by the National Assembly. Furthermore, the Commission

must consult with the Minister of Finance when investigating or considering the remuneration, allowances and other benefits

of members of the FFC.

Subsection (6)(b) of Section 8 of the Independent Commission

for the Remuneration of Public Office-bearers Act requires that the Commission take the following factors into account

when making recommendations, as it did in the report, (1) The salary, allowances and benefits of members of other

constitutional institutions; (2) the affordability in relation to the responsibilities of the constitutional institution concerned; and (3)the level of expertise and experience required of a member of the constitutional institution concerned. Hon House Chair, on 24 December 2020 the Report of

the Commission was published in the Government Gazette (No. 44039).

As indicated in the draft notice, the Commission recommended, after considering the relevant legislation and factors that

must be taken into account, the following, 0% adjustment to

the remuneration of all categories of public office bearers that is the POBs. The Schedule to the Notice indicates, that

in FFC, the Chairperson will get 0%, part time commissioners, 0%, as well as part time ordinary members, 0%.

The determination applies retrospectively from 1 April 2021.

The Standing Committee on Finance, having considered the determination of remuneration of members of the FFC, referred

to it, unanimously adopted the report and approves that the

President’s determination of remuneration of members of the

Financial and Fiscal Commission be reported as such. House

Chair, the Committee wishes that this report be considered.

*Declarations of vote*:

The CHIEF WHIP OF THE OPPOSITION PARTY: House Chairperson, I am happy to say that there’s absolutely no need for a DA to make a declaration, because we are in full agreement. Thank you.

Ms L H ARRIES: Yes, thank you very much, House Chairperson, the EFF supports the Report of the Standing Committee of Finance on the Determination of Remuneration of Members of the Financial and Fiscal Commission. The committee approves the Presidential determination on remuneration of the Financial and Fiscal Commission members not to increase the remunerations. Accordingly, the remunerations of the Chairperson, part time members of the commission remain unchanged from the previous financial year.

While the report for the National Assembly is about the remuneration of the members of the Commission. We want to call on all the Commissioners of the Financial and Fiscal Commission, FFC, to seriously consider their constitutional mandate. In the light of the impact of misguided authorities pursued by Treasury. While the new Finance Minister reducing government expenditure does not mean that the overall economy of farming, of police, health, education and other social service it stands at FFC, is impartial and not so that confirm National Treasury proposals. Even when their proposed budget is not in the interest of the South Africa economy.

It is time that all of us to reject the Treasury’s obsession of austerity and it must start with the Financial and Fiscal Commission. Thank you.

Inkosi E M BUTHELEZI: Thank you very much hon House Chairperson, the consideration ... [Inaudible.] ... account today, comes at a time when our labour market and our economy is facing some unprecedented challenges. But, hon House Chairperson our challenges are certainly not unprecedented. In terms of the poor economic growth of our country, which we have become accustomed to of the ruling party. But, what is unprecedented is the fact that stealing, looting and deeply entrenched corruption have continued long before the global pandemic ever reached our shores. We still have no one behind bars for corruption. Some are even overseas not to be found and others enjoy the justice system and the privileges of endless appeals that buy them out with time.

Indeed, hon House Chair, it is unfortunate that the economic reality and the lack of consequence for those who steal from state to the tune of billions and never get prosecuted, affects the lives and livelihood of those who draw salaries from the state. It is also unfortunate that we cannot promote

the increase of better incentives to honest, talented and straight workers who serve the public diligently.

On the other hand, we want to promote excellence within the public service and offer increase which will boost morale, motivate and inspire those who serve the public office to do so, to the best of their abilities. Furthermore, hon House Chairperson, it is a well-known fact that any country with an economy that works for its people is able to offer such increases to public sector servants. Ideally, this is what would offer our public servants, when everything increases.

How can you accept a stagnating salary?

Hon House Chair, when many of our talented and skilled technocrats leave the public service for more lucrative and financial sustainable post within the private sector, the state suffers blow. Yes, the ... [Inaudible.] ... is what it at the current dispensation and yes at this stage we must agree with the report to keep wage increment to %0. But, we do so with some form of shame and as we are failing our public sector servants.

Therefore, hon House Chairperson reason made by the committee on the remuneration of salaries of Financial and Fiscal

Commission, FFC, unfortunately in line with the global economic state of our country and the lack of leadership that will tackle our one biggest evil which is corruption. The IFP do support the report hon House Chairperson. Thank you.

Mr W W WESSELS: Thank you House Chairperson, we are in support of the report and also of the responsible recommendations.

Thank you.

Mr S N SWART: House Chair, the ACDP is in support of the report as well. Thank you so much.

Mr N L S KWANKWA: Chairperson, the UDM also supports the report and its recommendations ...

*IsiXhosa*:

... asinakuyithini, imali ityiwe ngamasela yiyo loo nto ingekho, kwaye isichaphazela sonke. Enkosi.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon members, sometimes it is good to just say I support the report and not for all these other amasela and all these. It’s in bad taste.

Mr N L S KWANKWA: This is a political debate Chair.

The HOUSE CHAIRPERSON (Mr C T Frolick): No! No! Hon member, I have not recognised you. You have been addressed previously by the Deputy Speaker on this matter.

Ms M M TLOU: Hon Chairperson, hon members, ...

*Sepedi*:

... le badudi kamoka kua gae, ke a le dumediša.

*English*:

The ANC would wish on this occasion to express its sincere thanks and appreciation to the Financial and Fiscal Commission, FFC for the outstanding work that it renders to the finance and appropriations committees in Parliament. The FFC research analyses critic and synthesis clearly reflects an organisation committed to the use of evidence based research in its approach to dealing with the complexities of the FFC’s mandate.

The FFC has contributed immensely to the development and evolution of the intergovernmental fiscal relation system in South Africa. Its influence has stretched way beyond the borders of the republic, and other research institutions

globally have engaged the commission on its methodology of work and findings.

The FFC tabled its first submission on the system of intergovernmental fiscal relations in 1995 and its first submission on the Division of Revenue in 1997. The commission is independent and subject only to the Constitution and relevant legislative prescripts. We recall that on the start of the Sixth Parliament, it was the commission who raised strategic questions for the finance and appropriations commission to consider.

It was they who introduced the relationship between the country’s outcry and long term matter and the type of inputs Parliament needed to look at when measuring outcomes. That Parliament should be concerned with how to shape the outcome through the character and the content of inputs. What they warned Parliament about is that oversight can be easily caught up looking at the issues of inputs, since this is what the department and entities talk about in parliamentary meetings.

The key question however, they said was whether those inputs had been delivered correctly and fairly, and whether one could see the impact of those inputs and was it measurable. They

raised concern at the lack of measuring by departments throughput, that throughput needs to be delivered. They introduced that one of the throughput that Parliament must be engaged with is oversight on the end goal which needs to be achieved.

So, with basic education they explained that the throughput whether the child understands the language of maths in order to understand the other subject matter. They introduced to our oversight the need to sequence inputs throughput and much later outcomes. That, if the wrong questions are being asked, this leads to wrong answers being provided. No department could give the committee an outcome if their policy has not already been implemented.

It was the FFC who expressed the view that Parliament’s oversight was not always timely or well synchronised with the government’s planning and budget cycle. It was the FFC who raised the concern over the equitable share initially between the three spheres. But in later years, the real concern was not the vertical division of the equitable shares, but the horizontal equitable share within provinces and within local government.

By illustrating the immense contribution that the FFC has made to our work in Parliament, and their proposal have had to improve the quality of our oversight work, I do this because we want to express, as the ANC, our gratitude to the contribution of their work, in our work. On the matter of the recommendations of the independent commission and the subsequent endorsement of such recommendations by the President, such recommendations are based on the principle solidarity during challenging economic times.

The FFC is being treated equally with the remuneration proposal for other public office bearers. We believe that the FFC understands this principle. It is this principle that informs the ANC’s support for the recommendations of 0% increase in salary increment informed by an environmental scan of our economic conditions. I thank you.

Question put

Agreed to.

Report adopted and Determination of remuneration of members of the Financial and Fiscal Commission accordingly approved.

# CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON TRANSPORT ON 2020/21 SECOND AND THIRD QUARTER EXPENDITURE OF DEPARTMENT OF TRANSPORT (ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS, 12 MAY 2021, P 146)

Mr M J ZWANE: Thank you Chair for allowing me to introduce the report of the Portfolio Committee on Transport on the 2020/21 second and third quarter expenditures of the Department of Transport dated 12 May 2021 which is presented today on Friday

10 September 2021.

The Portfolio Committee on Transport is presenting before the NA the report on the Portfolio Committee on Transport of the 2020/21 second and third quarter expenditures of the Department of Transport of 12 May 2021.

The department has a critical role to play in ensuring the efficient functioning of all modes of transport in the country. However, the transport sector has been negatively impacted upon the Covid-19 pandemic and the global lockdown.

Entities under the department who have always performed financially felt the effect of the pandemic. The recovery of

the transport sector has been slow in the initial recovery of shipping, road, rail and [Inaudible.]

The department functioned under very adverse conditions and the oversight of the committee and that of Parliament. While the current conditions were adverse for the transport sector, it is important that certain areas which the report highlights require attention.

The case in point is the underspending by the department in salaries of some 69,7 million due to the fact that the department has a vacancy rate of 18,9% which translates into

160 vacancies. These vacancies which in the department’s ability to efficiently function in the regulation and development of the transport sector and therefore impacts negatively on the department’s programme. This in turn negatively impacts on social delivery.

The variants between actual and projected expenditure against the budget is a reflection that programmes will need to be enhanced when we ensure implementation. This is especially through in terms of the programmes on rail, integrated transport and civil aviation.

The state of the rail network forces the working class and the poor to utilise more than mode of transport or to utilize more expensive modes of transport.

The rail networks must be secured from vandalism and theft and must be fixed to serve the people and the economy of the country. The pattern of understanding by the department does impact on government’s ability to deliver its programme in the shortest possible time.

The report makes important observations and recommendations. An important observation is the ability of the department to make information timeously available to ensure that effective oversight can occur on the committee’s part.

We believe this to be both positive and desirable. The department must develop a clear plan with time frames as to when vacant posts are going to be filled and how it’s going its implement its programme and plans. Its plans and programmes must be based on some policy, legislation and regulation. The buyers of the programme have to be service delivery and its performance needs to be measured against service delivery.

Transport is a critical factor in the infrastructure programme of the economic reconstruction and recovery plan and therefore the need for the department to be geared for implementation.

The development of roads, rail and ports which in this sense constitutes the transport sector is critical for inclusive economic development and growth.

Civil aviation is critical to the tourism industry which is a major creator of jobs and therefore the necessity under current conditions to reposition the civil aviation sector to ensure that it is a catalyst for economic development.

While there has been much progress [Time expired.]

*Declarations of vote*:

Mr T B MABHENA: House Chairperson, the Department of Transport continues to be a disappointment in the quest to transforming the material conditions of the poor for the better. I say this with a heavy heart, given the opportunities that the department has missed with this continued complicit nature of under expenditure in its budget allocation. This cannot best be characterised as gross negligence and serious incompetence that would necessitate heads to roll in the department. But we are at the messy of the so-called failed new dawn and we know

nothing will be done. In the supplementary budget allocation for the 2020-21 financial year, the Department of Transport was allocated R57,4 billion to run its programmes. However, it is worth noting that the Department spent R42,2 billion against a third quarter projection of R44,4 billion. This is a representation of a R2 billion under expenditure. No excuse whatsoever can be accepted for such underperformance given the many defects experienced by South Africans when it comes to transport. Many provincial roads are in a desperate state of repair and are a hazard to motorists. This is mainly due to the fact that public transport network grants are allocated to municipalities and provinces who have no capacity to implement these projects. The department’s failure to finally set up a fully functioning monitoring directorate to monitor these grants is rather disappointing. This is despite for R8,6 million budgeted for this purpose since 2018.

House Chairperson, the current disrepair in the rail sector is not by accident. This has been a clear programme of this government to cause destruction and mayhem in the rail sector. This is despite the ANC’s own policy documents clearly directing the governing party to move people and goods from road to rail. This policy directive of the governing party is seemingly meaningless and nothing more than a worthless

document gathering dust. There is empirical evidence and data to prove that the disinvestment in the rail sector is an ongoing program of the ANC government. A close analysis of the department’s budget from the 2015-16 financial year and the comparison of the 2020-21 financial year, paints a very disturbing picture of the ongoing effort to cripple and bring to its knees the rail sector. In the 2015-16 financial year the rail transport program was sitting at R18,3 billion. Yet, today in the current adjusted budget the same programme is allocated the budget of R12,1 billion. This represents a disinvestment of R6,2 billion in the rail sector in the last five years, at whose advice? We don’t know. The rail programme is characterised by delays in the rolling stock feed renewal programme along with poor spending on the rail infrastructure. The Passenger Rail Agency of South Africa, Prasa, has struggled for many years to roll out this modernisation programme which is meant to improve the reliability of services and increase the number of passengers which over the years have also consistently declined.

House Chairperson, Minister Fikile Mbalula led his friend and confidante, the director-general of transport, have presided over the prioritisation of money meant to fix the rail sector to other programmes and entities. Minister Mbalula has

continuously demonstrated his disregard of the potential that the rail sector has, by approving a reprioritisation of R2,3 billion capitalisation to Airports Company of South Africa, Acsa, and a further R1,1 billion once off gratuity to the taxi industry for the COVID-19 taxi relief fund in the current financial year. Despite this, the department is there to even spend a single cent of that R1,1 billion of the COVID-19 taxi relief fund.

House Chairperson, the department has confirmed through the Minister that they misled the people of Mpumalanga by promising them the Moloto rail development corridor. In fact, the Minister has confirmed that the ANC government has never had any funded plans to implement this project. They a just a bunch of liars and nothing else.

House Chairperson, in closing, we call on all South Africans to reject liars in the upcoming local government elections and vote for the Democratic Alliance because only the DA gets things done. [Applause.] We further make a clarion call to Johannesburg residents to vote for Dr Mpho Phalatse for mayor of South Africa’s economic hub, to continue with impressive progress in the Midvaal Local Municipality, we are asking voters to vote Peter Sirafu for mayor. We are saying your time

is up. Local government elections are here, people in Johannesburg are going to vote for the DA overwhelmingly, because only the DA gets things done - Dr Mpho for mayor. I thank you.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon members on the virtual platform, I am going to remove you if you just switch on your microphone without being recognised. The EFF.

Mr M M CHABANGU: House Chairperson, the EFF rejects the Portfolio Committee on Transport reports on the second and third quarter of the Department of Transport and we do so for the following reasons. While the Minister continues to make so much noise as if press conferences and public relations will improve the transport system. The reality is that there is no change for workers. Instead, the budget of transport is being reduced because of Treasury austerity risk. The budget was reduced from R62 billion to R57 billion and this is just the beginning. This is made worse by the department’s failure to spend what was projected in the reporting period.

Vacancies in strategic positions continue to impact service delivery negatively. We continue to see the privatisation of rail that will benefit handpicked people paraded as investors,

only to line their pockets. We are struggling as a country to secure our rail infrastructure and do basic maintenance, but we want to build a high speed rail corridor - with which capacity? Which drivers will drive these trains? Where are the people who will maintain this infrastructure being trained?

Because austerity is taking money from institutions of higher learning. We are told about a single ticketing system where more than 70% of the South African transport system is not formalised, and there are no incentives to do so because there are no subsidies. We are still fighting and fighting every day for the right to universal access to transport for people living with disabilities. Still, we are fighting this in the context of redistribution of land equity. We need land to achieve universal access to transport for people living with disability. As long as we fail to address special planning and eradicate colonial and apartheid legacies that continue to shape our society, we will not have a functional transport system in South Africa. Thank you.

Mr K P SITHOLE: Hon House Chairperson, adequate infrastructure, including reliable transport networks is crucial for economic growth. Societal progress and competitiveness in the political arena has its remains and important objectives in the same context. The Department of

Transport saved not only the movement of law material distribution of goods and the movement of people but also in creating jobs and achieving developmental plans.

Hon Chairperson, the department’s 2020-21 primary allocation for the delivery of the supplementary budget by the Minister of Finance Tito Mboweni on 24th June 2020 was R62, billion. However, the supplementary budget reduced its allocation by R6,4 billion, which was not unique to this department due to the need to redirect funds towards the health system and address the issue of accumulating debt. The department spent R42,4 billion against the third quarter projection of R44,4 billion, meaning that the spending was R2 billion lower than the projected for this period, where lower and the efficient budget spending is desirable. This must not be expense of service delivery. In 2018-19 and 2019-20 the funds allocated for strengthening the department’s capacity to monitor public transport conditional grants were not used. In the current year 2020-21, the R45 million earmarked for strengthening the capacity to monitor public transport grant has also not been used. Suggestions repeated non-achievement in that specific programme. This shortfall also highlights the lack of alignment between the programme planning, implementation and service delivery target.

In light of the concept presented by the portfolio committee, the IFP welcomes the recommendation that the Department provide the committee with quarterly reports on noncompliance by municipality linked to the public transport network. They require information to report on the support given to municipalities. The department will enable stakeholders to assess where intervention was needed.

Further, hon Chairperson, the resolution that the Department initiates without delay the purchase of South African flag killing ...[Inaudible]... and a flight inspection aircraft is timeously gone through turbulent times with the national airline. The state flight inspection will be needed in restoring the confidence by affording the safety of the prospective passengers. The IFP accepts the portfolio committee recommendation for enhancing the performance of the Department of Transport and the key sectors of the development. Hon Chairperson ... [Interjections.]

*IsiZulu*:

Siyobonga uma ngabe zonke izinto ezikhulunyiwe sezenzeka.

*English:*

Thank you very much.

Mr S N SWART: Thank you, House Chair, the recent unrests in KwaZulu-Natal and Gauteng again highlight the critical role that the transport sector plays in the country. When the N3 highway was blocked between KwaZulu-Natal and Gauteng, many supplies, particularly food, medicals and other shortages existed.

Thankfully, the private sector working with law enforcement agencies were able to speedily replenish the looted and destroyed supermarkets and avoided a humanitarian crisis. Many businesses will take years or may never recover and included amongst these are certain fake companies that had their trucks burned.

The ACDP would like to commend all the churches and other faith-based organisations including political parties such as the ACDP members themselves that sprang into action to provide much-needed food and medical supplies in these provinces. It was the fake trucks that delivered these much-needed supplies under great pressure.

Chairperson, the disrepair in the rail sector is also a matter of great concern as referred to by other speakers. The disinvestment in this sector has resulted in more logistics

being transported by road as opposed to rail, which has caused severe wear and tear on the roads. Of course, the challenge faced by the rail commuters ... [Inaudible.] ... cannot and should not be allowed. Also, job creation, where many people lose jobs as a result of arriving late at work.

Chairperson, the ACDP will not withstand these challenges that we have raised about the transport sector. We support this report. I thank you.

Mr N S L KWANKWA: Chairperson ...

*IsiXhosa*:

... i-UDM ayiyixhasi yona le ngxelo. Ivele icace gca okwekati emhloph’ehlungwini ukuba apha oxhel’eyakhe akabuzwa. Uyambona nje uMphathiswa edakasa phaya kumakhasi onxibelelwano ethetha kamnandi ... [Ngokungavakaliyo] ... yesebe eli mnta’kabawo umcimbi walo unzima. Ujonga kwalapha kwingxelo le ubone ukuba kwa isebe eli lifaka ingxelo ...

*English*:

... that is different, with the information that is presented to the committee. Those are the observations of the committee itself, versus the documents ...

*IsiXhosa*:

... eziphambi kwabo ...

*English*:

... in the presentation, there are some discrepancies ...

*IsiXhosa*:

... ezininzi. Okwesibini siyayazi ukuba kwi ...

... rail, there are disinvestments that happened over an extended period of time.

*IsiXhosa*:

Siyazi ukuba eli candelo loololiwe lelona belincedisa abantu abahluphekileyo abasuka ezilalini, abangakwaziyo ukukhwela iinqwelo-moya neebhasi, ukuze bakwazi ukuya kwii ...

*English*:

... economic hubs of the country ...

*IsiXhosa*:

... bakwazi ukuya ezidolophini besiya kufuna izidingo. Ikwaleli sebe eli belihleli liphotha iminwe lingayazi ukuba

malithini abantu balapha eNtshona Koloni bebethwa ngabanikazi beeteksi ...

*English*:

... during the taxi violence, ...

*IsiXhosa*:

... kwade kwanyanzeleka ukuba kungenelele ...

*English*:

... other stakeholders including the UDM in trying to mediate in this Western Cape, the department ...

*IsiXhosa*:

... lilibele kukuphotha iminwe. Okwesithatthu natsi enye ingxaki, abantu bakhile eziporweni ezibheka edolophini eKapa, ngoku oololiwe abakwazi kusebenza ...

*English*:

... they vandalise even all the equipment of the rail system. The department should lead ...

*IsiXhosa*:

... ekukhuseleni nokuqinisekisa ukuba iziseko (infrastructure) zayo ziyakhuseleka, iqiniseke ukuba abantu bakuthi ... [Ngokungavakaliyo] ... ezinye iindlela zezothutho ezifana nezo kwaye ezifikelelekayo ukuze bakwazi ukuya kwiindawo zemisebenzi.

Akukho sikhokelo apha, kukho nje ukucikoza nokuthetha kukaMphathiswa omana engxola. Waqala waqhuba kakuhle ngokungathi wayetshila. Udiniwe ngoku makahambe aye kuzibonela elinye icebo okanye naye aye kuzikhangelela ifama yakhe.

Siyabuela.

*Tshivenḓa*:

Muf M M RAMAḒWA: Ndo livhuwa Mudzulatshidula wa Nnḓu, Tshimebi Tshihulwane tsha Nnḓu, Vho Majodina, Muthusa Tshimebi Tshihulwane, Vho Dlakude, Minisiṱa Vho Mbalula na vhashumisani navho, Miraḓo ya Buthano ḽa Lushaka, na vhadzulapo vha Afrika Tshipembe, ndi a ni resha.

Ro kuvhangana ṋamusi kha dzulo heli ri tshi khou pembelela Ṅwedzi wa Vhufa. Ṅwedzi wa Vhufa u amba uri riṋe ri fanela u ḓivha uri ri bva ngafhi nahone ri khou ya fhi, uri ri kone u zwi fhirisela kha lushaka lu ḓaho. Nṋe ndi a ḓivha uri ndi bva ngafhi. Ndi nṋe Mudau wa Tshiheni tsha Nyaphunga tshena.

*English:*

Hon Mabena, in the committee, we agreed, adopted the report and made recommendations. You come and stand on the podium and say something different from what we adopted. This is an indication that you don’t speak the truth. Hon Mabena, be honest to yourself, please. You must talk what we have adopted in the report ...

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

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, take your

seat, please. What’s your point of order, hon member?

The CHIEF WHIP OF THE OPPOSITION: My points of order are two, House Chair, the first one is that no member must address another member of the House personally. It has to be done through the Chair, and lastly; it is unparliamentary to call a member a liar or telling them that they are telling something untrue. It has to be done through a substantive motion. [Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Order, no, hon members, I am trying to listen to this member, but once you

start making noise, I can’t hear. Can you just repeat the

second part, please?

The CHIEF WHIP OF THE OPPOSITION: Yes, hon House Chair, Duduzane must just keep quiet. What I said is that a substantive motion must be brought to the House if the member at the podium thinks that my member has told something untrue. She is casting aspersions.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, did you say that the hon member is a liar or tell lies?

Ms M M RAMADWA: No, I didn’t say that, I said he is not

speaking the truth. [Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, I will just get the table to check the transcript. If necessary, I will come back to make a ruling. Please, continue.

Ms R M M LESOMA: On a point of order, hon House Chair.

The HOUSE CHAIRPERSON (Mr C T Frolick): What’s your point of

order, hon member?

Ms R M M LESOMA: May we be informed who is Duduzane in this House? Thank you very much.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon members, let us please address one another respectfully and address each other as honourable. That will avoid unnecessary acrimonious exchanges from taking place. It is basic things. Thank you.

Please, continue.

*Tshivenda*:

Muf M M RAMADWA: Rine sa dzangano ḽa ANC ri khou tikedza na u ṱanganedza muvhigo wo dzinginywaho nga mudzulatshidulo wa Phothifolio Komiti ya zwa Vhuendi.

Muvhigo ndi wa kushumisele kwa masheleni kha kotara ya vhuvhili na ya vhuraru kha ṅwaha wa 2020-21. A thi nga dovhololi zwa uri muhasho wo vha wo fhiwa vhungana ngauri mudzulatshidulo wa Phothifolio Komiti ya zwa Vhuendi o no sumbedza uri ndi ngani muhasho u so ngo kona u shumisa masheleni oṱhe.

Phothifolio Komiti ya zwa Vhuendi a yo ngo takadzwa nga muvhigo wa uri hu na zwikhala zwi so ngo ḓadzwaho zwa vhashumi

zwine zwa eḓana 18,9%. Izwi zwi fanela u khwiniswa u itela uri tshumelo ya muhasho i vhe ya maṱhakheni.

Vhuendi ha shango vhu tea u vusuludzwa. Izwi zwi kwama nga maanḓa tshumelo ya dzibada na zwidimela zwine zwa thusa nga maanḓa vhashumi na vhathu vha si na zwiendedzi.

Sa komiti, ri khou ita khuwelelo kha muṅwe na muṅwe uri kha ri litshe vhuvhabva ha u tswa thambo dza koporo ngauri ndi zwone zwine zwa ri humisela murahu, zwa ri shayisa tshumelo ya vhuendi ha zwidimela.

Tshumelo ya zwa mabufho i khou tea u vusuludzwa ngauri zwi kwama vhuendelamashango, mimaraga ya zwibveledzwa na u sika mishumo.

*English*:

Hon House Chairperson, the department’s administration programme was negatively impacted by the COVID-19 pandemic and the disaster management regulations, which restricted travel and this reflects in the underspending by the department.

The programme of integrated transport planning indicates that the department will need to engage in better planning of its

programme from an implementation point of view going forward as spending was lower than projected. This was attributable to delays in the implementation of major projects and over budgeting of the National Travel Household Survey.

Spending on the rail programme was R1,4 billion below budget due to delays in transfers to Prasa. Prasa has many critical areas to focus on for the security and development of the rail network to serve the needs of the working class and the poor communities. Development of the rail network is critical to infrastructure development as part of the Reconstruction and Recovery Plan. Therefore, the delay in transfer to Prasa has an impact on the implementation of government’s programme for the revitalisation of the rail network. Such delays should be avoided in future.

The department has seen greater success with the implementation of the road transport programme and this is critical as this programme has different components. It is critical to the movement of people, goods and services in a safe and efficient manner. It is a critical programme for the functioning of the economy must effectively enhance legislative and regulatory framework. No economy can function

effectively without a proper regulated road transport programme.

The delays in the implementation of maritime transport resulting in marginal underspending must be enhanced as this programme is integrally tied to the efficiency of the harbours, which is the main source of the country to import and export goods.

The public transport programme is critical to the working class and the poor in our country and the department has taken this programme seriously and requires enhancing it to the point where there is efficient public transport for communities at the cheapest possible fares.

Due to apartheid spatial planning, the working class people and the poor spend much of their income on public transport and this does require that grants are efficiently and accountably spent. In other words, there must be value for the money which government spend to enhance public transport.

The report makes important and critical observations. The committee highlighted the matter of the underspending by the department on goods and services, on the public transport

grant monitoring and on the slow filling of the vacant posts. The department must develop adequate plans to fill all vacant posts and ensure the implementation of its plans.

The committee noted that the withholding of the transfer of payment of the public transport network grant to Mangaung and Rustenburg municipalities occurred as a result of noncompliance. It is critical that the programme of the department ensure transformation ... [Time expired.]

# RULING

The HOUSE CHAIRPERSON (Mr C T Frolick): Please don’t leave the podium, I want to make a ruling. You can just take your seat, please.

Ms M M RAMADWA: Thank you.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon members, we have checked the transcript and the recording of what the member said, and the member indeed said: “you don’t speak the truth.” This has been previously ruled unparliamentary. It is in violation of Rule 85 of the Rules of the National Assembly. I

request the hon member to withdraw that remark. [Interjections.]

Ms M M RAMADWA: Thank you, hon House Chairperson, I withdraw. [Applause.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Thank you. You may leave the podium, hon member.

Mr H G APRIL: Chairperson.

The HOUSE CHAIRPERSON (Mr C T Frolick): Why are you rising, hon member?

Mr H G APRIL: Chairperson, that hon member has been sitting without the mask the whole time. Can he please put on his mask? It is disrespectful.

The HOUSE CHAIRPERSON (Mr C T Frolick): He was a bit forgetful. He forgot his mask at the podium. He did indicate to me. I didn’t want to disrupt the speaker on the podium.

*Sesotho:*

MOTSOKASEPHADI YA KA SEHLOHONG WA MOKGATLO O BUSANG:

Modulasetulo, ke tsitsinya hore Ntlo ena e amohele tlaleho ena e beilweng ka mona kajeno. Ke a leboha.

Question put.

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

Report accordingly adopted.

# CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON HIGHER EDUCATION, SCIENCE AND TECHNOLOGY ON 2020-21 THIRD-QUARTER PERFORMANCE REPORT OF DEPARTMENT OF HIGHER EDUCATION AND TRAINING

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON HIGHER EDUCATION, SCIENCE AND TECHNOLOGY ON FINANCIAL AND NON- FINANCIAL PERFORMANCE OF 2020-21 THIRD-QUARTER OF DEPARTMENT OF SCIENCE AND INNOVATION**

Ms N P MKHATSHWA: Hon House Chairperson, hon members and citizens of South Africa ...

*IsiZulu*:

... Sanibonani ...

*Setswana*:

... Dumelang ...

*IsiXhosa*:

... Molweni ...

*IsiNdebele*:

... Lotjhani ...

*Afrikaans*:

... Goeie Môre ...

*Xitsonga*:

... Avuxeni ...

*English*:

... Hello, ... [Interjections.] ... the committee tables before this House for consideration both the Third-Quarter reports of 2020-2021 of the Department of Higher Education and Training as well as the Department of Science and Innovation. At the end of the third quarter, the department had spent 93%

of their available budget and achieved 71,4% of its planned targets for this quarter.

Perhaps if we were to acknowledge some of the achievements of this particular quarter we would state that, indeed, the Hollywood that has become of the department was of great concern to the committee as stability in key senior positions of the department is essential for effective and sustainable governance and management. Thus the committee welcomed the process of filling three of the deputy director-general posts and the chief financial officer, CFO, post as well that have – to date - been successfully filled. There has been a growing concern in society regarding whether or not the skills and knowledge that young people are acquiring in institutions of higher learning are responsive to the socioeconomic needs of our society, essentially speaking to concern around the skills mismatch. Thus the committee has noted with interest the publishing of the 2020 National List of Occupations in High Demand together with the Technical Report for the 2020 Critical Skills List by the department.

And we are hoping, Chief Whip, that through this, perhaps we could also address the graduate unemployment crisis in our country. It can’t be that young people are going to the

institutions of higher learning acquiring skills but cannot be employed thereafter. In relation to the recommendations, the committee implores the department to timeously update the guidelines for the implementation of the Department of Higher Education and Training Bursary Scheme for poor and working- class students in public universities. COVID-19 has had a noticeable impact on the teaching and learning experiences of lecturers and students thus we had recommended that the department make an analysis of the lessons learned during the 2020 academic year, in particular, the implementation of the multi-modal learning modes. This analysis was presented to the committee on 26 May 2021. The noting of the concern that perhaps TVET and the Community Education and Training, CET, programmes are not being prioritised as the university programme, the committee recommended the review of the current funding model for the Post-School Education and Training, PSET, sector so that adequate resources can be allocated to the TVET and CET sectors in creating equity among these various sectors.

Lastly, on the Department of Higher Education and Training, when we received this briefing in March 2021, we implored the department and all the stakeholders to plan better for the 2022 academic year so that we do not look like people who did

not know that students were going to school the following year. But also nothing how much pressure COVID-19 has placed on the sector, it is important that we are more proactive and have a more comprehensive strategy and plan to ensure that we are able to ensure a smoother start to the 2022 academic year.

We hope that throughout the period where we will not be meeting in the portfolio committee with the department, that the department will continue it is ready for the 2022 academic year and this coming November we will see comprehensive plans on their state of readiness for the 2022 academic year.

On Science and Innovation, the Department spent 79,5% of their available budget and achieved 59% of their 34 planned targets for the quarter. At the point at which the report was presented to the committee on 9 March 2021, the Cabinet had not yet approved the draft Science and Technology Decadal Plan and we note that COVID-19 also slightly attributed to that delay. The plan has now, however, been approved as of 24 March 2021.

We welcome the updates that the Department of Science and Innovation has given us regarding the developments in terms of the cross-departmental consultations that have been taking

place with regard to the better co-ordinating of the budget particularly to be earmarked for science and innovation projects because science and innovation is not a Department of Science and Innovation issue only but it must be found in existence across various departments and we can’t wait for the department to start sharing this decadal plan with the external stakeholders as well.

Noting all of that, the committee will commit itself to monitor progress in the implementation of these recommendations that the committee has made. Now, hon members, as we table both of these reports, we cannot shy away from the interface between the Department of Science and Innovation and the Department of Higher Education and Training and we hope that in Heritage Month we will acknowledge the importance of the Indigenous Knowledge Systems, IKS, to find expression within institutions of higher learning for our institutions to live beyond the sort of racism, tribalism, regionalism, sexism, patriarchy and xenophobia that we find within these stairs. We wish colleagues well within the next coming up elections and please stay safe, sanitise, mask up and everything.

*IsiZulu*:

Siyabonga.

*English*:

Thank you very much. [Applause.]

*Declarations of vote*:

Ms C V KING: House Chairperson, COVID-19 is not out orders and neither should science be. Higher education provides people with an opportunity to reflect on the critical, social, economic, cultural, moral and spiritual issues facing humanity. It contributes to national development through dissemination of specialised knowledge and skills. During the third quarter of 2020-21, the Department of Science and Innovation embarked at two significant research outputs. The crisp research in a discovery at the corona variant 501.V and the indigenous knowledge research on plant-based medication to combat COVID-19.

The ... [Inaudible.] ... is an indication that there was capacity as they embark on world renown research. The question then remains: Why did our government see the need to import epidemiologists from Cuba instead of using local research capacity? To give effect to the objectives of the Department of Higher Education, 93% of the available budget was spent -

amounting to R95 billion. This amounted to a lower than expected project per spending offer R353 billion. The department had seven planned targets of which five was achieved.

During the quarter, the critical skills list was released. During this period, National Student Financial Aid Scheme, NSFAS grappled with extended allowance pay out and the failure to roll out the laptop initiative for the use of students during the online examinations. As a result of both these failures, an amount of 88 620 college students and

8 326 university students failed during 2020 academic year. And as a result, the NSFAS funding was withdrawn. Science and innovation should be the focal point in our country to ensure the desired impact on knowledge generation, knowledge expectation for public good and economic comparativeness to support government and decisions and providing support to small, medium and micro-sized enterprises, SMMEs. This can only be realised when the government standing on R&D is close to 1,5% of GDP.

Over the years a scarce skill sponsor has been used to frame debate about relationship between postschool education and training and the economy. The scarce skills discourse offered an explicit challenge for postschool institutions. It seeks to

influence higher education funding, programming and missions so that it is oriented around market demands. Directing funding towards scarce skills is a challenge and dwindling funding gap of demand and supply in the job market widened to unacceptable levels.

The Department of Science and Innovation being the catalyst for the economic reconstruction and recovery plan can only achieve its objectives when we have a break in the silent mentality of the department through cross-sectional approach. The Department of Science and Innovation should not budget for research and innovation projects, but government departments should earmark funds for the national systems of innovation.

This will ensure the research and development expenditure of 1,2% of GDP. To deal effectively with this pandemic, it is imperative that a global scientific community collaborates.

We need to leverage national investments, pulling financial resources and investing in the capabilities of our people and align optimising synergies between the national research agenda. In supporting this report, the governing party should ensure better collaboration of the Department of Higher Education and institutions of higher learning. But most importantly, the governing ANC should learn from the

Department of Science and Innovation on how to get things done. When cadre deployment is not imposed then financial managing measures should be in place to get more of the little funds available. A ... [Inaudible.] ... for the Department of Science and Innovation will ensure that the governing party is able to pay its employees at Luthuli House. And this is the department that’ll gets things done as the DA is going to get things done, come the elections in November this year. I thank you.

Ms H O MKHALIPHI: Hon Speaker, the EFF rejects this report as yet another exhibition of how the poor performance by the department adds traumatising and detrimental effects on the lives of students leaving them permanently with scars. The death of Mthokosizi Ntumba was a reflection of a sector that lacks the necessary acumen and appetite to plan for the inevitable. The recurring protest at the beginning of each year which corrupt “general-secretary of the SA capitalist party” deemed as a soap opera, exposed the persistent incompetence of the department. They are not occurrences to be noted and concerned about but rather represent ... [Inaudible.] ... of the promise of the free education made to our people at the dawn of democracy which will never be complicit in.

The perennial underfunding of the technical and vocational education and training, TVET, sector and the crippling cards in the TVET infrastructure grant that only the EFF opposed, has meant that there are no residences for TVET students, resulting more tragically in the rape of three harmless female students at Ehlanzeni TVET college during registration. We cannot adopt a report that normalise this as if it is accidental and not a failure by the department. The same report that we are now expected to adopt state that there should be more funding for the tertiary sector yet those who want us to support this recommendation here, adopted an austerity budget which saw massive cuts to Higher Education, a few months ago. And this department and this portfolio committee - led by the ANC think that we are fools, and we are not fools.

The reduction of the budget for the Department of Science and Innovation at a time when research ought to be at the highest is mediocrity at its best. The department failed to meet critical performance targets and continues to play no innovative role in addressing broader developmental challenges. The EFF rejects both reports from Higher Education and Science and Innovation departments, as to support them will only clap hands for people who have no clue of what they

are doing. It would mean that we are selling out our children who cry everyday about NSFAS not being approved to poor students who come from poor families.

It would mean that our kids can’t go to school because of the failure of the department. The department has no open door policy and our kids are crying every day and no one in the department is prepared to listen to them. We call on all young people to ensure that they vote for the EFF in the incoming elections on 1 November 2021. Thank you, Speaker. We reject this report. [Interjections.]

Mr S L NGCOBO: Hon Speaker, the youth are the future of this country. They are found in institutions of higher learning such as TVET colleges and universities. They deserve to acquire the skills and knowledge that will prepare them for the future in the Fourth Industrial Revolution. The department must therefore respond to the needs of the present and must ensure that its efforts in this regard are prompt and adequate. Given the importance of Department of Higher Education, Science and Technology for the future of this country, one would therefore expect to see a smoothly run department and this is the problem.

However, state funds are not being fully utilised for essential issues such as the prompt funding of students leading to persistent students’ protests while some here might want to pin students protest on malicious elements within the higher education sector. The truth is that students are always hungry at the beginning of the year and that even during the course of the year they experience unnecessary delays because of meal and accommodation in order to learn. The department must do better in this regard. While there is a temptation to focus only on universities, the issues affecting TVET colleges must be raised. This includes the shortage of accommodation which affects students and exposes them to 05;36.

The IFP has been raising this issue on numerous occasion. The snail’s pace at which the department is doing things is illustrated by its failure to fill important posts. As we speak today, some critical posts are not filled and a sizable portion of the budget of this department has been underspent. How is it possible that after all the budget cuts of COVID-19, this department still has funds that have not been spent? This does not paint a good picture. Please know that it doesn’t. We must ask ourselves whether this department has the right people to bring about the transformation of the education sector.

And again, the IFP is raising this point for the second time. Can this department therefore be trusted with preparing students for the future inspired by the Fourth Industrial Revolution. The financial and nonfinancial performance of the Department of Science and Innovation in the 2020-21 third quarter is a matter of great national interest, not only because of the massive amounts of money spent on this department by the state, but also because of the future that this department symbolises. The department should be given guard in the production of knowledge and innovation. Thank you, Speaker. [Time expired.]

Dr W J BOSHOFF: Hon Speaker, in the third quarter report of the Department of Higher Education, it is stated that three director-general posts and the chief financial officer post were filled, but what about the director-general who was suspended? I know it’s in another reporting period but the report makes it seems as if all is well and progressing in the department, but what is actually going on in programme one which is administration? If one has the inability to fill vacancies ... as a chronic problem, isn’t it maybe time to let go of quotas?

Regarding programme three, university education, one could ask about the ... [Inaudible.] ... higher education. If you keep on handing out stuff for free, you will never have enough.

Then this would also be a chronic problem.

Regarding the language policy which has been finalised in this reporting period, I would submit that the decolonised language policy would not mean to only focus on the promotion of English, nor to elevate Swahili. That would only be intra- African colonisation. It would mean something like developing a generic Nguni language and a generic Sotho language which can be elevated to the same level of academic usage as Afrikaans and even English.

The Technical and Vocational Education and Training, TVET, programme four is budget staffed. In the absence of economic growth, the only means of funding this programme would be redistribution from university education which is better funded. Maybe if we ... [Inaudible.] ... redistribution in this way rather than redistribution from one segment of the population to another, hon members will understand why the FF Plus does not support the whole idea of redistribution.

Regarding skills development, this is where the director general had bumped his toe. It would be good to know more about his toe ... [Inaudible.] It will be good to know more about this but I think that will come in the following report.

Regarding programme six, community education and training has an essential role to play and yet it is also pitifully underfunded. What has been said about redistribution is also relevant here.

Regarding ... [no sound]

The SPEAKER: Well, I thank you, hon member, even though you still had 34 seconds left. Okay, we proceed. The ACDP?

Mr S N SWART: Speaker, the ACDP will support the ... [Inaudible.]

The SPEAKER: We are not voting. It’s a declaration. Are you

making a declaration?

Mr S N SWART: We are just indicating our support for the

report and we won’t make a declaration. Thank you, Speaker.

Mr W T LETSIE: Hon Speaker, you know, the DA continues to be the DA. They are unapologetically insisting on being racist. You have a councillor of the DA called J P Smith who yesterday or the day before arrogantly said that he was never even going to try to pronounce the surname of Abongile Nzelenzele. And, you have a mabena, not a Mabhena as in a surname but a mabena generally, who comes to the platform and says people must vote for the DA. A Mabhena being a mabena, mabenaring us here. It’s very sad.

You may think this is a joke but the history of this country has taught us that this can’t be treated as a joke because people like us — the majority of this country — have been treated by the likes of Smith who refused to pronounce our African names and forced us to ... what we now know as Christian names. Bloody racists! So it can’t really be treated as a joke. I heard somebody say, no, it was a joke. There’s no joke. The history of this country teaches us that, that can’t be a joke. A mabena comes here, puts on a show as if, you know, he is acting in a low budget movie, puts on a poor show here and tells us that people must vote this and that ... the DA ... this and that ... Who is leading the DA today? The DA is led by a self-confessed racist, Helen Zille. [Inaudible.]

The SPEAKER: No, hon member.

The CHIEF WHIP OF THE OPPOSITION: Hon Speaker, on a point of order.

The SPEAKER: Yes?

The CHIEF WHIP OF THE OPPOSITION: Hon Speaker, I’m afraid I am now going to have to stand on a point of order. What was light-hearted humour has now turned into derogatory and offensive language that is not allowed to be used in Parliament. Firstly, Helen Zille is not the leader of the DA; Mr John Steenhuisen is. And, the day Mr ... let me just say, the hon member at the podium ever pronounces my surname correctly is the day we will find teeth in a hen’s mouth. So this kind of behaviour must be stopped.

An HON MEMBER: Point of order.

The SPEAKER: The point of order ... noted. Hon member, Helen

... not hon member because she’s not here anymore, but madam Zille is not a Member of Parliament. Please will you mind your language? I thank you.

Mr W T LETSIE: Okay, thank you, hon Speaker. Hon Mazzone. Is that not how you ... [Interjections.] Okay. Then you have hon King who continues to take swipes at the National Student Financial Aid Scheme, NSFAS. Every time she has a comment to make about the department, it is directed at the NSFAS. She now takes a swipe at the ANC by the way, hon Speaker. She says the ANC must learn from the Science and Innovation Department as if that department is not governed by the ANC. That department is under the Ministry of Minister Nzimande who comes from the ANC, deployed by the president of the ANC to that Ministry. So, you know, sometimes the DA, even when they speak, one sometimes asks oneself if they are listening to themselves or are they just mabenaring.

You know, with regard to the EFF, we are not sure which report you are opposing. We are dealing with two reports here. You are ...

Ms H O MKHALIPHI: Speaker, we said very clearly that we are opposing both reports. What is confusing?

The SPEAKER: No, order! Hon Mkhaliphi, please. Proceed, hon member. Hon Capa**,** take your seat.

Mr W T LETSIE: Thank you, hon ... and I was going to say why. It’s because they only spoke on Higher Education. We have Science and Innovation’s third quarter report ... non- performance and financial and nonfinancial performance there which they did not speak to, and that is why we are asking which report they are objecting to.

To the IFP ... Well, I think any other thing to the EFF, shame, it will be a waste of time. I mean, they come here and tell us that the chairperson of the committee, a young hon Mkhatshwa**,** thinks they are fools, whereas they do not attend the committee. They have not come to a committee in how long? Yet they want us to believe that ... [Interjections.]

Ms H O MKHALIPHI: Hon Speaker, order! We can’t tolerate this member attacking the EFF with the lies that he is spewing here in Parliament. We attend all committees.

The SPEAKER: No, hon member. Please ... lies is not used. That is not part of the language which is acceptable here in Parliament.

An HON MEMBER: Let her withdraw!

The SPEAKER: Hon member, will you please make your declaration? Okay.

Mr W T LETSIE: We are making a declaration. [Interjections.]

The SPEAKER: Continue, hon member.

Mr W T LETSIE: They come here and tell us, no, we’ll meet during the elections. Maybe they are forgetting. Maybe they are suffering from something. They have been clobbered left, right and centre. I mean, since November last year we had by- elections ... clobbered them left, right and centre. Maybe they have forgotten but this year again we had by-elections. The same thing happened. So, maybe we must just remind them that on the 1st of November of this year we are also going to do the same thing.

To the IFP, thank you very much for supporting, but you know spending money for the sake of it is not necessarily being smart. Yes, money must be spent but it must be spent in the correct programmes. It must follow the right processes. So coming and saying there is money still left and the financial year is coming to an end, you know, it’s as if we are

encouraging people to use ... or the department to spend money for the sake of it. So, we can’t push that.

With regard to the FF Plus, it’s generally again a classic example of growing up in Orania. You know, that mentality of Orania and I’m glad that network is also a challenge in Orania so we could not hear the parting shots of the member there. He asked about the suspension of the director-general which happened, not only in that ... which did not happen ... not only in that quarter, but it also happened in a different financial year altogether. We are going to deal with those things in the next financial year, meneer [mister]. So, if you can just wag ’n bietjie [wait a bit longer] we will attend to those things.

We would like to urge everybody to go and vaccinate. They must register to vote during voter registration. They must register to vote online and not forget to vote ... the ANC on the 1st of November 2021. However, two days before that we are going to be busy with special votes. We will come back. We are not going to take everything. We are just going to leave you ... what you have ... the *smallanyana* things so that we are able to come and take a swipe at yourselves, like we will continue

to do next year. Thank you very much, hon Speaker. The ANC supports ... [Applause.]

Mr H O MKHALIPHI: What did you come to say at the podium? [Inaudible.] ... come to say at the podium? Nothing!

Mr A H M PAPO: Point of order! [Interjections.]

The SPEAKER: Order hon member. Yes, hon Papo?

Mr A H M PAPO: Member Mkhaliphi has, for the third time, opened the microphone on the virtual platform ...

Ms H O MKHALIPHI: Hey, leave me alone! Wena, Papo. Leave me

alone! I’m not your child! Leave me alone!

Mr A H M PAPO: ... and she has not been asked to withdraw.

The SPEAKER: Hon Mkhaliphi?

Mr A H M PAPO: She has not been asked to withdraw what she said without the authority of the presiding officer.

Ms H O MKHALIPHI: Hey wena! You must go back to ... [Inaudible.] ... where you were rejected ... [Inaudible.]

Mr A H M PAPO: You see, this is the problem. [Inaudible.] [Interjections.] For her to open the microphone and continue to insult us on the platform ... this cannot be allowed, presiding officer.

The SPEAKER: Secretary, will you please mute hon Mkhaliphi?

An HON MEMBER: Delete her!

The SPEAKER: Thank you very much, hon members. You see, two wrongs can’t make ... right. I mean, she is out of order that side and you also continue. I mean really.

An HON MEMBER: No, he was not out of order.

The SPEAKER: Now hon Mkhaliphi, you are not going to collapse this sitting. We will continue until we complete the business of the House. If you continue, I will then have to mute you or throw you out of the Chamber. I thank you. I now recognise the Chief Whip of the Majority Party.

*IsiXhosa*:

UMBHEXESHI OYINTLOKO WEQELA ELILAWULAYO: Mandibulele kuwe

Somlomo weNdlu yoWiso-mthetho yeSizwe. Ndiphakamisa ukuba, ezi ngxelo zombini njengoko bezifundiwe mazamkelwe yile Ndlu yoWiso-mthetho yeSizwe. Enkosi.

*English*:

The SPEAKER: The motion is that the reports be adopted. Are there any objections?

Motion agreed to.

Report on 2020-21 third-quarter performance report of Department of Higher Education and Training accordingly adopted.

Report on financial and nonfinancial performance of 2020-21 third quarter of Department of Science and Innovation accordingly adopted.

The SPEAKER: Hon members, before we adjourn today I wish to say a few words. Firstly, this session, even though short, has been very busy and indeed productive. Amongst others, Parliament has been able to finalise crucial legislation aimed

at combatting gender-based violence. That is in the form of the Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Bill and the Domestic Violence Amendment Bill. Thank you for this, hon members.

Today is the last day of sittings of the National Assembly until November 2021 in order to prepare for the local government elections. As we campaign, let us please be mindful that we are still in the midst of the COVID pandemic. We have lost many loved ones, including members of our Parliament. We therefore urge all to observe the protocols so that we can contribute to ensuring the safety of all. I wish all the parties participating in the elections well. May we have a free and fair 2021 local government election. I thank you.

That concludes the business for the day and the House is adjourned.

The House adjourned at 12:09.