**UNREVISED HANSARD**

 **NATIONAL ASSEMBLY**

**WEDNESDAY, 24 NOVEMBER 2021**

***PROCEEDINGS OF THE NATIONAL ASSEMBLY***

The House met at 15:00.

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

The CHIEF WHIP OF THE OPPOSITION PARTY: Deputy Speaker, if I may rise on a point of privilege: You previously welcomed this member – announced – that the member was sworn in at the time that he was sworn in, but that was during the COVID-19 period and, unfortunately, he could not travel. So, Deputy Speaker, it gives me great pleasure to announce to you, Sir, and to the House that if you see a new face it is the hon Myburgh who has joined us in the DA caucus; and, Deputy Speaker, if I may ask that he stand so that everyone gets a chance to see him. [Applause.] That is the member who we couldn’t say hello to when you announced him. Thank you, Deputy Speaker.

The DEPUTY SPEAKER: Chief Whip of the Opposition, thank you very much but you are really being creative with privilege. [Laughter.] It’s okay because it is good news anyway, so we won’t quarrel with you about it.

Hon members, before we proceed with today’s work, I wish to announce that the ... [Interjections.] At least you are doing your Whippery work today. Thank you very much.

# ANNOUNCEMENT

The DEPUTY SPEAKER: Hon members, before we proceed with today’s business, I wish to announce that the vacancies which occurred in the National Assembly due to the passing of Mr E R K Maphatsoe and Prof H B Mkhize have been filled by the nomination of Ms G P Marekwa and Ms Z A Kota-Mpeko with effect from 16 November 2021 respectively. The members have made and subscribed the oath and affirmation in the Speaker’s Office.

Welcome, hon members. Are they here inside the House?

HON MEMBERS: Yes. [Applause.] Malibongwe!

The DEPUTY SPEAKER: Hon Mazzone, you deprived me of the opportunity to call the member to rise. You did it yourself, you see. Next time we will do it correctly; don’t worry.

As usual, please settle down, hon members, and stay in your allocated seats so that we adhere to the required protocols. The first item on today’s Order Paper is Questions addressed to Ministers in Cluster 1: Peace and Security. There are four supplementary questions – this is a reminder, really – for each question. Parties have given an indication which of their members wish to pose questions. Adequate notice was given to parties for this purpose. This was done to facilitate the participation of members who are connecting to the sitting through the virtual platform. The members who will pose supplementary questions will be recognised. In allocating opportunities for questions, the principle of fairness, naturally, is applied.

If a member who is supposed to ask a supplementary question through the virtual platform is unable to do so due to technical problems, the party Whip on duty will be allowed to ask the question on behalf of their member. When all supplementary questions have been answered by the executive, we will proceed to the next question on the Question Paper.

The first question has been posed by the hon T N Mmutle to the Minister of Defence and Military Veterans. I’ve been informed that the Minister will be answering questions from the virtual platform. Hon Minister?

# QUESTIONS FOR ORAL REPLY CLUSTER 1: PEACE AND SECURITY

Question 266:

The MINISTER OF DEFENCE AND MILITARY VETERANS: [Inaudible.]

The DEPUTY SPEAKER: Hon Minister?

The MINISTER OF DEFENCE AND MILITARY VETERANS: [Inaudible.]

[Interjections.]

The DEPUTY SPEAKER: If you had listened to me reading it, you would know which one it is. You don’t have to worry. You will recognise her immediately when you hear her voice. Is there a problem with the connection? No, no, no, hon Modise ...

The CHIEF WHIP OF THE MAJORITY PARTY: Hon Deputy Speaker, there was an indication from the Minister that if she

experienced connectivity problems, the Deputy Minister would be able to take questions. The Deputy Minister is here in the House. Thank you.

The DEPUTY SPEAKER: Deputy Minister, are you ready? Where are you?

Mr W T I MAFANYA: Deputy Speaker?

The DEPUTY SPEAKER: Yes.

Mr W T I MAFANYA: The Minister has not even been attending committee meetings due to ill health. We do not know what the situation is right now. Thank you. [Interjections.]

The DEPUTY SPEAKER: Hon members, could we agree that this matter will be handled? It has implications for our programme now, so we will have to move to the next question ... [Interjections.] Yes, hon member? [Interjections.]

[Inaudible.] ... quietly ... as I was talking about him to speak. [Interjections.] No, no, no. I didn’t give you a chance to speak, hon member. Please, man. Please! Please! You may speak only when you are recognised. [Interjections.] You may

speak only when you are recognised. [Interjections.] The Rules say that. If you haven’t read them, go and read them. Hon members, let’s proceed please. Hon Deputy Minister, please go ahead.

The DEPUTY MINISTER OF DEFENCE AND MILITARY VETERANS (Mr S P

Makwetla): Hon Deputy Speaker, thank you for this opportunity. Let me just explain, Deputy Speaker, that the Minister is in the House today virtually. [Interjections.] She did indicate that the venue where she is had connectivity issues. So, as we proceed with the sitting this afternoon, there will be those glitches in the process. I’m unable to simply step in, unfortunately, if there is no indication that the Minister is unable to speak herself from where she is.

However, in response to the question we have before us, Question 266, the presidential task team, which was established at the beginning of November last year, was assigned the responsibility ... [Inaudible.] ... grievances that were presented by the marchers at the Union Buildings on

10 November.

The presidential task team, under the leadership of the Deputy President, decided to establish workstreams in order to deal

with all of the grievances that were contained in the submission of the marchers. To this end, the Minister of Defence and Military Veterans, the Minister in the Presidency then: the late hon Jackson Mthembu and the Deputy Minister of Defence and Military Veterans were roped in to constitute this task team.

In addition to the task team, it was also decided that the premiers of the provinces should be part of the intervention. Eight workstreams were established to deal with the different areas and they are the following: one, the legislative review work that is needed around the Military Veterans Act of 2011; two, the organisational redesign of the Department of Defence; three, a workstream to look into the military veterans’ pension that is in the Act which, of course, at this point, has not been implemented; four, a workstream to look into heritage and memorialisation matters; a fifth workstream to look into communication challenges of the Department of Military Veterans; a sixth workstream to look into the database verification and the cleansing of the database of the Department of Military Veterans; a seventh workstream to look into socioeconomic support for these military veterans; and, lastly, a workstream to look at the economic opportunities in other departments, especially of the economic cluster, that

can be ring-fenced for military veterans. That is the response that the Ministry, led by the presidential task team, undertook following the march of 10 November 2020. Thank you very much, Deputy Speaker.

Mr T N MMUTLE: Thank you, hon Deputy Speaker, and thank you, Deputy Minister, for that response. What are the further engagements between government and the military veterans in trying to respond to the challenges that military veterans are faced with? These were evidenced as leading to the unprecedented move taken by military veterans as a result of these challenges that are burning on their side. So what tangible results are there so far?

The DEPUTY MINISTER OF DEFENCE AND MILITARY VETERANS (Mr S P

Makwetla): Deputy Speaker, through you, the interventions made to respond to the demands of the marchers of 10 November last year involve engagement, primarily, with Treasury to make available financial resources to implement some of the benefits that are in the law, in the Military Veterans Act, which the department has not been able to roll out over the past 10 years owing to a limited budget. Specifically, the focus has been on implementing the payout of military veterans’ pensions to these military veterans. Work is at an

advanced stage. The last update of the workstream responsible for pensions was that there was a possibility that these pensions could be paid even before this financial year ends on

31 March. If this does not happen, it is almost certain that at the beginning of the next financial year – in April – that the military veterans’ pensions will be paid out.

With respect to another area that is more challenging, which is socioeconomic support, the workstream responsible for housing, education and health is still to put on the table the new arrangements in which the Department of Military Veterans will collaborate with provincial departments in rolling out services with respect to these three areas of need of our military veterans.

The DEPUTY SPEAKER: Thank you, Deputy Minister. Your time has been exceeded. You may get an opportunity later on during your responses to the other questions. The second supplementary question is from the hon S J F Marais.

Mr S J F MARAIS: Thank you, Speaker. Minister, or Deputy Minister, it is common knowledge that everyone questions whether all of those persons qualify as military veterans in terms of the Act, with some clearly being much too young to

qualify and some not belonging to the SA National Military Veterans Association, or the SANMVA, but that all of them are apparently are part of the radical economic transformation faction, or RET faction. [Interjections.]

Minister, by going into the negotiations with this group that led to the ... [Inaudible.] [Interjections.]

*IsiZulu:*

UNGQONGQOSHE WEZOKUTHUTHUKISA KOMPHAKATHI: Wena okhulumayo

manje uyabheda. Ukhuluma nangabantu ongabazi futhi. Uyabheda.

USEKELA SOMLOMO: Lungu elihloniphekile uZulu kubheda wena. Ukhuluma kanjani ungamenyiwe la. Musa ukudelela iNdlu. [Ubuwelewele.]

*English:*

It does not matter how strongly you feel about this matter. You can’t interrupt the House as rudely as you just did. No, we don’t ... [Interjections.]

*IsiZulu:*

UNGQONGQOSHE WEZOKUTHUTHUKISA KOMPHAKATHI: Usabheda.

USEKELA SOMLOMO: Hhayi! Ngicela nimkhiphe uNgqongqoshe uZulu. Ngicela nimkhiphe. [Ihlombe.] Ahambe ...

*English:*

Please! This is terrible!

Mr S J F MARAIS: I agree, it is terrible.

The DEPUTY SPEAKER: Finish your question, ntate.

Mr S J F MARAIS: I just want my time back please.

The DEPUTY SPEAKER: Finish your question, ntate. Don’t give

instructions.

Mr S J F MARAIS: No, I am just requesting. [Laughter.] I am requesting. Thank you.

Minister, by going into negotiations with this group that led to the hostage drama, you have given them legitimacy and official recognition. Please tell us what you have done to assure their bona fides as registered members on the military database prior to the meeting and why they were allowed to bypass the Department of Military Veterans and the SANMVA when

other military veterans are obliged to comply? If found that some persons attending the meeting are not and/or do not qualify as military veterans, what are you going to do to bring them to justice? I thank you.

The DEPUTY SPEAKER: Hon Deputy Minister, just a moment before you respond – I just want to make one important point first. Hon members, here in the House and outside, the Deputy Ministers and Ministers who are here have the capacity to answer questions. We don’t have to do that for them. That is also disrespectful to them and what they would say in the first place.

So I do plead with everyone on the platform and inside the House to respect the House and its individual members who have a duty to respond to questions posed to them. Thank you very much. Deputy Minister, please go ahead.

The DEPUTY MINISTER OF DEFENCE AND MILITARY VETERANS (Mr S P

Makwetla): Thank you very much, hon Deputy Speaker. The presidential task team, right from the beginning, was aware that military veterans were represented by officially acknowledged military veterans’ associations.

However, in appreciation of the distress that is there within the community because of inadequate services for these communities, it was the view of the task team that we must be accommodative of everyone who is a military veteran who wants to reach out to government to be heard. It was for that reason that this group of marchers were met.

I must indicate to the House that the verification of military veterans is one of the areas, as I pointed out, that the presidential task team decided to reorganise for. This is because, in recent years, the verification process had been suspended. But that verification process has now been re- established, a panel is in place and all of these military veterans’ associations have been invited to be observers. With respect to the 57 ...

The DEPUTY SPEAKER: Hon Deputy Minister, I’m sorry. Your time has expired. You will have to make it up in the third response. I gave you enough time ... [Inaudible.] ... add up.

Mr W T I MAFANYA: Thank you, Deputy Speaker. Minister, the Deputy President was given the responsibility of handling the concerns of military veterans. We know that, for a long time, he has been absent due to ill health. How did his absence

affect the resolutions of these problems with or without him? Thank you.

The DEPUTY MINISTER OF DEFENCE AND MILITARY VETERANS (Mr S P

Makwetla): Deputy Speaker, the workstreams, once they were established, have continued to meet. Even as we sit today, those workstreams are busy with their work. They never stopped when the Deputy President was not available. They have continued to meet. We have tabled a report of the workstreams with the oversight committee and we will be following up on that report ... [Inaudible.] ... update of what is progress with respect to each of those workstreams until this point.

As I said earlier, we have never undermined the obligations of the Ministry and the department to make sure that we make good on the statutory obligations of government in supporting these military veterans. Those are taken seriously within the Ministry. Thank you very much.

The DEPUTY SPEAKER: Thank you, hon Deputy Minister. Hon Sukers?

Mr S N SWART: Deputy Speaker, Mr Thring will take the follow- up question. I did send you a note.

The DEPUTY SPEAKER: I’m sorry. You did send me a note. I

apologise.

Mr S N SWART: I hope he’s on the platform.

The DEPUTY SPEAKER: It’s right in front of me. Hon Thring? Speak, sir. He doesn’t seem to be on the platform, sir.

Mr S N SWART: No. Thank you, Deputy Speaker. Well, in that case then I might just ask the Deputy Minister to follow up as far as the 57 were concerned. Would he please respond to the situation surrounding the investigation on that issue? Thank you.

The DEPUTY MINISTER OF DEFENCE AND MILITARY VETERANS (Mr S P

Makwetla): Thank you very much, Deputy Speaker, and Mr Swart for the question. Earlier on I wanted to share that the Department of Military Veterans has undertaken to verify the

57 military veterans who appeared in the case that is before the courts as a result of the hostage drama that occurred at St George’s.

The ... [Inaudible.] ... that was encountered is that the investigating team was not forthcoming with the details of the

defendants and, as a result, we had to approach the prosecution in order to get the details of the defendants involved. This is an undertaking which the department is very much aware of in terms of its importance – for us to deal with the matter in a procedural way. Thank you very much.

Question 258:

The MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION:

Thank you very much, Deputy Speaker, the reply to the question is as follows: The unrest and destruction of property that we witnessed in July had a significant impact on our economy which is already strained and which is part of what we are trying to buttress or during this recovery period post the heavy lockdown of COVID-19. What was affected primarily is the economy and not the image of South Africa or its standing in the region.

We also had an impact on the transportation of goods to countries in the region but steps were taken speedily to ensure that goods do reach countries within the SADC region, particularly our neighbourhood that are supported by the logistics system in South Africa.

Nevertheless, given these difficulties posed by those riots and protests, we continue as South Africa to play our role as a responsible member of the SADC and bilaterally we collaborate with all countries in our region. We continue to engage and to be treated as a significant partner of the SADC region and there hasn’t been any harm with respect to how we are viewed. Many countries in the region and on the continent do experience difficulties from time to time and this does not lead to a desertion by other countries. Similarly, South Africa enjoys the support of countries on the continent and they understand the steps that government is taking to ensure that those core factors associated with those riots are addressed and address both the needs of our economy and needs of the people of South Africa. Thank you very much, Deputy Speaker.

Mr M HLENGWA: Thank you very much, hon Deputy Speaker, hon Minister, noting what you have said, I think it is also fair for us to concede to the fact that this was the first time South Africa found itself under a predicament of behaviour which arose out of political considerations in response to a judicial decision. We now find ourselves inching towards the direction which is not desirable, which is consistent with behaviours and riots we have seen elsewhere on the continent.

Minister, what assurances are you able to give to the continent and the region as well as the international community generally that looks to South Africa for conflict resolution on the continent when we are now seemingly entering the ranks of those countries in need of intervention? What are the consequences and implications of July unrests on diplomatic relations and diplomatic scales and whether you did have any meetings with any of the heads of mission in the country to deal with the issues arising from ... [Inaudible.]

... responded to including to the flow of goods as well? So, how are we proactively dealing with ... [Inaudible.] ... collective anxieties of those that may be affected by the kind of behaviour that we saw and the risk which arise if it should happen again? Thank you.

The MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION:

Thank you very much, Deputy Speaker, I believe that while the incidents that occurred in July are of great concern to government, all political parties and the people of our country, it is not the first time South Africa has experienced riots. Under apartheid, we had terrible incidents throughout our country and there was much destruction. This doesn’t in any way ameliorate what happened. It is not the first time that we had such level of violence and protests.

As to the link between the judicial decision and the political office or political matter, I am unable to establish the link. I do not have an investigative report that has a seamless link in the matter hon Hlengwa has referred to.

With respect to the continent and how we are viewed, there is understanding. We are able to explain in bilateral meetings and other forums where the matter did come up. I didn’t have a sense that it was being raised in a manner that suggests a lack of confidence in South Africa’s ability to recover or indeed a lack of confidence in its ability to manage such situations in future. There was appreciation for what has been done with respect and support through insurance provisions for recovery of business entities as well as admiration for the conduct, particularly of civil society in South Africa.

We did, as hon Hlengwa indicated, brief the heads of mission particularly with respect to the action that the government would take in order to provide assistance where business have lost significant funds, particularly assistance to address those who are uninsured and not provided for in terms of formal instruments to help them recover. We were also very grateful that several missions made food parcels available to assist communities that have been impacted in terms of supply

of basic necessities. All of these showed the support that South Africa continues to enjoy in the international community. Thank you, Chair.

Mr K R J MESHOE: Thank you, Deputy Speaker, the July unrests showed how easily our economy could be held to ransom. News reports went around the world about how our police failed to prevent the loss of over 300 lives and billions of rands of damage done to business.

In fact, SADC chairman and President of Mozambique, Filipe Nyusi allegedly said:

The riots were not just a threat to human lives but they also generated instability, throttled economic growth, amplified risk and hindered the return of much-needed investments.

My question is: Whether there are any indications that the ports have seen fewer exports of products from our neighbouring states to the rest of the world since the unrests? Whether any of those exports have been diverted to Richards Bay, Beira, Walvis Bay or Dar es Salaam? Thank you.

The MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION:

Thank you very much, Deputy Speaker, I think the question with respect to exports might best be directed to the Department of Trade and Industry. However, I will gather the information and submit it to the hon Meshoe.

I am not aware of the comments of the SADC chair at the time, the President of Mozambique, Filipe Nyusi. We were at that time very occupied with our considerations of the deployed of SADC forces to Mozambique, to assist Mozambique with addressing insurrection, where hundreds of people were being killed in the most horrible acts of beheadings and other horrendous executions. In fact, we have deployed our troops as part of a SADC mission to Mozambique to provide assistance. I know that President Nyusi is grateful for South Africa’s support and assistance in handling extremists’ incursions in his country and assisting his own country’s forces to address the problem that could have been and could become a threat to the region. I am not aware of those comments but I do know that what we have done in support of Mozambique in its worst hour of need.

Mr N L S KWANKWA: Thank you very much, Deputy Speaker, in the

Minister’s response, she already highlighted the fact that the

riots or the civil unrests which took place in parts of Gauteng and KwaZulu-Natal, they disrupted and affected transportation of goods in the region. My question to the Minister: Is whether or not the civil unrests which took place in the country at the time did not affect South Africa’ strategic position as a port of entry for trade into the rest of the African continent? If yes, what steps have been taken to remedy that? If no, what is the situation?

The MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION:

Thank you very much, Deputy Speaker and to the hon Kwankwa, hon Kwankwa would be aware that upon the riots occurring and being very aware of the fact that could occur with respect to the transportation of goods to the region. Immediate steps were taken to introduce measures to ensure that transport was able to move from point to point in our country and to the borders of neighbouring states to ensure that goods are delivered. Steps were also taken to provide support to ports that have been affected by the violence and to ensure that the cranes were able to operate in as shorter time as possible.

There was some delay, particularly in export of heavy goods. My understanding, from the measures that were taken is with respect to basic necessities while there was fear that there would be significant inadequacy. The quick response of the

South African government and the various agencies related to logistic support as well as private sector companies operating in the export sector, we were able to ensure that goods were delivered on time and in good condition. Thank you, Chairperson.

The DEPUTY SPEAKER: Mr B S Nkosi.

Mr B A RADEBE: Deputy Speaker, it looks like the member has a problem in the virtual platform. Can I take the question?

The DEPUTY SPEAKER: Yes, you may take the question.

Mr B A RADEBE: Alright, thank you Deputy Speaker. The question from Mr Nkosi is: What engagement is the department undertaking through its missions abroad ... [Inaudible.] ...

Mr B S NKOSI: [Inaudible.]

The DEPUTY SPEAKER: We can’t hear. Take it you will be represented by your ... [Inaudible.] ... Please sir, forget about asking your question. We have taken it over now. We can’t even hear what you are saying. You’ll get an opportunity

at the next round of questions. We have taken over your question. Gao ahead, hon member. That’s the Rule I read at the beginning of the meeting.

Mr B A RADEBE: Thank you, Deputy Speaker, the question is: What engagement is the department undertaking through its missions abroad to assure investors and potential investors that South Africa remains an investment destination of choice and that all investments are protected in South Africa? I thank you.

The DEPUTY SPEAKER: Thank you very much. Hon Nkosi, you can be assured that hon Bheki Radebe did say that it is your question. He didn’t completely take it over as I have perhaps suggested.

The MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION:

Thank you very much, Deputy Speaker, we have been consistently briefing our missions throughout the world providing them with updates on developments in South Africa with respect to the awful events of July, this year. On a regular basis, they brief the foreign Ministries or any other Ministry that may want information on developments in our country.

I have also had the occasion to brief Ministers of the African Union through the executive council of the African Union. I have held a range of bilateral meetings; I have briefed the G20 countries as well as the G7. Wherever we have the opportunity, we provide assurance to indicate that we are paying attention both to addressing the causes of the protests and ensuring that there is a seamless return to full economic activities in our country.

So, our missions are fully engaged with representatives in the countries in which they are and they are providing us with support and assistance. Thank you very much, Deputy Speaker.

Question 270:

The DEPUTY MINISTER OF POLICE: Sorry, hon Speaker, the Minister is Turkey. If you may allow, I can respond to the question. There’s an Interpol conference taking place there. Thank you.

The DEPUTY SPEAKER: Oh, thank you very much, I was about to call him. Go ahead hon Deputy Minister of Police.

*Bengizokubiza ngoba ungumkhaya wami* [I was going to call you because you are my homie].

The DEPUTY MINISTER OF POLICE: No, thank very much Deputy Minister for the opportunity. our response to the question raised, is that the South African Police Service implementation plan for the period 25 November 2021 to 10 December for the 16 Days of Activism for No Violence against Women and Children, focuses on the following activities, dialogues and information sharing, awareness raising for the members with the division, visible policing and operations on gender-based violence and sexual offences, victim empowerment, Child Justice Act and abuse of elderly people, distribution of pamphlets via the South African Police Service Communication Nodal Point, awareness raising to members of SAPS on trafficking and in persons. And these activities are taking place throughout the country in various provinces. For an example, in the Eastern Cape, there will be a national communication engagement in Lusikisiki.

A community outreach awareness campaign on crime against women and children, culminating into an imbizo on 3 December 2021.

Door to door campaigns to raise community awareness in conjunction with crime prevention activities and operations. Closure of 16 Days Campaign Community Outreach Awareness Campaign on Crime Against Women and Children. And the launch of 16 Days Campaign Community Outreach Awareness Campaign

Crimes against Women and Children. Public education to educate communities about gender-based violence GBV about femicide.

Peace road block to create awareness about domestic violence and GBV. Break the silence when women and children are abused. To create awareness about GBV.

And distribution of pamphlets to sensitize community against gender-based violence and femicide GBVF, and march on GBVF and dialogue to sensitize communities regarding the scourge. Soul city GBV drive and dialogue presentation to educate the public on reduction strategies and incidences with support of Metro FM radio station. And in Gauteng we will be doing ... [Inaudible.] ... community engagement and distribution of pamphlets. Men’s dialogue to discuss the scourge of GBV and encourage debate amongst men.

We will be having roadshows to engage communities to address the scourge. We will also have a prayer walk, divine intervention against GBVF. Visit old age homes awareness raising to elderly people on GBV. Capacity building, conduct training to promote professionalism and handling of victims of GBVF.

In KwaZulu-Natal a national community engagement in Inanda Community Outreach Awareness Campaigns on Crime Against Women and Children. Awareness campaign on information sharing on GBV to educate the community. An imbizo will be organised in Inanda and Zululand community outreach awareness campaign on crime against women and children. Distribution of pamphlets, engaging communities to address GBVF. Road shows will be engaged in communities to address the scourge. We will also visit old age homes to raise awareness against GBV. Loud yelling and pamphlets distribution, 16 days of activism, educate community in GBV. One on one talks, educate communities around the scourge. We will also have prayer day on 16 Days of Activism. Educate communities around this province.

In Limpopo Province, we will engage in ... [Inaudible.] ... to alert communities about the prevention of the scourge. We will also engage ... [Interjection.] ...

The DEPUTY SPEAKER: Hon Deputy Minister, I would suggest you

stop there, because you’ve exceeded my generosity.

The DEPUTY MINISTER OF POLICE: ... thank you Deputy Speaker.

Ms T M JOEMAT-PETTERSSON: Thank you, hon Deputy Speaker, hon Deputy Minister, given the negative impact of the COVID-19 pandemic and the possibility of fourth wave and with the decline in the numerical capacity of intermediary court preparation officers and prosecutors as per your response. How does the department plan on addressing the situation, to ensure that justice remains accessible to the victims and survivors of sexual offences? I thank you.

The DEPUTY MINISTER OF POLICE: Thank you, Deputy Speaker the programme on our fight of the 16 Days of Activism, is a problem that the SAPS has declared the fight against GBV to be a 365 days’ intervention. In addition to this, the ministry has ensured that matters of GBV remain part of all our community engagement activities. Provinces were also requested to develop plans for ongoing campaigns regarding gender-based violence to be conducted throughout the year.

The visible policing and operations monitors this through reports from provinces. We are working very closely with the Department of Justice and Constitutional Development to ensure that there’s effective prosecution in this regard on cases that involve issues of women and child abuse. Thank you, hon Deputy Speaker.

Maj-Gen O S TERBLANCHE: Thank you, Deputy Speaker, Deputy Minister you raised a lot of issues, a typical showdown approach. Now, the crime statistics that the Minister release on 19 November 2021, indicate that 9556 rape cases were registered from July to September this year. A 7,1% rise if compared with the same period the previous year,2020. Deputy Minister, South Africans don’t trust you and your programmes anymore to get situation under control. Why should they believe you this time? Thank you.

The DEPUTY MINISTER OF POLICE: Thank you, hon Deputy Speaker it is incorrect to say that South Africans don’t trust South African Police. The opposite is the case; we have interacted with communities around this issue. And, our view has always been, our fight against GBV is a fight that will succeed, working together with our communities. And we are continuing to do this and we see our communities responding positively to the programmes that we initiate. And we will continue to make a call to the public representatives, that they have a role to play including hon Terblanche. Thank you very much.

Mr A M SHAIK EMAM: Thank you, Deputy Speaker, Deputy Minister what haven’t heard is how you going to deal with the root causes of gender-based violence. And that is the socioeconomic

conditions under which our people live. And secondly and more importantly, the role of civil society organization, nongovernment organizations, NGOs, nonprofit organizations, NPOs, ... [Inaudible.] and policing forums. Many of these institutions and organizations come after the fact in front of police station and courts asking you not to provide bail but they are not there to prevent this gender-based violence. So, my question is what are we going to do to prevent it and deal with the root causes of it. Thank you Deputy Speaker.

The DEPUTY MINISTER OF POLICE: Thank you, Deputy Speaker, I agree fully with hon Shaik Emam, that there are root causes to the problem of GBV. And as the police we have also made that determination. And, in fact, government through the strategic approach on our fight against crime has made that determination. We need to deal with the root causes which is a product of the social ills that South Africa has. We must all agree that apartheid has had its impact on the South African society. The manner in which young women are being socialised from childhood, perpetuate this perspective of believing in resolving issues through the use of force.

Education is going to play a key role in the resolution of this problem, that our children from an early age, should be

socialised in such a manner that they should see each as a boys and girls, as human beings. Not looking at the other as a weakling who can only be assisted or be done favour when it comes to things they need to do. Our orientation should change on how we raised our children and that is going to be the lasting solution to the problems that we have. It doesn’t matter how many police officers you will deploy. If you don’t deal with the psychological set up of our communities, the problem will remain. We also agree that civil society has a role to play and we do extend our hand, as we go to communities to work with them in our fight against this scourge. Thank you very much Deputy Speaker.

Mr H A SHEMBENI: Thank you, Deputy Speaker, Deputy Minister, you recently released crime statistics, demonstrate that crime is truly out of hand. And that the rape, murder and abuse of women and children happen every day in this country. The abducting the muti children and their eventually return without police involvement is proof that SAPS has no capacity to resolve these cases. Does SAPS know at this stage who was involved with the kidnapping of the muti children or have you given up those investigations because they have returned home? Thank you Deputy Speaker.

The DEPUTY MINISTER OF POLICE: Deputy Speaker, the South African Police have not given up and we have not failed in our fight against crime. The investigations around the question that member is raising despite the fact that it’s a new question – they are ongoing and we will definitely not stop because the children have been returned home. Thank you Deputy Speaker.

Question 288:

The DEPUTY MINISTER OF POLICE: Hon Deputy Speaker, the question that has been asked, our response to it is that a total of 7 519 trainees were trained through the system. Out of this, others fell through and we were only able to have

7 360 that were ultimately enrolled as members of the members of the SA Police Service, SAPS. In terms of the number that has exited the system during the period in review, is 15 943. Thank you very much, hon Deputy Speaker.

The DEPUTY SPEAKER: Hon Deputy Minister, yes, you mean Deputy Speaker, I know. The hon Whitfield!

Mr A G WHITFIELD: Hon Deputy Speaker, that is the net loss of seven or 8 000 members of the SA Police Service. Almost every day my colleagues and I on the committee we receive desperate

emails from aspirant trainee police officers who have fallen between the cracks of a broken department. The fact is hon Deputy Minister, that recent budget cuts have gutted the visible policing programme which is the key programme responsible for crime prevention. While the very important person, VIP, Protection Budget has enjoyed annual increases for the past 20 years. In fact, the VIP Protection Budget has increased by over 12% in the last 20 years. Budget reductions, poor planning and skewed prioritisation have led to devastating consequences for frontline policing which will inevitably lead to more crime and insecurity in our country.

Since 2016-17 SAPS’s fixed establishment has declined from

194 000 to 182 000 personnel.

We have lost 32 600 people since 2016-17 and it is now projected that by 2023-24, we will only have 163 000 in the fixed establishment.

In light of this crisis in the frontline policing will the Deputy Minister agree to the proposal to slash the VIP Protection Budget in half and redirect this funding to visible policing so that we can put more boots on the ground to keep our communities safe, or will the Minister continue to support

increases to the VIP Budget for the few at the expense of the many? [Applause.]

The DEPUTY MINISTER OF POLICE: Hon Deputy Speaker, it is correct that in the past financial year, 2021-21 we were not able to have intake for training because of the conditions that we find ourselves in, which have also impacted to this financial year.

Deputy Speaker, however of course acknowledged the fact that there is a shortage and there is a need for us to increase that. In that regard we have already taken a decision to enroll about 3 000 intakes, from 2 000 of which comes from the public service administration personnel within SAPS. A 1 000 of that comes from the reservists.

In the coming financial year, we intend to have an intake of

10 000 new recruits who are going to go into our facilities.

We are aware that our facilities have a limited capacity in terms of the number of people we can train per annum. In that regard there are discussions that are taking place led by the Minister, with the Minister of Defence and Military Veterans so that we can look at the possibility of utilising their facilities for purposes of training.

We are definitely committed to ensure that we increase the SAPS personnel that we have. We do not want to solve a problem by creating another. For the proposal that the Whitfield is making is to for us to create a problem to solve another. I do not think that it is an approach we are going to take as the leadership of the SA Police. We are going to face this problem head on. I am quite confident that with the support from the National Treasury, we will be able to take the intake that I have just indicated of 10 000 in the next financial year.

Thank you, hon Deputy Speaker. [Applause.]

Ms S PATREIN: Hon Deputy Speaker and Deputy Minister, with the lockdown regulations having new trainees has been a challenge however, what are the projected numbers of enrolment for 2021- 22? Thank you.

The DEPUTY MINISTER OF POLICE: Hon Deputy Speaker, as I did in trying to respond to the earlier comment, for this financial year we have taken 3 000 intakes. Of this number the breakdown is 2 000 from the public service because within SAPS we have a section that is made of Public Service Act and we also took a

1 000 reservists into the training programme. So all in all, currently is 3 000. Thank you, Deputy Speaker.

The DEPUTY SPEAKER: Thank you, Deputy Minister. The third supplementary question is by the hon Majozi.

Mr N SINGH: Hon Deputy Speaker, can I take this question on her behalf.

The DEPUTY SPEAKER: Go ahead, ntate.

Mr N SINGH: Thank you very much, hon Deputy Speaker and thank you very much Deputy Minister for your response. My question will relate to the capacity of SAPS to deal with safety and security issues.

Now hon Deputy Minister, given the recent utterances of the Police Commissioner, that during the unrests, SAPS was under- staffed and gathering intelligence was a weakness and given that there are reports and information speculating currently that there is possible threats of looting on Friday and the weekend in the Pietermaritzburg and Durban areas, and SAPS the different police stations are calling meetings with Community Police Forums and with the community organisations, are you aware of this? And secondly, will SAPS ready to deal with these issues if there are such incidences on the weekend as has been reported by intelligence? Thank you.

The DEPUTY MINISTER OF POLICE: Hon Deputy Speaker, yes indeed the response for the previous riots was left much to be desired and we could have done more. Out of that environment we have learned our lessons. It is true that we are aware of the possibilities of what might happen, because we are working very closely with the intelligence community. We are sharing information both with the state agency and the Defence. We are quite certain that we will be able to respond, should something like this happen. That we were not previously able to adequately respond to.

From the deferent provinces, our police officers are on standby. If there is a need to deploy extra police into areas that are affected, we will definitely do so. Thank you, hon Deputy Speaker.

Mr H A SHEMBENI: Hon Deputy Speaker and hon Deputy Minister, the 2019 report of the Civilian Secretariat of the Police noted just about 60% of the police who were actually doing police work while 40% were loaned in provincial and national headquarters.

The report also noted that the police to citizen ratio was far lower than the recommended by the UN for countries such as ours.

What interventions have you made since then, to ensure that more police are actually doing the policing instead of being confined to offices. Thank you, Deputy Speaker.

The DEPUTY MINISTER OF POLICE: Hon Deputy Speaker, the issue of the ratio of police to the citizens is the matter that we have been ceased with. There are discussions and the Civilian Secretariat has been given a mandate to do a comparive study with other countries in the world to look at what their best practices are so that we can come and benchmark ourselves here in South Africa so that we find a ratio of the police to the citizens that is balanced and it is in a manner that would enable us to carry out our responsibilities.

Off course, it is correct that over the years the number of police personnel has declined that is why we took a decision in 2019 that we should on a yearly basis have an intake of

5 000 trainees, because this is the capacity of our colleges.

We have been doing this until we were disrupted by COVID-19 pandemic.

However, we are going to start with the processes as I have said earlier on that we intend to have an intake of 10 000 in the coming financial year. However, this will only be possible with the support of the National Treasury because we will need additional funding for us to be able to increase that.

Definitely, the ratio of 60% of police, being on the ground and 40% of police at the head office is a matter that we have discussed and have resolved that we need to have a higher percentage of the police on the ground. Thank very much, hon Deputy Speaker.

Question 264:

The DEPUTY MINISTER OF POLICE: Thank you very much, hon Deputy Speaker. The SA Police Service, SAPS, including the Directorate for Priority Crime Investigation have secured the attendance of 18 accused persons for investigations. They are still appearing in court, and the court will pronounce on its findings. If the findings are that of conviction, a sanction will be meted out. The investigations are continuing, and the possibility of additional arrests is not ruled out. The court dates and relevant details are reflected in the table below.

If you look at the table below, we’ve got what we might call a

court date on Table No 1, accused Refilwe Oratile Sebika, who

is out on bail; and we also have Sibongiseni Christian Sikhakhane, who is also out on bail.

We also have Temba Bundwani Emmanuel Monisi, who is also out on bail; we also have Motsamai Phineas Letsoalo, who is out on bail; we have Bonginkosi Khanyile, who is also out on bail; we have Mdumiseni Zuma, who is still under bail application; we also have Sphithiphithi Zamaswazi Zinhle Majozi, who has been granted bail; we have Mboneni Clarens Tabane, who is also out on bail; we have Brian Ngizwe Mchunu, who is also on bail; and we have Bruce Niemmerhoudt, who is also out on bail; we have Sibusiso Mavuso, who is also out on bail; we have Sabelo Msomi, who is also out on bail.

We have Ike Thamsanqa Khumalo, who has also been granted bail, and we’ve got a group of four individuals, Solani Selaole, Nhlapo, D S Wahi and C S Zondo, who are also out on bail, and lastly, we have Mahlangu, who is also out on bail. So, these are the details around some of the court dates of the individuals that are involved. Thank you, Deputy Speaker.

Rev K R J MESHOE: Thank you, Deputy Speaker, and thank you, Minister. I would like to know whether the list that the Deputy Minister has just read includes the 12 specific ones

that the Minister, Bheki Cele, has alluded to? According to News 24 report for 13 July, the Minister said that he had the list of 12 instigators of the July unrest. By 4 October, eyewitnesses reported that the Hawks admitted that only seven of the 12 instigators that the Minister spoke about have been arrested.

The ACDP would like to know, how far are the investigations into the other five alleged instigators are? Furthermore, I would like to know if any political leaders and their motivation has been established in the investigations, and how many of those arrested have appeared in court and are political leaders? Thank you.

The DEPUTY MINISTER OF POLICE: Thank you, Deputy Speaker, all I can say is that, what I have presented here is what the police have been doing, the people have been arrested and the details regarding the people who are arrested as I read out the list. Secondly, is that the investigations are continuing and the possibility of additional arrest is not ruled out. So, the investigations are continuing. If there is anybody who was involved and has not yet been arrested, the police will come to get that person and that person will be arrested. Thank you very much, hon Deputy Speaker.

Ms T M JOEMAT-PETTERSSON: Thank you very much, hon Deputy Minister and thank you very much, hon Deputy Speaker. Hon Deputy Minister, what are the steps taken by the police in ensuring that there is peace and stability after the unrest; what is the plan moving forward to make sure that there is sufficient capacity and what lessons can be drawn on the challenges we face from the unrest to strengthen the SA Police Services? I thank you.

The DEPUTY MINISTER OF POLICE: Thank you very much, Deputy Speaker. Contingency plans have been put in place in areas that were affected by the violence. The effective law of crime and intelligence have been secured, and intelligence is communicated to all relevant stakeholders on a daily basis.

Members from different provinces have been placed on standby, should interprovincial deployments be required. To ensure that the current capacity is enhanced, public order police, POP, members, are receiving training in the SAPS academy. Members who are already trained are exposed to refresher courses. It was evident from the July 2021 unrest situation that adequate numbers of POP members are required to do crowd management.

Measures have been put in place to ensure that equipment and vehicles, including armored vehicles are maintained and ready

for operational deployment when the need arises. Thank you very much, Deputy Speaker.

Mr A G WHITFIELD: Thank you very much, Deputy Speaker. Hon Deputy Minister, the looting and the violence which took place in KwaZulu-Natal and Gauteng, have exposed SAPS’s crime intelligence, its public order policing capabilities among other deficiencies in the SAPS. The National Police Commissioner had this week had admitted that SAPS failed due to severe manpower constraints, specifically, in public order policing, where there are only 5005 officers against the total need of 12 000, and he later blamed squarely at budget cuts which he says are the cause of the failure to respond and contain the violence.

My question to you, Deputy Minister is, why you and your colleagues in the ANC continue to vote to support the budget in this House which undermine the SAPS’s ability to respond to violent unrest and, will you take the House into your confidence by sharing your plans to bolster public order policing over the medium-term? I thank you.

The DEPUTY MINISTER OF POLICE: Thank you, Deputy Speaker. Definitely, yes. Earlier on I said that we intend to enroll

10 000 new intakes, and the greater part of that will go to public order policing. That is an area that we have accepted that there has been a depletion, and it is our intention and determination to ensure that we beef up that sector so that when we are confronted with issues where public order policing is needed, we have the ability and capacity to respond to.

We have had very meaningful engagement with National Treasury, particularly the new Minister, and the indication has been made that while we are working on putting a submission that will make it possible for Treasury to increase our allocation, which is geared towards among other things to capacitate ourselves and in particular to deal with the witnesses in the space of public order policing. Thank you very much, Deputy Speaker.

Mr A M SHAIK EMAM: Thank you, Deputy Speaker. Deputy Minister, the lack of progress to what happened in July in terms of this looting and protest, is this, do you believe is as a result of the fact that SA Police Services is compromised, together with the intelligence, are they compromised? I am asking this because it appears to me that there’s two sides of the story. The first is that there has been an instruction, and the other one is protest and looting. But whatever it is, there has been

very little or no progress in getting to the root cause of what this was all about. Can you enlighten us to what do you believe is the problem with SAPS that we are not able to get to the root cause of this problem?

The DEPUTY MINISTER OF POLICE: Thank you, hon Deputy Speaker. We have acceded that we could have done better, but I think the better co-ordination that is taking place in the security cluster, is going to assist us tremendously going forward, including to whatever challenge that as a country we can face. We need better co-ordination, we are doing that and we should be able to respond to issues of this nature. The issues of root causes around crime, we have spoken about it earlier on saying that, at the center of criminality, there is poverty, and other development that as a country we find ourselves in.

Those are the issues we need to deal with, in order to remove the course that propels people to act in a manner that leads them in being criminals. Give them food, make it possible to be able to look after themselves, this will make criminality to decline in the country. That is the matter that we need as a country to deal with, but as far as our response and capabilities, I think that we are ready now, to deal with

whatever situation that can avail itself to owe ourselves. Thank you very much, Deputy Speaker.

Question 273:

The DEPUTY MINISTER OF JUSTICE AND CORRECTIONAL SERVICES (Mr J

1. Jeffrey): Deputy Speaker, in part of its annual performance plan commitment on justice modernisation and digitization programme, the Department of Justice and Constitutional Development is progressively introducing online services and domestic violence and maintenance matters to make them accessible online, as well as faster and cheaper.

These interventions also represent the department’s commitment in implementing the Declaration of the Presidential Summit Against Gender-Based Violence and Femicide, as well as National Strategic Plan. As far as domestic violence is concerned in line with the objectives and aspirations of the Domestic Violence Amendment Bill, which this House recently passed, the department commits with the development of a new module for online domestic violence application protection orders, and this is now being integrated within the existing modules for the domestic violence integrated case management system and the e-judiciary website workbench system.

This integration is necessary to create a platform for improved stakeholder collaboration and data sharing when processing online applications for protection orders; and it is expected to be finalised before the end of this financial year. With the system victims of domestic violence, victims will be able to make online applications protection orders, as well as receive such orders online.

With regard to maintenance during this financial year, the department finalised phase one of the pilot programme for the maintenance online applications or MOA for short. Which focuses on testing a system at a single site for work in applicants only. The programme has now moved to the next phase which is to open up a MOA system for wider public access with the assistance of the selected civil society organisations at the same site which is at the Durban Point Branch Court.

The aim is to test the operationalisation of the system at a single site before it is rolled up on a larger scale for implementation. The ransomware attack has led to a delay in the pilot programmes, targeted progress for the second quarter. However, every endeavour will be taken to finalise such missed financial year.

In the previous financial year, the department introduced an sms notification for both domestic violence and maintenance applications. The sms notification system is being developed, deployed and its ready for activation for the courts utilization. What is outstanding is to educate the district court officials responsible for the process on the system and how it interfaces with their frontline work.

As far as the second part of the question in order to curve the spread of Delaware, the department shut down all services. Although this means that all our systems were down for various periods during the last two months, the impact was particularly felt on online services in the masters’ portal which included ... [Inaudible.] ... online, research functionality, deceased estate and insolvency also research functionality for both of them.

The departmental website was however used for information on the website as it was available from the first week of recovery. Thank you, Deputy Speaker.

*Isixhosa:*

Mnu Q R DYANTYI: Enkosi Sekela Somlomo, ndiyabulela nakuwe Sekela Mphatiswa.

*English*:

1. would have loved that you are here, ...

*IsiXhosa*:

... ndikujonge kakuhle.

*English*:

... but thank you for the comprehensive response you have given. But given the reality of connectivity challenges and high cost of data, how is your department going to ensure that women who stays in the remote areas of rural areas like Lenyenye ... [Inaudible.] ... Lady Frerea are not going to be left out in this very important process?

The DEPUTY MINISTER OF JUSTICE AND CORRECTIONAL SERVICES (Mr J

H Jeffrey): Thank you, hon Dyantyi. The problem of access to connectivity and data costs are a broader problem that government is tackling in terms of ensuring greater internet connectivity and reducing data costs. We would also hope that there would be a facilities available at different government institutions where people can go in and make the applications.

Another problem that we have is the connectivity at particular courts, particularly courts that are connected via copper

cables and the courts themselves don’t have connectivity. A copper cable as you know is a problem because its prone to theft and its high risk of delivery of services. So the department is currently reviewing its network infrastructure as part of the new Virtual Private Network, VPN, contract and we will look at alternative means of providing connectivity. This includes operating corporative fibre, where that’s possible and replacing copper with microwave 3G and 4G where feasible. Thank you.

Adv G BREYTENBACH: Hon Deputy Minister, the online services of the Department of Justice were paralysed for weeks as a result of ransomware attack. Members of the public and legal practitioners were unable to access any service of the master’s offices and vital services such as maintenance payments and ... [Inaudible.] ... pay were disabled.

Members of the magistracies and other employees paid by the department did not receive their salaries. One payments were not met and tax and medical aid payments were not met. What processes were significantly inducted? Is it correct that the IT provider of the department had not been paid for two months prior to the attack? And what have you done, Mr Deputy Minister, to ensure that the service provider is paid? That

the services are reinstated? And the payment missed are brought up to date? Thank you.

The DEPUTY MINISTER OF JUSTICE AND CORRECTIONAL SERVICES (Mr J

H Jeffrey): Thank you Deputy Speaker and hon Breytenbach, look, the ransomware attack had a severe impact on the functioning of the department, that is without question. I am not so sure that the hon Breytenbach’s statistics are as correct. ... [Inaudible.] ... pay, luckily most of the payments had already been processed for child maintenance before the attack happened.

The issue of magistrates’ salary payments, I am aware of a couple of magistrates for a specific reason in one of the Western Cape clusters, one of the two Western Cape clusters who was acting as magistrate had payment problems. The issue is that it is something that the Minister and I are very concerned about and are getting reports from the department.

We are told that we are now at 98% of services are now back up, that it is the 2% that is still having problems are back in the IT systems, such as operations management tools, network management tools, etc. and that its TSM which is a tool for logging calls, the service desk, pastel which is used

for stating financial statements and ECMS, which is a system that is used by the NPA.

We met the portfolio committee yesterday and they wanted to know what exactly happened and why did it happen and ensuring 100% functionality as soon as possible. Thank you.

The DEPUTY SPEAKER: Hon Deputy Minister John Jeffrey, please give me a moment before you respond to a question. I may want to make an announcement or throw you out. Do allow me that space. I want to have the ability to call you to respond. It’s an important part of the process. So that members know that they must not speak when they are not invited to, as a general practice. Those are the Rules and from the Deputy Minister of Justice, I expect nothing but compliance. [Laughter.]

Ms Y N YAKO: Deputy Minister, while the online processing of protection orders is a good step, which it is, the reality is that for many women, especially black women who are at the receiving end of violence, the online platform may not be a useful platform, leaving them dependent on police stations and the magistrate courts.

So, what collaborative work have you done with the Minister of Police and the department in general to make a process of applying for protection orders less draining for victims of violence and abuse. Especially women who goes to the actual police station to seek for help after they have been abused.

Thank you.

The DEPUTY MINISTER OF JUSTICE AND CORRECTIONAL SERVICES (Mr J

H Jeffrey): Thank you, hon Deputy Speaker, can I respond? I am a little bit scared of not being compliant.

The DEPUTY SPEAKER: [Laughter.] I invited you, hon Deputy Minister.

The DEPUTY MINISTER OF JUSTICE AND CORRECTIONAL SERVICES (Mr J

H Jeffrey): Thanks to hon Yako. Currently, people have to make applications at courts, which are one in every magisterial district, but that is still some considerable distance that people have to travel.

So, what you are saying is correct. Lots of people in rural areas, as hon Dyantyi has raised, don’t have access to internet connectivity, but at least this is a start for those

who do have access to places like for example government Thusong centre, would be able to make those applications.

But it is something that we would need to continue to exploring how can we partner with civil society organisations or other bodies in rural areas who do have internet connectivity, advice offices, for example, to ensure that people can come in there and make online applications for protection orders. Thank you, Deputy Speaker.

Mr N SINGH: Hon Deputy Speaker, may I take the question on behalf of hon Msimang?

The DEPUTY SPEAKER: Yes, you may Sir.

Mr N SINGH: Hon Deputy Minister, thank you for your responses. Now hon Deputy Minister, you mentioned online services and we know budget cuts have affected it. I think hon Dyantyi and yourself also spoke about the masters’ offices. Now, I am speaking from an informed basis, in that my party’s headquarters are right next to the masters’ offices in Durban and what I see sometimes is shocking.

Long queues of people dressed in black, coming from rural areas, being there from morning to evening wanted to be attended to get letters of executorship and documentations. Sometimes it takes over a year, two years, to get letters of executorship and I am told, rumours suggest that if you pay a certain amount you get it in a day. It takes how much you pay to get those letter of executorship. Firstly, I would like to know if you would investigate these allegations and rumours by sending people in there, just to see what is happening.

Secondly, ... [Interjections.]

The DEPUTY SPEAKER: No, No, Sir. Hon Singh, your time has expired and this is why we often say ask your question first and then you can do the propaganda afterwards. [Laughter.]

Mr N SINGH: [Laughter.] I wanted to give a background, hon Deputy Speaker.

The DEPUTY SPEAKER: I know what you mean. [Laughter.]

The DEPUTY MINISTER OF JUSTICE AND CORRECTIONAL SERVICES (Mr J

H Jeffrey): Hon Deputy Speaker, let me say that I am aware of the problem at the masters’ offices, not just in Durban, but across the country. Before the ransomware attack, the problem

was reduced staff due to covid protocols at the masters’

office in Durban, in particular was affected.

So there were few masters’ officials to serve members of the republic. And then, we had the ransomware attack which we shut down the issuing of letters of executorship in the states. We have a number of meetings with masters’ officials and particularly members of the legal profession. The staff are back to a 100% capacity and the systems are back online. The letter of executorship, etc, are being issued.

As far as the allegations of corruption, obviously there is more stroke for that when they are accused which hopefully reducing. But I would really urge anyone who is asked to pay a bribe to whoever, whether it’s a security guard or member of the masters’ office, to report it to us and hopefully the hon Singh you can get IFP members to report it at your offices as they are right next to the masters’ offices in Ethekwini.

Thank you, Deputy Speaker.

Question 261:

The DEPUTY MINISTER OF POLICE: Deputy Speaker, this matter is currently under investigation to determine the cited allegations. Thank you very much.

Mr A M SHAIK EMAM: Deputy Speaker, Deputy Minister, I refer to case number 223 of July 2021 that was opened at the Cambridge Police Station in East London where the wife of the deceased opened a case calling for an investigation into the death.

I'm advised that the body was exhumed and a substance was found after an investigation and your autopsy has found that, of course, there was a substance found on General Mfazi’s body that he had nothing to do with COVID-19 but he may have been poisoned. Now, could you tell us at what level is this investigation? When can we have a comprehensive report and have some finality on this matter?

The DEPUTY MINISTER OF POLICE: Deputy Speaker, I thought the question said that whereby in view of the allegations reported in the media that a certain person did not die of COVID-19, and, in brackets, name and details were furnished. I thought that there was sensitivity in the matter. That's why it was put in the manner in which it has been.

And the question then raises something which I think is unfortunate, but I should respond the way I did that the matter is currently under investigation to determine the cited allegations and the member has also confirmed there are

further investigations by himself but he wants us to give the details which are not there as we speak. So, the matter is still under investigation, Deputy Speaker. Thank you very much.

Mr A M SEABI: Thank you, Deputy Speaker, and thank you very much, Deputy Minister, do you, by any chance, have an idea as to how long the investigation will take so that would bring finality to the case? Thanks. Thanks, Deputy Speaker.

The DEPUTY MINISTER OF POLICE: Deputy Speaker, the matter is still the subject of an ongoing investigation. A date for a briefing has not yet been determined. And as soon as there is finality on the case, we will do so. Thank you very much, Deputy Speaker.

Maj Gen O S TERBLANCHE: Deputy Speaker, Deputy Minister, the cause of death of this senior government official must be determined as a matter of urgency. If a crime was indeed committed, it may be regarded as a direct assault against the state and charges need to be also added to the investigation if it's a case of murder then. What is hindering the investigators from finalising the investigation and bringing the perpetrators to book? Thank you.

The DEPUTY MINISTER OF POLICE: Deputy Speaker, nothing is hindering the investigation. The investigation is ongoing and when it is concluded, the necessary steps will be taken. If there is criminality involved, anybody who has been involved in that, irrespective of their position, the law will take its course. Thank you very much, Deputy Speaker.

Mr N SINGH: Deputy Speaker, hon Deputy Minister, does the department or the Ministry have any crack team to deal with investigations involving members of the security forces which is the SA Police Service, SAPS, and organised crime because there are many reports and outcomes or propaganda. There are many reports of such things taking place where organised crime and police work in collusion with each other.

A simple example, if you look at an area where you want to send in the police to arrest drug dealers, you'll find that even before person reports to the police station, the drug dealer knows that the police are on the way because the people from that police station and the drug dealer working in cahoots.

So is there a special task team who your police don't even know that can deal with these kinds of collusion that's taking

place and affecting safety and security? Thank you, Deputy Speaker.

The DEPUTY MINISTER OF POLICE: Thank you very much, hon Deputy Speaker and thanks, hon member for that question, I should say that I agree with what you are saying that there are elements within the South African police who work with criminals, be they be drug dealers or other criminals engaged in different activities.

And from time to time, we do make arrests of men and women in blue, who engage in criminality who work with criminals. There are many examples that we can give where such has happened.

And even in a situation like this, if there are officers who are working with organised people who might have committed what can come out to be criminal acts, at the end of the investigation, the law will take its course.

We do have capable men and women in blue who are police officers who are investigating and arresting criminals, irrespective of the uniform that they wear. If they find criminals in a blue uniform, they arrest that criminal but being arrested by men in blue. So, we do have the capacity and

the capability within the South African police to deal with cases of this nature. Thank you very much, Deputy Speaker.

Question 275:

The MINISTER OF HOME AFFAIRS: Hon Deputy Speaker, hon member, as a member of the Portfolio Committee of Home Affairs, I am quite sure that you have had the opportunity yesterday in the portfolio committee meeting to listen to a comprehensive and extensive report on the progress of the Border Management Authority, BMA. That report was extensively covered by BusinessTech this morning, but for the sake of the House, I will summarise the salient features.

Both the Commissioner and Deputy Commissioner of Operations assumed duty on 2 November 2021. The Deputy Commissioner of Operations, which is still outstanding will assume duty next week on 1 December 2021. And the following tasks have already been performed. Firstly, the finalisation of the implementation protocols between the Border Management Authority, the South African Police Service, Sars and the South National Defence Force in terms of section 27(5) of the BMA Act of 2020. Secondly, the finanlisation of the section 97 proclamation.

Hon member, if you remember, section 97 of the Constitution of the Republic of South Africa provides for the President to transfer certain parts of an Act from one Minister to the other and secondly, to transfer certain functions of a particular Act from one Minister to the other and that programme is on. Thirdly, the operationalisation of the Border Technical Committee, as required by section 25(1) of the BMA Act and the Interministerial Consultative Committee, as required by section 24(1) of the same Act. As such, the Border Technical Committee will meet on 26 November again for the second time and has already met on 18 November.

At this point, we also want to update you on the other happenings in the BMA. The BMA will be incubated in the Department of Home Affairs as one of the branches between now and 31 March 2023. In this regard, it is envisaged that on 1 April 2023, this incubation period would have come an end. The BMA will be a standalone entity, meaning that it will a schedule 3(a) public entity because the listing of this public entity will happen in July 2022, after certain things had been done.

Thirdly, the BMA has already finalised is corporate identity, which includes a logo and uniforms for the border guards.

However, discussions are underway with the Minister of Trade, Industry and Competition as well as the State Heraldry in order to protect this logo. Thank you.

Mr M S CHABANE: Minister, thank you for the comprehensive response. We know that THE filling of senior positions in the BMA will be critical in this transition. Can the Minister outline the timelines of when the border patrols and transfer of staff ... [Inaudible.] ... including the discussion with organised labour?

The MINISTER OF HOME AFFAIRS: Chairperson, as I have already said, the appointment of certain members of staff like the CFO, the Chief Director of Operations, etc, are required for listing of the public entity and it will happen between now and July next year. I think there will be about five appointments that will be made. Without those appointments, we will not be allowed to list.

Regarding the issue of when the border guards will be inaugurated and when they will start their work, that matter will be discussed, as I have said, when the Inter-Ministerial Committee on the Border Management Authority meets, which is Friday. That means in two days’ time. I want to remind the hon

member that, while the inter-ministerial committees are chosen by the President, this is one is chosen by an Act – the Ministers. In other words, it is a statutory body by an Act of Parliament that the committee must meet and discuss these issues. And the committee is meeting for the first time this Friday. Thank you.

Mr F J MULDER: Hon Deputy Speaker, there is a long ongoing, unfortunate situation on the South African border with Namibia in the Palamouth region in the Northern Cape as example, where the border is on the Namibian side of the Orange River, and the well-known fact that illegal immigration and smuggling of goods and stock is a daily occurrence. There is also the escalating attacks on tourists on the Orange River, which is technically in the South African territory. Furthermore, the designated officials of the department for Home Affairs for that specific region do not even bother to respond in any way to enquiries and concerns. With reference to this, what commitments or assurance can the hon Minister give the House to the citizens of both South Africa and Namibia that the implementation of the Border Management Authority will address this unacceptable negligent of the mandate of the department urgently and effectively? Thank you.

The MINISTER OF HOME AFFAIRS: Hon Mulder, that is quite unfortunate because the border between us and Namibia, just like the border between us and Botswana are the least problematic. We have very few problems at that border. Out of the 4 772 km of land border, 1 500 is between us and Botswana and there are very few problems there.

The other between us and Namibia, if I’m not mistaken, is about 950 km. I know it is 900 and something. It is the third longest, but there are very few problems. It is the third longest after Lesotho.

The issues that you are mentioning are unfortunate, but I will refer them urgently to the Border Management Authority because that is exactly why they are there. Thank you.

Mr L L VAN DER MERWE: Deputy Speaker, Minister, in the absence of the BMA becoming operational any time soon, the reality is that we face a legal immigration crisis. Your department has no idea how many illegal migrants are within the borders of South Africa. Your immigration inspectorate is understaffed and ineffective, you also don’t know how many economic migrants are within our border, having entered claiming asylum. Considering that we are confronted every day with

reports on child trafficking, cross-border crimes, corruption at our borders and South Africans expressing concern that illegal migrants occupy jobs in a variety of sectors, my question is: Does your department have any plans to deal with the millions of illegal migrants already within our borders, including those who have claimed asylum but are in fact economic migrants and what has been the progress with regard to the inter-ministerial committee, which you chair that is looking into illegal migration, which was set up over two years ago? Please, give us some feedback in that regard. Thank you.

The MINISTER OF HOME AFFAIRS: Hon member, a lot of things are happening. Hon Van der Merwe, you have provided and answer to one of them yourself. The President promised this Parliament and did so that he is going to appoint and Inter-Ministerial Committee on Migration, which is co-chaired by the Minister of Employment and Labour and myself.

We have had several meetings between myself and him and the other Ministers in the inter-ministerial committee. We have already approached international organisations such as the International Labour Organisation to help us. One of them is

to help us provide us the Bill that will provide us with the number of foreign nationals that can be hired by any industry.

We needed a lot of this advice because we know we have a type of Constitution that is open to many things and we don’t want to be found on the wrong side of the Constitution. The inter- ministerial committee reported to the Cabinet Committee on Trade and Industry, because some of the issues will effect trade. Very soon it will give the report to Parliament and quite a number of the things we will be implemented.

Secondly, as I have said, the border management authority is going to be help with most of these things because it will have additional hands in the form of border guards. For now, yesterday, hon member, and I believe you are also a member of this committee, the committee was also showing the interim measures that are being planned for this period of the festive season.

Lastly, hon member, on the issue of the backlog of asylum seekers in South Africa, which started occurring from 2009 when Zimbabwe collapsed, you are aware that we have launched a project with the UN High Commissioner for Refugees whereby they donated R147 million to help hire 36 extra lawyers

because at the moment, the lawyers who are looking at the appeals of the people who are applying for asylum were only a few, about five. Now, we have hired 36 more. They have already started working. They are busy reviewing all the applications of asylum seekers, meaning some will be accepted and others will be rejected and people will be sent back home. Those are some of the things that are happening. Thank you.

Mr W M THRING: Deputy Speaker, Minister, the Department of Home Affairs is considered to be a custodian, protector and verifier of the identity and status of citizens and other persons in the Republic of South African. How and to what extent will the Border Management Authority be able to facilitate trade, particularly in the light of the Africa continental Free Trade Agreement, as well simultaneously as plugging the holes, which result in illegal border activity, including human trafficking and drug smuggling, amongst others? Thank you.

The MINISTER OF HOME AFFAIRS: Hon member, if you look at the objectives of the establishment of the Border Management Authority, it is going to do all those things that you are saying, except that it will not facilitate trade, but it will facilitate movement of goods between countries, to make sure

that there is free trade, including the Africa Continental Free Trade Agreement.

So, the Border Management Authority will make sure that those things happen in a smooth way and also that there is no corruption, no counterfeit goods, no smuggling of goods. That is basically the work of the Border Management Authority.

Thank you.

Question 298:

The DEPUTY MINISTER OF JUSTICE AND CORRECTIONAL SERVICES (Mr J

H JEFFREY): Hon Deputy Speaker, I just want to start this by giving a background to the issue for members of the public. The State Capture Commission was appointed to investigate allegations of state capture, corruption and fraud in the public sector including organs of state.

The investigating directorate of the National Prosecution Authority, NPA, was established in respect of identified offenses which include offenses or criminal or unlawful activities arising from the work of the commission. There is, therefore, by definition, overlap in the areas being dealt with by both the commission and the investigating directorate.

The original regulation 11 prohibited the sharing of information and resources between the commission and the NPA other than by means of a final report delivered by the Chairperson of the commission to the President.

So, this gave rise to a duplication of efforts and a number of other practical difficulties such as witnesses being approached by both the independent directorate and the commission for statements.

The regulation was also seen as the impediment to the appointment of personnel from the commission to assist the independent directorate’s investigations.

That regulation 11 was amended on the 28th of July last year and it now allows for the sharing of information, records and documents between the commission and law enforcement agencies, and the employment of commission’s staff post their contracts with the commission.

Shortly after the amendment, on the 7th of August, the NPA and the commission concluded a protocol to regulate the flow of information between the two parties to ensure that the legal requirements of each are not prejudiced by such a

collaborative effort. In particular, the protocol was aimed at preserving the chain of evidence for purposes of a criminal trial. And this amendment made it possible for the independent directorate to access evidence preserved by the commission in terms of the NPA’s statutory powers.

In some cases, this has meant that evidence such as cell phone records and bank records received at the start of the commission’s work in 2019, which may no longer be available from the service providers, that has been preserved and may be handed to the law enforcement.

The commission and the independent directorate have collaborated on the authentification of digital evidence procured by the commission which will be educed as part of criminal trials conducted by the investigation directorate.

Since the amendment of the regulations the NPA as investigating directorate has commenced the following criminal prosecutions: State versus Pandey in KwaZulu-Natal, State versus Vincent Smith in Palm Ridge, State versus Angelo Agrizzi also Palm Ridge, State versus Thabethe and others in the Bloemfontein Regional Court and State versus Moodley.

The application and issue of arrest warrants and red notices in respect of Indian nationals are: Anaf, Ajayn, Abat and J Parek. As well as arrest warrants in respect of Atul Gupta, Rajesh Gupta, Shatali Gupta and Aarti Gupta. Red notices and extradition requests are still pending.

The amendments have also resulted in the following asset forfeiture orders: A R1,4 billion asset forfeiture order handed down on the 21st of July this year and confirmed in respect of a number of accused and entities involved in corruption at Eskom.

In respect of Vincent Smith, the restraint order to the value of R46 million was handed down in February this year and confirmed in August this year.

And in July this year an asset forfeiture order was handed down, which resulted in the restraint of R44,5 million in immovable property and an aircraft valued at US$3 million belonging to Islandsite Investments, which is a company owned by the Gupta family. As well as assets worth R16 million owned by Igbal Sharma and his wife.

The investigating directorate also assisted Eskom recovering R1,6 billion from ABBZA Pty Limited in December last year and in Transnet recovering R700 million.

Four further investigations have been authorised by the investigating directorate involving multinational corporations identified as complicit and corrupt activities through the work of the commissions. Thank you, Deputy Speaker.

Mr W HORN: Minister, in your words would mean six prosecutions after the Zondo Commission listened for two years to evidence and information about corruption.

At the time these regulations were hailed as a game changer but the reality is that very little has changed on the back of these amendments.

The NPA this year again failed to achieve more or less all of the targets it set itself in respect of corruption-related prosecutions; despite the fact that it lowered these targets significantly since you assumed office in 2019.

Freezing orders amounted to only R611 million in the past financial year, down from R1,6 billion in the previous year.

And the official statistics says that in the past two years, in each one of those years, only R3 million was recovered from prosecution of corruption-related offenses.

Minister, we know you always sidestep questions about the performance of the NPA with the argument that you don’t want to be accused of political interference and want to preserve the independence of the NPA, but the Constitution burdened you with final responsibility for the NPA and section 33(2) of the NPA Act gives you the right and the duty to ask for reports and reasons for the decisions taken by any director of the NPA.

With this in mind, the question is: Have you used those powers to scrutinise the poor performance of the NPA in dealing with corruption-related prosecutions? If so, what have you learned? If not, why must South Africans not conclude that your failure to make use of your constitutional powers in exercising final responsibility for the NPA is yet another piece of evidence that this government’s actions in fighting corruption is nothing more than talk? Thank you, Deputy Speaker.

The DEPUTY MINISTER OF JUSTICE AND CORRECTIONAL SERVICES (Mr J

H JEFFREY): Deputy Speaker, the hon Horn is a member of

portfolio committee, the NPA comes to the portfolio committee, so, I’m sure you would have had the opportunity to ask those questions there.

The NPA provides quarterly reports to the Minister and myself on its performance and those reports are questioned, either on the memoranda themselves or in terms of the follow up meetings.

Your statistics, well, I think it’s understandable, you’re trying to promote a particular political objective here. But as you’d heard from the statistics I’ve given as far as asset forfeitures for this financial year that a lot has improved with that; a R1,4 billion order on the 21st of July in particular, and a further one that I had also mentioned in my input.

So, the other aspect to mention is that a lot of these matters are extremely complicated; involving persons in other countries, involving foreign governments, also investigating crimes that have taken place. So, there is also a need for co- operation with foreign governments. So, it’s not an easy thing to bring a prosecution one needs or one’s ducks in a row.

Definitely, the amendment to these regulations has facilitated the ability of the investigating directorate to investigate matters, and they are moving forward. Thank you, Deputy Speaker.

Mr Q R DYANTYI: Deputy Minister, just quickly: When can the country, therefore, expect other matters to be enrolled and prosecutions to take place?

The DEPUTY MINISTER OF JUSTICE AND CORRECTIONAL SERVICES (Mr J

H JEFFREY): Deputy Speaker, the main response that I gave provided details of the cases that have already been enrolled in court. Any subsequent cases will be made public as and when they are enrolled for prosecution.

That said, the focus on capacitation in the National Prosecuting Authority including in key leadership positions, and in the investigating directorate, means that it is mentioned in Parliament, investigating directorate is now much better placed to make significant progress in certain cases.

Much work has also been done to capacitate and prioritise the specialised commercial crime unit and the assets forfeiture unit in the NPA. The success in these areas largely depends on

capacity and skills in the Directorate for Priority Crime Investigation, DPCI, or the Hawks, which is still seriously understaffed and underskilled.

The NPA units and the DPCI are working together to prioritise the impact and the context of the anticorruption task team.

Thank you, Deputy Speaker.

Ms Y N YAKO: Minister, there is a perception that the commission and indeed, the NPA, is only after people who are not part of the inner circle of the President. This may or may not be true.

But what explanation can you give for the failure of the NPA to prosecute Mr Mantashe and Ms Mokonyane, who were directly fingered as beneficiaries of Bosasa corruption, while selectively prosecuting people like Vincent Smith, a lower ranking politician?

Why is the evidence of Lucky Montana, Matshela Koko and others not being used to pursue corruption charges against those closest to the President? Thank you.

The DEPUTY MINISTER OF JUSTICE AND CORRECTIONAL SERVICES (Mr J

H JEFFREY): Deputy Speaker, the commission is independent, headed by the Deputy Chief Justice. Obviously people in opposition to the commission want to try and tarnish it.

As far as NPA investigations, that is up to them, they do not get told by the President or the Minister who to prosecute or not to prosecute.

And as I had said, a lot of these investigations or most of the investigations are still ongoing and results can be expected if people have a case to answer. Thank you, Deputy Speaker.

Mr S SWART: Hon Deputy Minister, the ACDP shares concerns about the relatively slow pace of the NPA in prosecuting state capture-related prosecutions and missing certain targets for the previous financial year.

While the situation of asset forfeiture, as you correctly pointed out, improved, we are still concerned about the slow pace.

However, we agree that the matters are extremely complex and require deep forensic investigations and so, we welcome the regulation 11 amendment and we look forward to further prosecutions in this regard.

As far as co-operation with foreign governments is concerned, it seems that the extradition of the Gupta family is being delayed by the United Arab Emirates, UAE.

What, hon Deputy Minister, has been done to expedite this matter and when is it expected that this process of extradition will be finalised? Thank you.

The DEPUTY MINISTER OF JUSTICE AND CORRECTIONAL SERVICES (Mr J

H JEFFREY): Hon Deputy Speaker, thanks to hon Swart for that more reasoned or informed position that you put forward.

Look, there’s a lot of detail that really the NPA should give on the extradition. Just to say that the extradition treaty with the United Arab Emirates came into effect only recently and the NPA has applied for four arrest warrants, they also applied for international red notices to be issued in respect of the accused that I mentioned, both in India and the UAE.

They have received communication from Interpol that members from the Gupta family are challenging the issue of the red notices. The consequence of this challenge is that the red notices were not issued for the UAE-based accused.

So, the extradition is in process but there’s a number of legal complexities that have to be overcome, not least that the extradition agreement with the UAE only came into effect earlier this year. Thank you, Deputy Speaker.

Question 306:

The DEPUTY MINISTER OF JUSTICE AND CORRECTIONAL SERVICES (Mr J

H Jeffrey): Thank you, Deputy Speaker, in terms of our Constitution, the Judicial Service Commission, JSC, comprises of members from various sectors such as the judiciary, the legal fraternity and Members of Parliament under the chairpersonship of the Chief Justice. It was a deliberate decision by the drafters of our Constitution to structure the JSC that ways to preserve the independence from undue influence.

The JSC like all organs of the state is bound to act in accordance with the Constitution and the values of accountability, responsiveness and openness. We should be

noted that any person or our institution who is aggrieved or reviewed that legal or administrative processes were irregular or fraud may approach a court to take the matter on review.

The right to review is a basic right in pour constitutional democracy and part of the rule of law. And is in fact a right which the EFF itself is exercise in many occasions.

Members of civil society has the same right to approach any court to take matters on review. Judicial independence is fundamental to democracy and the manner in which judges are appointed is crucial to the independence of the judiciary. By stipulating fair procedure to be followed in the appointment, the Constitution ensures that appointments are made in a transparency manner, interviews are open to the public and the JSC now live screens the interviews in order to feel that the facilitator access.

The independence of the JSC is also underscored by the commission having a separate budget within the office of the Chief Justice. We are of the view that the Constitution provisions and JSC procedures ensure the JSC independence and its approach to the appointment of judges. The provision of section (1)174 that the Constitution dealing with the appointment of judges, the procedure of the JSC as adopted in

2018 and the criteria on the appointment of judges adopted by the JSC in 2010 should address any concerns that relate to the appointment of judges and to safeguard the independence of the JSC in this regard. That has been said, the criterion processes will always be approved and independence even further enhanced.

Furthermore, challenges can be avoided by ensuring that conduct complained of in past interviews is not repeated and that all processes meet the requisite constitutional standards. It should also be stressed that JSC interviews are not the appropriate forum to deal with complains against judges nor they replaced for personal grudges or unwarranted political attacks against the judiciary. Thank you, Deputy Speaker.

Ms Y N YAKO: Thank you very much, Deputy Minister. Deputy Minister, for the judiciary to maintain its credibility as its final arbiter of legal matters in the country, it needs to be free of the control of lobbyist. While funded organisation such as the Council for the Advancement of the South African Constitution, CASAC, the Freedom Under Law, the Helen Suzan Foundation and other right wing formations outhustle reeling the country via the courts and now interfering in the

appointment of judges. What danger does the proliferation of the grouping impose to our democracy? And what can be done to insulate our judiciary from culture by these entities? Thank you.

The DEPUTY MINISTER OF JUSTICE AND CORRECTIONAL SERVICES (Mr J

H Jeffrey): Thank you, House Chairperson. Look, as I have said in the reply everybody has the right to take matters on a review. And definitely the EFF amongst others, the DA do that. I am not entirely sure where the EFF gets its money from for all these court cases. But that’s your right. It’s your right and it’s the right to any person in South Africa to do that.

So, I find it difficult to see, I think the hon member is trying to cast political aspirations but I find it difficult to see that people bringing review applications to the courts are trying to capture the courts. That doesn’t make sense. If there is a basis for review application the court will rule in favour of that application. Things can be appealed to higher courts.

So, I don’t really see why ruling matters to the court is effectively interfering with the independence of the judiciary and capturing the judiciary. With the hon member I don’t want

to ask members questions but with the hon member who say that the EFF cases in review is capturing the courts so capturing judiciary processes. No, I don’t think its within their rights.

Ms Y N YAKO: I am very willing to answer that question.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, I don’t know why the Deputy Minister provoke you by asking you a question. The Rules does not allow that. I now recognise the hon Magwanishe.

Mr G MAGWANISHE: Thanks very much, House Chairperson. Hon Deputy Minister, arising from your response it is quite clear that the hon member who ask the question is moving from a mistaken view that believe that the JSC is an entity of the department. If you do what the member suggest will you not be accused of acting in a manner that is inconstant with Chapter

8 of the Constitution. Thank you.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Deputy Minister, that was a statement from the member. Do you wish to reply?

The DEPUTY MINISTER OF JUSTICE AND CORECTIONAL SERVICES (Mr J

H Jeffrey): No! It’s a question, House Chair. Chair, we will not be accused of doing what we have been accused of being doing. I think it was ... No, I am not sure of what the hon Yako is wanting us to do to stop review applications. That will be interfering with the constitutional rights. So, that is not appropriate. And yes, I ask the hon Chair of the Portfolio Committee of Justice and Correctional Services. He said, the JSC is an independent institution headed by the Chief Justice.

In fact, the spokesperson is a member of the hon Yako’s party. That he speaks on behalf of the JSC as spokesperson when there is a need arises for that. But we can’t stop review applications. Thank you, House Chair. [Applause.]

Adv G BREYTENBANCH: Thank you, hon House Chairperson. Deputy Minister, is it still the policy of the government requires that candidates for the bench be recommended to the JSC by the Luthuli House cadre deployment committee as per the evidence of the President or does government accept that the function of the JSC is to independently identify candidates for judicial office who are suitable qualified to fits and proper lawyers of the law with integrity independence and in

partiality upon the values of the Constitution and the rule of law and not based on the National Democratic Revolution, NDR.

The DEPUTY MINISTER OF JUSTICE AND CORRECTIONAL SERVICES (Mr J

H Jeffrey): Thanks, House Chairperson. As the hon Breytenbanch knows anyone can apply that the JSC would put out adverts for the vacancies, and I think those vacancies put up by the judiciary themselves there by the Chief Justice. So, it’s open adverts. Anyone can apply. The shortlisting is then done by a team within the JSC. Particular parties, particular individuals on the commission may have views. I am sure hon Breytenbanch when you were there you would have your own views as to who should be appointed or not, but it is an open and transparent process that is being followed and then a secret ballot vote that is taken to decide on who the recommended candidates are.

So, whatever anyone does and discusses it is an open and transparence process and the secret ballot at the end of it. Thank you, House Chair.

Mr N SINGH: Thank you, hon Chairperson. Thank you Deputy Minister for your response. I think you have underscored the

right of anybody to approach the courts if they are aggrieved. And that right cannot be denied.

However, having said that hon Minister, there are always winners and losers. If a matter goes to court on the matter of principle, I think then it could come to court. But when a certain individual doesn’t make the grade or is not recommended then it cast a bit of doubt on the credibility matter has been taken to court. But having said that, you are quiet right, I am on the JSC for over 10 years as a commissioner now and we are always involved on an individual basis. There is a certain degree of lobbying but we vote on an individual basis and that’s something I am very proud of in the JSC.

My question to you, hon Deputy Minister will be, there is criticisms sometimes of us not having a set of standard questions for every candidate. Now I want to say that it is not possible because the question to the candidate even here in Parliament when we do interviews will depend on the public submissions that you have received on the CV of the candidate. What is your view on a standard set of questions? I don’t agree with that system. Thank you.

The DEPUTY MINISTER OF JUSTICE AND CORRECTIONAL SERVICES (Mr J

H Jeffrey): Thanks House Chair and I noticed that the hon Singh seems to be having been multiple people today. I think is because of online challenges. Look, I think that is something for the JSC to deliberate on. You have hon Singh expressed the view. In the Magistrates Commission with the interviews, I think there is wall of a standard set of questions that get asked for the Africans by the interviewing panel for the Magistrates Commission. But I think it’s something that the JSC and in fact South Africa as a whole should deliberate on as to how can this process for appointing judges be improved because it is live streamed everyone has the opportunity to see what goes on in those interviews and what is being asked. Thank you, House Chair.

Question 278:

The MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION:

Thank you very much, Chairperson. The response to the question is that the matter of Sudan is addressed in a number of multilateral and bilateral fora that South Africa belongs to. We have had an occasion to discuss it in the context of the UN system as well as other fora such as the African Union and various bodies.

With regard to actions with respect to support the country in the various fora as well as in various multilateral grouping of countries that are called friends of Sudan, South Africa has always offered that it would provide experts to Sudan to assist in the transitional process particularly in the framing of constitutional documents and other statues that would assist the country in its postconflict reconstruction process.

We have agreed with the Peace and Security Commission of the African Union in its strong condemnation of the military coup. We have rejected an unconstitutional change in Sudan. Members will be aware that the commission decided to suspend Sudan from all African Union, AU, activities at the essence of the coup until there is a restoration of the civilian-led transitional authority. This is well in line with the charter of the African Union and we fully support the decision of the AU in this regard.

We have called for the return of the civilian-led government. Parliament will be aware that two days ago Prime Minister Hamdok has been sworn-in once more as the Prime Minister. He has indicated that part of the agreements he has reached with the military council is the creation and the appointment of a civilian government and the military will have no part in the

government. We are keeping a close eye in the developments in Sudan. As I have said we remain ready to support the people of Sudan as they make the preparation towards a full-fledged democracy that subsist under constitutional regime. Thank you very much, Chairperson.

Ms T R M ZUNGU: Thank you, Chairperson. We welcome the report from the Minister. My question is, what are the relevant details of the further engagements and interventions that the government will provide in order to ensure peace and stability in Sudan? Thank you, Chairperson.

The MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION:

Thank you, Chairperson. Like I said, we will continue to engage in the context of the African Union. We will also engage with the leadership in Sudan. We are especially relieved at the return of Prime Minister Hamdok as we have had very good contact with him and members of his Cabinet. We also had support through the South African nonprofit organisations, NGOs, that are experts in negotiations. They have worked closely with members of the transitional council particularly the civilian authorities to support them in the manner that I have indicated of preparing to oppose conflict processes and systems in Sudan.

Our embassy is fully engaged with the authorities in that country and we will maintain the established contact and ensure that South Africa works closely with the people and government of Sudan to support them as they build a sustained democracy. Thank you very much, Chairperson.

Mr M CHETTY: Thank you, Chair. Hon Minister, Sudan is on the brink of a civil war. As it is the case previously, South Africa is far too eager to interfere in the affairs outside South Africa for reasons best known to us all. Yet when similar incidences break out within Africa we are hesitant, reluctant and at times oblivious to what is happening.

Just as we are eager to proclaim our assistance in the Sudan matter, hon Minister, can you explain the reason or reasons for us procrastinating when it comes to offering assistance to countries in Africa, like Cabo Delgado in Mozambique? If we do assist, what assistance are offered to countries in Africa facing similar issues as Sudan? Thank you.

The MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION:

Thank you, Chair and to the hon Chetty. In response to the question, earlier today I indicated to the hon members that South Africa is part of Samim, SADC Mission in Mozambique.

Cabo Delgado is in Mozambique. Several SADC countries have made troops available to support the government and the Defence Force of Mozambique in combating the extremists that have attacked that country. South Africa is fully engaged on the issues in the African continent. We are part of the Bonoscu in the DRC, particularly the eastern DRC where there are often intersessions and battles with rebel forces. We are part of the quick reaction force as part of the Samim in Mozambique. We provide support through training, humanitarian assistance and other forms of assistance to South Sudan. So, it is not accurate to say that the government is oblivious on not involved in matters that are conflict-ridden on the African continent. We were the first to send the envoy to Ethiopia in an attempt to peruse the leaders of Ethiopia that conflict will not suit the cohesion that is necessary to that wonderful country of the continent. We wish that the seasoned envoy that we have deployed would have been listened to. It is not accurate at all to refer to South Africa as being oblivious on uninvolved. Thank you very much, Chairperson.

Ms T P MSANE: Thank you, Chairperson. Minister, the Sudanese military has been at the soul of political powers since its independence in 1956, stating a coup after a coup. African countries are becoming army fields of army colonisers where

currently in Sudan the Americans are saying they condemn the coup and Russia is also willing to share with the military. This is really becoming a problem because of the resources in Africa.

Africa has had three coups in 2021, and three attempted coups is 2021 alone. Minister, why is the AU not interested in strengthening the African Union standby force and also establish an African military that will bring peace in all these countries that are continuously under the coup in the African continents? Because to say that individual countries must help these countries with the coups is not going to assist. We need an African military and we need to strengthen the African Union standby force. Thank you, Chairperson.

The MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION:

Thank you very much, Chairperson. I would not agree with the notion of an African army at this point. I don’t think Africa has achieved the level of integration that would allow it to be able to form and deploy one unified army hence the standby forces are extremely important and the African Union is, of course through its various member states, with the United Nations in various countries not just in Africa, but other parts of the world. A standby force would, of course, require

significant resources from the continent if its army to provide support where the African Union has the ability to provide such support.

I’ve been very pleased that the Peace Fund that was established by the African Union has since several member states of the AU that make their full contributions. As in Mozambique we have approached the Peace and Security Commission of the African Union to provide funding to some members utilising that fund. So, I think Africa is doing the best that it can.

It is true that it has rendered an attractive region for countries that have been tent to abuse its resources. But what is vital is that countries must field sufficient intelligence security and defence capability to be able to withstand any approach by any rebel intent on stealing their mineral resources. What is absolutely critical is the focus South Africa has that we must entrench peace, democracy and security in all countries in the African continent. We as parliamentarians we should work with parliamentarians in other African countries to assist them in building robust democracies that can withstand any actors or elements that seek to destabilise countries on the continent. All of us We

have a role to play and South Africa is certainly doing what it can to execute that function. Thank you very much, Chairperson.

Mr M HLENGWA: Thank you very much, hon House Chair. Hon Minister, to the earlier point about the inceraction in July and the point I made about that this being the first time in South Africa, I fully agree with, of course, about the atrocities of apartheid, but I meant it in the context that in a postdemocratic South Africa is the first time we have had witnessed something of that sort. I hope that clarifies that particular point. So we are on the same page in that one.

Minister, I think the issues we have highlighted in the bold stroke that you have about South Africa’s involvement in participation in the multifora in so far as the problems besetting the continent are concerned and the lack of stability, the coups and so on, is well taken. But I think we share specifically where one would know the exact details of South Africa’s proposals to bring about stability in Sudan. We noted the statement of condemnation you issued when the Prime Minister was taken under house arrest in Sudan, and now, of course, he is back at work. But the fragility remains. A lot is yet to be seen. Specifically, what are the action steps to

bring about stability in Sudan because this is now a long and perennial headache which we have been beset? What advices and guidance are you giving to the multiple bodies you are participating in? [Time expired.]

The MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION:

Thank you very much, Chairperson. I think the first point I wish to make is that stability, democracy and peace are largely an instance of what the national actors do, and not what the external forces do. With us as South Africa we would not be able to impose peace and democracy. We can work with the Sudanese stakeholders in all categories to assist them in successfully engaging with the processes that lead to an outcome that is similar to our own negotiation outcome, our Constitution, our functioning democratic institution and our electoral processes that enjoys wide legitimacy. These are the offers we have made to Sudan. We are prepared to put South African resources to support that process. This would mean being able to speak to each category or stakeholder because they are divided. This is what we are already doing. We had had two workshops in South Africa involving different components of the transitional council. That work has now been torn apart by the coup that occurred a few months ago. So, we will continue to say to the interlock heaters in Sudan that

South Africa stand ready to assist because we have been fortunate in the 27, we have established functioning public institutions, we wrote our Constitution that has withstood many, many challenges and to create democratic institutions that function in the interest of the people of our country.

It is the Sudanese who must lead because South Africans who led in creating their stability and their democracy hence we are ready to be of assistance. But we are unable to impose without the full participation and active work of the various protagonists in Sudan. Thank you very much, Chairperson.

Question 280:

The MINISTER OF HOME AFFAIRS: Thank you very much. Thank you, hon member. Hon member, the issue of exerting some form of sanctions in one form or the other is not the pursuit of the Department of Home Affairs. Other departments like the Department of International Relations and Co-operation, Dirco, will have to have a big say because this is related to relations with another country.

On the case of cultural boycotts, the Department of Sports, Arts and Culture will obviously lead the way in this regard, but as I am saying that the Department of International

Relations and Co-operation, Dirco, will have a big say on it. Now, on the question of government position when issuing passports to travel to cultural events in Israel, I wish to state as follows; the Department of Home Affairs does not issue a passport for an individual to any destination in particular. The department issues a passport to any South African who qualify to have such a passport. As to where the South African will travel to with that particular passport is the prerogative of the passport holder. It is also the prerogative of the receiving country whether they allow that person within their territory or not.

Hon member, also section 21(4) of the Constitution of the Republic of South Africa guarantees the right of every citizen through a passport. To give effect to this right, Parliament passed the SA Passport and Travel Document Act number 4 of 1994, in terms of which the department issues passports to all South African adult citizens. Thank you very much.

Mr M G E HENDRICKS: Thank you very much, hon House Chair. Does the Minister agree that these delays real freedom? President Mandela said that South Africa will never be free if Palestine is not free. Will the Minister approach the President or the

executive order preventing Miss South Africa going to Israel? Thank you.

The MINISTER OF HOME AFFAIRS: Hon member, the issue of whether there ought to be sanctions against this ... [Inaudible.] ... or whether as part of that we need to boycott this event taking place in Israel is already a stated position of government. The government has already supported it when the Department of Sports, Arts and Culture announced it. Now, the question I was answering here is, hon member seems to be thinking that it must be stopped by the Department of Home Affairs through denying passports. I was just answering what the law says in this regard.

Mr M S CHABANE: Thank you, Minister. You have responded comprehensively to the question and hon Hendricks seem to be having more confusion. Minister, there seemed to be confusion whether deliberately or not, on the roles of both the Department of Home Affairs and the Department of International Relations and Co-operation, Dirco. Can you, in summary, explain to hon Hendriks and outline the process of issuing of passports and diplomatic relations between countries? Thank you very much.

The MINISTER OF HOME AFFAIRS: Yes, hon member and hon House Chair, passports are issued by the Department of Home Affairs via a relevant Act of Parliament, which Act of Parliament was

... [Inaudible.] ... of the Constitution of the Republic of South Africa in terms of passports. Now, when it comes to a diplomatic passport, there are certain people who carry diplomatic passport. The Department of Home Affairs will never issue a diplomatic passport unless instructed so by the Department of International Relations and Co-operation, Dirco. The Department of International Relations and Co-operation have to give us a written information or instruction and say, please, issue diplomatic passport to so and so. Before that, the Department of Home Affairs cannot do anything.

To ordinary citizens, we issue passports in terms of the Constitution and in terms of the law passed by Parliament, which says that every South African citizen is entitled to a passport unless they’ve committed some form of crime. To what I was telling hon Hendriks is that the government of South Africa has issued a statement with the Department of Sports, Arts and Culture in terms of this Miss Universe pageant that is taking place in Israel. I am saying that it is not for the Department of Home Affairs to facilitate it by refusing anybody a passport.

We are unable to do that because we could still be standing against the law and the Constitution of the Republic of South Africa. That does not mean we are delaying freedom as the hon member of Al Jama-ah is saying. I’m just talking about the procedures, the normal procedures that need to be followed.

Thank you very much.

Mr D BERGMAN: Thank you, Chair. Hon Minister, the truth is, if you look at the United Nations High Commissioner for Refugees, UNHCR, Report of 2020, the new rankings are out and they are shocking against South Africa because it measures the quality of life of people living in the country and their life expectancy. South Africa is ranked nearly ... [Inaudible.] ... with Palestine at 114 and 115 respectively, suggesting that South Africa and Palestine share the same quality of life yet one is meant to live in the apartheid and the other is 22 years out of apartheid.

However, the real concern that should keep Ministers awake at night is that the life expectancy at birth of a Palestinian is

74 years old and the South African is worse off at a mere 64 years old. This is an independent report undertaken by the United Nations, UN. Minister, are you not embarrassed that whilst we all want peace in the Middle East, is Miss South

Africa not better off living in Palestine than in South Africa and never mind competing as the United Nation report would suggest?

The MINISTER OF HOME AFFAIRS: Hon House Chair, I don’t know what the hon member is trying to say if any being in South Africa, whether is Miss South Africa or not who want to go and live in Palestine or Israel, we can’t stop them from doing so. People immigrate all the time if that is what you say. Coming to life expectancy, we need to understand the life expectancy in South Africa went down, dramatically down, because of the advent of HIV and AIDS.

If you follow our policies, you will remember that when we started the massive program of Antiretroviral, ARVs, in 2010, life expectancy improved dramatically where an eminent world scientist in the name of Professor Salim Karim issued a statement that the change in life expectancy in South Africa is impactful as ... [Inaudible.] ... You can go and check the records, he said so. He said that had a huge impact. So, to compare us with Palestine or Israel about life expectancy when you are forgetting the scourge of HIV and AIDS, it’s just being disingenuous because that’s exactly what you are trying

to say. However, we don’t stop anybody from going to live in

Israel or Palestine if they so choose, it is their choice.

Ms L F TITO: Thank you, House Chairperson. Minister, is it not disingenuous and hypocritical of your government to want to censure Miss South Africa from participating in the Miss Universe pageants, while your own government has diplomatic ties with Israel and while you still allow trade between these two countries? Thank you, Chairperson.

The MINISTER OF HOME AFFAIRS: Chairperson, when you choose certain actions against particular governments, you choose strategically what you like to do. In this case, the Department of Sports, Arts and Culture in its wisdom according to their operations engaged with organisers of this pageant and all they did was to throw their support and other government actions will follow.

We also benefited from the same actions during the era of apartheid and of course, some of the countries which helped us could have been told to have been disingenuous etc. However, that is how the war on exerting pressure and boycotts on countries goes on. At this present moment in time in history the Department of Sports, Arts and Culture thought it was

important to take a moral step on this end. We have got support from quite a number of people in the population. Thank you very much.

Question 268:

The MINISTER OF DEFENCE AND MILITARY VETERANS: House

Chairperson, the President in his capacity as Commander-in- Chief of the process of South Africa, authorised the deployment of the SA National Defence Force for the period of 30th October to 3rd of November to be deployed in support of the SA Police Service, the SAPS, for the Local Government Elections 2021. This was at a cost of R47 249 000. The deployment was also done in terms of section 201(2a) of the Constitution read together with section 19 of the Defence Act of 2002. The focus of the National Defence Force in this deployment was to protect critical installations, key national points, and to look after any threat to any strategic route and economic route within the country.

We must also say that SANDF was on standby to give support for the Independent Electoral Commission, the IEC, after the elections to make sure that the ballot boxes were delivered to where they were supposed to be delivered. We are happy that we had a successful mission. We are also happy that we returned

to the base without any incident and there were no challenges. Thank you, Chair.

Ms A J BEUKES: House Chair, thank you for the response, Minister. We acknowledge and appreciate the role the SANDF played during the time of local government elections.

Minister, according to you was the five days’ deployment sufficient and are you aware of any incidents after the five days that could have needed the assistance of the SANDF? Thank you.

The MINISTER OF DEFENCE AND MILITARY VETERANS: House Chair,

thank you very much for that question. Yes, the five days of deployment were enough. The first two days were to help us deploy throughout the country in sufficient time, to transport whatever contingency materials we would have wanted to carry. You would remember that we had made a pledge as SANDF in case it rained to help provide extra tents and generators when they were needed. There be no other need for us after the delivery of ballot boxes, we were safely back on the appointed time and so the period was sufficient. Thank you very much.

Mr S J F MARAIS: Hon Minister, thank you very much for your responses. We know that there is a difference between the

authorisation called employment and the actual deployment of soldiers. Can you tell us how many of the authorised 10 000 soldiers were actually deployed and how much of the authorised R47 million were actually expense? How many were deployed in each province? Lastly, Minister, we know that we had limited availability of helicopters and C130 for logistical support and it was a major concern. How do you intend to rectify the use of helicopters and logistical aircraft in the future?

Thank you very much.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon members, let me remind you that supplementary question, is one supplementary question and not multiple questions. The hon Minister.

The MINISTER OF DEFENCE AND MILITARY VETERANS: Chairperson, I

cannot quantify at the moment how much we expanded to

R47 million. I can say that the R47 million was expanded on both transportation, accommodation and suppliers and allowances to the military. We do not have any issue with the transportation of the ballot boxes. We did not need to ask for any extraordinary means to fly them. I think that the hon Marais is smuggling the question on the C130s. We all know that they do need maintenance and that some of them are still

in flight mode, but we did not need to deploy too many helicopters. Thank you, Chair.

INkosi R N CEBEKHULU: Thank you, House Chair, hon Minister, considering the human rights violations that were reported by the public during the hard lockdown in 2020, were the soldiers who were deployed under operation prosper adequately trained to conduct or policing duties within a human rights based framework and to avoid a repeat of what ensued, what are the relevant details? Thank you.

The MINISTER OF DEFENCE AND MILITARY VETERANS: Chairperson,

members of SANDF were deployed in support of the police. No human rights violations took place during this deployment period of the local government elections. When members of the SANDF are deployed in support of the police, they have no business to abuse human rights. If any incident is noticed, it is reported. Then, the SANDF will take the necessary action against such a member. In this particular case of the deployment during local government elections, we did not get any such response. Yes, members of the SANDF are properly trained. There is a military disciplinary code, the laws of the land apply. They do not arrest anybody. They cannot do so because when they are in support of the police they work to

facilitate the work of the SA Police Force. In this case, our focus was to free the police to go and do that which they needed to do, to help the IEC. We focussed on those strategic installations and National Key Points. It would have been a different issue, hon Cebekhulu, had any citizen tried to sabotage any of the installations or done anything at the National Key Points, then I might have been able to say to you yes, there was a violation of human rights or not. Thank you, Chair.

Mr W T I MAFANYA: House Chair, welcome Minister one of the reasons the President deployed the Army to deal with the unrest in KZN was because he believed that there was an insurrection aimed at toppling the government. What lessons have you learned from that experience after having had time to assess what happened? Do you still believe that the unrest in July were insurrection in nature and warranted the deployment of the Army? Thank you very much.

Mr B A RADEBE: On a point of order, Chair?

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

order?

Mr B A RADEBE: I am rising on Rule 142, the question which must be raised must be relevant to the original question or the response given by the Minister and this one is a new question altogether.

The HOUSE CHAIRPERSON (Mr C T Frolick): The point of order is sustained. Hon members, we will move to the next question and I have to inform you that Question 269 that was asked by hon P Faku to the Minister of Police will fall away. The hon member has since resigned as a Member of the Assembly and therefore this question cannot be entertained. I will now proceed to Question 289 which was asked by hon Khanyile to the Minister of Home Affairs.

Question 289:

The MINISTER OF HOME AFFAIRS: Chairperson, following the presentation by Department of Home Affairs and the State Information Technology Agency, SITA, before the Portfolio Committee on Home Affairs in August this year, the following challenges were identified as a root cause of the network down time and proposed solutions were shared with the committee.

The first one was power supply. We reported to the committee that we have provided generators to 197 of the modernised

offices to home affairs, so that if there is load shedding home affairs are not affected.

Secondly, the issue of cable theft and vandalism, the process has commenced with installation of multiple connectivity links so that if any cable is stolen we still be able to work with the connectivity links. The other issue is aging equipment and unstable network. Since 2019, 180 required routers and 130 required network switches, have been deployed. Attempts are underway to try and reach 1015. In other, we need a total of 1050 routers and a total of 1000 switches. We are in that process.

From the side of SITA, network upgrades to higher speed lines for example, 1 Megabyte and 2 Megabyte and connectivity mode, Asymmetric Digital Subscriber Line, ADSL, fibre, microwave and mobile Long-Term Evolution, LTE. All those are in process at the present moment, Chair. We are trying our best to get more money to expedite the purchase of routers and switches. Thank you very much.

Ms T A KHANYILE: Thank you, House Chair. Hon Minister, the issue of downtime is a cause of long ques in most of home affairs offices across the country. Members of the community

lose days from work because they are turned away without getting the required assistance.

In August 2021, we also conducted an oversight at Edenvale offices where we were advised that ... [Inaudible.] ... they have an MTN router, meant to serve as a back-up but it has never worked.

Hon Minister, could you please advise us, what is the department’s immediate plan to deal with the downtime to curb long ques. Thank you.

The MINISTER OF HOME AFFAIRS: Hon member, you are right It was mentioned in front of this committee even in August when we appeared that it is frustrating because the downtime affects work in home affairs more than any other department, whereby our system gets stuck for up to 3-hours or even a day. It is definitely frustrating for us.

I have mentioned the power supply issue, the issue of generators, the cable theft and connectivity issues, the router and switches, which we are buying to replace aging equipment. The Department of Home Affairs is busy renewing its

enterprise architecture, and it is all to try and deal with the issue of downtime.

On the issue of the long ques themselves, you may be aware why we even tried to bring in the banks, to help us, so as to reduce the number of people who go to home affairs offices. In some home affairs offices, we even deploy some form of marshals of Expanded Public Works Programme, EPWP, as we have done in the Eastern Cape. In other offices, we try to make sure that there are specialised ques. Ques that are moving fast, we put them and make them special. In other offices, as we have done last month, we even increased the operating times, if you remember towards the elections. We set operating times to make sure that people get their IDs and were increased by two and half hours. We even opened on Saturdays to try and deal with those issues.

I agree with you, hon member. The issue of down time is very frustrating to home affairs and that is why we would like to resolve it as soon as possible. Thank you.

The HOUSE CHAIRPERSON (Mr C T FROLICK): Hon members, the time allocated to for questions has now expired. Outstanding replies received will be printed in Hansard.

# CONSIDERATION OF REPORT OF STANDING COMMITTEE ON FINANCE ON 2021 REVISED AND PROPOSED FISCAL FRAMEWORK

Mr M J MASWANGANYI: Thank you, hon House Chairperson. I hereby table the report of the Standing Committee on Finance on 2021, Revised and Proposed Fiscal Framework. The Minister of Finance, hon Godongwana, tabled the 2021, Revised Fiscal Framework and the Proposed 2021 Medium-Term Framework on 11 November 2021. The Deputy Minister of Finance, Dr David Masondo, briefed the Committees of Finance and Appropriation of both Houses, National Assembly, NA, and National Council of Provinces, NCOP, on 16 November respectively. On the same day, the committees received an analysis and submissions on the Revised and Proposed Frameworks from the statutory bodies, the Parliamentary Budget Office and the Financial and Fiscal Commission.

The committees invited the public to make written and oral submissions. We welcome the Medium-Term Budget Policy Statement, MTBPS, as it reiterates the government’s commitment to alter the structure of the economy by lowering barriers to entry, broadening ownership patterns, raising productivity and lowering the cost of doing business through some of the interventions to be implemented over the Medium-Term

Expenditure Framework, MTEF. Government through Operation Vulindlela has made progress on several key reforms outlined in its October 2020, economic recovery plan. Business confidence has increased significantly between the third and fourth quarter of 2020. This is as a result of the easing of lockdown restrictions in the recent months which has restored some economic activity. The assumptions in improved fiscal outlook also look at the possibility of getting the population immunised against coronavirus disease 2019, Covid-19, to ensure the economy returns to normal operations. Surging commodity prices have improved the in-year revenue outlook higher than expected revenue collection enable government to respond with the fiscal package of R37,9 billion in 2021-22.

I’m tabling this report, House Chairperson, whilst new waves and variants of the Covid-19 pandemic pose a threat to the global economic outlook. The Covid-19 pandemic continues to take a toll on global growth. Global growth is projected at 5,5% in 2021, which reflects a significant recovery from a growth rate of -4,4% in 2020. In 2022, global growth is projected to grow by 4,2%. Advance economies are projected to grow at a slower rate than emerging markets and developing economies in 2021 and 2022. South Africa’s growth output has improved. In contrast to the 2020 MTBPS growth record of -

7,8%. South Africa’s real gross domestic product, GDP, is now projected at 3,3% in 2021 and is expected to slow to 2,2% in 2022, compared to the second quarter of 2020, where the Agriculture, Forestry and Fishing Industry was the key contributors to the GDP growth. In the third quarter in 2020, all the key industries, namely: manufacturing, mining and quarrying, trade, catering, accommodation, transport, storage and communication, finance, real estate, business services and construction were positive contributors to GDP growth.

This was mainly as a result of the easing of Covid-19 lockdown restrictions. The mining and quarrying industry grew by 288,3% which translates to a contribution of 11,8% points to GDP growth. Covid-19 has resulted in millions of people losing their jobs. According to Statistic South Africa, Stats SA, the number of unemployed person increased from 6,5 million in the third quarter of 2020 to 7,2 million in the fourth quarter.

The country’s unofficial unemployment rate which is calculated using the number of persons who are employed, but exclude economical in active persons has increased from 30,8% in the third quarter of 2020 to 34,4%. However, the expanded definition stands at 44,4%. The pandemic has compounded these challenges which put more pressure on the state to provide social grants and other relief measures. Consumption

expenditure and real disposable income of households fell by 1,5% year-in-year in quarter 2020 due to loss of jobs and earnings.

Hon House Chairperson, tax revenue was negatively impacted by the pandemic with many businesses closing down, while all the tax revenue categories have been revised. It is expected that personal income tax will remain low over the medium-term.

National Treasury will lower the rate of corporate income tax while reducing the incentives afforded to corporates to improve competitiveness and reduce the incentives of profits shifting to lower jurisdiction. Over the medium-term the fiscal outlook remains under pressure with state-own companies in distress, the rising Wage Bill, the municipalities in distress, load shedding and the impact of the debt burden.

South Africa’s ... [Inaudible.] ... of falling into a debt trap remains with more loans, cash committed and debt services costs raised required to finance the widening fiscal gap. Over the medium-term debt is projected to grow from R3,935 trillion to R5,537 trillion. Debt service costs will continue rising over the medium-term given the persistent main budget deficit, weaker currency and higher interest rates. The increasing interest rate growth differential means that South Africa must

raise larger primary balance surpluses in order to stabilise the debt.

Hon House Chair, we are concern as the committee because debt service cost is the fastest growing spending item, debt service costs will increase on average annually by 13,3% from R232,9 billion in 2020-21 to R338,6 billion in 2023-24 consuming almost 22c of very rand generated in gross tax in 2023-24 enriching bond holders and perpetuating inequalities. If this trend is not contained government will soon have to borrow money to primarily pay the interest costs on outstanding debts ushering South Africa into a debt trap.

Rising debt service costs estimated at R1 trillion over the medium-term is crowding out expenditure on service delivery functions like health, education, social development, etcetera, highlighting the impact of South Africa’s rising debts stock on basic services.

Hon House Chairperson, state-owned entities, SOEs, is another area that need attention. SOEs are important as they are intended to play the vital role in infrastructure delivery and the provision of basic services. Yet, a number of these public institution ... [Inaudible] ... poor performance SOEs posed a significant risk to the fiscal outlook in the form of

contingent liabilities. Financial support to SOEs cumulatively reach R129 billion between 2020-21 and 2022-23, but more may be required as the Covid-19 shocks will weaken the finances of many SOEs. Some define the challenge of SOEs as a conundrum that is a situation where there is no clear right answer or no good solution. The Minister of Finance characterises the relationship between National Treasury and SOEs to have reach a stage of, I quote: “tough love.” He said this in the light of several entities making requests for further bailouts.

We welcome submissions as I have said from the public in written and oral form. Committee observations and recommendations, the committee acknowledges that the 2021 MTBPS was tabled under continued difficult socioeconomic conditions of poverty, inequality and unemployment magnified by Covid-19 pandemic. On social grant, social wage and fiscal packages, the committee welcomes the extension of the special Covid-19 social relief of distress grant which now has reach 9,5 million beneficiaries. Although temporary, this has brought the number of social grant beneficiaries in the country to 27,8 million or 46% of the population. Risk to the Fiscal Framework and SOEs, the committee notes the announcement by the Minister that the MTBPS made no additional funding to SOEs. It welcomes the explanation given to the

committee that this does not mean no support at all will be given to SOEs when warranted given their importance.

However, we call upon National Treasury to put conditions of good governance and management of those SOEs to be able to get bailout. The committee that is Standing Committee on Finance, Scof, will confer with the Portfolio Committee on Public Enterprises on a joint briefing on SOEs restructuring by Treasury and the Department of Public Enterprises to deal with the challenges that are facing SOEs. Structural reforms, the committee notes the progress reported in the MTBPS on the implementation of the structural reforms, particularly in energy, transport, tourism, infrastructure and telecommunications as overseen by Operation Vulindlela.

On fiscal policy, the committee recommends that the Minister of Finance reports quarterly on the effectiveness of Treasury’s debt management strategies that will ensure that the debt level stabilises over the medium-term and avoids a sovereign debt crisis. The committee notes that 2021-22 Fiscal Framework now includes the R3 billion in the contingency reserved for additional vaccine and also R1,3 billion targeted for small businesses.

Other issues, the committee notes that based on the current agreement National Treasury has set aside R20,5 billion as an additional provisional allocation for the Wage Bill in order to cater for the ongoing worst negotiations. We think more should be done in this regard because the Wage Bill is ever skyrocketing. The committee recommends that the Procurement Bill and the processing of Regulation 28 of the pension fund be acted swiftly. We also note that the financial action task team force mutual evaluation report found gaps in the implementation of South Africa’s antimoney laundering and terrorists financing measures.

We call upon government to look at establishing Inter- Ministerial Committee to deal with elicit financial flows. As the committee we would like to thank all those who participated in the process of compiling this report, the public through oral and written submissions, the input of the Minister and the Deputy Minister of Finance, the director- general, DG, and other officials from Treasury, SA Revenue Service, Sars, and other entities, Financial and Fiscal Commission, FFC, Parliamentary Budget Office, PBO, Standing Committee on Public Accounts, Scopa, and support team, public at large. I therefore, House Chairperson, move that the report be adopted.

*Afrikaans*:

Baie dankie.

*Xitsonga*:

Ndza khensa.

Dr D T GEORGE: House Chairperson, when the Minister tabled his revised fiscal framework he mentioned the tough love that he would be giving to the state owned enterprises as part of his overall objective to achieve fiscal sustainability, economic growth and stabilise debt.

We can achieve fiscal sustainability if revenue increases faster than the need for social relief and other government spending is restrained. The fiscal framework relies on real gross domestic product, GDP, growth over the medium term, and government expenditure as a percentage of GDP declining. This can be achieved if the Minister’s tough love can be given to economic policy, the public sector wage bill and the state owned enterprises, especially Eskom.

The scourge of unemployment and poverty is a direct result of the ANC-led government’s incoherent economic policy and its failed economic model that attempted to place a failed state

at the centre of our economy. Government intervention in our economy has extended far beyond what is required to correct for market failure, and its failed Broad Based Black Economic Empowerment, BBBEE, created a few billionaires off the backs of the 27,8 million South Africans now reliant on social security grants.

Although it is convenient to blame COVID for the so called scarring of weak economic performance post pandemic, our economy was performing well below its potential before the pandemic arrived. Government’s chaotic and corruption riddled vaccine rollout further slowed our recovery.

Revenue increased with the commodity’s boom but that will not last. There was be real growth. That growth can only be achieved if business can flourish. Jobs can be created in small, medium and micro enterprises, in particular. The Minister needs to apply his tough love to cutting the cost of doing business and that will grow the economy, reduce unemployment, lift revenue and reduce reliant on social security grants. Active steps need to be taken outside of increased government spending on infrastructure to increase GDP.

Former Minister, Mboweni, spoke boldly about reigning in the public sector wage bill without any progress. The DA proposed freezing wages of public servants not covered by the occupation specific dispensation such as the 9 000 millionaire managers who grow rich while frontline service providers battle to make ends meet. This would save R116billion over the medium term, and would relieve pressure on our borrowing and interest on debt and achieve a primary surplus by 2023-24.

Interest on debt now exceeds Health, Social Development and Peace and Security combined. This is not the path to fiscal sustainability. We will have to see if the new Minister will be able to do what his predecessor couldn’t. projected GDP growth would not be achieved if the power supply remains unpredictable. Tax revenue cannot be generated when the lights are off and the machines aren’t moving.

The state owned enterprises have drained hundreds of billions from service delivery, and we expect the Minister to do what he says he will do. This is to stop bailing them out and let the private sector do what government can’t. Eskom is a dead horse and must be separated into three entities for generation, transmission and distribution.

Private sector participation remains the only way forward. The revised fiscal framework is unrealistic because the Minister talks about tough love when there is no political will to apply it. A strong political will is required to root out corruption, enable business to thrive by ensuring a steady power supply to manage the public sector wage bill and to stop the bailouts.

It is very easy, Minister, to talk tough. We have heard the same from Minister Manuel, Minister Gordhan, Minister Nene and Minister Mboweni. Van Rooyen and Gigaba never even touched sides. We were not able to question the Minister because he has not addressed the committee yet. Unlike every other Minister before him, so far, we are not impressed with Minister tough love, Godongwana. Thank you. [Applause.]

Ms O M C MOATWE: House Chair, the revised fiscal framework presented by the new Minister of Finance confirmed what we have always been saying as the EFF. The National Treasury continues to be the tail that is waging the dog while the dog in the former liberation movement continues with its now fast approaching death.

The presented revised fiscal framework failed to put forward any practical, believable or implementable interventions for an economy and a society facing a deepening crisis of poverty, inequality and unemployment. We didn’t expect the new Minister to deviate from the emboldened entrenched in the National Treasury right wing ideological drivel presented as technical competence over the years. Even the Deputy Minister, whom many considered progressive, is now shifting to the right and sounds like a neoliberal.

The reality is that it is only the death of the ANC that will clear a path for alternative thinking about the overall fiscal framework to begin to undo the microeconomic incompetence and right wing ideological drivel as characterised South African economic policy making.

Chair, we want to do what we did to the ANC in Johannesburg, Tshwane, Ekurhuleni and in all other municipalities that told the ruling party that they have had enough and they did not vote for them. The revised fiscal framework presented as tool to navigate South Africa’s economic and social recovery plan is nothing but an assurance to rating agencies, financiers and colonial masters.

It failed to illustrate much needed interventions to address issues of millions of unemployed youth who need jobs today, parents who need to feed their children and put a roof over their heads today. Even the much needed grants to address immediate desperations that we saw amongst our people in KwaZulu-Natal and Gauteng during the July unrest.

Chair, the fiscal framework is vindicated that the Harvard neoliberal sponsored Economic Reconstruction and Recovery Plan shoved down the throats of the sheepish Congress of South African Trade Unions, Cosatu, and Public Servants Association of South Africa, SACP, as a non-negotiable is now the pamphlet driving South Africa deeper into neoliberal clutches. If anything, what is before the National Assembly today is a report back to show that South Africa is still committed to austerity, privatisation of strategic SOEs and the commitment to entrench the role of the private sector in strategic areas that were previously reserved for the state such as port and rail management.

The Minister of Finance, National Treasury and Mr Ramaphosa reported to their handlers instead of telling millions of South Africans the intervention to the immediate challenges

that they are facing, and we are here expected to adopt at the National Assembly a fiscal framework ...

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, there is a point of order that I wish to take.

Mr B A RADEBE: Chair, I am rising on Rule 85. The speaker on the podium has just said the President has reported to his handlers. I think that is casting aspersions on the character of the President. It must be brought in a form of a substantive motion into the House. Thank you. [Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Order, hon members! Hon member, did you refer to the President as dealing or reporting to his handlers?

Ms O M C MOATWE: Chair, I am saying, if anything, what we are dealing with today, what is before the National Assembly today is a report back to show that South Africa is committed to austerity, privatisation of strategic SOEs and the commitment to entrench the role of private sector in strategic areas that were previously reserved for the state.

The Minister of Finance, National Treasury and Mr Ramaphosa reported to their handlers instead of telling millions of South Africans about their intervention to their immediate challenges and we are here expected to adopt a fiscal framework that seeks to condemn our people to perpetual poverty. [Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, you have just repeated it again. Will you withdraw the remark? It is in violation of Rule 85.

Ms O M C MOATWE: I want to finish, so let me withdraw. That is fine.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, are you withdrawing the remark unconditionally?

Ms O M C MOATWE: Chair, I am withdrawing.

The HOUSE CHAIRPERSON (Mr C T Frolick): Thank you.

Ms O M C MOATWE: I want to finish my report. There is nothing that is going to stop me from finishing. Radebe, you must sit down. South Africa continue to be subjected to unreliable

electricity due to the incompetence and directionlessness of the Minister of Public Enterprise, Eskom board and management. Instead of providing a direct decisive intervention to stabilise Eskom and the electricity supply, the Minister of Finance chose to reassure renewable energy independent power producers and banks that are driven by greed and profiteering that they are now a priority and will be sources of South Africa’s primary energy source.

The framework does not indicate the relief to workers, pensioners and social grant recipients and small businesses who are suffering due to continued blackouts. South Africa cannot talk about economic recovery without a clear plan of dependable energy supply nor the drive to serve the interest of a few powerful individuals who want to control energy supply for nefarious reasons.

Most disheartening, Chairperson and Radebe, the unforgivable and unacceptable posture of the ruling party and the National Treasury is failure to appreciate that austerity is embedded in the fiscal framework is killing our people. It is no longer a desktop exercise of cutting budget without consequences, people are dying. Police officers are being robbed inside their own police stations, nurses are collapsing because of

fatigue and emergency medical workers are also robbed in townships.

We must begin to show a clear coloration between austerities and loss of life because those are the consequences of austerity measures that are imposed on us by the Minister of Finance. The EFF rejects the revised fiscal framework of Washington. Thank you.

Mr E M BUTHELEZI: Thank you very much hon Chairperson. This report provides vivid assurance that government structure reform will stimulate our economy. We can’t move this economy forward when it continues to suffer blows of maladministration, corruption and widlership at the helm of entities.

This revised fiscal framework while on paper looks good and speaks to some of the issues we face in the economy, as the IFP we believe stronger and concrete measures need to be put in place to get our economy on the right track.

We must at the outset remove the obstacles to our economic growth, many are aware of these obstacles that are standing in our way of growth and development and yet we still continue

here or near to tap dance around the issues instead of addressing them at all.

The Medium Term Budget Policy Statements are current commitment to improve competitiveness, the productivity, investment and employment reals hollow on the face of electricity blackouts, red tape constraints on small businesses and medium enterprises and the unemployment rate of 34%.

The MTB, Medium Term Budget Policy Statements, assertion that all efforts have been made over the last 13 years to fix Eskom. Experts have estimated that we lost over R75 billion towards our GDP, gross domestic product, just because of Eskom. Therefore, it is shocking that for five consecutive years, Eskom has received a qualified audit opinion with fruitless and wasteful expenditure amounting to just over R1,28 billion.

Hon Chairperson, we are talking about billions of rands, not millions, not thousands and certainly not small change. Simply put members, it’s high time that we walk the talk of these reports. Improving investment and boosting investors’ confidence can only be made by enforcing consequence

management on SOEs, State-owned enterprises, and state institutions to show that there is a political will to fight corruption.

The IFP welcomes the announcement that there will be no additional funding available to SOEs over the Medium Term Budget as we cannot stress more the conditions that clear the turnaround plans for SOEs must be regularly provided to Parliament.

The IFP furthermore remains concerned about the increased spending on debt servicing cost which is estimated over

R1 trillion. The impact that this cost to service our debt will have on essential services such as health, education, social development and service delivery in local government for the next few years is worrisome.

The IFP strongly favours the committee’s recommendation that the Minister of Finance should report to Parliament quarterly on the efficacy on the debt management strategies that we have in place so that we avoid a sovereign debt crisis.

In closing hon Chairperson, our government is not pro poor. The ANC government is pro-self, they are only concerned about

their pockets and their families’ eating. We need not look further the rejection by the voters of five more years of ANC government in some parts of our country and particularly on Kwa-Zulu Natal. Instead of accepting defeat, the ANC will rather [Inaudible.] to avoid heavy local government be formed in KZN. Their concern is to have their hands remain in the cookie jar and keep the status quo of looting public purse.

However, the IFP’s main concern is that the most vulnerable and poor South Africans are the ones who suffer the most due to years of government’s failure to control spending, cut corruption and deliver services to our local government. We cannot allow this rampant to continue, we must demand accountability and strongly enforce our oversight power as Parliament. Let us demand answers for those who have who have no voice. Hon Chair, the IFP supports the committee’s report. Thank you very much.

Mr W W WESSELS: Thank you hon House Chairperson. House Chair, the biggest challenge with the South African fiscus is to balance socio economic needs with fiscal sustainability. This because government’s debt has reached 70% of the GDP. This debt is unsustainable and also not conducive to economic growth.

The only solution to the country’s fiscal crisis is economic. This government and its policies are however the enemies of sustainable economic growth. This government and its looting and corruption of the adversaries addressing socio economic inequalities.

The ruling party and its alliance partners are the opponents of eradicating poverty and creating job opportunities. The higher than expected tax revenues will have to cover the higher costs of the Public Wage Bill. If the Public Wage Bill is not contained, it will undermine the measures aimed at fiscal consolidation

Fans are being shifted from the infrastructure fund to compensate for the 2021 wage agreement. We need infrastructure maintenance and development to obtain the much needed investments and economic development. Although there is currently no new provision for bailouts to failed state owned entities, the R787 billion worth of debt in state owned entities guaranteed by government is a significant liability and risk to the fiscus over the next three years.

It is the ruling party and its policy of cadre deployment which have destroyed the state owned entities. House

Chairperson, the Road Accident Fund has liabilities of

R450 billion. This fund is dysfunctional and poses a risk to

the fiscus and is waste of tax payers’ money.

It should be replaced by legislating compulsory third party liability insurance for all motor vehicle owners. We are in trouble; this boat is sinking. The political will is needed to implement structural reforms, contain the Public Wage Bill, privatize state owned entities and create an environment with policy certainty which will stimulate investment, growth and job creation.

We need real sustainable economic growth which will create wealth and get the vulnerable into jobs and off social dependency. The only way to do this is by creating a conducive environment for the private sector to then create jobs, then we need reliable energy supply, service delivery and policy certainty. Without this and the necessary political will, this fiscal framework will remain a pipe green. I thank you.

Mr S N SWART**:** Thank you Chairperson. Chairperson, the medium term statement was tabled down the extremely socio economic conditions of poverty, inequality and unemployment which are magnified by pre Covid-19 poor economic growth. The Covid-19

pandemic and the harsh lockdown as well as July’s rioting and looting

The Minister of Finance tried his very best to balance the fiscal and political pressure forced by economic stagnation and government policy uncertainty. The good news is that tax collection is expected to be R120 billion better than projected. This due mainly to an up scourge in commodity prices.

However, on the down side there will be increased spending which will be dominated by three items, wage increases for public servants, the extension of the social relief of distress grant and the public works programme.

Now, clearly the ACDP supports the extension of the Covid-19 social relief of distress which assists about 9,5 billion beneficiaries and although this is temporary, it has assisted a number of people but brings to a total of 27,8 million people, 46% of the country’s population that are receiving social grant beneficiations.

Now, while social grants are supported and necessary to assist the poor in the short term, clearly this is unsustainable in

the long term due to ta dwindling tax basis. What is needed and we are all in agreement with is that the economic growth to stimulate economic growth, job creation and the reduction of the number of people on social grant.

The balance of the tax wind fill besides the expenditure will be used for fiscal consolidation and this is necessary to address the spiralling public debt and that the ACDP supports.

It is however concerning that an additional R60 billion is to be added to the spending ceiling of 2021 and R30 billion over the next two years. This results in an already dire public finances position worsening, particularly given the background that the economic growth is only expected to only 1,1% over the medium term.

As other speakers have indicated, debt service cost continues to crowd down social expenditure thus whilst the policy statements set out a slightly better fiscal position than that projected in February’s budget. The fiscal outlook remains dire and requires prudence stewardship of state resources.

This will require commitment and courage and will indeed require tough love. It remains to be seen whether the Minister has the necessary political support to implement the tough

love particularly when it comes to these state owned enterprises. Thank you.

Mr S N AUGUST: House Chairperson, Good notes the Revised Fiscal Framework proposed by Treasury and welcomes this frank acknowledgement that the Covid-19 pandemic has worsened South Africa’s pre-Covid-19 national challenges of high levels of poverty, inequality and unemployment. The Minister of Finance explained that the purpose of the 2021 Medium-Term Budget statement is to provide the nation with progress made with the implementation of the Fiscal Framework and the economic growth which is an important variable that affects other variables.

To this end, Good notes that the national debt and the state- owned enterprises, SOEs, remain a glaring binding constraints to growth and the rest to fiscal’s inability. The point of the state is to ensure adequate services are provided to the South African people and for some time that the relationship has been inverted by since South Africa has foot the bill for SOEs that continue to default on their mandates to provide services to the people.

While we welcome what the Revised Fiscal Framework seeks to achieve generally, we remain unconvinced that the R3 billion

proposal to refinance SOEs like Denel is rational. Why Denel? How strategic is this in the provision of better services of South Africa? The opportunity costs of this recapitalisation would be better served contributing to getting us out of the Covid-19 induced slum in which we found ourselves or providing security network for the most vulnerable South Africans who continue to languish in poverty.

The fastest growing item on the budget is not what of the critical which is education, social services and securing estates. It is not government’s paying the interests on loans. Government is losing millions to corruption, mismanagement and its wasteful fruitless expenditure. Many problems are caused by cadre deployments and corruption at Government’s administration and state-owned enterprises.

The departments and SOEs are bloated at senior management levels. Far too much is spent on these salaries and paycheques at the expense of employing more nurses and teachers at the point of service delivery. Government needs focus on stabilising the financial controls governance culture on these SOEs before plunging billions into these particular black hole.

House Chairperson, particularly Treasury and the Department of Public Enterprises, the custodian of SOEs has to look closer in fixing the root cause of the deficiencies at the power utility. Eskom’s total debt has ballooned from R40 billion in 2008 to R490 billion in the recent years but Eskom’s income is less than R30 billion. Eskom sells electricity to South Africans at a higher cost than it does to our neighbouring countries. The country’s primary power utility is technically bankrupt. Electricity disruptions are undermining the entire economy. In the most recent elections, Good ... [Inaudible.] on the platform that electricity costs are astronomical and that our citizens can ill afford it. [Time expired.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, your time has expired.

Mr S N AUGUST: Thank you, House Chairperson.

Mr C H M SIBISI: The NFP, in welcomes the seemingly tough stance taken by the Minister of Finance on future SOEs. We note the stance taken by the Minister but it is not enough to take that stance but we hope that it would translate into action. Many of our SOEs have been and are still unproductive and dependent on the taxpayer’s money to survive. Their poor

performance, poor governance is not helping in making things easier or at least bearable for us. We call on the Minister of Finance and the whole of government to ensure that this stance translates to action.

We also call upon Treasury looking to channel some of their bailouts otherwise that would have been provided to SOEs to be redirected to supporting small, medium and micro-sized enterprises, SMMEs. SMMEs are the backbone of the country and government understands this because SMMEs were expected to generate 90% of the 11 million new jobs aimed for in the National Development Plan, Vision 2030. However, a report on SMMEs access to finance that was conducted by the Finfind identified that access to funding was a matter static for many SMMEs in South Africa.

The cutting of public spending on social services such as healthcare, education and job creation would impact many in a substantial and negative way. The rising of food prices had ultimately made the cost of living too high and for the unemployed surviving is becoming harder and harder. The ever- increasing fuel prices are affecting the prices of other commodities in the economy in the middle class to be carrying

this burden each passing day. It is becoming harder and harder to survive in South Africa.

House Chair, we can confidently say that there was really nothing new in the Medium-Term Budget statement which stood out to attract investment even build confidence domestically and beyond the borders of South Africa. We see increased spending primarily going to the public sector wages yet we did not see performance or productivity in public sector institutions in parallel with that. We can all agree that there is a need for the Basic Income Grant and we can also agree that the R350 is not enough.

Revenue is not necessarily an issue but government’s expenditure remains a sinister issue. Expenditure increase on average of 8,8% which was significantly higher than the inflation because of the Public Sector Wage Bill. It would be an injustice to not mention that unemployment in South Africa was one of the highest in the world. The R18,3 million count of beneficiaries of social grants in 2020/2021 was expected to grow by R22,6 million in 2040-2041. This where we believe that it is important for government to intensify support towards the SMMEs and support initiatives that will foster job creation and move away from creating dependency on their state

relief so that people can have their jobs and sustain their livelihoods.

The NFP was pleased with the R11 billion for PSP which created over 550 jobs and provided young people with a salary and experience. [Time expired.]

Mr M G E HENDRICKS: House Chairperson, the new Minister of Finance has risen to the occasion. If it is all about love, of course the ANC’s love is the one in eThekwini, well done.

Government has not failed as the official opposition says but big business plan has come together to impoverish South Africa. Zero-based budgeting will help prevent the funding of white privileged given by apartheid. Big business is our worst nightmare and that is why NGOs must now create jobs.

Our foreign debt blocks the space to help South Africans in need. There has not been any positive response from Afrikaner big business to help reduce this debt after the late President De Klerk apologised for their advantages of wealth they acquired because of apartheid. So, the country is on its own and the Afrikaner just get rich and richer and allowed the poor people to suffer. Can’t they just help the country with water? I hope that the Minister would support AL Jamah’s 19 th

Amendment of the Constitution when the time comes that it should arrive that it should be right and not only access to water so that proper budget can be allocated.

Al Jama Ah rejects the budget allocated for water provision also for the National Prosecution Authority, NPA. There is not enough money to prosecute ... [Inaudible.] apartheid killers. Just the Minister wanting to delay prosecutions until the apartheid killers die of natural death. How must the Hani family and other parties feel? No social grant should be left destitute. Why can’t they work theirs too and municipalities be given responsibility? Al Jama Ah supports the report.

The CHIEF WHIP OF THE OPPOSITION: House Chairperson, good afternoon all members except the leader of ALJAMA-AH. [Interjections.] The fiscal framework tells us a terrifying tale of a ballooning debt and a low growth trap. Hard realities are beginning to bite. Of course, the simplistic explanation of choking it all up to the COVID-19 pandemic and the fiscal fallout thereof is but just an excuse, the reality is much more complex. The ANC - let’s be honest - has for the last decade been blaming the ballooning debt and contracting fiscal space from the 2008 financial crisis, which became a convenient card to pull out year in and year out. Even as

other countries recovered and many, especially on the African continent, have achieved massive growth created jobs and reduced poverty, meanwhile South Africa has been sleep walking into more poverty, more inequality and more joblessness.

This was all done while taking on more debts. Debt servicing costs will now consume more than health care and social services combined. Let me repeat that: Debt servicing costs will now consume more than health care and social services combined, in a country with a GDP coefficient, the Gini coefficient is the largest in the world. We cannot go on like this.

The confidence of a debt burden is a crippling public service and caring for the poor will become nonexistent. Despite population growth, the state has not meaningfully increased the numbers of doctors or nurses in the public sector. Despite worsening crime, the state has neither met international standards on the police to population ratio nor do they care. Despite the pandemic, the state is not able to provide relief to equal the food poverty line, and the state does not care.

This are the real consequences the public is feeling of the

ANC’s financial mismanagement. The only way to achieve

meaningful reform is to get onto a path of growth, but the fiscal framework ... [Inaudible.] ... there has no plan to grow the economy, reduce poverty and increase employment. Policy paralysis is still the order of the day. There is too much uncertainty to attracts the investments.

Gross domestic product projection by the National Treasury show that there won’t be any meaningful economic recovery with GDP growth likely to be under 25 per annum for the next three years. This is not tough love; this is where love ends. This is not even enough to create jobs for new entrants into the job market, let alone alleviate those trapped in poverty.

Even where the state does not try to impact on growth through infrastructure, it produces a negative multiplier effect. Even the government’s own fiscal and financial commission has noted that the doubtful state of infrastructure investment will bring positive outcome as government projects are characterised by costs overruns, wasteful contracting, maladministration, malice compliance and noncompliance of shoddy workmanship.

The only way to get growth and deliver services to the poor as well as create much-needed jobs, is to eradicate poverty and

to implement real reforms and to increase state revenue, attract fixed investments to industrialise the economy and take practical steps to end cadre deployment and build a real capable state. The ANC is obviously not interested in any of these, but thankfully, we can now say with confidence that this government is on borrowed time and in due course, the citizens can and will replace them with the government willing to make the hard choices that they are not to do, just like they did in Tshwane, in Ekurhuleni, in Johannesburg and Midvaal. Thank you very much. [Interjections.]

*Sepedi:*

Moh M D MABILETSA: Thobela! [Tsenoganong.]

*English:*

Chairperson and the members of the National Assembly, what this debate needs to appreciate is that the Fiscal Framework and Revenue Proposals have to address the concrete conditions that the country faces and not the sectional interest of any political party. The framework has to respond to the governing parties electoral mandate since it is the mandate that the majority of South Africans who voted for us clearly stated in 2019 that they wanted to see a change for their lives for the better.

Therefore, any critique of the Revised Fiscal Framework and Revenue Proposals must apply itself to whether the interest of the masses of our people are being met or not in the revised framework. Opinions and sectional interests do not constitute a critique, rather they reflect preferences and when dealing with policy and financial instruments to fund such policy, we have to be better informed than just expressing opinions and preferences. Anyone can have a preference or an opinion, but when dealing with finances and policies, bring facts and evidence if you want us to believe your arguments.

Firstly, the fact is that the Revised Fiscal Framework and Revenue Proposals places almost 60% of its expenditure on social services. This is a reflection that it is both responding to the serious challenges like unemployment and poverty and also responding to the ANC’s policy position of providing for comprehensive social protection.

Secondly, the Revised Fiscal Framework and Revenue Proposals builds upon the economic containment package that was introduced in 2020 to help government, the economy and stakeholders in the economy to deal with the devastating impact of COVID-19. Thirdly, the Revised Fiscal Framework and Revenue Proposals has to deal with the vexed question of how

best to stimulate growth and development. In responding to this question, we are deeply aware that in the field of economy, there will be contesting views and this should be welcomed. As the ANC, the challenge is not that there are contesting views, but what informs these views.

For the ANC, it is only on the balance of the economic and socioeconomic evidence that any government that claims to represent a will of the people can take decisions. We cannot take decisions as we have heard today on the basis of preferences and dogma which never work when you have to run the economy.

Fourthly, alongside taking the correct decisions that will stimulate growth, we have to deal with the concrete reality of debt and avoid a debt sovereign crisis. As we have said, there is nothing wrong with debt as all countries have it. But it depends on what you enter into the for. For the ANC it is about the strategy to deal with debt management that informs our responses and not some of the emotional language from the opposition that we have heard today.

When you manage an economy, you take long-term decisions and not short-term knee-jerk reaction and not those parties which

can only respond to the immediacy of things which create even more instability. Change in the economy is a thoroughgoing process not easy to achieve and require strategic thinking and not populist rhetoric.

Fifthly, the regulatory reforms which were introduced in 2020 are expanded upon in the Revised Fiscal Framework and Revenue Proposals. They are going to have an impact on the economy and we will need to evaluate this closely - in particular, how these reforms will deal with the accrual structure of the economy. It is a matter that takes time and it is not short term. In particular, dealing with decentralisation and severe market concentration, we are putting money aside for infrastructure development. So, addressing decentralisation of this process is critical.

Sixthly, there are risks and we need to understand the risks we face. The International Monetary Fund, World Bank, United Nations, UN, Agencies and others all point to the damaging effects of poverty, unemployment, inequality, all economic performance and microeconomic, social and political instability. This is a risk which the framework seeks to try and address. As the committee, we have recommended that National Treasury broadens its risks identification and

analysis so that adequate mitigation measures can be catered for in the fiscal framework.

Seventhly, we have listened carefully to submissions from the public on the revised framework and we have heard strong views on the application of fiscal consolidation and listened to National Treasury’s response that by 2024-25 it will be discontinued. We believe that this will provide the space to engage further.

Eighthly, there are two matters that all political parties have to go pull together in this House, and this is the quality of spending and the inability to spend budget. Putting aside legitimate explanation, the reality is that Parliament has to seize the demand in far more accountability from departments and their entities on these two matters. Through each committee, we should have long devised a monitoring mechanisms that can provide in the quarterly reports an early warning on quality of spend and inability to spend.

We continue to state our point that we are open being persuaded, but persuasion must be convincing, based on facts and evidence. Having considered the 2021 Revised Fiscal Framework and Revenue Proposals, the ANC is convinced at this

point that the framework offers the best balance in dealing with our multiple challenges and we support the framework and proposal.

*Sepedi:*

Ke a leboga. [Tsenoganong.]

The DEPUTY MINISTER OF FINANCE: Hon Chair and hon members, I would also like to thank the Chair of the standing committee, hon Joe Maswanganyi and his committee.

I must indicate that the ANC is still a leading political force in this country. It has legitimacy in many of the wards. In particular, I also want to use this opportunity thank Al Jama’ah for providing their continuous support to make sure that we create a stable local government as a precondition for our economic growth.

This was one of the most challenging years we had to deal with as a country. The pandemic, the recent social unrest which worsened our economic situation, including poverty, unemployment and inequality ... And we were the first to admit that, even before COVID, our economy was not in good shape.

Through this Medium-term Budget Policy Statement, we have provided a fiscal response to this challenge. Sixty per cent of our budget goes to the social wage. I must indicate that fiscal response is one of the many responses that our government continues to implement to deal with our economic situation, including implementing the structural reforms. One of the reforms that the markets have highly celebrated is the licencing threshold for self-generation to 100MW. There are a number of structural reforms that we are undertaking to make sure that we put our economy on a sustainable growth path.

The structural performance of our economy is more important than the cyclical economic performance like the one that we saw recently with the commodity boom which gave us some extra revenue. It is not the first one. We had one in the early 2000s which gave us some budget surplus.

What is very clear is that, for as long as we don’t undertake serious structural reforms to put our economy on a sustainable basis, many of these micro-economic challenges including our public debt and unemployment will not be addressed.

We really appreciate the comments, the support and the critical feedback to this Medium-term Budget Policy Statement.

It was really an update for the House and for South Africans on how we have implemented the fiscal framework so far and what the outer years will look like. Between now and February, we will elaborate our fiscal stance further consistent with what the Minister articulated in the Budget Speech.

The Minister also committed that we will engage political parties in advance so that our fiscal stance is informed by robust debate and by the facts before us.

I want to express gratitude for, as I said, the critical feedback, the support and the comments that we received from hon members. Between now and February we will rework, but consistent with what we have presented in the Budget Speech and accompanying documents.

I really want to thank you, Chair and the hon members.

Debate concluded.

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

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

Report accordingly adopted.

The House adjourned at 19:05.