**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 23 NOVEMBER 2021**

***PROCEEDINGS OF THE NATIONAL ASSEMBLY***

The House met at 14:01.

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

The DEPUTY SPEAKER: Hon members, let us settle down and keep apart in the interest of our own safety.

# CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON JUSTICE AND CORRECTIONAL SERVICES ON REQUEST TO INITIATE A PROCESS TO FILL VACANCIES ON INFORMATION REGULATOR, IN TERMS OF PROTECTION OF PERSONAL INFORMATION ACT, ACT 14 OF 2013

Mr G MAGWANISHE: Hon Deputy Speaker and hon members, the report on the Portfolio Committee on Justice and Correctional Services on the request to initiate the process to fill vacancies of the Information Regulator in terms of the Protection of Personal Information Act 14 of 2014. The need to

fill vacancies on the Information Regulator arises because the terms of office of the chairperson, the two full time members and the part time member of the Information Regulator expires on 30 November 2021.

The Protection of Personal Information Act provides for the President of the Republic to appoint the chairperson and the members of the regulator on the recommendation of this House, supported by the majority of its members.

The Act also requires that this House recommends which ordinary members must be appointed on a fulltime or part time capacity. The term of office is not more than five years, but members are allegeable for reappointment. In this instance, the serving Chairperson, Adv Pensy Tlakula and two ordinary members, Adv Johannes Collen Weapond and Adv Lebogang Corderlia Stroom-Nzama, put their names forward for reappointment.

The committee received 39 nominations or applications. One candidate withdrew from the process. On 17 November 2021, the committee interviewed the eight shortlisted candidates.

Having considered the Minister’s request to the National Assembly, the committee resolved that the National Assembly recommends that the following candidates be appointed to the Information Regulator. Adv Pansy Tlakula as Chairperson, Adv Lebogang Stroom-Nzama as an ordinary member in the fulltime capacity, Adv Johannes Collen Weapond, as an ordinary member in a fulltime capacity, Mr Mfana Gwala as an ordinary member in a part time capacity.

The committee wishes to thank the candidates for making themselves available to be considered for the appointment. I recommend that this House considers this report favorable. I thank you, very much.

*Declarations of vote*:

Adv G BREYTENBACH: Hon Deputy Speaker, the four vacancies that have arisen with the Information Regulator as already been explained and the DA supports all four of the recommendations. Initially at the begin of the term of Adv Tlakula as the chairperson, we opposed her appointment. She has however done a good job. She has dealt with the difficult task of setting up the regulator and setting up an office. So, this time around we are in support of the recommendation to appointment her as the chairperson for a second term.

Similarly, we support the recommendation to appoint Adv

Stroom-Nzama and Adv Weapond as fulltime members, for a second term. Really this is in the interest of continuity and consistency. We believe that going forward in this second term of the Information Regulator will be important to have members who have historical background.

During the interview process, there were many talented young people. It was quite heartening to see a pool of talent out there.

We also support the recommendation to appoint Mr Gwala as the part time of the commission for the first term. We do however want to draw attention for the fact that all three Commissioners, Adv Tlakula, Adv Stroom-Nzama and Adv Weapond are now going to be in their second terms if appointed. They will not be eligible for reappointment after in these second terms and that things need to be dealt with proactively going forward. For these are three fulltime commissioners. All three of them are serving a nonrenewable second term.

So, as the end of their terms approaches, there needs to be some proactive action put in place to ensure that the business of the regulator is not disrupted. And appointments of these

three posts are made in good time so that there is no time lapse between the expiry of the terms of the incumbents and the appointment of new members. However, we do support the recommendations in the report. I thank you.

Ms Y N YAKO: Hon Deputy Speaker, South Africa is fast descending into a period of unbridled lawlessness where criminals aided by the state, have a free pass to encroach on the rights of citizens. These acts of criminality go far as encroaching on personal information for nefarious purposes.

The state is also at the forefront of violating the rights of citizens of the protection of personal information. The Protection of Personal Information Act provides us with the necessary legal protection against these acts.

It is for these reasons that we need an independent and strong Information Regulator in this country to guard against the violation of the rights to this personal information.

It is also for this reason that the institution such as the Informational Regulator must not be used for the deployment of comrades. However, rather they must be reflective of the diversity of skills in this country because this is an

institution tasked with guarding the rights guaranteed in section 14 of the Constitution.

Sadly, the institution has not done very well in raising public awareness about its existence and what it offers to South African citizens.

The list of people recommended for appointment by this committee does not inspire confidence that factors of ability and diversity have been considered.

We all know that Adv Pansy Tlakula is a long-standing member of the ruling party. She has been recycled from one position to another in the public service. It is difficult to understand why it is difficult to finding new capable people, untainted by political party loyalties to lead critical institutions such as the Information Regulator. So, therefor we reject this recommendation. Thank you.

Ms Z MAJOZI: Hon Deputy Speaker, as the pandemic has undeniable attacked our way of working and exponentially increased our reliance and technology, the importance of protecting the personal information of the public cannot be overstated. The operation of the Protection of Personal

Information Act of 2013 has long been in the making and the delay in the enforcement therefore caused serious concern and outcry.

Finally, on 1 July 2021, the remainder of the Act and importantly its enforcement provisions came into operation. The Information Regulator, an impressive institution on paper could finally start enforcing and monitoring compliance with the protecting of Personal Information Act and holds persons accountable for the transgression.

We must remind ourselves that legislation means very little if the institution mandated to enforce these instruments are weak. It is crucial that the Information Regulator is properly funded, has adequate support staff and above all enforces its mandate with integrity and inefficiency.

The IFP on considering the report of the portfolio committee on the filling of vacancies of the Information Regulator agrees with the four recommendations made by the portfolio committee. We must support the nominations of Adv Tlakula as the Chairperson, Adv Stroom-Nzama and Adv Collen Weapond as ordinary member in full-time capacity. And then finally, Mr Gwala as an ordinary member in part-time capacity. The

recommendations by the portfolio committee followed an open and transparent process involving public nomination in a public interview process, which is aligned with our country’s constitutional values. The IFP is satisfied by the process undertaken by the portfolio committee.

In conclusion, the IFP wishes to stress all the nominees the importance of leading and exercising their powers in this institution without fear, favour and prejudice and above all ensure they remain committed to the Constitution. Now more than ever the work of the Information Regulator is critical and the public must trust that the institution is able to fulfill its mandate properly. The IFP supports the report.

Thank you.

Mr S N SWART: Deputy Speaker, the Information Regulator as you all knows plays a key role on the Protection of Personal Information in terms of the Popia Act. And on 1 July this year they loss provisions. The outstanding provisions of this Act were report into effect.

Now we have seen significant data bridges in the past, which has infringed the personal information of many people and

Information Regulator does take these matters up and plays a very important role in this regard.

Before we see significant bridges of personal information joined the Covid-19 pandemic particularly when it comes to medical information. This is another issue that the Information Regulator also takes up. But it is crucial that public awareness must be raised as to this institution and the important role that it plays in protecting personal information. There have been a number of significant challenges set out in establishing the office and that is why it is important for continuity to have the experienced members that served in the first term continuing into the second term. It is for that reason that the ACDP support these nominations. I thank you.

Mr S N AUGUST: Deputy Speaker, Good is in support of the nominations.

The DEPUTY SPEAKER: Thank you, absolutely profound. [Laughter.]

Mr C H M SIBISI: Deputy Speaker, the NFP notes the report of the Portfolio Committee on Justice and Correctional services

on the process to fill vacancies on the Information Regulator. We appreciate fair and free appointments of political interference and one moves that this process was conducted in such fashion in this regard for culture of cadre deployment.

We have seen many of our state agencies, state–owned enterprises and departments underperform year in out crippled with issues of governance poor performance and capacity of officials appointed to be in senior positions.

The committee recommended for the appointment of Adv Pansy Tlakula in the Information Regulator. Now Deputy Speaker, the NFP has come across report implicating Adv Tlakula, who was recruit by the Public Protector for her apparent role in the IEC dubious deal with a property developer to lease the the whole premises for the commission. The then Public Protector Adv Thuli Madonsela named Tlakula for mismanagement ... [Inaudible.] ... . This is not in any way to the Chairperson of the IR, Information Regulator. She is qualified for the position by possess natural agenda for women empowerment in the transformation agenda. The NFP welcome this atmosphere since come across report of her professional and personal conduct. This came with the admission for lottery board failing to take action when she was being investigated for serious misconduct with her then an employer.

Adv Weapond absconded his duty from the ABSA while an investigation was underway and before he could appear before a disciplinary committee. The ABSA investigation made some serious findings against Adv Weapond. But Speaker, it is not so much about what was happening in his personal finances but his failure to disclose trustful credit judgements against him.

Deputy Speaker, let it be known that the NFP does not seek to air people’s personal misjudgment and misfortune but when applying to serve on a highest structure of a public institution, we are open to public scrutiny. Therefore, they saw the information that the NFP peruse which implicated Adv Weapond as a man allegedly incapably of honest. We cannot support the recommendation of the committee on this appointment.

The NFP also recounts the recommendation of the committee on candidate Mr Mfana Gwala. Thank you, Deputy Speaker.

The DEPUTY SPEAKER: You mean, Deputy?

Mr S M JAFTA: Deputy Speaker, the AIC stands to support the recommendations for the nominations.

The DEPUTY SPEAKER: Thank you, sir.

Mr M NYHONTSO: The PAC supports.

The DEPUTY SPEAKER: Thank you, sir.

Mr Q R DYANTYI: Deputy Speaker, let me start by inspiration, and I quote:

It should also be noted that there is a close link between human dignity and privacy in our constitutional

order. The right to privacy, entrenched in section 14 of

the Constitution, recognises that human beings have a right to a sphere of intimacy and autonomy that should be

protected from invasion. This right serves to foster human dignity. No sharp lines then can be drawn between

reputation, dignitas and privacy in giving effect to the value of human dignity in our Constitution.

These are the words which justice Kate O’Regan paint down judgement confirming the close link between the human dignity and the right to privacy.

As outlined in the Preamble, the Protection of Personal Information Act 4 of 2013 gives effect to section 14 of the Constitution. It gives expression to the constitutional values of democracy and openness. The Popia, Personal Information Act has been promulgated to regulate in harmony with international standards the processing of personal information by public and private bodies in a manner that gives effects to the right to privacy subject of course to justifiable limitation that are aimed at protecting other rights and important interest.

The Information Regulator, an independent body subject to the law and a Constitution and accountable to the National Assembly is empowered to amongst others to monitor and enforce compliance by public and private bodies with a provision of Popia.

Giving that vacancies will arise within the Information Regulator at the end of November and following a letter from the Minister of Justice and Correctional Services requesting the Portfolio Committee on Justice and Correctional Services to initiate a process to fill the vacancies in Information Regulator. The process to fill these was initiated. We advertised, we shortlisted, we interviewed and we concluded on

these four candidates. Not surprising, the EFF that stood here were not participating in any of those processes.

So, you would not be surprised when they come here and reject but they reject what they don’t know. [Interjections.] They reject what they don’t know. [Interjections.] And I must make the point in supporting hon Breytenbach and other members to say when we concluded on these interviews we framed the adoption of the recommendations of these four names under the theme “continuity and change”. That we are continuing with these four names, Adv Pansy Tlakula, Adv Stroom and Adv Weapond together with Mfana Gwala as a part-time regulator. We were very clear; we went to a very rigorous process of interviews. These members performed very well.

The Information Regulator is a critical institution for democracy like ours. We are aware that there are teasing issues and many challenges as the institution is still relatively new. We commit to supporting institution in executing its mandate.

As the ANC, we wish to express our sincere appreciation to the members of the regulator for their service to the Republic of South Africa. We wish the incoming members of the regulator as

led by the able and capable Adv Tlakula everything of the best. We have faith that they will continue doing the good work that they did in previous term. Let the Information Regulator continue with its good work and we are not deterred, we are focused and we are here running this country. I thank you. [Applause.]

Question put: That Adv Pansy Tlakula as the Chairperson, Adv Lebogang Stroom-Nzama as an ordinary member in a full-time capacity, Adv Johannes Collen Weapond as an ordinary member in a full-time capacity and Mr Mfana Gwala as an ordinary member in a part-time capacity be recommended for appointment to the Information Regulator.

The Deputy Speaker announced that the Speaker had determined that, in accordance with the Rules, a manual voting procedure would be used and that the whips would conduct a headcount of members in the chamber and on the virtual platform for the purpose of ascertaining quorum and voting.

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

AYES – 254: (ANC – 174; DA - 58; IFP – 6; FF Plus - 8; ACDP - 4; UDM – 1; Good – 2; NFP - 1).

NOES – 26: (EFF – 26).

Question agreed to.

Nominations accordingly agreed to in accordance with section 41(2)(a) and (b)(ii) of the Protection of Personal Information Act, 2013.

# CONSIDERATION OF BUDGETARY REVIEW AND RECOMMENDATION REPORT OF PORTFOLIO COMMITTEE ON PUBLIC WORKS AND INFRASTRUCTURE - PERFORMANCE OF DEPARTMENT OF PUBLIC WORKS AND ENTITIES

There was no debate.

The CHIEF WHIP OF THE MAJORITY PARTY: Hon Deputy speaker, I move that the Report be adopted. Thank you very much, Deputy Speaker.

Motion agreed to.

Report accordingly adopted.

# CONSIDERATION OF BUDGETARY REVIEW AND RECOMMENDATION REPORT OF PORTFOLIO COMMITTEE ON TRANSPORT

There was no debate.

The CHIEF WHIP OF THE MAJORITY PARTY: Hon Deputy speaker, I move that the Report be adopted. Thank you.

Motion agreed to (Economic Freedom Fighters dissenting).

Report accordingly adopted.

# CONSIDERATION OF REPORT OF JOINT STANDING COMMITTEE ON THE FINANCIAL MANAGEMENT OF PARLIAMENT - PARLIAMENT OF REPUBLIC OF SOUTH AFRICA’S PERFORMANCE IN QUARTER 3 OF 2020-21

**CONSIDERATION OF REPORT OF JOINT STANDING COMMITTEE ON THE FINANCIAL MANAGEMENT OF PARLIAMENT - PARLIAMENT OF REPUBLIC OF SOUTH AFRICA’S PERFORMANCE IN QUARTER 4 OF 2020-21**

Mr X S QAYISO: Hon Deputy Speaker, it’s an honour for me to table the Report of the Joint Standing Committee on Financial Management of Parliament for both the third and the fourth quarter 2020-21 performance of Parliament of the Republic of

South Africa in this august House. The Joint Standing Committee on Financial Management of Parliament is established as per the provision of the Financial Management Committee, as per the provision of the Financial Management of Parliament and Provincial Legislature Act, Act 10 of 2009. The FMPLA requires the Executive Authority of Parliament to table the Parliament’s performance in implementing the annual performance plan of each quarter for the consideration and reporting of the committee.

Indeed, hon Speaker, the committee has fulfilled the aforesaid mandate by considering both the third and the fourth quarters of performance of Parliament in implementing its 2020-21 annual performance plan and its report as follows. Hon Speaker, it is important to first highlight that the two quarterly reports which I have and I’m tabling here were still assessing the implementation of the Fifth Parliament’s Strategic Plan. However, since the current financial year, which is 2021-22 the Parliament has started the implementation of the Sixth Parliament’s Strategic Plan. The reason I have to emphasise that, it is because some of the issues the committee raised from both Reports will no longer be relevant going forward due to the change in how the Sixth Parliament have organised and strive to achieve.

Having said that, hon Deputy Speaker, for both quarters under review, the Parliament has performed fairly. For the third quarter, the Parliament has exceptionally performed, it recoded 87,5% performance which was as a result of achieving seven planned performance targets out of eight planned performance targets. Whilst for the fourth quarter, it recoded 75% which is lower than the third quarter. In terms of financial performance, the Parliament spent 88,9% of its allocated budget for the third quarter, whilst it spent 67% for the fourth quarter.

Hon Deputy Speaker, the alignment between financial and nonfinancial performance, which Parliament has shown in these quarters is indeed good financial management and good progress towards prudent financial management. This is indeed needed to be applauded. I have never seen it before. Despite the good performance recoded by Parliament, the committee has noted concerns which include, amongst others, the overexpenditure of compensation of members during the fourth quarter by

R9 million. This was further projected by the end of 2020-21 financial year would be overspent by another R16 million. This overspending was due to budget cuts of R30 683000,00 from October during the 2020 budget adjustments. It is against this background that the committee recommends that the Executive

Authority of Parliament and the Minister of Finance should find a constructive solution to the budgetary challenges, to ensure that Parliament is able to deliver on its constitutional mandate.

Lastly, Deputy Speaker, the committee is very concerned about the slow pace in filling in posts critical to the leadership and functioning of the institution, especially that of CFO, chief financial officer, the Chief Audit Executive and the Secretary to Parliament. Hon Deputy Speaker, this has the potential of creating instability within the institution.

Since the quarter one report, we recommended that we must be furnished with the reasons for these delays and to date we haven’t received any response, in this regard. Therefore, we pledge for your indulgence, Deputy Speaker, to expedite this process. Therefore, submit this Report for consideration by this House. Thank you very much. [Applause.]

*Declarations of Vote*:

The CHIEF WHIP OF THE OPPOSITION: Deputy Speaker, we are just having a problem with connection. Could you come back to the DA please?

The DEPUTY SPEAKER: You cannot be frozen so early. It has been so smooth. [Laughter.]

*IsiZulu*:

Nks N V MENTE: Masibonge, Sekela Somlomo.

*English*:

The report on the third and fourth quarter of 2020/2021 on the performance of Parliament tells a story of an institution that is stagnant, refuses to break away from colonialism and continues to drift far apart from the South Africans as a place where we were supposed to witness democracy at play. The reality is that, even when the world forced by the Covid-19 and rapid changes because of technological advancement, Parliament remains stagnant with unproductive practices.

As the EFF, we believe that if Parliament remains here in Cape Town and not accessible to the majority of the South Africans from Limpopo, Mpumalanga, KwaZulu-Natal, North West, even people from Eastern Cape, there will be no active participation in terms of law making, holding the Executive accountable. This is reflected by the skewed patterns of submissions, appointments of statutory positions just like the

one we witnessed just now and participation in overall Parliament activities.

While Parliament consultation do visits in provinces, these tend to be poorly planned, less constructive and just shows how our people are not benefiting from their parliamentary processes. The EFF remains confident that we must break away with colonial agreements and move Parliament to Pretoria.

Since the unceremonious removal of Mr Mgidlana for wasting Parliament money in June 2017, Parliament had not appointed a full-time Secretary to Parliament. It has not started with the processes and is not finishing any of those processes.

Unless Parliament continues to spend hundreds of millions on senseless renovations and of the parliamentary villages are stopped which were poorly built and maintained instead of using innovative and constructive efficient ways to provide accommodation for Members of Parliament. We must do away with this senseless expenditure because there are sound and practical proposals on the table.

Lastly, as Parliament we must engage in a thorough process to review the activities that have long past. For example, these two reports that are adopted today, for a matter of fact, are

very old. We must rearrange parliamentary programme to ensure that we move together with the Executive and the judiciary.

This is how we are going to make sure that budgets proposed by the Executive through the Minister of Finance and the Cabinet are processed in a thorough manner and ensure that we do not just rubber stamp budgets the same way that goes with legislations.

This is why we should build Parliament to actively engage Members of Parliament to draft Private Members Bills not as a side matter but as a primary focus to Parliament legislation drafters. We must also guard against the capture of Parliament by staff members who have certain interests and do not want to progressively transform the legislation because that will undermine democracy. Parliament cannot operate with outsourcing its own services and continue to impoverish the black majority with senseless contractual agreements.

*IsiXhosa*:

Yekani ukugxotha abantwana babantu ePalamente. Enkosi.

The CHIEF WHIP OF THE OPPOSITION: It is me. Do not worry, it is me. Deputy Speaker, there seems to be confusion. It is hon Mazzone just with her natural colour. I do not think anyone

has seen it for about 30 years. [Laughter.] Deputy Speaker, the main aim of the Joint Standing Committee on the Financial Management to Parliament is to provide oversight on the financial management to Parliament. This committee thus hold Parliament and the Executive authority accountable.

Let me start off by congratulating Parliament for doing a very good job under very difficult circumstances. We went into virtual meetings and needed a lot of Parliament’s lot of staff. We also lost many of our parliamentary staff and may their souls rest in peace! The manner in which our bereavement to families was dealt with also needs to be commended. Thank you for the hard work, Deputy Speaker.

There is however, much room for improvement as we all know. Just like on previous occasions we wish to emphasise the point that the programmes and outcomes of Parliament are skewed. In some programme, you have a single outcome. Setting up programmes for the mere reasons to comply is not doing justice for the people of this country. Let me remind South Africans that the vision of this Parliament is to be a Parliament of activists, a responsive People’s Parliament that improves the quality of life in South Africa and ensures and enjoins the quality in our society as a whole.

The programmes and outcomes will not and cannot fully improve the quality of life of South Africans. If you fail to plan, you are planning to fail. We should really be planning a lot more carefully. Let me rush to programme four to illustrate this point further. Support services and more especially the members of support. It is indicative that these targets are met but members are still not happy. Deputy Speaker, if members are not able to do their work in a conducive environment, Parliament cannot work. Members are now living with snakes, spiders, rats and other creepy crawlies in parliamentary villages, not all just on four legs. Breakings in offices in Parliament precincts leaves, especially our female colleagues living in fear.

At Parliament we are surrounded by police and we are supposedly in a safe environment. I do not know if the Department of Public Works is responsible for the buildings of Parliament. They should equally be responsible for the happiness of its members. But members now request new laptops to do their work only to hear that these devices cannot be imported at this stage. That there is not enough. We need to, as they say in Afrikaans ...

*Afrikaans*:

... maak ‘n plan.

*English*:

Members need these tools to do their work efficiently. We still need legal and procedural advice to timeously report to the portfolio committees and other committees that need their work. Part of the oversight includes questions to Ministers, Deputy President and the President. Written questions are in most cases not answered in time and sometimes not answered at all. We had an example of hon Alfred Lees who said the answer to the same question given four times and it is just an automated answer even though the question has changed.

With the political situation currently in South Africa we need to make a plan that more Members of Parliament would come back in 2023. We have had the situation almost since the beginning of the new Parliament. Direct charges took bulk of Parliament’s finances because of this. Let us work on a formula to plan for continuity well in advance to avoid what is reported in these two reports.

Deputy Speaker, what we need is the special planning session to deal with programmes and outcomes that we are setting for the Sixth Parliament and those to come. We cannot be led by

our staff when it comes to planning. This is a political outcome. Once again, if you fail to plan, you are planning to fail. I thank you.

Ms Z MAJOZI: Deputy Speaker, on delivering our views on the report of the Joint Standing Committee on the Financial Management of Parliament, we must remind ourselves that at its core, Parliament must represent our people. At its core, it must ensure government by people. We therefore must ask ourselves, is the institution fulfilling this duty? This question must be our driving force and we must break it down to its essence. Is the public involved in our daily functions? Are we truly the voice of the people?

The reports of the Joint Committee clearly show the underperformance of Parliament in facilitating public participation and the lack of public awareness of Parliament’s core function. Although the pandemic and the adjusted budget had a great impact on the workings of Parliament, we cannot allow these to be the obstacles to public participation, public awareness and execution of Parliament’s constitutional duties.

The fact that the performance target of Parliament remained the same and was not adjusted is a great oversight and we cannot simply blame the pandemic for failing to facilitate the public participation. As the reports rightly state, much more urgency is to be given to the finding of solutions.

Parliament’s overall achievement of 77% in the fourth quarter of 2020/2021 as the Joint Standing Committee’s reports indicate had to be measured against the quality of the services delivered by Parliament. We cannot simply chase targets because the quality of our service is directly linked to the public perception of our work.

According to the SA Reconciliation Barometer Survey of 2019 released by the Institution of Justice and Reconciliation in November 2020, surveys show that there was a significant decline in public confidence in Parliament from 29,6% in 2006 to 14,6% in 2009. Although there were maybe many reasons for this decline in confidence, the IFP has said before that, that we can and we must fix the system from the inside to ensure greater accountability. We need urgently to consider the quality of our targets. We have pointed out before that one aspect that should be urgently addressed is the failure of the Ministers to timeously respond to the written questions. Ample evidence shows the slow response of Ministers to provide

feedback and simply put their blatant disregard of the work of the committees.

To regain some public confidence, we need to introduce some penalties for failure to respond to written questions and we need to urgently invest to finding solutions to enhance greater public participation. In conclusion, the work of Parliament is not a tick box exercise. The public deserves our commitment and dedication. The IFP calls on Parliament to seriously address these failures in ensuring public participation and to fix the system from the inside. The IFP accepts both the reports. Thank you.

The DEPUTY SPEAKER: Thank you, hon member but you have defied me. Please do not do that again. You have exceeded your time limit and it is not proper.

Mr W W WESSELS: Hon Deputy Speaker, no declaration from us. Thank you.

Mr S N SWART: Thank you Deputy Speaker. The ACDP supports these two reports and wants to thank the executive authority and the staff members of Parliament for their hard work under very, very difficult conditions of lockdown. As other speakers

have indicated, we have lost a number of staff members, we have lost a number on MPs. Let us continue to remember them, and to pray for their families.

Deputy Speaker, Parliament has as its vision to be an activist and a responsive people’s Parliament and that improves the quality of life of South Africans and ensures enduring equality in our society. When one looks at that vision, whilst much has been achieved, so much more needs to be done. As we evaluate Parliaments during the six-month period, then one can clearly see that much needs to be done when you see levels of discontent, when you see almost a sense of disengagement that occurred in the local government elections, where many people did not vote due to a sense that the quality of life was not improving or due to service delivery failures. We need to look very carefully at ourselves as public representatives when one sees this happening in our broader society.

Chairperson the report also recommends that the remainder of the lockdown, Parliament should ensure – and that was for that stage for that six-month period, that measures should be put in place to mitigate the impact of the national lockdown on Parliament and in particular to the public participation objectives.

In addition to that the ACDP believes that, Parliament should play a much greater role in the continual decisions when it comes to lockdowns. Again now, we hear of the possibilities of increased lockdowns when it comes to December. At this stage in terms of the Disaster Management Act, Parliament plays no role in the extension of that or in fact on the contents of the regulations that have a devastating impact on society causing businesses to close and many, many jobs to be lost. We as the ACDP support the private Bills in this regard that will ensure Parliament plays a far greater role in this regard.

Clearly, one of the challenging issues relates to the budget and we should share the concerns expressed by the committee that, the chief financial officer, CFO and other positions have not been filled yet. Of course, the Treasury Advice Office that will enable Parliament to engage with Treasury to ensure that Parliament receives the budget, these institutions must be set in place to ensure that Parliament receives the budget. The fact that our budget was cut had a devastating impact on the efficiency of Parliament. The ACDP supports the reports. I thank you.

Mr N L S KWANKWA: Thank you very much hon Deputy Speaker. The UDM supports both reports, but indeed would like to echo the

sentiments of the speakers that spoke before that, we cannot continue to have a National Coronavirus Command Council that is not accountable to anyone, not even to Parliament when the decisions they make on a daily basis impact on the lives of our people on a daily basis.

I also find it odd that when the election time came, we could postpone the fourth wave and now that the elections have come and gone, the fourth wave is coming out. With the spreader events that took place around elections where politicians did not respect the regulations and did so with impunity. It did not serve any spreader events; I think it’s a figment of people’s imagination. We are not going to be used in that sense going forward. I must make that categorically clear.

Unless we are persuaded with evidence ...

*IsiXhosa*:

... anizukusichthela ixesha.

*English*:

The other issue is, we must commend you greatly and say the virtual meetings- Parliament has been able to operate effectively virtually but not to the optimum level required in

order for it to ensure its effectiveness and be able to hold the executive to account.

I make this point mindful of the fact that, over the past couple of years there has been attempts to try and some vet, checks and balances on the Executive and weaken the role of Parliament as an institution. In order for us to restore that faith and to make sure that Parliament is respected, firstly the issue of public awareness is important because I feel that to a large extent or a considerable extent there are certain sectors of society that still do not understand the role that we play as an arm of the state and that they continue to think that we should continue to behave as if we are a stepchild in the three arms of government.

*IsiXhosa*:

Ndizakukuphendula ke wena mhlekazi ngoku, ndizakushwankathela futhi. Okwesibini, into ekufuneka niyiqonde – mandikuxelele ngesiXhosa futhi ndikugcwalisele. Asinaxesha layo le ndebelefela kuba sasithe ePalamente kufunela kubekho i ...

*English*:

... budget.

*IsiXhosa*:

uSomlomo bekufanele ukuba akwazi ukwenza ...

*English*:

... presentations to the President back then ...

*IsiXhosa*:

... kuba sisithi uMphathiswa wezeziMali akangekhe akwazi ukuxelela thina, kwathina siphinde simphendulise apha ngezinto ezithile. Eli ziko ihleli ingakwazi ukubamba ...

*English*:

... this government to account and the executive ...

*IsiXhosa*:

... kuba bafuna ukuba sihleli nje sivumelana nayo yonke le ndebelefela niyithetha apha ingahambeli ndawo. Sasikhumsha apha sisusa uMgidlana kuba wayesenza into engekhoyo, esenza unothanda esitya imali nikhona, ndinixelela naseChina ukuba wayesenza ntoni na, anizange nenze nto. Nathi xa niyibona ...

*English*:

... on the media, you were shocked as usual and surprised. Now a couple of years later, Mgidlana has not been replaced we

someone is acting even now. If these objectives that we achieve the 88%, 78% but cannot measure the impact of those

...

*IsiXhosa*:

... loo nto ithetha ukuthi siyadlala.

*English*:

The other last issue that we must consider is the stretch and

... [Interjections]

*IsiXhosa*:

USEKELA SOMLOMO: Ixesha lakho liphelile.

*IsiXhosa*:

Mnu N L S KWANKWA: Benditshilo ndathi xa liphelile elam ixesha awusokuze ungandingxameli Sekela Somlomo, uyiyekile i-IFP kaSingh yathetha apha.

The DEPUTY SPEAKER: No, two wrongs do not make a right. Just get off the platform please. Please!

Mr S N AUGUST: Deputy Speaker, GOOD has no declarations. Thank you.

Mr C H M SIBISI: Deputy Speaker, NFP has no declarations. Thank you.

Mr M NYHONTSO: Deputy Speaker, there is no declaration.

*IsiXhosa:*

Nksz R M M LESOMA: Enkosi Sekela Somlomo, sibulise kuMbhexeshi oyiNtloko weQela eliLawulayo ohloniphekileyo uPemmy Majodina, ndiyabulisa.

*English:*

Hon Chair, hon members and fellow South Africans, the ANC rises in support of both reports, Report on Parliament of Republic of South Africa’s Performance in Quarter Three of 2020-21 and Report on Parliament of Republic of South Africa’s Performance in Quarter Four of 2020-21. The value of considering the quarterly performance reports of Parliament is that each provides the National Assembly the opportunity to critically assess whether the mandate of the institution is being upheld and measured against the performance indicators applicable, the veracity of the data submitted and whether the audit opinions warrant any interventions. It is unfortunate that we are only now considering these reports over 12 months

since these events and the subsequent discussions have elapsed

- the content of the part of these reports.

With regard to the third quarter report, the eight targets referred to have been measured using mainly the quantitative methodology. We are as the ANC happy to say the following discussions and dissatisfactions as registered in the joint standing committee - methodology approach of measuring performance. In 2021 there has been a shift to a qualitative methodology approach to measure while not negating the needs of quantitative measures. As the report of the report of the third quarter indicates that the committee remain concerned about the key performance areas that are only being tracked annually. It is equally true that vigilance of divisional heads should pick up shortcomings during the year. However, we should shift all those to quarterly assessment if there are any challenges depending on what you are measuring then it could be shifted.

With regard to the budget reduction mentioned in the report, we need to indicate that forthcoming meeting of the National Treasury and the joint standing committee will allow the public representatives an opportunity to engage on consequences of fiscal consolidation and legislation arm of

the state. This matter, however, points back to ourselves. It is we who have powers to amend the legislation that governs the financial management of the Parliament Act and we have been woefully negligent in not processing this, years ago. We accept that as the ANC. We don’t need anyone to tell us.

Under the respective programmes critical to what is contained in the reports is our subsequent discussions on performance management and measurements. The fact that certain matters were not completed in seven days as the reports indicate may be relevant as one indicator but the complexity of the work varies and therefore indicators have to take this into account. We do agree that where no reasons were given for variants, this is unacceptable. Accountability within a division means that where a measure of performance cannot be met the honours is that that division had to give adequate explanation with evidence.

With regards to Programme 3, Core Business, which is the core business of Parliament, far more details need to go into this section. Merely talking about targets being met is insufficient. Most members focus on the quality of what is being produced. In future the quarterly reports need to reflect satisfaction of members in this regard. Merely talking

about over performance is meaningless unless satisfaction of contest produced can be measured and supported with evidence.

While we note that transfers to political parties were processed timeously, it is applicable internal parliamentary regulatory framework that we have repeatedly stated that it requires a review. We will continue to peruse this as it is material to allocate against functions.

As reflected in the third quarter report, the underspending at that stage it is a concern and it remains a concern. It is a constant shared that Covid-19 has given that any discussion with the National Treasury on Parliament budget allocation will inevitably rise this as a fact in argument.

Under the fourth quarter report, the comments we have made on qualitative indicators to measure performance remain and we note the progress of 2021 in this regard. We must register our disappointment however, Deputy Speaker and fellow South Africans. Under Programme 3, Core Business, only three of the six indicators of performance were met using limited quarterly measures. In fact, it is easy to achieve targets when using a quantitative measure.

We welcome the IPSO source survey being used, but we would want to look more closely at what goes into the metrics that informs the results that are being produced.

With regard to the programme on Support Services, we all must be alarmed on the findings that only 24% of the population are aware of the business of Parliament. If we are to claim that we are people’s tribune, the statistics do not support what we boldly say we are people’s Parliament. We still have to work in that space - we as parliamentarians.

Our comments on the third quarter report remain the same for the fourth quarter in respect of transfers to political parties. The fact that R286 million was not spent by the end of the fourth quarter of the calendrer year while a concern point to Covid-19 for the impact of this which circumstances, is understandable. We are quite aware of that. I am repeating this deliberately just to make a point and emphasis.

As the committee reports states, and I quote:

All the institution’s overall performance stood at 77%, some targets remain very low and achieving them cannot be described as much as an achievement. The institution

instances to measure delivery against deadlines instead against the quality of the services provided contributed to the perception that performance targets were designed to measure that they were met instead of to ensure that the institution improve the quality of its services it provides to Parliament and the institutions.

The ANC supports both quarterly reports as presented. Thank you very much.

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

That the House adopt the Reports.

Motion agreed to.

Report on Parliament of Republic of South Africa’s performance in Quarter 3 of 2020/21 accordingly adopted (Economic Freedom Fighters dissenting).

Report on Parliament of Republic of South Africa’s performance in Quarter 4 of 2020/21 accordingly adopted (Economic Freedom Fighters dissenting).

# CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON COMMUNICATIONS ON REVISED ANNUAL PERFORMANCE PLAN AND STRATEGIC PLANS OF DEPARTMENT AND ENTITIES

Mr B M MANELI: Hon Deputy Speaker, hon members, hon Ministers and Deputy Ministers, committee support staff, fellow South Africans. In introducing this report for consideration by this august House, I am reminded that gender-based violence, GBV, and femicide is another societal social ill that is yet to be defeated. May the 2021 16-days of activism against this scourge be marked by our collective action to end it where we live, work and enjoy ourselves. Hon members, the Minister of Finance delivered the Special Adjusted Budget Report in 2020, which focused on the government response strategy to COVID-19 pandemic.

The COVID-19 pandemic forced many countries to lockdowns and slow down to public and private sector economic activities. Evidence from the economic indicators and the special adjusted budget report at the time, that COVID-19 has had a significant impact on public service delivery by government. However, despite the Coronavirus pandemic, Parliament is expected to continue with its oversight function to ensure effective budget spending and safeguarding service delivery.

Hon Deputy Speaker, the Special Adjusted Budget report is therefore based on briefings received by the committee from the department and its entities including *Independent Communications Authority of SA,* ICASA, Sentech, *Film and*

*Publication Board,* FPB, *Universal Service and Access Agency of*

*SA,* USAASA or USAF, *National Electronic Media Institute of SA,*

NEMISA, S*tate Information Technology Agency*, SITA, ZA Domain

Name Authority, ZADNA, and the SA Broadcasting Corporation, SABC. The department and the above-mentioned entities made

presentations to the committee on 18 November 2020 and 24 November 2020 respectively. This is following a circular

issued by Department of Planning, Monitoring and Evaluation

allowing Departments to review their 2020-21 Annual Performance Plans in light of the COVID-19 pandemic and the

related budget adjustments.

The department, as is the case with other departments, accordingly revisited its 2020-21 Annual Performance Plans,

APPs. The revision of its 2020-21 Annual Performance Plans, is

largely based on the following criteria: Firstly, the

R111 million budget cut incurred by the department; and the impact of COVID-19 on the delivery modes to achieve certain targets in line with the new way of working. The committee amongst others noted that the department had to take into

consideration that its key senior staff members were re- assigned to COVID-19 related priorities in Quarter 1, which resulted in a backlog of certain Quarter 1 targets, thereby creating a knock on effect on the other quarters; that the impacted outcomes for the 2020-21 APP included:

Firstly, the increased access to secure digital infrastructure; secondly, enabling digital transformation policies and strategies; thirdly, transformed digital society; and fourthly, the high performing portfolio to enable achievement of mandates. The Departments’ budget was significantly cut which will have a knock on effect in terms of achieving its targets. We also noted with concern that the commercial revenue of SABC has been heavily impacted and that the unfunded mandates impacts negatively on the bottom line of SABC.

Also that, the reallocation of the R84,7 million to ICASA is indicative of the ANC-led government’s resolve, to have high demand spectrum released to stimulate the digital economy; that the implementation of the Broadcast Digital Migration, BDM, is key in releasing the additional spectrum and more importantly, in giving access to more free to channel that the indigent households could not enjoyed during the years of

apartheid. The recommendations are as stated on the report and a number of them have been implemented, given the time lapse of the adoption of this report.

All service delivery areas, Deputy Speaker, are a balance between meeting the needs of the people, and the availability of scarce resources in our time. The late President O R Tambo’s words remain relevant and understanding in this reality, from a point of changes in political landscape and in different spheres of government, and I quote:

Comrades, you might think it is very difficult to wage a liberation struggle. Wait until you are in power. I might be dead by then. At that stage, you will realise that it is actually more difficult to keep the power than to wage a liberation war. People will be expecting a lot of services from you. You will have to satisfy the various demands of the masses of our people. In the process, be prepared to learn from other people’s revolutions. Learn from the enemy also. The enemy is not necessarily doing everything wrongly. You may take his right tactics and use them to your advantage. At the same time, avoid repeating the enemy’s mistakes.

I thank you, hon Deputy Speaker.

The CHIEF WHIP OF THE MAJORITY PARTY: Thank you very much, Deputy Speaker. Deputy Speaker of the House, I move that this report be adopted. Thank you.

The DEPUTY SPEAKER: Oh, now I see what I should have said.

*IsiXhosa*:

UMBHEXESHI OYINTLOKO WEQELA ELILAWULAYO: Sendigqibile.

USEKELA SOMLOMO: Sewutshilo kodwa ke uza kuyinda apha exesheni.

UMBHEXESHI OYINTLOKO WEQELA ELILAWULAYO: Hayi akuphindwa apha.

*IsiZulu:*

USEKELA SOMLOMO: Uzoyiphinda kamuva. Hhayi, musa ukulawula wena okhulumayo lapho. Lawuleleka, yinto enhle leyo.

*Declaration(s) of Vote:*

*IsiZulu:*

Mnu Z N MBHELE: Ngiyabonga Sekela Somlomo ...

*English:*

... as we well know, the Special Adjusted Budget delivered by the Minister of Finance in June 2020, to resolve the government’s response strategy to the COVID-19 pandemic, led

to the revision of the APPs and strategic plans of this

department and its entities. Both the pandemic and the budget adjustments had two key effects, whose largest significance I would return to later. Firstly, they resulted in a

R111 million budget cuts for Department of Communications and

Digital Technologies, and secondly, they put funds and centre ambiguous value and importance of telecommunications,

information and communications technology, ICT, and digital

technologies, as well as our increasing reliance on them.

The observations of the portfolio committee in this report, cover a range of issues, ongoing issues concerning the

department and its entities, from the capacity issues owning to chronic vacancies and financial sustainability concerns due

to declining revenue forecast to the urgent imperative to address Auditor-General’s findings and to finalise long standing processes like spectrum auction and broadcast digital migration. What is clear through our recommendations is that, the remedial actions required, all boils down to three fundamentals that needs fixing.

Firstly, capacity constraints must be resolved by filling vacancies. Secondly, more innovation is needed in order to ensure sustainable funding models and revenue generation and to reduce reliance on a national fiscus, and thirdly,

organisational processes concerning human resource management

and procurements, must be complied with fully at all times. It remains an indictment on the executives and the accounting

officers that the shortcomings and failings repeatedly highlighted by the Auditor-General and committee reports year

after year, of the most basic nature, and should be the kind of things we take for granted as being implemented by default.

It is not rocket science or an impossible task to attain clean audit outcomes, after all, DA governments do so, annually. In

the distant past, this noncompliance could perhaps can be somewhat easily shrugged off, and this material and adverse

effect absorbed in the context of budget surfaces and repeated bailouts. But the runaway train of public sector

mismanagements and maladministration, has run out of railway track - well, the bits that have been stolen by many thieves,

- it is no more realm to squirm out of facing the consequences of unsound policy and shoddy managements.

*Afrikaans:*

Die poppe het nou begin dans.

*English:*

Thus, the R111 million budget cuts occasioned by the Special Adjusted Budget, was simply a small harbinger of what has to

be a permanent feature of governance and public sector managements for the foreseeable future, shrinking budgets

caused by declining tax revenue in the context of low economic growth. This is a reality we must face head-on, and prepare

for earlier, rather than later. Similarly, the society wide digitalisation and maintaining of ICTs, simply accelerated a process already underway.

When we found that we have no other option, and push came to

shove, we realised that a broader shift to video conferencing, remote working and other such modalities had only been held

back by the nature, and that indeed merely a meeting could in fact had been just an email. Deputy Speaker, the most

interesting thing by this context is that, it was the private sector and business who came to the rescue in practical terms, from fore fronting video conferencing platforms that enabled virtual meetings to delivery services that enabled us to remain home, as we reduced social contact.

That is an experience we must learn from and harness by leveraging the value-add of smart public private partnerships in this portfolio, from SA Post Office, SAPO, and SABC to Broadband Infraco, BBI and Media Development and Diversity

Agency, MDDA. The Minister, well knows how that is the drum

the DA bangs often, and continually considering the building of those partnerships, and we will continue banging that drum,

even if I end up sounding like the first 15 minutes of the theme tune for the famous look production of Shaka Zulu. Thank you, Deputy Speaker.

Mr S TAMBO: Deputy Speaker, I will be making the declaration on behalf of the hon Pambo. Deputy Speaker, am I audible?

The DEPUTY SPEAKER: Yes. Yes, you are. Go ahead please.

Mr S TAMBO: Deputy Speaker, the EFF rejects this report. We are in the middle of a global pandemic and despite the department having allocated some of their staff to focus on COVID-19 communications, the department has failed spectacularly to communicate with the South African public on the government position on COVID-19 and vaccinations.

If we had a properly functioning department, we would not have had the so-called Digital Vibes scandal in which ANC leaders looted public money meant for communications during a global pandemic. The entities of this department are also monuments to incompetence. The National Electronic Media Institute of SA, Nemisa, has repeatedly been warned for their lack of proper records management by the Auditor-General and their poor management of finances. The Seta has been fraught with leadership problems for a while and, even though a new CEO has been appointed, the audited results still show an entity that is on its way to being on its knees, with no thought leadership able to lift it up from the ruins.

The SABC is still a loss-making entity and has forecast that it will lose over R1 billion in the past quarter. It is criminal that to this day their service is still scarred from the mess that the broadcaster is in. Their service is a mess because of poor management and because it has immersed itself in the politics of the country and no longer reports news in a fair and transparent manner. We therefore reject this report. Thank you very much.

Ms Z MAJOZI: Deputy Speaker, the performance in most government departments in the 2020-21 financial year reflects

some of the effects of the COVID-19 pandemic on the economy. Despite this, we cannot use the pandemic as a factor for the historically poor performance of state-owned enterprises, or SOEs. Our task today is to reflect on the performance of the entities under consideration by looking at both current and past performances.

Our position as the IFP remains firm. We are against the unnecessary bailing out of SOEs with a history of underperforming. We maintain that bailing out these SOEs is crowding out other key government expenditure. We have highlighted, in the past, how the transformation of state assets such as Universal Service and Access Agency of SA, or Usaasa, into state-owned enterprises was meant to promote effective and efficient service delivery in our country. The IFP is of the view that the poor performance of Usaasa defeats these broad objectives.

The IFP also, in the past, called for the restoration of finances at the SABC. We echo similar sentiments with regard to all the SOEs we are deliberating on today. We have expressed our disapproval of the R3,2-billion bailout awarded to the SABC in 2019-20. The SABC has incurred losses in the hundreds of millions over the years. Surprisingly, the SABC

continues to incur losses through irregular expenditure, which in 2020 have amounted to R134 million, and in 2019 to

R202 million. We are concerned about this wasteful and irregular expenditure.

We are also concerned about the SA Post Office, Sapo, which has joined a growing list of financially insolvent SOEs due to its loss-making and failure to honour its debt payments on time. We support the recommendations from the committee, especially on the need for improved performance and reduction of irregular expenditure for the SABC.

In light of the mediocre performance of Usaasa, we are concerned about the ability of this entity to perform. We also support the call for the SABC to improve on its annual performance target and for there to be internal control measures in all procurement processes.

The IFP has lost confidence in the ability of Sapo to make a turnaround, given its continued losses at both the operational and financial level. The IFP welcomes the recommendations by the committee and the IFP supports the report.

Mr W W WESSELS: Deputy Speaker, there is no declaration from us. Thank you.

Mr S N SWART: Deputy Speaker, there is no declaration from us. Thank you.

Mr N L S KWANKWA: Deputy Speaker, there is no declaration from the UDM.

Mr S N AUGUST: Deputy Speaker, there is no declaration from GOOD.

The DEPUTY SPEAKER: The NFP? The AIC? Cope?

Mr C H M SIBISI: Hon Deputy Speaker, this department is on the floor. [Inaudible.] Deputy Speaker?

The DEPUTY SPEAKER: I’m listening.

Mr C H M SIBISI: [Inaudible.] ... I’m hearing now you are

calling AIC. [Interjections.] Can you hear me?

The DEPUTY SPEAKER: Are you AIC? Explain. Are you AIC?

Mr C H M SIBISI: No, no, no. NFP not AIC.

The DEPUTY SPEAKER: Oh NFP.

Mr C H M SIBISI: Yes.

The DEPUTY SPEAKER: Go ahead, ntate. You were slow.

Mr C H M SIBISI: This department encompasses some of the most important and biggest entities and these entities play a vital role in serving the larger population of this country.

Let us start with the SA Post Office, Sapo. The NFP slams Sapo for its failure to submit financial statements for audit for the 2020-21 financial year. But what did we expect? Because the red flags have been there all along.

The Post Office needs R1,8 billion in the current year, and R8 billion in the medium term. The question is: For how long do taxpayers have to continue funding institutions that are crippling them and that are even incapable of submitting their financial statements? This is definitely an indictment of the people running these institutions, unless there is something else that that we are not being told by the department.

More so, we need to know from the Department of Communications and Digital Technologies whether any action has been taken against those who are responsible for running these institutions and managing their finances and, most importantly, complying with laws and regulations. Do these issues stem from those responsible or are the institutions failing beyond reproach? How do we encourage these institutions to modernise when basic matters, such as good governance, consequence management, compliance with accounting standards and the Public Finance Management Act, the PFMA, to name a few, are not in place in the institutions concerned?

The department has not made any indication of the lack of consequence management when employees were implicated in financial misconduct and particularly how this matter is going to be dealt with.

According to the 2019-20 annual report, the Post Office incurred irregular expenditure of around R200 million and fruitless and wasteful expenditure to the value of

R26,5 million. In that report, the Auditor-General highlighted that this expenditure came about because of failure by management and the board to implement proper and adequate controls over the entity’s supply-chain management system.

People do as they please, money is misappropriated and mismanaged, and internal controls are not adhered to and violated and, as a result, the institution faces liquidity issues. They know that they can just come to Parliament to ask for money or can be bailed out using the guise of job loss as a motivation for their request. We are pleased that the

R8 billion application in the medium term was not successful.

The SABC has advised that they are coming up with a levy which would apply to all households and businesses and which is the answer to its financial woes.

The NFP is inclined to support the efforts of the SABC in its attempts to turn the entity around. However, the levy would also be based on whether South Africans can access the content, and not just on whether they watch it. South Africans will therefore be required to pay the levy even if they don’t watch SABC content; simply being able to access it on any device is enough.

The DEPUTY SPEAKER: Hon member, your time is over. You have exceeded ... [Inaudible.] Thank you very much. Please try to make up. The PAC?

Mr M NYHONTSO: No declaration, Deputy Speaker.

Mr L E MOLALA: Hon Deputy Speaker, fellow South Africans, the COVID-19 pandemic has destablised economies globally.

Governments have had to reprioritise and find practical ways to save lives and preserve livelihoods.

Moreover, this pandemic has placed great impetus on the work of the department and has demonstrated to us the value of modern communications and digital technologies. This has meant that government, indeed, has to strengthen its resolve to ensure that telecommunications infrastructure reaches all corners of our society, particularly in rural areas.

Minister Khumbudzo Ntshavheni was recently in Mthatha and in Ngqeleni to mobilise communities to register for set-top boxes, which are needed to migrate their television sets from analogue to digital broadcasting. This switch from analogue to digital broadcasting will free up spectrum and will increase the connectivity of the country so that millions of South Africans, including those in rural areas, have access to the internet. The release of spectrum is one of the key reforms necessary to ignite economic growth and recovery.

The ANC commends the Independent Communications Authority of SA, Icasa, and parties that were involved in the litigation process on the high-demand spectrum for agreeing to settle the matter out of court. The auctioning of high-demand spectrum can no longer be delayed.

We also welcome Icasa’s programme to subsequently expedite this long-delayed process. Icasa is still dedicated to its March 2022 deadline for the licensing of IMT spectrum. This 5G spectrum will be released soon as there is a wide range of its uses in key economic sectors, such as mining, agriculture, manufacturing and tourism.

As the ANC, we commend the measures taken by the SABC to request permission to grant amnesty to millions of South Africans who owe TV licence fees. This move seeks to ensure that the SABC is a sustainable and profitable organisation. If approved by National Treasury, the amnesty on TV licences will improve the public broadcaster’s financial position.

Today, the committee tables the report on the Revised Annual Performance Plan and Strategic Plan of the Department of Communications and Digital Technologies and its entities. The revision of the 2021 annual performance plan was largely based

on the following. Hon members, as I mentioned earlier, the special budget cuts, which were COVID-19 related, amounted to R111 million and the adjusted budget cuts amounted to

R48 million.

These cuts impacted on the operations of the department, particularly on the following goals: increasing access to secure digital infrastructure, enabling digital transformation policies and strategies, and transforming digital society and high-performing portfolio to enable achievements of mandate.

In spite of the cuts that were deep, the committee welcomed the additional budget allocation of R84,7 million to Icasa for the licensing of spectrum. The impact of COVID-19 on the State Information Technology Agency’s strategic direction was also a positive indicator in that it elevated its role in digital transformation and prioritised the acceleration of detailed programmes.

The ANC welcomes the recommendations of the portfolio committee that include the following: the call on the department to monitor the implementation plans and targets across the portfolio; that the department and its entities should ensure that where the targets have not been met that

processes are put in place to ensure targets are met; the department must ensure that all necessary measures are taken to address corruption within the entities; the department must ensure consequence management is prioritised for all wrongdoings; the department must ensure that all capacity issues within the entities are resolved; and, lastly, ensure that processes are in place to address issues of supply-chain management that have been raised by the Auditor-General.

We implore the department and the entities reporting under this mandate to implement the recommendations of the portfolio committee. The ANC commends the Ministry for the new approach and strategy that they are working on with the department in order to ensure that they effectively and efficiently respond to their mandate for the benefit of all South Africans in an inclusive and progressive manner.

As President Ramaphosa has said: We are determined not merely to return our economy to where it was before the coronavirus but to forge a new economy in a new global reality. The ANC supports this report. I thank you.

Motion agreed to.

Report accordingly adopted.

# CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON BASIC EDUCATION ON FOURTH QUARTERLY REPORT ON PERFORMANCE OF DEPARTMENT OF BASIC EDUCATION IN MEETING ITS STRATEGIC OBJECTIVES FOR 2020/21

Ms B P MBINQO-GIGABA: Hon Deputy Speaker, the committee on basic education is putting this report for consideration by the House, which is focusing on the fourth quarterly report 2020-21 performance of the Department of Basic Education.

The department has achieved 90% of its target, which in our view has done very well, compared to the last financial year which they only achieved 61%.

The department had taken the portfolio committee through the performance indicators for each of the five programmes and noted the corrective measures for targets that were not achieved.

Further, the section of the financial report explained the expenditure variances and the measures taken to mitigate this.

In the case of programme performance, the portfolio committee noted commendably improvement in all the programmes of the department, which are five programmes.

As South Africans we are concerned about the nature of accountability, consequence management and the government’s spending given the state of our economy. Therefore, the portfolio committee adheres to its constitutional obligation to ensure that the department delivers on its mandate as well as the expressions made during Budget Vote 16, section 5 on financial performance.

Indeed, in terms of monitoring government’s spending, the duty of the committee is to play oversight on the finances of the executive and to ensure that the allocated financial resources to deliver on the mandate of quality education is achieved.

As the portfolio committee we are of the perspective that the expressed, according to the department of basic education report presented finances, were used effectively despite the challenges of operating during difficult times.

However, on the major concerns we raised as the committee is the department’s underspending on finances allocated to

children with severe and profound intellectual disabilities as these learners are special and they need to be treated with priority and care.

For the period under review the total adjusted appropriation budget for the department for 2020-21 amounts to R23,4 billion as compared to R24,4 billion of 2019-20.

The department has penned R22,9 billion, which 97,8% of available budget and the under expenditure amounted to R503,9 million.

The unspent funds are mainly for payment for capital assets and programme 4 as well as the compensation of employees across the programmes.

The underspending is offset by overspending of R622,6 million under transfers and subsidies, and R72,9 million under goods and services in programme 4.

In terms of viaments it is noted that National Treasury approved the shifting of R628 million from the School Infrastructure Backlogs Grant where slow spending was expected in the construction space due to lockdown restrictions for the

Education Infrastructure Grant to assist in the Eastern Cape, Free State, KwaZulu-Natal, Northern Cape provinces whose infrastructure budgets were under pressure due to the unexpected spending on COVID-19-related measured.

The under expenditure on infrastructure as the portfolio committee in our oversight role we noted that the underspending on School Infrastructure Backlogs Grant as the Department of Basic Education, DBE, alluded that it is mainly due to delays in verifying the completion of projects after which payment can be authorised and processed.

The department is fully aware of its difficulties on infrastructure in particular from the side of implementing ... resulting in payments not being processed by year end and the underspending of the grant.

To that end, the portfolio committee emphasised that the department must ensure that this verification process takes places through the year and not only in the final few months of the financial year.

Deputy Speaker, as we are concluding we are saying that the department has been able to deliver on its fourth quarterly

report targets and has the ability to manage the financial resources allocated to better the education of our children.

As we mark the month of November; for programmes of 16 days of activism of no violence against women and children we are emphasising that the Department of Basic Education must look into addressing incidents of violence and bullying in schools, pay attention to the framework of gender-based violence and put measures to mitigate the teenage pregnancy, which has been most prevalent during the COVID-19 period. These programmes should include both young women and young girls to empower them, to change their mind set of violence towards positive gender.

Finally, we want to thank the House for the opportunity that is given to us to present this report and we are recommending that the report must be adopted. Thank you very much. [Applause.]

*Declarations of vote*:

*IsiXhosa*:

Mnu B B NODADA: Sekela Somlomo, malungu ahloniphekileyo ...

*English*:

... fellow South Africans ...

*IsiXhosa*:

... molweni.

*English*:

As the DA we would like to start by sending our sincere condolences to Lathitha Nako, another learner lost to bullying from Bhisho High.

*IsiXhosa*:

Wanga umphefumlo wakhe ungaphumla ngoxolo.

*English*:

We will surely be following up with all those cited responsible for her suicide, including teachers cited.

The past two years have asked for extraordinary discipline and sacrifice from learners, who had to adapt to constant disruptions to the school curriculum, often for long periods of time. As a consequence, we have seen an ever increasing dropout rate.

As the DA we would like to commend teachers, learners and all stakeholders in the education sector who have gone above and beyond in embracing the restrictive COVID-19 pandemic and have found innovative solutions to complete this academic year despite its shortcomings, which are explicitly reflected in this report.

The Basic Education Portfolio Committee has an immense responsibility of ensuring that the department’s targets set out to be achieved have tangible impact on the sector as a whole.

In the fourth quarter the department achieved nine of its targets, out ten, which is commendable. However, through rigorous interrogation of the reports, the DA has the following concerns in the report:

Firstly, the underspending of over R1,1 billion of the School Infrastructure Grant through the Accelerated Schools Infrastructure Development Initiative, ASIDI, and Sanitation Appropriate for Education, Safe, programmes, which is quite disappointing while there are still 486 schools built of mud and asbestos, that need to be eradicated. Additionally, there

are over 2 000 pit toilets in schools and the majority of these schools still have poor infrastructure as we speak.

The sad reality is this, the department spent R36 million to build a R20 million school of this dismal failure because of implementing agents who never complete the projects on time, sometimes do very substandard work. For example, the toilets build in O R Mabotja School in Limpopo were unusable; there’s Mfundo School in Mpumalanga, has been built on wetland; or even E T Thabane School in Ugie, in my constituency, which was budgeted for but never built.

An even worse example is the R16 million that was paid out to a company without rendering any services. Luckily, the monies were subsequently recovered.

But what is concerning is, however, that there has been zero consequence management or even blacklisting of companies who do this at the expense of taxpayers’ money. This is despite the fact that the country desperately needs improvement of infrastructure in schools.

Secondly, the underspending of R17 million in the learners with proficient disability grant is a major concern, affecting

over 800 learners. Having visited Masinakane Special School in Mpumalanga, I saw how they turned classrooms into hostels and many other rural special schools in KwaZulu-Natal and Eastern Cape, which are in dire need for devices and extreme support, even more so now during covid.

Furthermore, it is concerning that the country is experiencing high dropout rates, especially from Grade 10; over 300 000 as we speak to date. The covid pandemic has only exacerbated the dropout rate as many learners didn’t return to school after the various lockdowns. This only adds to the 8 million youth not enrolled in schools, employment and training; and add to the youth unemployment rate that is sitting at 76%. This was reflective of the 6 million applications received for the Education Assistant, even though there are only 200 000 posts.

Lastly, there’s need to prioritise the development of a home school and virtual school policy. Covid has highlighted the need for such flexibility and entities like the University of Cape Town, UCT, are setting the example.

So, therefore, as the DA we recommend the following in this report:

There is a need to prioritise the backlog and ensure adequate spending of infrastructure so that additional schools can be built as well as maintain dilapidated schools.

The verification process of infrastructure should be continuous and not be left until the last minute of the financial year.

The Department of Basic Education must blacklist companies who do not complete projects timeously and those who are building at inflated prices.

The Department of Basic Education must employ Treasury to better manage these projects. We are not here to build tenderpreneurs, but rather quality schools that leaners can use to succeed in life.

Therefore, there’s a need to ensure that we increase our interventions in implementing learner retention strategies so that we address the high dropout rate in this country.

Otherwise we are just producing another generation that would be dependent on grants and be unemployed.

The department should start thinking about starting a pilot project aimed at analysing the viability of virtual schools so that we can alleviate the challenges of physical schooling.

Having read this report, the DA then notes the report. I thank you. [Applause.]

Ms Y N YAKO: Deputy Speaker, out of 23 471 public schools, 20 071 have no laboratories. Furthermore, 18 019 have no

libraries, while 16 897 have no Internet. Almost 1 000 schools have no sport facilities, while 4 358 have only illegal plain pit latrines for sanitation. An amount of 1 027 have no parameter fencing, essential for teacher and pupil safety, while 239 have no electricity and 37 have no sanitation facilities at all. A thousand more learners in the Eastern Cape and in Limpopo still attend mud schools.

Today, we are in the middle of a global pandemic and we have all seen how black learners, in the main, have had their learning compromised because the Department of Basic Education still ignores the plight of township and village schools.

While all this is happening, this report shows that there are still thousands of vacancies that the department has yet to fill. These are teachers and administrators who would have

been assisting in the learning of the black children in townships and villages.

The department has done nothing to deal with the plight of children with special needs, autism, ADHD, etc. It still has done very little to equip teachers to deal with modern challenges faced by learners. The department has failed black children and therefore, the EFF has to reject this report.

Ms Z MAJOZI: Deputy Speaker, as a country with one of the highest unemployment rates in the world, currently at 34%, one of our key focus areas should be strengthening the foundation of our children’s future, by ensuring access to quality basic education. This priority cannot be compromised, at any cost.

We cannot allow the devastating impact of the pandemic to further widen the equality gap in access to basic education. The price we will pay as a country is already too high.

Therefore, we must be more active, more demanding and less tolerant to excuses from the Department of Basic Education on the fulfillment of its mandate.

In the portfolio committee’s report on the Department of Basic

Education’s performance, we again see the department’s failure

to comply with its constitutional duty to ensure safe sanitation facilities at schools. The department set out to provide 600 schools with sanitation facilities through the Accelerated School Infrastructure Delivery Initiative but was only able to reach 263 schools. This failure is alarming and cannot be condoned simply because of the pandemic.

Safe and dignified sanitation facilities are part and parcel of the state’s constitutional obligation to ensure access to basic education. This gross failure by the state to ensure safe sanitation facilities has been a longstanding legal issue, forcing the courts to intervene on many occasions to ensure that the learning environment is safe and includes dignified sanitation facilities.

The IFP therefore strongly agrees with the committee’s recommendation that the department must ensure accurate and regular monitoring of the infrastructure projects. The IFP will actively monitor progress in this regard.

Quality education is intrinsically linked to the learning environment and the ratio of learners to teachers. The number of teachers’ vacancies that exists is simply astounding, especially in provinces that can ill afford this burden.

According to media reports of September 2021, a total of 2 348 schools in the Eastern Cape had vacant teaching positions and

1 203 schools needed Grade 1 teachers.

This deliberate failure of this department is robbing our children of their future. We cannot continue to tolerate excuses or allow the buck to stop with provincial education departments. We must demand accountability.

The IFP will closely monitor the department’s progress on the committee’s recommendations and will continue to fight for the right of quality education supported by a safe school environment. The IFP accepts the report. Thank you.

*Afrikaans*:

Dr W J BOSHOFF: Agb Adjunkspeaker, die oorweging van die departement se kwartaalverslag gee die geleentheid om die departement aan die hand van doelwitte wat self gestel is, te beoordeel.

*English*:

Those aims were therefore thought by the department to be reasonable and achievable.

*Afrikaans*:

Nogtans moet dit nie ’n geleentheid vir haarklowery wees nie, maar liewer om in die breër te kyk of die departement se ... [Onhoorbaar.]

*English*:

One of the important parts of this report is the incorporation of early childhood development into basic education, from social development, where it currently resides. This is a positive and well-considered transition and we look forward to the conclusion of the process.

I want to ... [Inaudible.] ..., it is mentioned that out of a

1 000 school governing bodies sample, 906 or 96% were found to be effective. The question is, where exactly is the ... [Inaudible.] ... It might seem frivolous, but a difference of 5,4% is indeed significant.

More worrisome is the number of objectives of the Accelerated School Infrastructure Delivery Initiative which has not been reached. In the first place, this initiative was launched because provinces did not perform as necessary. If the rescuer does not perform either, we have a problem. Covid-19 might be a reason but maybe not a good one.

Supply of water and sanitation was a top priority, exactly because of Covid-19 and still only 263 of the targeted 600 schools have proper sanitation delivered.

*Afrikaans*:

Daar is heelwat oor ongevulde poste gepraat. Die begroting kon nie ten volle bestee word nie, omdat alle poste nie gevul is nie. Sekere doelwitte kon nie bereik word nie, omdat die belangrike poste nie gevul is nie. Kubaanse kenners moes ingevoer en aangestel word, omdat toepaslike kenners nie in Suid-Afrika beskikbaar is nie. Die direkteur-generaal, Mnr Mathanzima Mweli, verklaar dat ’n tekort aan personeel by die Departement van Basiese Onderwys ontstaan het, omdat ander departemente sy personeel aflok. Die word wat hy gebruik is “poach”. Nogtans, hou die regering vol dat die pool [groep] van beskikbare Suid-Afrikaners vir sleutelposte kunsmatig ... [Onhoorbaar.] ... word, deur sommige daarvan uit te sluit.

Elke departement se werknemers, veral op topvlak moet die bevolking van Suid-Afrika weerspeël. Die departement sal liewer doelwitte wat hy vir himself stel mis en Kubaanse kenners invoer, as om die kwota van wit werknemers te oorskry.

As ’n voertuig se waarskuwingsliggies brand, maar die bestuurder skenk geen aandag nie, is permanente skade die bestuurder se fout, nie die voertuig sn nie. Ek is bevrees dat die liggies al lank brand, ook in hierdie verslag, maar die bestuurder, die ANC-regering, voel ’n veer.

*English*:

Therefore, the FF Plus supports the warning lights accentuated by this report but not the diver who thinks everything is fine.

*Afrikaans*:

Ek dank u.

Ms M E SUKERS: Deputy Speaker, I firstly would like to indicate my support for the report and the recommendations of the committee. To these recommendations, I would like to add a personal concern. The quarterly report provides a snapshot of the departmental activity over the quarter under review.

A snapshot, however, has certain limitations and these limitations are one, critical factors that we are not monitoring. There is an old saying that says, you can’t improve what you don’t measure. Secondly, linked to that is

the idea that you become what you monitor, as an organisation or a department. Are we too focused on narrow operational goals and is a particular department able to provide leadership at a strategic level that drives the changes needed to adapt to an ever-changing environment?

Taking the second point first, covid-19 is a critical infliction point in the development of the education sector. We must thank our leaners, their families, and those educators and officials who did everything possible in this quarter to meet the challenge of trying to do normal in abnormal times, but we must challenge ourselves and the leadership of the department to not try and go back to the old normal, but to move past this inflection point, to embrace a new way with new strategic imperatives. Covid-19 has already created major challenges that will make achieving our educational goals difficult if not impossible.

We see a fall in the Matric pass rate, we hear alarming reports about curriculum coverage and projections that are going to take many years without any further disruptions to close learning gaps. This is to say nothing of the long-term impact on health, family structure and economic wellbeing that

are slowly becoming evident. Thus, this is the environment in which the department is operating.

We need to examine how we move into this new reality with a new openness. This requires the DBE and government working more widely with, and becoming a facilitator rather than a “frustrator” of our independent sector, then using those experiences to become a leader in innovation in the public sector.

This outcome needs to be reflected in the DBEs APPs and to return to this, I want to illustrate, this report does not mention school dropout rates. Why does a child drop out of school? The reasons are multifaceted and interlinked.

We need to monitor school dropout rates very closely and report on it on a quarterly basis. We need to identify the drivers of school dropout and monitor how we are addressing these. Thus, the department needs to change the way it does things. Thank you.

Mr C H M SIBISI: House Chair, the NFP wishes to state categorically that the Department of Basic Education has utterly failed students and teachers in its response to the

Covid-19 pandemic. Despite obvious and significant flaws in its curriculum planning, it has failed to revise it and change the scenario.

For the Department of Basic Education to issue a call for an end of year exam to be scrapped shortly before exams begin and for it to change the school-based assessment and control assessment so late in the year reflect so poorly on the department. The issue that we are struggling with is not necessarily the change, but when the change was proposed to be made.

Whether schools use exams or controlled tests does not really matter. Both can be used to assess learning, but the exams have been the focal end point that schools have been working towards and the whole year’s teaching and learning would have looked very differently, if this plan was cemented and communicated early in the year.

So, whether or not the department has done well in meeting its strategic objectives, we need to assess whether its success translates into the realities that teachers and learners experience at school, week in, week out. Even the plan for the recovery of the curriculum for 2021, the entire curriculum

recovery plan was based on the assumption that there will be no more pandemic disruptions after 2020.

The department also assumed that schools would be able handle the disruptions, without losing any learning time. The NFP would like to know whether the department has done an analysis on the disruptions of the pandemic, particularly how it has affected learners. This would be important when introducing methods to circumvent the repercussions of the pandemic on our learners and teachers.

After studying the circulars that were issued by the department as well as the plan for the recovering of the curriculum, not only is the department not managing to combat the deterioration of our education system with any realistic and practical strategy, but it seems to insist on engaging with businesses due to an approach in other areas.

The NFP shares the frustration of Ms Marika Brahe, who is a history teacher, currently taking a break from fulltime teaching. We need to also assess the extent to which the department has created a conducive teaching environment in the face of this ... [Inaudible.] ... pandemic. This is the future

of our children and of this country. It there is one department that needs to get things right, it is this one.

We also call on the department to conduct an assessment on how the new schedule for learners has impacted on learners outside the school because teachers do not only deal with kids in schools but also deal with the realities learners face outside the school domain that eventually make their way into the school domain.

This assessment would be vitally important for the department to devise a plan for the next academic year that would address the challenges that the school system faced in these two academic years.

We make this call with a heavy heart to establish reports about the shocking stats of learners that have fallen pregnant during this pandemic. [Time has expired.] ... there were 33000 teen mothers in 2020, 660 of them that are younger than 10 years of age.

Mr B S YABO: Hon House Chair, let me extend my greetings to the leadership of the oldest liberation movement on the continent - present here and not present here. Let me also

greet all members of various political formations represented in this august House in the name of Shallotte Maxeke, a struggle icon in her own righty, a trail blazer and a struggle for women emancipation. The ANC wishes to extend its condolences to the family of Latita Nako who is yet another victim of bullying in the basic education sector. May her soul rest in peace!

In a couple of days, we would be part of various activities launching the observation of the annual 16 Days of Activism against women and children abuse specifically, and broadly the struggle against gender-based violence and femicide. We must win the war against gender-based violence and femicide in all its manifestations.

Allow me, hon House Chairperson, to start-off by saying that the ANC continues to place education as an apex priority in government. Also allow me to say that the ANC supports this report. We also note and appreciate the progress made by the department since the last quarterly report. The department having achieved 90% of its targets is commendable. We have noted the progress on issues which were highlighted and the implementation of the recommendations thereon. As the ANC we commend the necessary intervention of the Department of Basic

Education to mitigate the pandemic and implement Covid=19 protocols in particular in rural provinces with less risks to respond to the pandemic. The assistance in Limpopo and in the Eastern Cape with water services and temporary infrastructure to observe social distance and the use of water must be commended by the National Assembly. However, it must be highlighted that implementing agent should be held to account against stringent standards of delivery in order to protect public funds and to get value for money. We want to urge the department to accelerated the delivery of the much-needed infrastructure especially in rural areas where the vestiges of the past are still glaring.

But we must acknowledge the urgency of the department to address the inequalities in the basic education schooling system which were established more than four decades ago and such progress must be welcomes.

We appreciate the efforts of the department in taking the necessary steps to support the provincial education departments to monitor progress on underperforming schools by all means necessary through mechanisms intended to improve performance in those schools. This speaks to the rationalisation of basic education to produce equal and

qualitative education that will respond to the transformation agenda.

We however note the slow progress by the provincial education departments on addressing gender parity in districts in particular. In the appointment of directors and we hereby recommend to the national department to develop strategies to support the provincial education departments to advance the progression of women in all spheres of the basic education sector. We would also like to encourage the department to provide meaningful career advancement opportunities to the youth. Furthermore, though it is not the responsibility of the national department to fill in vacancies of teachers, the national department must develop a desktop system which will support provincial education departments to fill vacancies of teachers as soon as possible in order to avoid disadvantaging learners from receiving qualitative basic education.

The department has done well in this quarter under view and we would like to commend them for increasing their performance, as we see today, from 61% to the 90%. As the ANC we support this report.

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

That this Report be adopted.

Motion agreed to (Economic Freedom Fighters dissenting).

Report accordingly adopted.

# CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON PUBLIC ENTERPRISES ON OVERSIGHT VISIT TO ALEXKOR

Mr K E MAGAXA: Thank you, House Chair, greetings to everybody. I hereby wish to table the report of the oversight visit of the Portfolio Committee on Public Enterprises to Alexkor from the 13th to 14th April 2021. The purpose of the oversight visit was to familiarize the committee with the mine operations and material conditions of the people who are meant to be served by Alexkor. To assess progress that has been made in terms of the implementation of the deed of settlement and the establishment of recognized structures in the Richtersveld Community.

Alexkor is one of the entities that were affected seriously by state capture. The community of Richtersveld is characterized by consistent infighting, a condition necessitated by lack of recognized community structures. Our appeal is that the

Minister of Agriculture, Land Reform and Rural Development must ensure the speedy establishment of community structures in order for the community to benefit from their land. It is not acceptable for that community to continue to suffer from poverty and underdevelopment while their dividends continue to be unaccessible.

While we have to continue to play our role as the members of this legislative arm of the state, we would love the department concerned to also do its work by fast-tracking the process for the sake of this poor community. I therefore, table this report for adoption by this House. I thank you.

Mr G K Y CACHALIA: House Chair, the purpose of the oversight visit was to familiarize the committee with the operations of the mine, the material conditions of the people who are meant to be served by Alexkor, to assess progress that has been made with regard to the implementation of the Deeds of Settlement and the establishment of recognized structures in the Richtersveld Community.

The committee resolved that the Minister of Public Enterprises should ensure sustainability of Alexkor in terms of

operations, financials, governance and assert its future role in the mining industry - A fat chance given the history.

If ever there was a business that should be a cash cow for any government, diamond mining it is - not that the government has any business to be directly involved in mining and as a predictable result, much of the cash generated went directly into back pockets.

The ongoing weakness and current record low rand value should mean record high prices for Alexkor’s diamonds, which come from the vast resource of 90-95% gem quality diamond. In fact, it is so precious that the entire area is off limit to the entire public and yet the ANC government manages to bankrupt the entity.

Alexkor joins the list of almost every single other state- owned entity, SOE, going bankrupt and the question must be asked of the Minister: What are your plans to fix, sell and empower the downtrodden community and stem the continuing losses?

The Alexkor/Richtersveld Mining Company joint venture was initially seen as a victory for the region as it pooled the

community’s rights to mine the depleted land with Alexkor’s marine mining rights, where there still are significant diamond reserves. But skeleton staff, below par accounting systems, not enough in the kitty to cover rehabilitation costs, and unresolved problems with the community continue to dog operations.

The burning issue is diamond theft and the refusal by Alexkor to reinstate the high frequency random polygraph testing to root out the theft syndicate still operating in the plant with impunity. Following on close behind is the unlawful PFMA circumvention by the joint venture – the Pooling and Sharing Joint Venture, PSJV, – with the blessing of Alexkor and the Department of Public Enterprises. This enables a culture of secrecy, gross laziness, crony networking, theft, bribery, gross dishonesty, incompetence and contempt for state resources.

Alexkor cannot fund its mandate due to lack of funding and of returns from the PSJV investment. As at 31 March 2020, the company had accumulated losses of over R300 million and its company’s total assets exceeded its liabilities by almost R100 million. The group and company have a history of significant losses and there are material uncertainties that

cast significant doubt on the group’s ability to continue as a going concern. This oversight visit was long overdue – the committee last visited Alexkor in 2010 and as the testimony at the Zondo Commission shows that the theft in the interim has been legion.

What is this government going to do about this? Despite repeated requests for help from community leaders, MPs on the oversight didn’t visit a single village during the first oversight visit to the area in a decade. Instead, we were given a tour of the bankrupt mine which is beset with allegations of theft, corruption and mismanagement. Despite promises, there were no interactions or visits to the communities where we could have seen the conditions under which people are living.

This is yet another state sponsored experiment that has failed, and it has failed at the expense of the people living there. The tragedy is that children in the Richtersveld, supposedly heirs to one of the world’s richest diamond deposits, are literally eating river sand due to hunger as a once glittering land reform flagship turns to dust.

And in the wake of the visit when the media pressed for answers, the Department of Public Enterprises referred operational queries to Alexkor and the chief operating officer. Mr Lemogang Pitsoe said he could not respond to questions due to work pressures.

There are only three options: sell it, close it down or put it into business rescue. It’s clear that the government has failed here as it has in every single SOE. Noting the usual bland of the report, there’s little we can do but to object to. So, we note it and it would be nice if some well-deserved hindquarters were kicked firmly. Thank you.

Ms R N KOMANE: Thank you very much House Chair, House Chairperson, Alexkor is a state-owned company focused on mining diamonds in the Northern Cape in particular. Like all other SOEs, it is a struggling company and beset by management problems and the interference of the Minister of Public Enterprises in its operations.

I think it would be lazy of this House to simply react to instances of mismanagement of these SOEs as they get reported. We must go deeper and ask about the causes of the so-called collapse of the SOEs. What is the cause and who enables it,

and for what purpose? Who stands to benefit when an entity like Alexkor fails?

In the oversight visit, it was clear that the collapse of an entity like Alexkor is engineered from somewhere. That we have leaders at these entities who want to make them work but are constrained by devilish interference by politicians such as Jamnandas.

Alexkor was forced to work the Pooling and Sharing Joint Venture between the Richtersveld Mining Company and Alexkor, which was established in 2011. To date, all mining operations previously performed by Alexkor SOC Limited are now performed by a joint operation. The Pooling and Sharing Joint Venture is technically insolvent as it has not been generating sufficient cash flow due to the poor performance of its diamond outputs. All these was engineered and in the process, key leaders of government and the ruling party are benefitting immensely from what is supposed to benefit Alexkor and the community around it.

We need a targeted intervention at Alexkor. One that will restructure the company as a model of the state ownership of public resources. Thank you very much.

Mr N SINGH: Thank you very much, hon House Chairperson. The living conditions of people in mining towns has always been challenging. The encirclement of mining towns by informal settlements in almost all areas in South Africa is proof of this reality. The Alexkor case is not an exception. The oversight visit by this committee to familiarise itself with the operations of the mine and the material conditions of the people who live there was due to the persistent calls for help from the people in that area and due to the problems that kept surfacing in the media and through other channels.

Looking at the Report from the oversight visit, one accepts that the problem is much bigger than the mining company. There are many other issues contributing to the plight of the people living in Alexkor, these include corruption which has totally destroyed the Alexkor Mine as the Report tells us. This is tragic, hon Chairperson, given how much destruction and corruption has caused in this country. This year it was reported that over the past five years, South Africa lost more than R1,5 trillion to corruption. The country continues to bleed due to corruption. The lack of accountability and transparency concerning the plans and finances of Alexkor needs to be looked at from both a criminal perspective and

also from a community interest perspective if we are really serious about fighting the crime of corruption.

While the appointment of the current chief executive officer, CEO, help to promote engagement and transparency as the Report tells us, more needs to be done to ensure greater accountability. The results of the corruption and lack of accountability are evident from the high unemployment rate among the youth in that community. This problem cuts across South Africa where more than 50% of youth are unemployed. In Alexkor, the Report of the committee revealed that unemployment does not only frustrated young people, but it is also forced them into poverty and push them into drugs and alcohol.

The fact that these issues made it into the oversight Report, indicate that they are prevalent and concerning for the community. Increasing poverty in mining areas and abuse of alcohol and drugs is not what we want for our communities and certainly not in an area like Alexkor. To address these issues we must ensure that the recommendations of the committee are followed through, specifically, there is a need to ensure that the R45 million funds held in trust for the community adequately and properly used to create youth development and

programs and to finance the acquisition of skills and further education. The IFP accepts the Report. Thank you, Chair.

Mr S N GUMEDE: Thank you, House Chair, hon members of the House, members of the media and South African citizens at large. It gives me a great pleasure to inform the House that African National Congress supports the adoption of the Report of the Portfolio Committee on Public Enterprises on oversight visit to Alexkor Richtersveld Mining Company pulling sharing joint venture. There seems to be consensus among the hon members of the ANC within the Portfolio Committee on the Public Enterprises that Alexkor is the good thing and it should be allowed to thrive.

We are particularly impressed by Alexkor’s substantially improvements on the past few years. For instance, Alexkor generated an impressive revenue of R334 million in the 2019-20 financial year irrespective of the challenges like diamond theft, unconducive weather conditions and poor dilapidated infrastructure which we ... [Inaudible.] ... the joint venture. However, Alexkor, like all other state-owned enterprises was badly affected by the state capture which corrupted the core mission of serving the public to serve the interest of the few people.

Moreover, the current COVID-19 conditions had a severe negative effect on diamond production of the joint venture. As a result, the impressive revenue register in 2019-2020 financial year not have substantial effect on the joint venture. Be that as it may, If Alexkor takes more ... [Inaudible.] ...the financial constraint joint venture will doubtless be enterprise that plays a crucial role in the functioning of the economy in the Richtersveld community and beyond.

Alexkor has already implemented strategies to present itself as a self-standing and able enterprise. Consider the example for instance, Mr Lebohang Pitso, a chief executive officer of the joint venture has introduced a good reputation of accountability and transparency. A chief executive officer, CEO, certainly makes strenuous effort to present the joint venture as a competent enterprise that can be engaged without encountering any disrespect of the rule of law. In short, Alexkor is able to ... [Inaudible.] ... serve the interest of the state in the diamond mining sector with expertise. Aside from these, Alexkor is currently restructuring its business model to ensure its financial sustainability. Such efforts should not be taken for granted.

Going further, the Northern Cape province presented a comprehensive economic plan which involves among other things, the creation of Namaqua special economic zone and the Roggebaai harbour. Namaqua seeks to develop road networks that enable the province to have access to domestic, regional, and international markets. Meanwhile, Roggebaai intend to reduce the cost of moving cargo within the provincial intact. These projects will reduce Alexkor’s cost of business in two complementary ways. Firstly, Namaqua will contribute towards the process of attracting the mining industry thereby enabling the joint venture to accurate revenue and thus contributing to the social economic empowerment of the surrounding communities. Secondly, Roggebaai will unlock greater edge export logistics capacity for diamonds in the province. this intent will allow the joint venture to take advantage of the economy of scales.

Therefore, it sounds unreasonable to kill a proverbial goose with a golden egg that shows full potential to capacity spare national, provincial and regional social economic development. We are saying all these cognisance of the challenges faced by Alexkor. One pertinent challenge pertaining to Alexkor has been the issue of membership in the Richtersveld communal property and the establishment of the structures of the

Richtersveld community which has caused delays in the beneficiaries receiving their dividends. However, there are measures in place to resolve these challenges to ensure that the joint venture exists to harness and further, the interest of all key stakeholders.

Among the successful measures in place to resolve those challenges was the consultation where consensus was reached that transfer of land in the line with the deed of Settlement must follow the Communal Property Association, CPA, constitution. The impact of this success will be evident as soon as Alexkor starts with the process of rehabilitating land or operatives and explore new marine mine metals. Perhaps important to the tabled Report the exploration of new marine mine method is likely to create a job opportunity in the Richtersveld community ... [Time expired.] ... the ANC supports the Report.

The CHIEF WHIP OF THE MAJORITY PARTY: Thank you very much, House Chair. House Chair, I move that this House support the Report.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Judith Chabalala, please, do not disrupt the proceedings.

Motion agreed to (Economic Freedom Fighters dissenting).

Report accordingly adopted.

# CONSIDERATION OF INTERIM JOINT REPORT OF PORTFOLIO COMMITTEE ON EMPLOYMENT AND LABOUR ON JOINT OVERSIGHT VISIT WITH STANDING COMMITTEE ON PUBLIC ACCOUNTS TO UNEMPLOYMENT INSURANCE FUND HEAD-QUARTERS

Ms M L DUNJWA: Good afternoon House Chair, hon members and the House and in the virtual platform, Ministers, Deputy Ministers

...

*IsiXhosa*:

... nani bantu boMzantsi Afrika nabasebenzi bephela.

*English*:

The Portfolio Committee on Employment and Labour, took a joint oversight venture with Standing Committee on Public Accounts, SCOPA and Unemployment Insurance Fund Head-Quarters in Pretoria on 30 October. The purpose of this is to highlight issues raised by the various units at Unemployment Insurance Fund, UIF Head-Quarters. The main objectives of the visit were to visit to the UIF, were to assess the level of effectiveness

internal controls, assess the effectiveness of the internal audit, assess supply chain management policy, assess the scope of Special Investigating Unit, SIU, before the proclamation is concluded.

The background, the objectives above were informed by, among others things, the following facts, SCOPA was following up on

some irregularities within the UIF, reported to them in June 2020, the Auditor-General reported, to the Portfolio Committee

in September 2020, some serious financial misconduct and fraudulent investigations against the UIF. Some senior

management officials of the UIF which at the time were on

suspension following the investigations. Lack of consequence management and inadequate management of contracts and systems,

that led to wrongful payment of COVID-19 Temporary Employer/Employee Relief Scheme (TERS) to illegal and

unauthorised beneficiaries.

Our focuses were on online claim registration and declarations, finances. For example, most of the claim processes here, are escalated from various labour centres in different provinces. Call centres which were supervised by only eight people and agencies were 39, which were inundated with calls and emails, on a daily basis. At the time, the

current backlog was 240 000 plus, emails that have to be processed by these eight supervisors and the 39 agents.

The Information and Communications Technology, ICT, which was

managed by a consulting company, which at the time was the

third year, and was appointed to manage risk. The claim was that, the register is updated on a weekly basis and the

employees of this company did not advise management about the shortcomings of the system.

Our observations therefore as the committee was that, the UIF

had distributed R24 billion TERS over 330 000 employers and

benefitting several employees in an unprecedented manner. There had been challenges and delays, particularly at the

beginning when developing of policies and directions and repurposing the UIF for its new mandate. The UIF’s Bid

Adjudication Committee, BAC, requested a deviation from the normal procurement processes in order to appoint the service

providers. All the service providers were appointed on a deviation. Lack of verification of applicants representing employers among others.

Our recommendation to the House, is that the UIF’s audit

committee oversees, controls weaknesses, and takes corrective

action concerning internal controls. A skills audit is conducted to determine whether the current staff have the necessary skills required by the UIF. The Head of Human Resources and senior management fill vacant posts as a matter

of urgency. Management establishes, documents, and implements

a fraud prevention plan. The Department of Employment and Labour appears to the portfolio committee to present a

strategy on how to turn around the current situation. And that report of the SIU on cases of fraud against the UIF is

provided to the committee as soon as it is finalised. And up to date we are still waiting for that report from SIU which we

hope that by next year we will get the full report. We are

here tabling the Report, House Chair for consideration by this House. I thank you.

*Declarations of Vote:*

Mr N E HINANA: Good evening, House Chairperson, hon members and to all South Africans. On 30 October 2020, as Portfolio Committee of the Department of Labour and Employment and jointly with Standing Committee on Public Account, SCOPA, we took an oversight visit to the Unemployment Insurance Fund Head Quarters in Pretoria. There are serious allegations of poor management of Unemployment Insurance Fund, UIF funds and lack of accountability by this entity.

Despite the fact that this government does not have the strategy to fight the current 42% unemployment rate and alleviating the sea of poverty our people are drowning in, this careless government which is very unsympathetic, continues to condemn the deserving beneficiaries of UIF people and condemn to perpetual lifestyle of misery.

House Chairperson, when we took the walk about in different units of UIF offices, we were astonished by the revelations that the majority claims have been escalated from various provinces around the country. There is a backlog of claims that could not be successfully processed, the Information and Communications Technology, ICT company that has been appointed for the last three years, failed to do its diligent responsibilities. The Fillings and Records Office was never made secured and the confidential files and tenders were exposed.

House Chairperson, Standing Committee on Public Account, SCOPA was informed of the serious irregularities within the UIF. The Office of the Auditor General also had informed the committee in September 2020 of serious financial misconduct and fraudulent investigation against the UIF. Very prominent senior management officials of UIF are currently under

suspension. Lack of consequence management and poor management of contracts resulted in undeserving, unauthorized and illegal people becoming the beneficiaries of COVID-19 Temporary Employees Scheme which is called TERS. Some of these illegal beneficiaries were the members of South African National Defence Force, were prisoners, the deceased people. It was just a free for all at the expense of the well deserving beneficiaries of this fund. Where was the Minister of the Department of Labour and Employment when brazen arrogant and maladministration of funds were exploited?

It must be made clear that the entire entourage of the ministry was well represented and high delegation of officials were present when this poor state of affairs was shared with the committees. House Chairperson, the buck stops with hon Minister Thulas Nxesi. Can the Minister here, assure these victims of the greedy UIF officials, that they will get their UIF? If yes, when Minister will the beneficiaries get their benefits?

As DA, we say this Report does not go far enough. There is a complete breakdown in good governance at the UIF. It is hopelessly inefficient. And the beneficiaries wait forever to get money they rightfully deserve. We have never been informed

of the outcome of disciplinary hearings against the UIF officials implicated in the fraud and corruption – something that has to do with TERS scheme. The whole matter is shrouded in secrecy. The Minister dodges accountability, his responsibility. And, as I speak, the UIF’s most recent audit is still outstanding. The Minister of Employment and Labour needs to wake up and get serious about the disaster that is happening at the UIF and relieve those people who deserve ... and wait their benefits. Thank you.

Ms C N MKHONTO: Thank you**,** House Chairperson. House Chairperson we went on an oversight visit to the Unemployment Insurance Fund, following various reports on mismanagement at the institution. We must say that as a EFF, the visit was prompt and the timing was perfect. Parliament’s Standing Committee on Public Accounts had previously raised concerns about the Unemployment Insurance Fund, UIF, so did the Auditor General and many members of the public who struggled to access their unemployment benefits. These problems were made worse by the way the COVID-19 TERS benefits were distributed, which allowed for corruption between employers and the UIF to prosper, leaving thousands of workers without income for extended periods of time.

While all this is known, there has been no consequence management. None of the officials who were involved in the corruption have been arrested or even fired, none of the companies have been prosecuted, and none of the workers who have had their benefits taken away have been reimbursed.

During that oversight visit, we noted that the UIF distributed over R24 billion in Temporary Employees, TERS, benefits, but could not verify that all this money went to where it was meant to go, that is to the workers. We need to urgently ensure that the UIF appoints the audit committee it promised to appoint, in order to account for every single cent of worker’s money, and ensure that those who need to account do account. House Chairperson, the timeframe for internal disciplinary processes and the implementation of the Special Investigating Unit, SIU, recommendations cannot be open ended. The Minister and his Director General, DG, must ensure that the process is fast-tracked and concluded.

*Siswati*:

Sihlalo WeNdlu, sikhatsi sifikile kutsi leLitiko libonakale njengeLitiko lelimela basebenti. Akungabi Litiko lelimela basebenti balo nebacashi. Basebenti bayahlupheka, abakhoni

kutfola timali tabo, ngoba emagama abo nemininingwano yabo kusetjentiswe bacashi kutsi batfole i-TERS.

*English*:

The EFF welcomes this Report. Thank you House Chairperson.

Mr N SINGH: Hon Chairperson, today as we reflect on this oversight report to the Unemployment Insurance Fund, UIF headquarters in Pretoria, we want to appreciate the efforts by both the Portfolio Committee on Employment and Labour and the Standing Committee on Public Accounts, Scopa, who conducted a joint visit on 30 October 2020. It is our hope that these efforts will not be in vain and will result in meaningful change in the issues under discussion today.

It is very unfortunate that today's discussion, once again, will be centred on corruption and fraudulent activities involving civil servants and the UIF COVID-19 Temporary Employee Relief Scheme, TERS. Our interest today lies in the administration of the COVID-19 TERS payments. The COVID-19 TERS is a measure designed to provide relief to employers and employees in South Africa, created under disaster management regulations. Whilst this facility had managed to make payments above R60 billion, cushioning more than 5 million employees

who lost their jobs during the pandemic, the achievements of this relief payment scheme are overshadowed by the irregularities that have emerged since the payments were initiated. The pandemic has once again shown how greed and selfish interests can take predominance in our government issues or our government Ministries.

We are disappointed by the officials who manipulated the system to divert billions of rand meant to benefit the unemployed through the scheme. The billions that were stolen through this facility are a clear demonstration of the rot in our government, even though by March 2021 close to R2 billion had been recovered. It is our hope that all the money that was stolen during the COVID-19 TERS is recovered. We also trust that those responsible will face the full might of the law and be in orange overalls soon.

We also wish to express disappointment in the absence of adequate verification systems in the disbursement of funds through these payments. The IFP supports the recommendations in this report, especially on the need for a system that minimises fraud. We support the implementation of consequence management and it is our fervent hope that these

recommendations will be fully implemented and monitored by this committee. We support the report. Thank you.

Ms H DENNER: Hon House Chair, Parliament recently received a report from the SIU that more than 6 000 government employees benefited from the UIF TERS Fund to the tune of R351 million. This number was initially reported as R41 million. During the oversight visit of the Portfolio Committee of Employment and Labour and Scopa, the UIF admitted that some SA National Defence Force members benefited from the UIF fund because of a database that was not updated to verify ID numbers. The fund also admitted that a lack of accountability and incapacity amongst staff led to the ICT system challenges at the entity.

The ICT system, it seems, was or is more of a drawback than the two when it comes to the processing and payment of UIF claims, be it TERS or normal benefit claims. Another drawback was identified during the oversight visit as the lack of consequence management, which is a continuous drawback in nearly every government department and entity. Once again, the lack of consequence management and inadequate management of contracts and systems lead to wrongful payments of the COVID-

19 TERS funds to illegal and unauthorised beneficiaries. Last week we received a report from the Auditor-General of South

Africa, AGSA, about the Department of Labour and some of its entities audit outcomes and lo and behold, consequence management or the lack thereof, was once again identified as a shortcoming in this department. And speaking of government departments, we would like to know what the consequences within the different departments are for the 6 000 government employees who benefited from defrauding workers in dire need of TERS funds from that R351 million that was paid to them.

Many other shortcomings were identified, such as a lack of proper supply chain management, ICT system problems, as I've mentioned, internal control deficiencies, critical post vacancies, low staff morale and an under capacitated call centre were 39 agents had to handle calls for the entire country and only eight agents had to work off a backlog of

440 000 emails.

What is most worrying about all these observations, is that the UIF appointed a consulting company three years prior to this oversight visit that was tasked with risk management. Should all these shortcomings and clear as day risk factors and problems not have been identified and addressed during those three initial years, how is it possible that millions of rand were still lost to fraud and corruption while someone is

appointed to identify and prevent exactly that? Where are the consequences of these failures? And when will this be addressed once and for all? House Chair, I thank you.

Mr C H M SIBISI: The NFP welcomes the report by the joint oversight visit by Scopa and the Portfolio Committee on Labour and Employment to the UIF headquarters. The following issues were identified by the members during the oversight visit; in the call centre, there were eight supervisors and 39 agents who are inundated with calls and emails on a daily basis, either registering complaints, requesting TERS payouts or normal UIF claims.

Two, at the time there was a backlog of about 440 plus emails that have to be processed by eight of the 39 agents. The entity's ICT unit is situated on the fifth floor and is responsible for the system development, networking and business support. This is where the wrongful payments were authorised and there are flaws in the entire system. All the same, a consulting company, Vindhya, is in its third year and was appointed to manage the risk. They claimed that a risk register is updated on a weekly basis. The employees of Vindhya did not advise the management about the shortcomings of the system and, fourthly, the filling room is situated on

the 11th floor and is full of boxes piling up the walls. A safe where the tender documents were said to be kept was openly accessible inside the filing room with the keys carelessly hanging on the key slot. Fifthly, communication lines between senior and junior staff are very strange and in general, officials are scared to take decisions for fear of victimisation since there are a lot of suspensions going on.

The supply chain management staff complain about the deviation and interpretation of the National Treasury's policies. The Auditor-General findings suggested that no proper supply chain management processes were followed to appoint at least five companies for the Awareness Campaigns and that appointments were made based on motivation for sole service providers. We reiterate these issues as outlined in the report to amplify them in the platform and call on the Minister to expedite any process that his department may have undertaken to address these matters.

We call on the Minister to not only acknowledge the shenanigans that are happening in that establishment but to propose a legitimate action plan with timelines of how and when his department is going to do something about this. The shenanigans happening in that building largely affect our

people lest we not forget these funds are desperately needed by our people for their livelihood and it is deeply and extremely concerning that in an institution responsible for the disbursement of funds to people who have lost their jobs was inundated with so many shortcomings. The commissioner also acknowledged that payments to the SANDF members were the result of the database not being updated to verify ID numbers. How is the database not updated? We fail to understand how the very tool that is used to finalise the process of payments to the beneficiaries was not updated.

*IsiZulu*:

Yini kanti okumele abantu bayenze ukuze banakekelwe ngendlela eyiyo nguHulumeni waseNingizimu Afrika. Abantu bethu sebehlukumezeke kakhulu ...

*English*:

... House Chair and all we ever hear from these agencies and government institutions’ officials are excuses or everything wrong.

*IsiZulu*:

Akukho okuhle esikuzwayo.

*English*:

Meanwhile ... [Time expired.] ... the NFP concurs with recommendations outlined by the committee.

Mr S W MDABE: Thank you very much, House Chair, and good afternoon to the hon members, the Unemployment Insurance Fund, UIF, is one of the key entities of the state, which is attached to the Department of Employment and Labour. The role that it plays cannot be overemphasized.

It is an entity that is designed to be responsive to vulnerable members of our society, particularly workers. In times of need for the workers, the UIF must respond. It is one of those institutions that ought to be guarded jealously by all of us. That’s why as a Portfolio Committee on Employment and Labour jointly with the Standing Committee on Public Accounts, Scopa, we felt it was important to pay them a visit, especially when we felt something was not right.

In the recent past, the UIF has not done very well. If this country did not have an entity like the UIF, the entity would not have accumulated funds that it had handy when the workers were locked in the coronavirus lockdown.

The report that we are tabling for consideration by this House does indicate that the UIF had distributed R24 billion in COVID-19 Temporary Employer/Employee Relief Scheme, TERS, benefit, covering 330 000 employees. Of course, that amount is far more than that right now.

Based on the report that was presented by the Auditor-General to the portfolio committee and the portfolio committee after engaging with the various units on the oversight visit at the UIF, we made the following recommendations: That control measures are identified and developed with consideration of their cost and potential effectiveness in mitigating risks; management develop and implement fraud prevention policies; management maintain an effective risk management policy which should be continuously evaluated and updated on financial reports; reasonable steps should be taken to recover debts before they are written off; the Department of Employment and Labour appears before the portfolio committee to present a strategy on turning around the current situation at the UIF; an electronic filing system be installed to avoid piles of boxes in the filing room; and the department reports back to the portfolio committee on the progress made with regards to the above-mentioned recommendations within one month after the

report has been tabled in this august House. The ANC supports the report.

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

Agreed to

# CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON MINERAL RESOURCES AND ENERGY ON OVERSIGHT VISIT TO WESTERN CAPE PROVINCE

*IsiXhosa:*

Mnu S LUZIPHO: Hayi umthi wasemaBheleni uyasebenza, kudideka izinto.

*English:*

House Chair, hon members, I submit this report on mineral resources and energy, for adoption and approval of this House. It is based on an oversight undertook on 26-27 February 2021 at freeway, Saldanha Bay and Milnerton. It was as a result of the subsequent forced visit to Mossel Bay PetroSA to look at the performance of the entity which is Petroleum Oil and Gas Corporation of South Africa, PetroSA, as well on the solar

water heater programme. The more the committee having it also took the PetroSA offices in Parow, where it received a briefing on the solar water energy heater programme.

It in this oversight programme, the committee had planned on also to visit Eskom’s Koeberg Nuclear Power Station. However, due to unforeseen circumstances, that oversight visit had to be postponed and it remains outstanding. Key issues that emanated from the oversight visit involve the following: During the tour of the SFF Storage Facility in Saldanha Bay, it was found that of the 6 crude oil storage tanks, two were leased to private traders whilst the remaining two – that is Tank 5 and Tank 6 – stored strategic fuel.

Of concern though was that within 2km or less than 2km from SFF Saldanha Terminal, they seem to be enough storage facility which is privately owned and listed. When the question was asked on the adjacent tanks, the answer that was given was that the tanks were almost similar to those of SFF because one of the former employees was working for the company.

During the visit, the central energy fund and its subsidiary, the SFF is being implicated on the sale of the strategic

stock. I place this report for adoption and approval by this House. Thank you very much!

*Declarations of Vote:*

Mr K J MILEHAM: House Chairperson, the Portfolio Committee on Mineral Resources and Energy conducted oversight at various departmental sites in the Western Cape at the end of February this year. While this report faithfully notes the finding of the committee, it is a great concern that the recommendations and requests of the committee arising from that oversight report had not been implemented, and the department has been remarkably unforthcoming in providing information about the issues raised.

It is also a concern that committee members lack a basic understanding of business, intellectual property rights and the law regarding national key points, or as they are now termed critical infrastructure. In Saldanha Bay, members noted a facility and hon Luzipho pointed this out – a short distance from the strategic fuel fund tank form - that looked similar in appearance but was owned and operated by a private company. This safe felt in some way impeached on the intellectual property rights of the SFF, as the former employee now work there. No evidence was led in this regard, and fact remains

that oil storage tanks are a fairly simple design and are used world over. Yet, for some reason, committee members seemed to believe that this design belongs to the SFF.

With regard to the sale of the strategic fuel stocks, on which the committee was briefed, it was noted and hon Luzipho pointed it out, that it had already cost the country an excess of R4,7 billion, and that the quarter bills were estimated to cost a further R2, billion. The committee requested that the SFF and the central energy fund provide the committee with the copy of forensic report on the sale of the strategic fuel stock as a matter of urgency. To date, we have not received it.

We are therefore unable to follow up on the consequences that should arise from this invalid illegal and irregular sale. The person who ultimately signed off on it still sits in these benches as the chairperson of the Portfolio Committee on Police. Is it any wonder that nobody has been arrested yet?

At the Milnerton Tank Farm, another facility owned and operated by the SFF, it was revealed that the tanks were supposed to have been refurbished in February 2014, but that they disputed the reason over the cost of refurbishment. These

tanks were in an appalling state of repair. It was further admitted that the SFF did not have the skills inhouse to manage the refurbishment process. Although the refurbishment process was supposed to commence in March this year, there appears to be very little progress in this regard, and there is very little prospect of it becoming operational in the short term.

While at the tank farm, we were shown a storage facility solar water heaters which form part of the national solar water heater programme, SWH programme. Members of this House will recall, for several years now, that there has been a major concern about very little tangible progress and costs running to hundreds of millions of rands and this is rising annually.

Despite promises from departmental officials in 2020, there would be a significant movement in the installation of solar water heaters, the reality is that tens of thousands of units remain uninstalled, stored in an unsafe manner which is leading to breakages and losses while incurring further costs. The department committed to, and the committee recommended in this report that they would provide a monthly report on installation progress. Again, these have not been forthcoming and the programme remained stuck in mud.

The oversight concluded with a visit to the PetroSA head offices in Parow. These offices are far larger than is required by the organisation, and they are a long way from their primary operating facility in Mossel Bay. Despite this, there was talk of the SFF and CEF utilising the space. We have not received any further information in this regard.

It is apparent, however, that SOEs - and I don’t limit this to the Department of Energy’s SOEs - have invested in large and fancy office at the expense of their core functions.

Much needs to be done to sort out the property portfolio of the CEF, and much depends on the proposed amalgamation of the various CEF subsidiaries. We are waiting for updates in this regard. This is indicative of the department’s inability or unwillingness to keep the portfolio committee property apprised of its efforts. The DA support the report. [Applause.]

Ms P MADOKWE: Hon Chairperson, the sale of the country’s strategic fuel to foreign private entities has got to be one of the most heinous acts of corruption perpetrated by the ruling government in the energy sector - an arrogant display

of dubious corrupt activities that the perpetrators knew very well would go unpunished.

Notwithstanding the current Eskom and load shedding crisis, tailing close behind is the failed solar water heater project which had projected the installation of one million solar heaters by 2015. Six years beyond the deadline, only roughly

400 000 units were accounted for, and there was no clear plan

in place to ensure the project’s completion.

This project did not only cost taxpayers millions of rands that could have been put to better use, but it also incurred significant storage fees and loss. A carrying water with a basket situation. Countless low-income beneficiaries have been left waiting indefinitely.

There was still no indication that those who bungled both projects and were discovered to have used their positions of authority for corrupt activities would be held accountable using internal processes. Instead, they were left to carry on with their lives while the department fought legal battles that might cost taxpayers billions of rands put some of our SOEs out of business. To date, there is no implementable internal anticorruption and fraud prevention and detection

policy nor any intention to develop and maintain it. Almost everything is left to the courts to resolve.

The disregard of the rule of law by the Department, its officials, executive accounting officers right down to the most junior employees - some of whom did not even bother to form part of the oversight and account to the Portfolio Committee - is primarily why we do not and will not see the desired progress the entire energy industry of this country needs, and why such corrupt activities continue.

Other observations made by the committee included the sketchy details around the donation of land which led to a legal dispute between the City of Cape Town, SFF and developers; a former employee involved in the building of an exact replica of the storage facility just a stone throw away from the SFF in Saldanha Bay; and the department’s failure to prosecute or blacklist service providers who failed to execute their duties and also failed to comply with the law.

The report’s contents capture the committee’s observations and recommendations, which would have provided a way out of the mess the DMRE had created for itself and, ultimately, the country. However, the fact that a report compiled and

published in March of this year is only being forwarded for consideration eight later shows blatant disregard for some of the already long-overdue and urgent issues raised in it and the entire exercise of doing the oversight in the first place. We, however, support the report. Thank you very much.

Mr N SINGH: Thank you, hon House Chairperson. I hesitated because hon Msimanga was supposed to do this on line, but it seems that he has a problem. Oversight visit to state entities form a critical part of Parliament’s oversight function and present us for the unique opportunity to experience a state of these entities first hand. It also provides us as committee members with inside to the practical challenges experienced by these institutions. Reports by state institutions cannot provide such information and it is, therefore, critical that we ensure that our oversight visits are properly recorded and that failures noted are followed up on. The Committee on Mineral Resources and Energy visit to the strategic fuel funds facilities in Saldana Bay and Milnerton in February 2021, afforded a good opportunity to view the maintenance of the storage facilities first hand.

The IFP, however, must note its displeasure that the committee was unable to visit the Koeberg Nuclear Power Plant. On

contribution of the committee’s report the IFP concurs with the committee’s observations that the state of the Strategic Fuel Fund Association, SFF, facilities in Milnerton was unacceptable. The progress of the process of refurbishment of

... should be carefully be monitored by the committee. This process has been incomplete for a considerable period of time and the committee must enforce progress reports on the state of this facility specifically.

The IFP also wishes to emphasise its concern with the slow progress by the Department of on Mineral Resources and Energy on the installation to solar water geysers as has been said by colleagues previously, in particular as a report notes during an earlier oversight visit in December 2020, to Petroleum Oil and Gas Corporation of South Africa, PetroSA, the committee was told that the department would install 1 800 solar water units in Mossel Bay by the end of January 2021. However, it appears that only 178 units were installed in Mossel Bay by the end of that period. This situation is alarming and demands urgent attention ... and by the way, hon House Chairperson, I also received a report that there were some 8 000 units to be installed somewhere and there is only less than 500 that have been installed and yet monies have been allocated.

The IFP strongly agrees for the committee’s recommendation that the director-general of a department should urgently meet with the director-general of Co-operative Governance and Traditional Affairs, Cogta, and the chief executive officer of the SA Local Government Association, Salga, to intervene in the implementation of the national solar water heater programme. In conclusion, the IFP remains committed to diligently monitoring the performance of state entities and these oversight visits. We believe that if adequately prepared and properly arranged these oversight visits provide invaluable information into the real state of affairs concerning the maintenance of state facilities. The IFP supports the report. Thank you.

Dr W J BOSHOFF: Hon House Chair, the Portfolio Committee for Mineral Resources and Energy visited the Strategic Fuel Fund’s storage facilities in Saldanha Bay and Milnerton. In summary it can be said that these facilities are underutilised and even dilapidated. An institution which still earned

R164 million in 2013-14, only earned some R2 million in the most recent financial year. The fact that these facilities, together with those in Ogies in Mpumalanga, are large even in global terms, has everything to do with a history when trade in oil could at any stage be interrupted. It was, therefore,

essential to store huge volumes of crude oil and to have domestic capacity to produce liquid fuel and by-products from this strategic commodity.

Today the overwhelming portion of petrol, diesel and aviation fuel is imported as finished products. Inevitably that means that the country is less resilient against disruptions in global supply, but also that domestic jobs are lost and facilities stand empty. In fact, an investigation of oil storage facilities is incomplete without considering refining capacity. Due to lack of clear policy and the trust needed to make long term investments, refineries in South Africa did not keep up with international developments. Currently, our facilities are deemed too small to be feasible and also do not meet international standards for clean fuel. Sasol is the exception. This means that the court may instruct the fund to repossess its facilities and re-equip it to store oil, but that will only make sense within a broader context which differs from the present one.

It seems as if the committee incidentally noticed the large number of solar heaters which are stored in the Saldanha Bay facility. 80 000 solar water heaters all over the country were planned, 55 000 delivered and 5 000 installed. The electricity

which could have been saved can be estimated, but the gains in dignity and better hygiene is beyond estimation. This is a footnote to the report. What the report is actually about, is the illegal and ill-advised selling of the national strategic oil reserve, and of the land on which related facilities are housed, both of which had to be reversed. What is not evident from the report, is that the neglect might be a blessing in disguise.

Investment in crude oil refineries might have locked us in a previous era. Electric transport may become the preferred mode of mobility, not because of climatic concern or even affordability, but just because it will be availability. The FF Plus supports this report.

Mr C H M SIBISI: No declaration, House Chair.

Mr M G MAHLAULE: Thank you very much, House Chair. The oversight visit occurred on the 26 and the 27 February 2021, and the report was adopted by the portfolio committee on 17 May. The oversight visit was necessitated by the challenges which were faced by the subsidiaries of the central energy fund, namely: the strategic fuel fund and PetroSA. At the same time the Department of Mineral Resources and Energy gave the

committee a briefing on solar water heater programme which has also experienced challenges. The committee as the Chair has alluded had planned to go to Koeberg, but it could not be. The portfolio committee visited the Strategic Fuel Fund Storage facilities in Saldanha Bay and PetroSA head office in Parow and also received the briefing on the implementation of the solar water heater programme.

Now, we need to clarify some of the issues that when you are self-appointed as a speaker of white monopoly capital you will say wrong and listen to yourself and think you are saying right. Now, you have a tank that looks exactly like that of Saldanha Bay. Now, a former employee is responsible to build that and all of a sudden there is a copywriter that is lost and now only a fool, only a fool can’t see that there is a problem there. The oversight visits to Saldanha storage facility was in two-fold, namely: to visit the facility and assess the operations of the facility and receive a briefing on the issue of the court proceedings regarding the sale of strategic stock. Now, you come here climb up-and-down and you want somebody to be arrested when there are court proceedings and the internal disciplinary hearings are taking place. Only a fool again can expect that.

The storage terminal in Saldanha has the capacity of

45 million barrels and is the biggest facility in the Southern hemisphere with respect to capacity with six storage tanks. It is a subsidiary of the ... energy fund which is registered as a not-for-profit organisation, meaning it does not have to declare dividends. To generate income, the entity leases its facilities to third-parties and traders. SFF is one of the best performing entities within the Central Energy Fund, CEF, group. It also has the second largest oil pollution control unit in the world. During the oversight visit it was reported that four tanks were leased to traders including Astron to supply crude oil in the Milnerton Refinery and the others are storing strategic crude oil.

Therefore, in relation with the unlawful sale of strategic stock, the court proceedings want to set aside the unlawful transactions and to give effect to the applicants’ constitutional obligations and restore title of the strategic oil stock to SFF. The court judgement was in SFF’s favour and the title of the strategic stock is with SFF with the entity needing to refund the trading companies for the payment, interest and hedging and other costs. CEF and SFF filed a leave to appeal application to appeal to the Supreme Court of Appeal over the hedging costs. Why? Because the department saw

that you can’t say that they must pay the hedging cost on an

already declared illegal transaction.

The Milnerton tank farm has 39 tanks and there has been issues around the refurbishment of tanks at the tank farm, but the project is finally progressing. Another issues surrounding the facility was the dispute of SFF land with the Department of Land Affairs had donated to developers. The dispute was settled out of court, you must appreciate that. You must appreciate things that over time have made progress, House Chair. Yes, there’s so much explanation. On 13 and 14 November 2020, the committee visited PetroSA gas-to-liquids, GTL, plant in Mossel Bay to understand the challenges which the company is facing given the problems associated with Project Ikhwezi which failed to supply the plant with sufficient gas and PetroSA at that time had R14,5 billion right down. PetroSA has also environmental liabilities worth R9,8 billion, but only has set aside R2,4 billion for the cost because they don’t have money.

The committee received briefings on the turnaround strategy of PetroSA, and the committee has made important observations and recommendations on the oversight visit. The portfolio

committee as part of which work will look at the observations and implement the findings and recommendations. I thank you.

The CHIEF WHIP OF THE MAJORITY PARTY: Thank you, House Chair. House Chair, I move:

That the House adopts this Report.

Thank you.

Motion agreed to.

Report accordingly adopted.

# CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON ENVIRONMENT, FORESTRY AND FISHERIES ON OVERSIGHT VISIT TO KWAZULU-NATAL PROVINCE FROM 3 TO 5 FEBRUARY 2021

Ms A F MUTHAMBI: House Chairperson, greetings to you all fellow colleagues. The Portfolio Committee on Environment, Forestry and Fisheries conducted an oversight visit to the province of KwaZulu-Natal on 03 to 05 February 2021. The purpose of the oversight was to visit iSimangaliso Wetland Park to determine the impact brought about by the human

inference with St Lucia Estuary system. The inconsistent historical management of the estuary system resulted in the estuary ecosystem imbalances and compromised stakeholder relations which the entity had begun correcting.

The second purpose of the oversight visit was related to the Engen Refinery. The visit was about determining the progress concerning the fire incident which happened on 04 December 2020, and following up on the commitments made by the Engen Refinery during an urgent meeting which was convened by the committee after the incident.

The committee also focused on stakeholder engagements, including the communities around iSimangaliso and Engen Refinery. This was done informed by the constitutional provisions which is sections 56 and 24. The committee also received presentations from iSimangaliso, and interacted with management and stakeholders that were present. The discussions and the estuary cantered around the project aimed to improve the environment and ecological functioning of St Lucia Estuary.

The practical and sustainable solution for improved ecological functioning was relinking the Umfolozi River with the St Lucia

system. The fishers appreciated the bridging of the river mouth as it enhances the exchange between the estuary and the ocean, thus improving their fishing catches. The committee also appreciated the ongoing upgrades and construction project at the facility aimed at enhancing the visitors experience.

The fire incident at the Engen Refinery which thus refers to as an explosion incident caused air and water pollution, health, distress and damaged the property in Wentworth and surrounding communities. The fire was brought under control within two hours. However, the smoke and smell continued for hours later.

The committee interacted with Engen management and took a tour to the incident site, then interacted with community members and land governmental organisation operating in Durban. The committee also noted Engen’s ... [Inaudible.] ... of shifting blame for the incident to its contractor, and was not concerned with the physical and psychological trauma suffered by the community before the incident.

The interaction with the stakeholders revealed some unhealthy working relationship between the refinery and the surrounding communities. Communities felt like benefits were not flowing

to them in the form of employment and business opportunities. It was concerning to note that the 66 years old refinery had two similar fire incidents in 2005 and 2008 resulting in the short term closure of the refinery.

The committee made pertinent observations, interacted with stakeholders, deliberated, made recommendations and adopted the oversight report which I am bringing to this House. It is from this basis that I present the oversight report for the House adoption. I thank you, House Chairperson.

*Declarations of Vote:*

Ms C PHILLIPS: House Chair, the portfolio’s visit to KwaZulu- Natal appeared to be carefully planned and controlled. The ... [Inaudible.] ... see in both St Lucia and Durban were not as revealing as the later interactions with the communities.

ISimangaliso and the World Heritage Site cannot be seen in isolation. The surrounding communities are enterable part of this estuary and the wetlands and iSimangaliso as a whole.

In St Lucia, in particular, we saw the effect that years of scientific interventions, extended drought and COVID have had on the town of St Lucia and the rivers and the estuary. The

mechanical opening of the mouth had a welcome, if short-lived, positive effect on the communities.

The DA welcomes the appointment of the high level panel by the Minister. The communities surrounding iSimangaliso have all been negatively affected by the estuary, which is no longer functioning naturally. The salted rivers with dense reed growth have caused the back flooding of farm lands, both commercial and small scale. Together with an extended drought, COVID and an increase in fishing, this will lead to an unsustainable society, economic hardships and even murders.

The DA looks forward to a speedy and sustainable solution to the problems posed by the non-working estuary. The communities surrounding iSimangaliso deserve a solution that is not only an environmental one but also a socioeconomic one. We cannot stand by and wait for a once in 20 or once in 50-year flood and hope that it will solve the problem. People are jobless now. Farms are flooded now. The river is blocked by salt and reeds now. The communities surrounding iSimangaliso have asked me to report that they need a solution now. I thank you.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon members, may I remind you in the interest of the safety of all present in the House that you keep on your masks. The hon Paulsen, EFF?

Mr M N PAULSEN: Chairperson, the committee’s oversight started at iSimangaliso Wetland Park, a world heritage site, we also visited Lake St Lucia, Ramsay site located within the iSimangaliso Wetland. Ramsar is a convention on wetlands which took place in Ramsar, Iran in 1971 and referred to as the Ramsay convention or Ramsar.

By 2011, iSimangaliso’s 8-year drought led to low levels of Lake St Lucia. This affected the St Lucia Estuary which was then separated from the ocean. Even before the sever draught which started in 2002, farmers upstream were redirecting water from the Umfolozi River, the major catchment for Lake St Lucia. A major and arguably an avoidable expense to restoring the estuary nature of the lake was the removal of the embankment which separated the lake from the ocean. Typically, under an ANC-led government things have to get repaired before anything gets done.

The next part of our excursion was to the Engen Refinery. Two months earlier on 4 December 2020 an explosion occurred at the

refinery. The stench of the gases was still unbearable at the time of our visit. The incident was reported to the provincial authorities, namely the Department of Economic Development, Environmental Affairs and Tourism, the Department of Forestry, Fisheries and Environment, the eThekwini municipality and the Department of Employment and Labour.

Given the less than fair attitude of all these institutions, it should therefore come as no surprise that the citizens in eThekwini on 1 November have shown the ANC that they no longer have any confidence in the ANC to govern eThekwini in the interest of its citizens.

This committee expressed its lack of trust in Engen, the municipality and the provincial government due to the lack of holding Engen accountable for the incident. How could we otherwise. Two months after the incident, and there was no urgency in addressing the long term impact on mental and physical health of the surrounding communities despite illnesses such as asthma, cancer, diabetes and other respiratory illnesses being common place, Engen refuses to take any responsibility.

The eThekwini Municipality failed the surrounding communities when they failed to hold Engen liable for the damage to the environment and dire impact that the refinery has on their lives.

We need to ask ourselves, what type of government allows a facility of this nature to operate in such a densely populated area. Where is the concern for the wellbeing and the safety of our citizens who rarely benefited? Or should we ask whose palms were greased at the expense of the wellbeing and safety of our citizens? The ANC-led government should prepare itself to be sitting in the opposition benches come 2024 because such distain for the citizens of this country deserves the harshest punishment.

Mr N SINGH: Thank you very much, hon Chairperson. I need a bonus at the end of the day today. In considering this report before the House, one must acknowledge from the outset that a considerable period of time has passed since the visit in February this year. Our views on the report are therefore qualified considering more recent developments impacting specifically the sites visited during the oversight visit.

The oversight visits on the 3rd to 5th February, specifically included an onsite visit to Engen Refinery as we have heard following the explosion in December 2020 at the refinery, which halted its operations during investigations. Since the oversight visit it was announced in April 2021 that the refinery will be closing down. The Engen Group apparently intends to convert the refinery into an import terminal and product storage facility by 2023.

Environmental and health concerns from the pollution caused by the Engen Refinery have caused great tension in the past. The proposed conversion will hopefully bring much relief to the surrounding local communities and improve the quality of life. And we say “hopefully.” The IFP however wishes to stress the importance of ensuring proper public participation concerning the proposed environmental impacts of the conversion as well as job creation for the local communities. As was evident in the oversight report, surrounding local communities have stressed their unhappiness with the refinery’s apparent lack of benefit to the community itself at public meetings. The IFP further supports the community’s views on the fire incident in December which were expressed at the time of the visit.

The visit to the iSimangaliso Wetland Park which was to specifically consider the impact brought on by the separation of the Umfolozi River from the Saint Lucia Estuary. This park brings great pride and joy to our country and it plays an important role in eco-tourism. It is therefore important that co-operation between the park and local communities is fostered with care.

The IFP agrees with the committee’s recommendations that the park should further ensure that local communities benefit from all the park’ securities. We also agree with the portfolio’s concerns about the wetland park’s authorities audit outcomes and strongly support the need for clarity on funds spent on the development and refurbishment of offices instead of redirecting these funds towards programmes in the park itself.

In conclusion, the sustainability of the iSimangaliso Wetland Park and its great potential for eco-tourism should be celebrated. As the IFP we will continue to provide our longstanding support for investment in ecotourism and in ensuring that the benefits are shared with the surrounding local communities whose livelihoods depends on tourism. The IFP supports this report. Thank you.

Mr W W WESSELS: I have no declaration to make. Thank you, Chairperson.

Ms N GANTSO: Hon Chairperson, hon members and fellow South Africans, I greet you all, the Constitution of the Republic of South Africa in section 24, provides that everyone has a right to have the environment protected for the benefit of the present and future generations, through reasonable legislative and other measures that prevents pollution and ecological degradation and promote conservation.

As members of the ANC serving in the Portfolio Committee on Environment, Forestry and Fisheries, we are mindfully encouraged by the fact that South Africa has a progressive legislation that deals with the protection and promotion of a healthy environment. As the portfolio committee, we visited KwaZulu-Natal to conduct oversight work on iSimangaliso Wetland Park in Richards Bay and Engen Refinery in Durban.

In relation to iSimangaliso Wetland Park, the aim of the portfolio committee in determination of impact resulting from the separation of Umfolozi River from Saint Lucia Estuary, which had resulted in the imbalance of estuarine ecosystem, Saint Lucia is Africa’s largest estuarine system. In 1999, it

was declared by the United Nations Educational, Scientific, and Cultural Organisational, UNESCO, as the world heritage site. We went there to assess the change brought about by the opening of the river mouth in the restoration the estuarine ecosystem.

Hon Chairperson, the bridging of Saint Lucia mouth had angered ordinary South Africans, environmental scientists, residence living in and around Saint Lucia as well as non-governmental organisations, working on issues of environment. We were encouraged by the response taken by the executive in the appointment of a panel of expect to investigate the bridge at Saint Lucia Estuary. The House take notes that since the opening of the river mouth, the estuarine ecosystem was progressively restored.

Capital investment in our struggle economy is very much more important. This should not take place at the expense of our communities and labour. All corporation should ensure maximum adherence to the country’s legislation.

On 27 November 2019, during a committee meeting, we received a presentation from Engen and there was an indication that all Engen SA sites hold valid Atmospheric Emissions Licences and

compliance is reported to the local authorities annually. Different stakeholders including community members had previously raised their concerns around air pollution in Durban, and the lack of Engen SA’s ability to comply with national emission’s standards in terms of the National Environmental Management Air Quality Act.

On the 4th of December, following the fire incident, the community further raised concerns on the state of air quality and as a result of the fire leading to various illnesses including Asthma, Cancer and deaths of fishes and birds in the nearby nature reserves. Some of the concerns related to the lack of government’s commitment in ensuring that there is compliance in the refinery. Some members of the community and stakeholders had raised concerns around labour recruitment at the refinery and how neighbouring residents find it difficult to get employment at the refinery, despite having the relevant qualifications.

I conclusion, the ANC in supporting the adoption of the report by the House, would like to elevate the importance of all stakeholders working together to ensure that this country moves forward. It is important that Engen ensures compliance with their social labour plans and local government as set out

in the constitutional provisions. And it must ensure full participation by the community on matters of environmental development. Thank you, Chair.

The CHIEF WHIP OF THE MAJORITY moved: That the Report be adopted.

Motion agreed to.

Report accordingly adopted.

# CONSIDERATION OF REPORT OF JOINT STANDING COMMITTEE ON DEFENCE AND PORTFOLIO COMMITTEE ON DEFENCE AND MILITARY VETERANS ON OVERSIGHT VISIT TO SELECTED MILITARY BASES IN GAUTENG AND SELECTED LANDLINE BORDERS FROM 27 TO 29 NOVEMBER 2020

Mr T N MMUTLE: Thank you hon House Chair. I will be presenting the report on behalf of the Chair who was supposed to be presenting. Unfortunately, has been hospitalised and we wish him well and a speedy recovery.

The joint standing committee on defence function under section 228(d) of 1993 interim Constitution that allows the committee to investigate and make recommendation regarding the budget

functioning organizations, armaments, policy morale and state of preparedness of the national defence force in line with its legislative mandate.

The committee conducted oversight visit to 1 Military Hospital, the South African Army main ordinance sub depot in Wallmansthal Air Force Base in Waterkloof and three land line boarder side in Limpopo, Mpumalanga and KwaZulu-Natal. The primary aim of this oversight was to solicit a briefing or get to be briefed on the condition at the identified military bases and to assess the condition under which our soldiers are deployed as part of the Operation Corona along the South African border line.

The secondary aim was to familiarise committee members with the condition at various military bases in order to inform their broader parliamentary oversight mandate at 1 Military Hospital which is the SA National Defence Force primary medical facility and provides key medical services not only to serving soldiers but also to their dependents and military veterans.

The committee’s visit was informed by concerned expressed in the Joint Standing Committee on Defence in the Fifth

Parliament around the repair and maintenance programme project at the hospital. The project which was started in 2006 is yet to be completed and has had negative effects on the hospital’s ability to provide effective and efficient medical services to its clients.

During the oversight visit, the committee observed the first floor of the hospital that is supposed to contain several operating theatres and specialist units. Unfortunately, no construction has taken place on this floor for several years and it remains construction site offering no use to hospital.

The committee was also informed that the absence of operating theatre results in very high outsourcing costs to the SA National Defence Force when patients are sent to private facilities. Similarly, the Department of Defence expressed dissatisfaction with the service provided by the Department of Public Works and Infrastructure in relation to the set project.

The Joint Standing Committee on Defence has committed to continuously make follow ups on the matter until the matter has been resolved. The visit to 1 Mil also revealed the positive development regarding the emergency construction of

Covid-19 emergency ward on the hospital’s seventh floor which

was constructed in a very short turnaround time.

These constructions highlight that capacity exists to deliver quality medical services to members of the SA National Defence Force, military veterans and their dependents. The visit at SA Army Main Ordnance Sub Depot in Wallmansthal was a short visit which highlighted infrastructure concerns. The committee was especially concerned about the interruption of water and electricity supply to that particular base given its challenges around hygiene and the interruption of the base activities.

We then proceeded to Air Force Base in Waterkloof. The committee was briefed by the commanding team at the air force base on various units housed at the base as well as challenges that they are confronted with. [Time expired.] We are now tabling the report for consideration. Thank you very much Chair.

*Declarations of Vote:*

Mr S J F MARAIS: Thank you Chair. Chair, the visits to 1 Military Hospital in Wallmansthal were embarrassing and very disappointing and need no further mention except to say that

the forensic report on 1 Military Hospital is still not being presented to our committees.

Furthermore, the defence force is responsible for safe guarding our land border through Operation Corona and assumes the responsibility for the areas between the official ports of entry along South Africa’s 4471km border line. Currently, the defence force only deploys 15 sub-units for this purpose.

The prime function land border safe guard is to deter illegal practices like cross border trade and the movement of people, animals, contraband substances across the border with theintention to force people to utilize the official border posts

We conducted the oversight visit to some hotspots along Allendale border lines from 27-30 November last year.

Subsequent to the embarrassing so called washing line saga by the Department of Public Works and Infrastructure on the border with Zimbabwe.

We visited the hotspots around Beitbridge and Komatipoort official border crossings and along that northern KZN border with Mozambique. The sub units’ diploids are four both sides

of Beitbridge, three both sides of Komatipoort and three along the northern KZN border with Mozambique.

They primarily rely on the use of soft body land cruises with little or no support from the air force, cyber and other technologies as force multiplies to secure the 27/7 surveillance of our borders.

Let us be honest to only rely on so few sub units with totally inadequate equipment and resources to safeguard our border is the same as to fire a shotgun in the air with the hope that some palates will find the target.

It is practically and humanly impossible to fully safeguard our borders this way. With the current increased threats on our borders, the corruption by criminals and unpatriotic soldiers as exposed by Carte Blanche and the emanating threats flowing from our involvement in cordoba gadu will be reckless, irresponsible and the neglect of our responsibilities if we all do not take urgent steps to improve our border safeguarding, defence capabilities and associated resources.

Yes, more money is required but the Minister and Military Command Council must be prepared to reconsider the current defence strategies, priorities and budgetary commitments.

With the economic outlook being very grim, a major change in the priorities and the application of scarce resources will have to come from inside the defence force. We know that there are some very onerous and red tape procurement processes also with regards to Operation Corona where some of the commanding officers needed simple very essential stuff like replacement of tyres of the patrol vehicles.

Now they have to go through a centralized procurement process which is time consuming and for this whole process those vehicles are out of service and that is just increasing the danger and threat on our borders and our capabilities.

Some of the essential actions we have identified are urgent use of cyber satellite and other high-end technologies as force multiplies to keep the 24/7 surveillance of the border activities.

Our private sector defence industry stakeholders already have these capabilities available to us. Allocation of additional

funds for border line security, technology and especially

UAV’s, Unmanned Aerial Vehicle.

Procurement of new land border unmanned patrol vehicles to replace the current soft ski vehicles which provide zero protection to our soldiers, root out the threat and corruption in land border safeguarding especially after the expose by Carte Blanche.

This is a reality and a real threat to our safety and security of South Africa. There must be visible zero tolerance approach and the responsibility and accountability must start with the Minister and the defence leadership.

Chairperson, what we need is first and foremost the political will of government to act urgently in the best interests South Africans. The operational and management will, discipline and patriotism of defence leadership on each level to urgently improve our borderline safeguarding. Thirdly we need the support from National Treasury to allocate the required ring fence funds. The DA will support the report. Thank you.

Mr W T I MAFANYA: House Chair, firstly I would like to thank the soldiers at the boarders who are working under those

difficult conditions, and equally, I would like to thank the army in general. Our porous borders are not worthy to be called borders. They are meant to curb movement of Africans from one country to another. The border fences that are in Zimbabwe, Swaziland and Mozambique are hardly manned by our soldiers who, by not a making of their own, cannot patrol due to vehicles that are not meant for the rough terrain that is on the border lines. Our vehicles do not have tyres that are compliant for such roads. The military vehicles had forever experienced punctures that take days to repair. Car theft syndicates, with the help of ill-disciplined soldiers, take advantage of weak leadership and poor control.

There is a constant jumping of these fences by criminal syndicates from across the globe to come into South Africa. We need our military to be well-equipped at these borders in order to prevent the proliferation of these criminal activities. There is a dire need to equip the military bases with latest communication technology equipment and proper transport that befits the urgent needs to respond promptly in emergency situations.

The recent unrests in Gauteng, where the Diepkloof Military Base was used as an operational centre shows that the military

did not have the requisite apparatus required to handle the situation of the magnitude of the unrests. There was unpreparedness by the army to handle any case of insurrection where needed. The Diepkloof Military Base staff and personnel had to be capacitated by other soldiers from other provinces because there were no standby air force and equipments that could step up to the hostile challenges. Thank you Chair. I support the report.

Ms Z MAJOZI: Hon House Chairperson, the oversight visit of these various military bases under discussion in today’s report allows us to have a glimpse of some of the working conditions faced by our military personnel. Whilst this will not give us a comprehensive picture on the state of all military bases in operation across the country, we have a chance to reflect on a few mentioned in today’s report.

The IFP values the contribution of the Department of Defence and Military Veterans. While we appreciate the efforts of the department, we are concerned about our porous borders. The country is bleeding money because of poor border management to the benefit of organised crime syndicates. We also reflect on the socioeconomic and security risks posed by having permeable borders as large numbers of undocumented migrants have become

a key political issue in the country. This uncontrolled flow of people into the country is a burden on the provision of services, infrastructure and national security.

The IFP is also concerned about the state of military hospitals in the country. Our main concern is centred on issues surrounding upgrades of military hospitals in Thaba Tshwane and Bloemfontein, where despite millions being spent on upgrades, the projects are still far from completion after years of upgrading expenditures. We worry about the allegations of corruption and wastage on these projects. We also reflect on the wasteful and irregular expenditure by this department over the years.

In light of this, we are concerned about allegations faced by senior management in the department on corruption charges. The IFP would like to also bring to attention the continued losses incurred in this department through irregular and wasteful expenditure. We condemn acts of corruption and criminal activities by army personnel on our borders. While this is a betrayal of the constitutionally mandated duties of army officials, such acts continue to jeopardise the security of the country while disseminating the integrity of the

department. We expect the army to conduct themselves with the necessary decorum and discipline.

The IFP knows the challenges report in the various sections in this report and we support the recommendations from the Joint Standing Committee on Defence and the Portfolio Committee on Defence and Military Veterans. Our concern in this report is remains, especially relating to the exorbitant costs associated with the outsourcing of some medical services which continues to be a drain on the department finances. The IFP accepts the recommendation in this report. The IFP supports the report. Thank you.

Ms A H MTHEMBU: Hon House Chair, greetings to you and the House. The report that is presented today for consideration by this House provides a clear outline on the oversight visit by the Joint Standing Committee on Defence and the Portfolio Committee on Defence and Military Veterans to the selected military bases in Gauteng. The purpose of the oversight visit was to go and assess the conditions in which the soldiers are deployed and work on, and to enhance the portfolio committee in its constitutional mandate of performing oversight responsibilities. The portfolio committee performed oversight at 1 Military Hospital, the SA Army Main Ordnance Sub-depot

Wallmansthal, the Air Force Base Waterkloof and the three landline borders. There were challenges in the landline borders and that provided a necessity for the portfolio committee to go and conduct oversight in these different bases.

The military hospitals have a mandate to provide support effective health care service and sustain the capable health service for the SA National Defence Force, SANDF. In the military hospital, there was a repair and maintenance programme which was seeks to improve the conditions of the hospital, though there are challenges within the implementation of the project. But level 7 work was done in the hospital which was then used as an isolation facility with intensive care unit, ICU, and high care with renal capabilities.

There is a need to finish the repair and maintenance programme, Ramp, and first floor of the hospital as soon as possible. The SA Army Main Ordnance Sub-depot’s mandate is to dismantle prime machine equipment which were declared beyond economical repair. There is indeed about 42 vehicles that were dismantled. There are 50 more on the line in the next batch to be dismantled, and there are positive signs through the

working relations commitment from both the SANDF and the Cuban specialists and work is done.

The Air Force Base Waterkloof has some challenges which includes runway airfield lighting cabling that were not available locally. The base has experienced some vandalism of their fuel decanting facility and some equipment being stolen. There is really a need to improve conditions in the base.

Beyond the challenges, there were also aircraft services ability. There was a quarantine facility that was established there. The base is very neat and clean and safe weapon storage.

The portfolio committee further looked at the Beitbridge border area on 28 November 2020. This is where some of the soldiers were deployed in Operation Corona. The primary purpose of the deployment was to curb the illegal movement of the people and goods across the South African borders. From land to air and to maritime order, this is part of the primary mandate of the SA National Defence Force - which is to protect the territorial borders and the South African sovereignty.

What is the main challenge at the borders is the limited number of forces on the ground to provide support.

There are damaged border fences that contribute to the challenges experienced, including shortage of military vehicles which contribute to challenges experienced. There is a need to provide support to these bases in order for the SANDF to perform its duties of protecting South Africans.

Though there were constraints, the SANDF was able to do a good job. Many people without proper documentation were arrested, including vehicles that were confiscated at the borders. And this is a positive sign and the statistics of these categories were presented.

In conclusion, indeed there was work done by the SANDF, though there is a range of issues that created difficulties for the implementation mandate. But beyond those challenges, there was work done by the SANDF. And that is a positive sign of a level of commitment by the members of the SA National Defence Force and their patriotism is outstanding. The ANC supports the report. I thank you, hon House Chair.

Motion agreed to.

Report accordingly adopted.

# CONSIDERATION OF INTERIM JOINT REPORT OF PORTFOLIO COMMITTEE ON EMPLOYMENT AND LABOUR AND PORTFOLIO COMMITTEE ON AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT - COMPREHENSIVE OVERSIGHT ON LIVING AND WORKING CONDITIONS OF FARM-WORKERS, FARM-DWELLERS AND FARMERS

Mr Z M D MANDELA: Hon Chairperson, hon members, fellow South Africans, the task given by the National Assembly to the Portfolio Committee On Employment and Labour and the Portfolio Committee on Agriculture, Land Reform and Rural Development to jointly conduct comprehensive oversight on living and working conditions of farm-workers, farm-dwellers and farmers, is understood within the context that the ANC-led government has done tremendously well in enacting and implementing pieces of legislations meant to achieve our land reform policy objectives.

The democratic government has worked steadfastly to ensure improved conditions on the farms, and this includes secure land tenure rights, improved labour relations and conditions of farm work, as well as the promotion and protection of human rights. We recognise that there is still room for improvement.

As I table before you, hon members, the joint interim report of the Portfolio Committee on Employment and Labour and the Portfolio Committee on Agriculture, Land Reform and Rural Development, we would like to bring to your attention that in March and in April of this year, the two committees held meeting and these were dedicated to developing a better understanding of the terms of reference ... [Inaudible.] ...

The outcomes of these meetings was the development of a framework document defining the approach and the roadmap to the key interventions and the provisions of stakeholder analysis. This framework was adopted by the two committees as a working document, and acts as a blueprint to guide the committees in carrying out its mandate.

The framework document entails the following plans: Briefings to the relevant departments and workshop with stakeholder to diagnose the problem statements, investigate the impact and effectiveness of interventions taken thus far, and assess progress made in addressing the problem, as well as oversight visits and public hearings.

The House would remember that our government’s land reform policy has three pillars and that is the land redistribution,

land restitution, and security of land tenure. Progressive legislative framework has been put in place by this Parliament, such as Land Reform (Labour Tenants) Act 3 of 1996, and the Extension of Security of Tenure Act of 1997.

The Labour Tenants Act afforded labour tenants and former labour tenants the right to submit applications or claims to have their land restored or registered in their names while the Extension of Security of Tenure Amendment Act ensured regulations of evictions and creation of long term occupiers. Including the promotion of on-farm and off-farm settlement that secure the right of farm dwellers. The matter commonly known as Nkuzi judgement, the court held that the state had an obligation to provide legal assistance to farm dwellers as indigent group when facing eviction or any threat of eviction.

Currently, farm dwellers are enabled to asset their tenure rights as envisioned in section 25 (6) of the Constitution of the republic. And this is realised by the established land rights management facility, a services project that provides legal assistance to farm dwellers. This facility has over the years assisted and helped many affected farm dwellers and stakeholders.

We therefore, submit to the House, that the two committees should not complete the task and hereby request that the House grant us an extension on the deadline for submission of the report to this House by no later than the 31 November 2022. I thank you.

*Declarations of Vote:*

Mr M BAGRAIM: House Chair, on behalf of the DA, I understand the need to have a comprehensive oversight on the living and working conditions of workers in South Africa. Why target farm labourers, it’s still a mystery. But maybe it can be answered, by looking at ridiculous ANC-led government, who have tried to run a farm called Solms-Delta, which used to be a highly successful operation. Workers have not received their salaries for four months. They are literally starving. This is our ANC- led government. The refrain that we often sing “Old Macdonald had a farm” that will show that the operative word is “had”.

When it was debated to have a mediate equalisation and an increase in wages for farm workers, it was shown by the agricultural sector that it would be unsustainable for the sector. AgriSA submitted various reports to the Department of Labour explaining why a 16% increase did not make sense. It was quite clearly stated that the majority of employers in

this sector face serious challenges and the majority are mostly small scale and medium scale farmers. Large scale commercial farmers only make up a tiny percentage.

The Minister was presented with these facts and he specifically stated in the Portfolio Committee on Labour that he can’t see a minimum wage increase being a problem as employers in this sector have been compliant with minimum wage to date. If that is correct, then why have a specific investigation into this industry? Probably because of the Solms-Delta exercise.

I can understand an investigation into farm murders, which has become a pandemic in South Africa. We should be spending more time and putting more resources into protecting farm labourers and farmers from the murderers who invade farms on a daily basis. To waste our time looking into other conditions which is particularly strange when we are facing this daily massacre, with very little input from the government or the police.

There was a recommendation of a minority report by the Commissioner of National Minimum Wage Commission to emphasize a need for a sustainable wage increase. The last increase we

saw wholesale retrenchments. In fact, we evidencing in South Africa the worst unemployment in the world. Over and above this, the unsustainability of the wage increases will compromise the role of the agricultural sector and contribution to social stability in our country.

The farmers one day won’t be able to produce food affordably; this will lead to food crisis. Already AgriSA has warned of the possible loss of 4000 jobs. The pandemic has indeed affected farmers, but more importantly, it has affected the labourers. If they lose their jobs because of wage increases, it will be almost impossible to find alternative jobs.

Farm labourers only forms part of a vulnerable and marginalised grouping of people with no skills, no educational levels, and mostly rely on their jobs to house their whole families. To lose their jobs would be absolutely devastating in their circumstances. These facts were placed before the Minister but it appears that the government is not serious about addressing unemployment at all.

We often hear that employers can apply for exemptions, which is only 10%, and to a large degree absolutely unobtainable. The sector employs about 800 000 people and this number will

drop radically as the rising Wage Bill is about 30% of production costs. It becomes feasible at that point for the sector to consider mechanisation and industrialisation instead of job creation. This is the very worst thing that can happen to employment in South Africa. People will become unemployable and this will in turn affect the poorest of the poor.

Access to employment and the retention of those in employment is much more important than the 16% increase. Unemployment in rural areas is a lot worse. Again and again, the South African Human Rights Commission is looking at farm labour, coming up with some of the outrages suggestions.

It needs to be known that we have a sectorial determination. We have the National Minimum Wage for Basic Conditions of Employment Act., Employment Equity Act, Compensation for Occupational Injuries and Diseases Act, Occupational Health and Safety Act, Unemployment Insurance Funding, UIF and ... [Inaudible.] ... sectorial determination. We have inspectors, trade unions, Commission for Conciliation, Mediation and Arbitration, CCMA. Why is the agricultural sector being targeted but not helped when facing murderers? It was Edmund Burke who said, “Nothing turns out to be so oppressive and unjust as a feeble government.” Thank you, House Chair.

Mr N S MATIASE: Hon House Chair, to debate in this matter of the comprehensive oversight of the working and living conditions farm workers and farm dwellers is an important matter to the EFF. The EFF when it moved this motion in Parliament, it was never about investigating the living conditions of the exploiters – the farmers. The main reason that the joint committee did not attempt to start this most important task, was that the committee kept on changing the objectives of the investigations.

Both the ruling ANC and the representatives of the white farm owners, the FF Plus and the DA, were obsessed with changing the objectives of the joint committee mandate, to favourably include investigating the living conditions of farmers, more than the people this joint committee was established for - the conditions of farm workers, farm dwellers and their families. It was never meant to investigate the conditions of the landed exploiting class of white farm owners.

Hon Chair, since this was the proposal made by the EFF, and the ANC feeling outsmarted by the EFF, as always, the ruling party brought ... [Inaudible.] ... superficial and artificial amendment to the initial motion with clear intension to mislead the people to believe that the ruling party is

committed to the living and working conditions of farm workers and their vulnerable families.

We feel deeply let down. Not only the EFF feel let down, but most vulnerable farm workers, farm dwellers and their families whose ... [Inaudible.] ... lives have not improved since the dawn of democracy in 1994. There hasn’t been any political will by the ruling party - the ANC - to drive this important matter further. In fact, an ad hoc committee could have worked far better. Joint oversight committees don’t work because each committee prioritises its own programme, which is the case in this matter.

We once more proposed that Parliament assign an ad hoc committee to do this investigation for the same reasons we had advanced in our framework. Furthermore, the investigation must be centred on the vulnerable farm workers and farm dwellers, not the inclusive face by class vacillation that sought to patronize agricultural and farming oligarchy in this country.

Fear of the secondary question that ought to be asked, could the failure of the joint committee to carry out its mandate be blamed on COVID-19 or long constituency period? The answer is no. What prevented these two committees to facilitate

stakeholder engagement virtually? Nothing. Even in-house committee meetings just to review work emanating from parliamentary committees or other relevant projects such as the so-called Motlanthe High-Level Panel recommendation regarding the security of tenure was not done. The question is why? I don’t think we should use COVID-19 or any of the above reasons as a scapegoat. A lot still could have been done.

Chairperson, the truth is that lack of political will is what led to the failure, if not, what will eventually lead to the abortion of this most crucial piece of work of what Parliament could have done for the most vulnerable. The framework document we developed proposed meetings every Friday, but when we needed to meet, labour committee was busy with legislation. Hence I say, it wasn’t really a priority.

We know for a fact that farm workers and their families look forward to Parliament doing the right thing and conclude its work and report to the nation on living and working conditions of white-owned farms. This is a very important work. It must be completed as a matter of extreme urgency. It is clear that the joint committee oversight on such a critical matter, didn’t work and will never work. Therefore, we need to try an

ad hoc committee which will have much more power and authority to complete this mission.

Finally, we are where we are primarily because looking in the living and working conditions of farm workers and farm dwellers was never a priority and the ruling party never had a political will as any attempt to investigate these conditions, will temper with its ... [Inaudible.] ... interest.

We call for the establishment of an ad hoc committee which would report to Parliament within 12 months from the date the ad hoc committee shall have been adopted by Parliament. We agree with the extension of time and that this work must be concluded as speedily as possible. Thank you so much, hon Chair.

Mr N SINGH: Hon Chairperson, colleagues, firstly, we must note that this is an interim report. So, the report has not been concluded and the IFP will make its comments during the process that follows, and will make its comments available when we debate the report next year.

However, I would like to note the Chairperson’s comments, the

hon Mandela comments, that there is still room for

improvement. And I want to say, hon Mandela and colleagues, that there is still room for a lot of improvement and this task cannot be a never-ending task.

We’ve got to come to grips with fears and aspirations that exist out there in our communities, both by farmers and farmworkers. And the sooner this committee can end its work and come up with a report that Parliament can consider, the better.

But one of the big challenges we have in terms of land reform is implementation of policy. We have very good policies but the implementation of policies is weak, to say the least. So, unless we start implementing policies that we have in place; and there are adequate policies in place, I don’t think we are going to go anywhere.

Finally, hon Chairperson, let me say that I think hon Mandela has either used parliamentary privilege or the Mandela legacy to add another day to November next year because he said we’ll conclude this report by the 31st of November 2022, and there’s only 30 days in November. [Laughter.] That’s why I say I hope it’s not a never-ending task. Thank you, Chairperson.

Ms T BREEDT: House Chair, since the inception of this joint committee both the EFF, that brought the initial motion, and the ANC, that amended the motion, have been burdened by labour issues of their own. ANC employees have not received salaries for a number of months.

The question begs to be answered: Why the agricultural sector, that has been our only industry flourishing during this covid pandemic, is being targeted? Is it for cheap political points? And can it be that the ANC and EFF will most probably lose interest in this investigation now that the elections are over?

The Department of Labour has its own labour inspectors who are tasked to investigate working conditions of all workers, including that of farmworkers.

Is this amended motion by the ANC an admission of the failures of its own Labour Department or possibly of its own Department of Agriculture?

The EFF is forever looking for a stick to beat employers with, especially employers in the agricultural sector.

*Afrikaans*:

Is hulle magshonger, grondgryp-honger of besig om uit te ... [Onhoorbaar.] ... en is die ANC so blind dat hulle hulself aan die neus laat lei daardeur?

*English*:

House Chair, this remains to be seen. I thank you.

Mr C H M SIBISI: House Chair, we have seen the committee’s request regarding this oversight visit. The issue is that the plight of farmworkers, farm dwellers and farmers needs urgent attention.

Committees go on oversight visits all the time and labour was just in Durban now on oversight visit.

We believe that the plight of farmworkers, farm dwellers and farmers has not been taken seriously by postponing the oversight visit to 30 November 2022. That is a long period to postpone this matter.

We understand that there are time constraints and COVID-19 has shifted many planned events but postponing it to the following year is pushing it.

We call on the committees responsible for this oversight to revisit this request and attempt to push the date forward. I thank you, House Chair.

Mr N CAPA: Hon House Chair, hon members ...

*IsiXhosa*:

... nabo bonke abantu bezwe lakowethu. Sibulisa sisithi, okokuqala siyayazi ukuba besithunyiwe sizizo ezi komiti zimbini ukuba siye kukhangela kwaye siphonononge iindlela abaphila ngazo neemeko abahlala phantsi kwazo abasebenzi bakuthi ezifama. Thina siyi-ANC siye sathatha eli likaMama uMajodina lithi, singahambi sidlala sithunyiwe. Abantu ke xa belibele kukudlala baye bangabisayikhumbula nento leyo bayithunyiweyo.

Lilonke ndifuna ukuqala ndithi, siyi-ANC siyayamkela le ngxelo yethutyana nalo mgama sele siwuhambile kuba asifuni ukuba baqhatheke abantu bakowethu. Apha sithetha ngabantu abondla isizwe. Sithetha ngabantu ekungathi xa benokuthi umhlaba ngowakho amandla ngawethu, ube sengxakini.

Sithi ke, siyazi ukuba le nto yaqala kwamhla mnene. Ngonyaka we-1955 sasiyibhaqile into yokuba abantu bakowethu baphantsi

kwembandezelo. Ngoko ke asifuni ukubhuduzela kule nto. Yiyo loo nto le komiti icela ithuba lokuba iwuqhube lo msebenzi ukuya kufika kumhla wama-30 kuNovemba singaphazanyiswa yile mpazamo yolu suku. Umhla wama-30 kuNovemba nguwo lo sithetha ngawo kwaye sivumelana ngawo.

Sithi ke thina, le mithetho yenziwayo yenzelwa ukukhulula abantu bakowethu phantsi kweembandezelo abahlala phantsi kwazo. Ilishwa nje ke Sihlalo kukuba sikhanda intelezi nabathakathi bekhona. Inzima ke loo nto, kuba sithi sisathethela aba bacinezelweyo kubekho othethela aba bacinezelayo. Isizukulwana sabo ke sisekhona. Siyacela ke ngoko ukuba le Ndlu isamkele esi siphakamiso sokuba le komiti iphinde inikwe eli thutyana ukuze igqibezele lo msebenzi.

Ngendlela esiyibona ngayo le nto, sithi thina banikazi bokukhulula abantu, singakwazi ukwenza ukuze siphinde sibakhulule kula ngcinezelo yasekuhlaleni ukuze nabo bazazi ukuba bangabantu kwaye bangabanikazi beli lizwe. Thina siyi- ANC mandiphinde nditsho ukuba siyayixhasa kunye neziphakamiso zayo le ngxelo, sifumane ithutyana lokuyicola ukuze abantu bakuthi bangaqhatheki. Enkosi Sihlalo. [Kwaqhwatywa]

*English*:

The HOUSE CHAIRPERSON (Mr C T Frolick): I now recognise the hon Chief Whip of the Majority Party.

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

Motion agreed to.

Joint Report accordingly adopted.

The House adjourned at 18:41.