**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 1**

**THURSDAY, 24 MARCH 2022**

\_\_\_\_

***PROCEEDINGS OF THE NATIONAL COUNCIL OF PROVINCES***

\_\_\_\_

The Council met at 14:02.

The Chairperson took the Chair and requested members to

observe a moment of silence for prayers or meditation.

The CHAIRPERSON OF THE NCOP: Hon delegates, please be reminded

that the rules and processes apply for this virtual sitting. I

would also like to remind you of the following. The virtual

sitting constitutes a sitting of the National Council of

Provinces.

Delegates in this virtual sitting enjoys the same powers and

privileges that apply in the sitting of the National Council

of Provinces. The place of the sitting is deemed to be Cape

Town, where the seats of the National Council of Provinces is.

Delegates in the virtual sitting enjoy the same powers and

privileges that apply in the sitting of the National Council of

Provinces. For the purposes of the quorum, all the delegates



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 2**

are logged on to the virtual platform and shall be considered

to be present. Delegates must always switch on their videos.

Delegates should ensure that the microphones on their gadgets

are muted and must always remain muted. The interpretation

facility is active. Permanent delegates, members of the

executive, special delegates and the SA Local Government

Association, Salga, representatives are requested to ensure

that the interpretation facility on their gadgets are properly

activated to facilitate access to the interpretation services.

Any delegate who wishes to speak must use the “raise your

hand” icon. By now members are familiar with this function or

icon.

Hon delegates, we will now move on to motions. We will start

with notices of motion without any delay. I now call on

delegates to indicate if they want to put forward any notice

of motion. I see three hands. I see Tim, Shaikh, Nchabeleng

and Lehihi. We will start with Tim. Hon Tim?

**NOTICES OF MOTIONS**

Mr T J BRAUTESETH: Chairperson, I hereby give notice that at

its next sitting I shall move on behalf of the DA:



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 3**

That the Council debates the ongoing and persistent water

crisis in the Ugu District Municipality of KwaZulu-Natal

caused by the utter neglect of successive KwaZulu-Natal

premiers-led cabinets which has now led to a disaster of

catastrophic proportions with grave human rights implications.

I thank you.

Ms S SHAIKH: Chairperson, I hereby give notice that at its

next sitting I shall move on behalf of the ANC:

That the Council-

(1)

debates the role of the Department of Home Affairs

and the Department of Employment and Labour in

converting the flair for violence similar to what

happened in Robertson in the Western Cape.

(2)

also debates the role of the alleged preference of

foreign nationals over locals which had contributed

to the violence.

Mr M E NCHABELENG: Chairperson, I hereby give notice that at

its next sitting I shall move on behalf of the ANC:



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 4**

That the Council –

(1)

debates the role that is supposed to be played by

the recognition of prior learning as a critical

means of access to and the recognition of further

and higher learning for students who did not hve the

opportunity to access higher education postschooling

via conventional pathways.

(2)

also debates how South Africans who find themselves

in jobs that offer no growth prospects owing to

their lack of academic qualification can be

assisted.

Ms S B LEHIHI: Chairperson, I hereby give notice that at its

next sitting I shall move on behalf of the ANC:

That the Council debates the poor distribution capacity of

water in Maquassi Hills Local Municipality in North West

province which has not demonstrated any improvement since the

invocation of section 100 of the Constitution.

I thank you.



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 5**

**DA’S CONCERN ON CLOSURE OF THABA CHWEU BOARDING SCHOOL**

(Draft Resolution)

Ms H S BOSHOFF: I hereby move without notice on behalf of the

DA:

That the Council-

(1) notes with concern the closure of the Thaba Chweu

Boarding School, where the learners did not return to

school on the reopening of schools in January of this

year;

(2) further notes that the school could not reopen due to

lack of water;

(3) also notes that parents of the learners have to make

alternate arrangements for their children who are at

home without supervision, costing them an arm and a

leg;



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 6**

(4) notes that not only is the ANC government stealing

hard earned taxes, but also stealing the future of

these learners;

(5) also notes that no alternative measures have been put

in place to assist these learners with online

classes, which means that the learners have again

lost out on valuable educational time and will never

be able to catch up on this lost time;

(6) further notes that the Leader of Government Business

in Mpumalanga has responded that the reason there is

no water is due to the community stealing the water

pumps, this whilst the school has 24/7 security;

(7) calls on the department to engage with the school

governing body, SGB, school management team, SMT, and

the security company to determine why there was no

security when the pumps were stolen; and

(8) acknowledges that the national Department of Basic

Education must engage with the provincial department

of education to determine what the real reason is for

the closure of the school is and ensure that the



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 7**

necessary steps are taken to get the learners back to

school and give them the education they so rightfully

deserve.

Motion agreed to in accordance with section 65 of the

Constitution

**THE LATE DR PATRICK MAESELA**

(Draft resolution)

The CHIEF WHIP OF THE NCOP: Hon Chairperson, I hereby move

without notice: -

That the Council:

(1) Notes with profound sadness and grief the death of Dr

Patrick Maesela who was laid to rest 11 March 2022;

(2) Dr Patrick Maesela was the first black person to be

allowed to be a medical technician and in exile he did

a junior degree in political science at Ebadan

University in Nigeria, he then did his Masters followed

by his PhD in Political Economy;



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 8**

(3) Dr Patrick Maesela joined the ANC in 1964 and worked

underground to mobilise students and youth from that

time. His work led to the formation of Natal Youth

Organisation, NAYO, a youth movement which was later

expanded to NAYO and youth formations throughout the

country. NAYO had tremendous influence in South African

Student Movement, SASM;

(4) Dr Patrick Maesela was arrested together with the

leadership of NAYO and released in 1976;

(5) In 2014, Dr Maesela was elected as the Member of

Parliament until 2019. He served in the Portfolio

Committee of Health and in 2018 he was delegated by the

ANC to nominate President Cyril Matamela Ramaphosa to

be the President of South Africa; and

(6) Takes this opportunity to convey its heartfelt

condolences to his wife, 3 children, 7 grandchildren

and 2 great grandchildren.

I so move!



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 9**

Motion agreed to in accordance with section 65 of the

Constitution.

**CORRUPTION EXPOSED BY PUBLICATION OF REPORT IN EMFULENI**

**MUNICIPALITY**

(Draft resolution)

Mr D R RYDER: Thank you very much Chairperson, on behalf of the

DA, I hereby move without notice:

That this Council-

(1) note the recent publication of a report on the Emfuleni

Municipality which exposes substantial corruption;

(2) also note that the Chief Financial Officer has been

placed on cautionary suspension as a result of the

report;

(3) further note that the CFO has fingered the MM and

alleged that politicians are also involved in the

corrupt activities;



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 10**

(4) note that the municipality has been under section 139

administration since 2017;

(5) note that much of the corrupt activity described in the

report took place or continued to take place while the

municipality was under administration;

(6) note that MEC Maile was chased from the Cogta committee

meeting of 19 June 2020 by the Chairperson with a

warning to return properly prepared. Hon Dodovu even

put out a press release in this regard. The MEC is

however yet to return;

(7) note that the lives of the people of Emfuleni have

worsened over the past five years, in spite of the

Administrative intervention by the Gauteng Province;

(8) calls on the Premier of Gauteng to give account to this

House or alternatively to admit defeat; and

(9) propose an invocation of section 139. 7 of the

Constitution to allow the national government to step

in where the Province has failed.



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 11**

I so move

Motion not agreed to.

**WATER CRISIS IN UGU DISTRICT MUNICIPALITY**

(Draft resolution)

Mr T J BRAUTESETH: Chairperson, on behalf of the DA, I hereby

move without notice:

That this Council: -

(1) notes with great concern the ongoing and persistent

water crisis in the Ugu District Municipality that has

plagued the area since 2015;

(2) notes that areas such as Ramsgate, Margate, Port

Shepstone, Hibberdene, Gamalakhe, Bhobhoyi, Nyandezulu,

Marburg, Umtentweni, Oslo Beach, Southport, Pumula,

Umzumbe, Fairview, Allerton store, Stickfarm and

Woodgrandge have been without water for between 14 days

and 8 weeks, the areas of Port Edward ... rest of



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 12**

Mhlavuna have only had 23 days of continuous water

supply in the last year;

(3) notes that it has been estimated that the UGU District

municipality requires R2 billion to effectively address

the ageing water infrastructure in the district.

Despite this, the budget for water reticulation has

been slashed by R84 million resulting in the

cancellation of water tanker contracts. At the same

time, the ANC caucus in Ugu demanded the completion of

the second phase of their offices, costing R32 million;

Disgraceful!

(4) Further notes that a recent inspection by the DA of the

water storage facilities in the district revealed that

these reservoirs were completely empty;

(5) also notes that this state of affairs is a gross

violation of Human Rights and that promises made by the

KZN Premier, who busies himself attacking the country’s

judiciary, have led to no action whatsoever;



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 13**

(6) notes that the DA intends opening a case with the Human

Rights Commission and will investigate the criminal

liability of Premier Zikalala himself.;

(7) repeats the call on the Minister of Cogta for a direct

Section 139 of the Constitution intervention into the

Ugu District Municipality in order to resolve water

service delivery, sanitation services and the

municipality’s finances.

Motion agreed to in accordance with section 65 of the

Constitution.

**FAULTY TRAFFIC LIGHTS IN N12 AND SOWETO-LENASIA INTERSECTION**

(Draft resolution)

Mr S F DU TOIT: Chairperson, on behalf of the FF Plus, I move

without notice:

That the Council-

(1)

notes that the matter regarding faulty traffic

lights at the N12 / R558 intersection



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 14**

(Soweto/Lenasia) was highlighted during a NCOP

Select Committee meeting on 7 September 2021;

(2)

(3)

further notes that MEC Faith Mazibuko confirmed that

the matter would be looked into and referred the

matter to MEC Jacob Mamabolo;

also notes that six months have lapsed and that the

infrastructure has still not been repaired posing a

life threatening situation, since it is on a

national road and in a high crime zone; and

(4)

calls on the relevant departments to urgently

address the matter.

Motion agreed to in accordance with section 65 of the

Constitution.

**THE LATE SHEIKH ABDUL HAMIET GABIER**

(Draft resolution)

Mr M DANGOR: Chairperson, I hereby on behalf of the ANC move

without notice:



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 15**

That the Council-

(1) notes that the life President of the Muslim Judicial

Council (MJC), 86-year-olds, Sheikh Abdul Hamiet

Gabier died in the early hours of yesterday morning

after suffering poor health;

(2) further notes that during his time as Imam in

Kensington he was at the forefront in the struggle

against apartheid and had to live in exile in Canada

where he continued with his activism;

(3) also notes that Sheikh Gabier played a pivotal role in

the establishment of the United Democratic Front, UDF,

and was a stalwart of the ANC who also served as South

African Ambassador to Saudi Arabia; and

(4) sends our heartfelt condolences to his family and the

Muslim Community at this time of bereavement.

Motion agreed to in accordance with section 65 of the

Constitution.

**MURDERER AND RAPIST REVTICKEN MULLER SENTENCED TO LIFE**



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 16**

(Draft resolution)

Ms M N GILLION: Chairperson, I hereby move without notice on

behalf of the African National Congress:

That the Council-

(1)

notes with appreciation that murderer and rapist,

Revticken Muller, described as a skilled, devious,

and cunning liar, will spend his life behind bars

after he was sentenced in the George Magistrate’s

Court yesterday;

(2)

further note that Muller was convicted of the rape

and murder of Bianca Matroos in November 2019 and

was sentenced to life imprisonment for murder and

further 10 years for rape;

(3)

Also note that note that the accused met the

deceased in a nightclub, and raped and killed her a

few hours later; and



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 17**

(4)

therefore, congratulate the Police and the NPA for a

job well done and hope that the family of the

deceased will at least find closure.

I so move.

Motion agreed to in accordance with section 65 of the

Constitution.

**DISTRICT SIX LAND CLAIMANTS EXPECTED TO FINALLY RETURN HOME**

(Draft Resolution)

Ms M BARTLETT: I hereby move without notice on behalf of the

ANC:

That the Council -

1) notes that about 108 District Six land claimants are

expected to finally return home in about two weeks’

time after more than two decades of waiting;

2) further notes that this is part of phase three of the

District Six Development Project with construction of



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 18**

the remaining 954 units to be carried out in two major

phases to be completed in 2025;

3) also note that Deputy President Mabuza, in his capacity

as the Chairperson of the Interministerial Committee on

Land Reform and Agriculture visited the area in order

to assess progress;

4) congratulates the beneficiaries of this project; and

5) calls upon the Department of Agriculture, Land Reform

and Rural Development to make sure that the rest of

claimants get their houses as promised.

Agreed to.

**EFF HELD SUCCESSFUL EVENTS ON 21 MARCH 2022**

(Draft Resolution)

Mr M S MOLETSANE: I hereby move without notice on behalf of

the EFF:

That the Council -



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 19**

1) notes that the EFF held a series of successful events

on 21 March 2022, commemorating the Sharpeville

massacre;

2) further notes that the massacre which took place in

Sharpeville, Langa and Uitenhage were not isolated

events but were responses carried out by a racist group

of people who would do anything to entrench the

dehumanization of black people;

3) acknowledges that the EFF held three rallies to observe

and honour the bravery and wisdom of Robert Sobukwe and

Philip Kgosana who led the march in Langa, and that of

Nyakane Tsolo who led the march in Sharpeville;

4) further acknowledges that we observed and honoured

those who lost their lives during the Sharpeville,

Langa and Uitenhage massacres at the hands of the

brutal apartheid regime;

5) recognises that their commitments to the liberation of

our people should inspire all of us to continue to

fight for the total emancipation of our people as the



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 20**

struggle for emancipation of the African people has not

yet been won;

6) takes this opportunity to thank the people and ground

forces of Moqhaka municipality for making the event of

21 March a success; and

7) thanks the community of Matlwangtlwang in Steynsrus for

coming out in their numbers to commemorate with us.

Agreed to.

**SPECIAL INVESTIGATING UNIT HAILED**

(Draft Resolution)

Ms L C BEBEE: I hereby move without notice on behalf of the

ANC:

That the Council -

1)

notes with pride the continued successful headway made

by the Special Investigating Unit, SIU, in recovering



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 21**

public funds acquired through unlawful and corrupt

transactions;

2)

believes that the bid by the SIU to freeze the bank

accounts of suspicious beneficiaries of corrupt and

unlawful transactions is a step in the direction

towards successful criminal prosecution; and

3)

calls upon this august House to salute the leadership

of the SIU and its staff for their courageous acts of

leaving no stone unturned in recovering public funds

lost through unlawful and corrupt transactions.

Agreed to.

**THE PROLIFERATION OF GUN-RELATED MURDERS IN CAPE TOWN**

**TOWNSHIPS**

(Draft Resolution)

Ms N E NKOSI: I hereby move without notice on behalf of the

ANC:

That the Council -



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 22**

1) notes with concern the alarming proliferation of gun-

related murders in the townships of Cape Town over

the recent past;

2) further notes that these gun-related murders

demonstrate the massive circulation of illegal fire

arms in the hands of criminal syndicates and

gangsters;

3) believes that the persistence of this trend

undermines and erode the confidence of the law-

abiding citizens and our law enforcement agencies;

4) further believes that the confidence of the law-

abiding citizens, the police and the collaboration

between the police and communities are critical in

the fight against crime; and

5) calls upon the Minister of Police and the Member of

the Executive Council responsible for policing in the

Western Cape government to appear before this august

House to outline concrete steps against gun-related

murders and other forms of violent crimes.



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 23**

I so move.

The CHAIRPERSON OF THE NCOP: Thank you very much. Any

objection to the motion?

Mr J J LONDT: Yes, there is an objection. It should be the

national Minister who gives resources.

The CHAIRPERSON OF THE NCOP: Is there an objection to the

motion? None. There being ... [Interjections.]

Mr M NHANHA: Chairperson, hon Londt made an objection. You

could not have missed him.

Mr J J LONDT: Yes, it was selective hearing from the

Chairperson. The national Minister of Police should give the

resources. Call him to account, therefore the objection. You

must the rules of where the money comes from.

The CHAIRPERSON OF THE NCOP: There being an objection, the

motion may not be proceeded with and will now become a notice

of a motion.

**60TH SESSION OF THE OACPS PARLIAMENTARY ASSEMBLY**



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 24**

(Draft Resolution)

Mr M I RAYI: I hereby move without notice on behalf of the

ANC:

That the Council -

1) notes that the Organisation of African, Caribbean and

Pacific States, OACPS, will host the 60th Session of

the OACPS Parliamentary Assembly from 29 to 31 March

2022, and the meeting will be followed by the 41st

Session of the ACP-EU Joint Parliamentary Assembly,

JPA, from 1st to 3rd April 2022;

2) further notes that the meetings which will be held in

Strasbourg, in France, will be the first in-person

contact sessions of the assemblies since the outbreak

of the COVID-19 pandemic in 2020;

3) also notes that the 41st session of the JPA is of

particular importance as it will be the last JPA under

the Cotonou Partnership Agreement;



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 25**

4) also notes that during the session, which will take

place from 29 to 31 March 2022, OACPS parliamentarians

will exchange views on current global issues of

interest to the OACPS, including matters concerning the

political affairs, economic development, finance and

trade, and social affairs and the environment; and

5) takes this opportunity to wish the South African

delegation well as they prepare to represent our

Parliament in these very crucial events.

Agreed to.

**LOCUST OUTBREAK DAMAGES NORTHERN CAPE**

(Draft Resolution)

Mr W A S AUCAMP: I hereby move without notice on behalf of the

DA:

That the Council -

1) notes with sorrow the damaged caused by the locust

outbreak in vast parts of the Northern Cape where



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 26**

hundreds of thousands of hectares of grazing have been

destroyed due to this locust outbreak;

2) expresses our gratitude towards the various civilian

organisations as well as to the large number of

individual farmers and private companies who unselfishly

made finances, as well as their personal equipment and

vehicles available in order to try to contain the spread

of this locust outbreak;

3) acknowledges the fact that due to this locust outbreak,

vast amounts of grazing were destroyed, and that there

now is an urgent need for fodder to be made available to

those farmers who lost grazing due to this locust

outbreak;

4) requests Premier of the Northern Cape to declare the

areas affected by these locust outbreaks as disaster

areas in order for more funding to be made available to

fight the further spread of this outbreak, as well as to

assist those farmers who have been negatively affected

by this outbreak; and



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 27**

5) calls upon the MEC for Cogta, or the Premier of the

Northern Cape immediately approve the provision of

fodder from the fodder banks in the Northern Cape to the

affected farmers, as well as to make additional funding

available in order to assist these farmers to obtain

sufficient fodder for their animals.

The CHAIRPERSON OF THE NCOP: There is an objection. Therefore,

the motion ... [Interjections.]

Mr W A S AUCAMP: Hon Masondo, it is fascinating now that you

can hear that objection.

The CHAIRPERSON OF THE NCOP: ... without notice will become a

notice of a motion.

An HON MEMBER: How can you object to the farmers that feeds

us? Incredible. It is astonishing.

**DEBATE ON THE RELEVANCE AND SUCCESS OF BROAD-BASED BLACK**

**ECONOMIC EMPOWERMENT AND EMPLOYMENT EQUITY LEGISLATION**

(Subject for Discussion)



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 28**

Mr S F DU TOIT: Hon Chairperson, is broad-based black economic

empowerment and equity legislation still relevant after almost

three decades of ANC rule and did it yield the results that

the ANC hoped it would? Did affirmative action provide any

economic stability in the country and who benefited from it?

Did South Africa as a whole benefit from the race-based job

reservation legislation?

Mr Ramaphosa, during his human rights speech on 21 March 2022,

mentioned that South Africa is the most unequal country in the

world. He placed the responsibility on normal citizens to be

whistle blowers on corruption in his government and focused

his address on racial conflict and the death of 69 people in

1960 in Sharpeville, conveniently neglecting to mention the

354 people that died in South Africa, during July 2021, under

ANC rule.

It needs to be mentioned that Mr Ramaphosa and the Cabinet

took full responsibility for these deaths during his Sona 2022

speech. Yet, we have, to date, not seen any consequences as a

result of these deaths. Why am I mentioning this fact? I want

to illustrate that selective racial classification by the

majority is being used to their benefit, when it suites them.



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 29**

Since 1994, BEE has been government policy.

*Afrikaans*:

Die Vryheidsfront Plus het onsself sedert 1994 sterk teen

regstellende aksie en swart ekonomiese bemagting uitgespreek,

weens die feit dat dit nie gelyke geleenthede aan alle Suid-

Afrikaners bied nie, kundigheid in die proses verlore gaan en

individue en groeperinge ge-etiketeer, en dat daar deur

hierdie wetgewing teen hul gediskrimmineer word.

Miljoene Suid-Afrikaners van verskillende rasse leef en werk

op ’n daaglikse basis in vrede saam. Die gemiddelde Suid-

Afrikaner, ongeag ras of geslag, streef na gelyke regte,

gelyke behandeling, gelyke geleentheenthede en om in vrede met

sy medemens te leef.

Die ANC en ander partye, het egter in hul strewe na oorlewing

en behoud, gebruik gemaak van rasgedrewe wetgewing. Daar is

egter van die oposisie wat hierdie wetgewing ondersteun het,

wat nou ’n ander deuntjie begin sing en voorgee asof hul dit

verag.

Daar is bewyse dat die bekragtiging van hierdie wetgewing,

generasies wat volg gaan verhoed om op ‘n gelyke basis vir



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 30**

werksgeleenthede in Suid-Afrika te kompeteer. Dit gaan weer

verhoed dat hierdie mense hul gesinne tot die beste van hul

vermoë kan ondersteun en ‘n optimale positiewe bydrae tot die

ekonomie lewer.

Hierdie rasgedrewe wetgewing, het selfverryking vir sommiges

en verarming van die staat, agteruitgang van die land en

verryking van politiesgekoppelde individue teweeg gebring.

Hierdie wetgewing is swart ekonomiese bemagtiging en

regstellende aksie.

*English*:

William Gumede, an associate professor at the School of

Governance at the University of the Witwatersrand, wrote the

following in 2017, and I quote:

Genuinely disadvantaged black South Africans, whether out of

naivety, lack of knowledge or simply being unaware of the

selfish motives of individuals, using calls for radical

economic transformation, economic freedom and economic

decolonisation for their own benefits, in many cases fall for

such false promoters of black advancement. The real danger is

that these redistribution terms will not only become empty,

meaningless and opportunistic, but will become associated with

mismanagement, corruption and state capture.



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 31**

This means that genuine initiatives to pursue economic

transformation, economic freedom and economic decolonisation,

so crucial to improve the lives of ordinary black South

Africans for the better, will lose credibility. The first is

to scrap the current BEE policies as, singularly useless to

historically disadvantaged black children, on par with the

world-class education, offered in the best industrial

countries or emerging markets.

It is estimated that so-called BEE transactions, aiming to

increase black ownership of large businesses have been

conducted on such a large scale, with BEE transactions

concluded between 1994 and 2005, valued at between R150

billion and R285 billion. BEE enrichment. Selected few. The

reality is that there are only a selected few well-known

individuals who benefited from BEE.

The economist, Moeletsi Mbeki, said at a Daily Maveric

webinar, in August 2020, that the first beneficiaries selected

to get shares in the first BEE company in South Africa, the

New African Investment Limited, were antiapartheid leaders,

ie, politically connected individuals. I quote:



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 32**

As a result, Mbeki believes BEE was never intended as a tool

of social upliftment or economic empowerment; it was simply a

way for establishing big business, to win favour with the

incoming political leadership and influence the policies of

the democratic government. Then ‘this virus’, as Mbeki terms

BEE, became state policy. Leaders of the ANC and the United

Democratic Front from the 1990s, 1980s and 1970s are the black

billionaires that you see today.

I can’t put it better than Mr Mbeki when he, as an economist,

said that the fact that unemployment in South Africa has been

growing steadily since 2008, while BEE in its legislated form

has been around since 2003 showed that the policies could not

be a solution to the country’s economic problems. Mbeki

believes that fostering entrepreneurship is the best answer to

South Africa’s growth problem, because, as Mahlaka pointed

out, everyone has an equal shot to become an entrepreneur in

the first place. With South Africa’s levels of poverty and

inequality, which are felt particularly in areas like

education, that is clearly not the case. Yet, Mbeki maintains

that the only preferential policies should be those which give

priority to South Africans with good ideas.



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 33**

The preamble of the Constitution states among others the

following: “To improve the quality of life of all citizens and

free the potential of each person.” The founding provisions in

Chapter 1 of the Constitution states that the Republic of

South Africa is one, sovereign, democratic state founded on

nonracialism and nonsexism.

It further states on citizenship that there is a common South

African citizenship. All citizens are equally entitled to the

rights, privileges and benefits of citizenship and must be

equally subjected to the duties and responsibilities of

citizenship. The Bill of Rights states that everyone is equal

before the law.

*Afrikaans*:

Swart ekonomiese bemagtiging en regstellende aksie bemagtig

niemand nie, maar werk eerder ontmagtiging in die hand. Die

absurditeit is dat die meerderheid diskriminasie kan

regverdig, deur dit in somige gevalle as reverdige

diskriminasie te omskryf en toepas, is onaanaarbaar.

Was dit werklik die bedoeling van die Grondwetskrywers om

bloot nuwe vorme van diskrimminasie en uitsluiting te skep?



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 34**

Dit is ’n bewese feit dat werkloosheid die hoogste ooit in

Suid-Afrika is.

Werkloosheid het in Suid-Afrika toegeneem onder die ANC-

regering. Hoeveel meer bewyse is nodig om te toon dat die

huidige radikale, transformerende, rasbehepte, uitsluitende,

dog selektief-bevoordelende wetgewing, nie in die belang van

Suid-Afrika en alle Suid-Afrikaners is nie!

*English*:

The ruling party is constantly referring to the recent World

Bank report that indicated that South Africa is the most

unequal country in the world, the World’s Global Poverty

database. Mention of this report is made with the intention to

create greater social divide, hide the shortcomings and

corruption of the ruling party and motivate the implementation

of harsher race-based legislation.

What the ruling party does not do, is the following: They do

not mention the astronomic population growth in South Africa

between 1993 to 2019. Black South Africans increased from

23,06 million to 47,45 million, coloureds increased from 3,4

million to 5,08 million, Indians from 1,022 million to 1,45



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 35**

million and the white South Africans population decreased from

5,1 million to 4,4 million people.

If the number of black South Africans doubled in 26 years, it

is obvious that there would be more unemployment without

economic growth, because of government policies.

*Afrikaans*:

Wat die ANC ook nalaat om te noem is dat die Internasionale

Monitêre Fonds, IMF, in hul Desember 2021 verslag, sy stem

teenoor die regering dik gemaak het. Hulle het genoem dat

beperkende arbeidswetgewing verslap moet word, in kort, sien

die internasionale gemeenskap raak dat hierdie onregverdige

wetgewing nie ekonomiese stabiliteit bevorder nie.

Waarom vind die regering dit nodig om Suid-Afrikaners te

mislei oor die bevindings van die IMF? Die IMF dui juis aan

dat die ongelykheid wat tans heers, ’n direkte gevolg van ANC-

beleid is.

Die groot probleem met swart ekonomiese beagtiging en

regstellende aksie, buiten die feit dat daar teen individue op

grond van ras gediskrimmineer word, is die feit dat

aanstellings in die meeste gevalle slegs op ras gegrond is, en



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 36**

nie op kundigheid het! Hierdie benadering ontneem nie net

ander geskikte bruin, wit of Indiër kandidate om die

betrekkings te kry nie, maar ook moontlik meer geskikte swart

candidate, wat oor beter kwalifikasies as die wat aangestel

word kan beskik, aangesien meriete in die meeste gevalle glad

nie ’n rol speel nie.

*English*:

This is one of the major reasons that state institutions and

government is failing. Race-based quotas were filled, just to

fill them. Skills and qualification were not the determining

factor in most instances! As a result of this, appointees are

being labelled and their capabilities are being questioned.

Are they employed because they are qualified to do the work,

or because they fit the quota?

*Afrikaans*:

Eskom ondervind steeds ’n vaardigheidstekort, nadat

aggressiewe, rasgedrewe wetgewing in die instelling

plaasgevind het.

*English*:

Eskoms COO, Jan Oberholzer, recently said that, he was, and I

quote, “absolutely horrified” by the number of experienced



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 37**

staff lost at Koeberg nuclear power station. Eskom engineers

and technical staff are leaving the power utility because of

affirmative action, a lack of career prospects, cadre

deployment and a toxic work environment, as indicated by

Mybroadband. They went further, and said: ...

*Afrikaans*:

... “In die afgelope jaar het sowat 12 000 van Eskom se

arbeidsmag bedank.”

Dit is sowat 4% van die arbeidsmag. Dit sluit personeel uit

wat die vorige jare hul bedanking ingedien het of vriendelike

versoek was om die tuig neer te lê. Hierdie sluit ingineurs,

ambagslui en vakmanne in. Heelwat van hierdie vakmanne word

aantreklike poste in die buiteland aangebied met

bevorderingsmoontlikhede, bevordering wat onder huidige

wetgewing in Suid-Afrika nie sommer sal plaasvind nie,

aangesien hul wit is en mans is.

*English*:

In 2008, the trade union, Solidarity indicated that at least

346 engineers and artisans left Eskom in 12 months. Instead of

retaining critical skills and training new artisans, in 2015,

Eskom was apparently planning to reduce its white workforce,



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 38**

letting white managers and engineers go, to comply with South

Africa’s Employment Equity Act.

*Afrikaans*:

So onlangs as 2019 was nog ’n plan om aflegging van wit

bekwame werknemers by Eskom ter tafel gelê.

*English*:

As per Solidarity: “Eskom’s recruitment policy, promotion

policy, employment equity targets and affirmative action

appointments and procurement policy have made the environment

in Eskom impossible for white engineers and artisans to get

promotions and excel in their careers.” Affirmative action and

BEE put South Africa back in the dark ages.

We look at Agriparks that were established over the country –

initiatives to assist and empower mainly black communities and

black farmers. Agriparks are said to be assisted by government

for up to 10 years, to ensure economic sustainability. The

majority of these parks are unsuccessful. Nonblack people with

a passion for farming and entrepreneurial skills are being

discriminated against, deprived of a future and labelled as

nonsuitable candidates. Even with youth employment initiatives

like, Yes for Youth, it is advertised that everyone can apply,



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 39**

but the small print has it that only Africans, in particular,

will be assisted and processed.

*Afrikaans*:

Die hartseer is dat jong leerders se toekomsplanne deur die

regering op die basis van ras beinvloed word. Diskriminasie

geskied openlik by universiteite, veral met toegangsbeleide.

Daar is heelwat bewyse dat verskeie van die grootste en

bekendste universiteite blatant teen studente gediskrimineer

het tot en met 2016.

Punte in universiteitsbeleide wat wel genoem word is onder

andere die volgende.

Eerstens, die erkenning in die inleiding van die Grondwet dat

daar voorheen diskriminasie was en dat dit reggestel moet word

en dat die universiteit dit onderskryf.

Tweedens, die erkenning van voorheen benadeelde groepe, wat ‘n

huidige diskriminasie om die saak reg te stel, regverdig.



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 40**

Derdens, daar word genoem dat ras as kriteria gebruik word

enander faktore wat genoem word is kultuur, geografiese

ligging, taal, ensovoorts.

Verder, die meeste van die universiteite doen hul toelatings

volgens ‘n puntestelsel waarin potensiële studente punte kry

volgens die bogenoemde kriteria.

Dit is duidelik om af te lei dat wit studente die minste punte

sal kry.

*English*:

The governing party is frequently quoting Martin Luther King.

This quote is a comment from his famous letter from Birmingham

jail.

One has not only a legal but moral responsibility to obey juts

laws. Conversely, one has a moral responsibility to disobey

unjust laws.

*Afrikaans*:

Huidige arbeidswetgewing en swart ekonomiese beleide is

ongetwyfeld onbillik en diskriminerend en daar behoort geen

twyfel te wees dat wetgewing wat slegs wit mense bevoordeel,



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 41**

as onbillik en diskriminerend beskou sou word nie. Huidige

rasgebaseerde wetgewing in Suid-Afrika moet tot niet gemaak

word. Dit is nie ’n boublok van die land nie, maar is eerder

dryfsand van misleiding en ondergang. Dankie.

The DEPUTY MINISTER OF TRADE, INDUSTRY AND ECONOMIC

DEVELOPMENT: Chairperson of the NCOP, hon Amos Masondo, Deputy

Ministers, MECs, hon members, good afternoon. According to the

latest figures from the World Inequality Database, South

Africa is the most unequal country in the world, ranking first

among 164 countries in the World Bank’s global poverty

database.

In our country, the richest 10% of the population own more

than 85% of household wealth. In our country, one white male

CEO earns the equivalent of 461 African women in the lowest of

wages. In this country, the top 0,1% of the population own 25%

of our entire country’s wealth. These statistics, at least in

part, explain why the South African economy has not grown as

fast as we need because highly unequal economies have been

shown, including by the World Bank, to grow more slowly than

more equitable economies. But for South Africa, this high

level of inequality has a clear racial dimension. Black South

Africans continue to bear the brunt of unemployment, low



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 42**

wages, lack of access to high quality education, lack of

access to markets and lack of access to finance to start a

business.

The report shows that lack of access to key productive assets

such as skills, land and capital is holding back our progress

as a nation towards a more equitable income distribution and

higher economic growth. It acknowledges something we all know,

namely, that the legacy of colonialism and apartheid rooted in

racial segregation and spatial segregation continues to

reinforce inequality of incomes. This is why a call to burn

BBBEE is not just unhelpful from the perspective of needing to

redress the damage of apartheid, it is also unhelpful if our

objective as a nation is to grow our economy faster, lift

people out of poverty and give our people a better life for

all.

This acknowledgement is in our Constitution and it has been

supported in multiple elections when millions of South

Africans cast their democratic vote in support of the

manifesto of the ANC. Section 217 of the Bill of Rights

promotes an economy that can meet the needs of all its

economic and social citizens through the development and

creation of economic activity, job creations, skills



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 43**

development and new enterprises in a sustainable manner. This

will only be possible if the South African economy builds on

the full potential of all persons and communities across the

length and breadth of our country.

Our main role as government in regard to BBBEE implementation

is to create a conducive environment through the development

of legislation and policies in consultation with social

partners. Guidelines on how to implement are embedded in the

codes of good practice that introduce measurements principles

based on best practice. For its part, government has created

the correct platform by identifying and implementing local

content procurement and supplier development targets as a

focus area within the BBBEE codes as well as the black

Industrialist Policy Framework.

Social partners should embrace and implement BBBEE as well as

ensure that there is monitoring, reporting and accountability.

Although we still have a lot to do as government and social

partners, there are some achievements that we can highlight

and some of these are the following.

From 2003 when the BBBEE Act was first promulgated to 2013

which marked the 10 years of BBBEE policy implementation,



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 44**

there were some significant achievements. Six hundred billion

worth of BEE transactions, 500 publicly announced BBBEE

ownership transactions worth at least R533 billion.

Representation of black people and women in senior management

positions in the private sector had increased from less than

10% in the 1990s to more than 40% in 2013. The National

Empowerment Fund had approved transactions worth more than

R5 billion with 60% of its beneficiaries being small, medium

and micro enterprises, SMMEs, and support given to creation of

44 000 jobs.

According to the value of BEE deals report published by

Intellidex in June 2015 BBBEE deals by the JSE hundred largest

companies, since, 2000 have generated R317 billion in total

value, attributable to beneficiaries as at 31 December 2014.

Of this amount, R52 billion, that is 16%, is attributable to

staff schemes, R196 billion, which is 62%, to strategic

investment partners and R59 billion, which is 22%, to broad

based community schemes which have featured in several

financial sector ownership schemes deals.

The BEE Commission came into operation in 2016. One of the key

functions of the BBBEE Commission is to measure BBBEE

performance in the economy. Since 2015 to 2020 the following



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 45**

observations have been made in respect of the state of

transformation in South Africa. Firstly, there is a 0,86%

reduction in the number of entities that have attained broad

based economic empowerment level one to four from the prior

year. Secondly, the number of entities that are between level

five and non-compliant have reduced by 23,38%. Thirdly, the

unaccounted difference between the movement in the entities

that are between level one to four and level five to non-

compliant could be a result of the reduced number of BBBEE

certificates loaded on the BBBEE Commission’s portal.

The black ownership has increased by 4,66% with the opposite

increase in the black women ownership which has decreased by

0,66%. Broad based ownership schemes and employee ownership

programmes are some of the widely recognised forms of

ownership by broad based group members in corporate South

Africa.

This, hon Chairperson, allows such businesses to diverse

equity rights to its key stakeholders such as workers and the

surrounding communities. The footprint of the impact of such a

collective scheme ownership transaction spread larger than a

traditional equity partner route. It is important to note that

the impact of such structures have benefited many black



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 46**

beneficiaries in terms of access to the economy while

simultaneously increasing the black ownership profile of the

South African businesses landscape. This is evidenced by the

most recent report on major transactions by the BBBEE

Commission authored in March 2020.

Available data on Broad-Based Ownership Schemes, B-BOS,

especially Employee Share Ownership Plans, ESOPs, indicates in

excess of R100 billion been transferred to employee owners,

the number of which totals 220 000. Notably, employee share

ownership programme schemes include AB InBev R5,4 billion in

value accrued into 6 780 workers, Pepsi Co to R1,6 billion in

value accrued into 12 400 workers, FirstRand R6,5 billion in

value accrued into 4 485 workers, Tiger Brands R1,1 billion in

value accrued into 815 workers, Standard Bank R401 billion in

value accrued into 586 workers.

One of our key programmes under the BBBEE Policy Framework is

the Black Industrialist Programme which is the programme that

was designed to address transformation of the manufacturing

sector whilst also ensuring that we broaden our industrial

base as a country. Therefore, the uniqueness of the BI

Programme is that it targets black owned entities so that we

build a class of black entrepreneurs that own, manage and



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 47**

actively control enterprises in the productive sectors of the

economy. This is in recognition of the fact that, for many

years in this country, black people were not given an

opportunity to fully participate in the mainstream economy.

The year 2021 marked the fifth year since the programme was

launched and we released the first Annual Black Industrialist

Report. The following achievements were highlighted in the

report. Some R32 billion has been invested through funding

initiatives within the Department of Trade, Industry and

Competition in nearly 800 black industrialist businesses and

black entrepreneurs. This funding has supported the creation

of new and dynamic enterprises in a number of critical value

chains across all nine provinces, crowding in additional

investment from the private sector as well as creating and

saving nearly 120 000 jobs.

Over the next five years, social partners will seek to invest

in new industries which can build local industrial capacity by

up to R200 billion annually by the end of the year. The target

of the R200 billion, if fully achieved, can add an additional

4% to annual gross domestic product, GDP, and will further

create opportunities for South African manufactures, including

small and medium businesses and industrial firms owned and



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 48**

controlled by black South Africans to grow their businesses

and create jobs.

Multinational companies that cannot sell their equity to black

South Africans and have never sold equity outside their

country of origin, are allowed to make a contribution towards

Equity Equivalent Investment Programme, EEIP, in return to be

awarded full BBBEE ownership points for an agreed period of

time based on the investment amount.

The value of the EEIP contribution maybe measured against 25%

of the business value of the South African operation or

against 4% of the total revenue from its South African

operations annually over a period of the continued

measurement.

These investments are focused on enterprise and supplier

development, critical skills development and research and

development. The beneficiaries of the programme are black

South Africans and black-owned South African companies. To

date, 22 multinational companies across different sectors have

been granted final approval to participate in the Equity

Equivalent Investment Programme. Of the approved number, 32%

is automotive industry, 27% ICT sector, 18% manufacturing and



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 49**

23% is split between construction, health care, maritime,

financial and agricultural sectors with total investment of

more than R8 billion.

More than 2 000 jobs, both direct and indirect, have been

created since inception of the programme and supported 87

emerging black-owned businesses, including black women and

youth-owned businesses. Information and Communications

Technology, ICT, critical skills have been offered to youth

and opportunities have been created for students to access

tertiary education to acquire skills, in particular, ICT

related scarce skills.

The NEF was created specifically to fund BBBEE initiatives.

The following is the highlight of what the NEF has done. Since

inception, the NEF has approved a total of 1 233 transactions

which are worth R11,9 billion, with a total project value of

R20,37 billion. As a result of these approvals, the NEF

managed to disburse a total of R7,7 billion, creating and

sustaining in excess of 107 788 jobs, 71 of which were new

jobs.

As I conclude, hon Chairperson, I would like to thank the NCOP

for giving us this opportunity and let us work together to



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 50**

reduce inequalities per race, gender and geographics spread. I

thank you, hon Chairperson of the NCOP.

Mr M MVOKO (Eastern Cape): Chairperson of the NCOP, hon

members of the NCOP, political parties present, senior

government officials, esteemed guests, ladies and gentlemen,

good afternoon.

Let me first, on behalf of the Eastern Cape government,

appreciate the opportunity that we have been given to partake

in today’s debate on the relevance and success of Broad-Based

Black Economic Empowerment, BBBEE, and employment equity

legislation**.**

Hon Chair, the BBBEE policy and legislation remain the

relevant documents that guide the implementation by provinces

and state-owned entities in supporting the objectives of

transformation.

Our comprehension of BBBEE is that it is an integrated and

coherent socioeconomic process that aims to create sustainable

growth and prosperity by ensuring expanded and meaningful

involvement in the economy by individuals who have experienced

previous injustices.



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 51**

Our support of this policy is, therefore, based on its aims

and objectives, that of promoting economic transformation in

order to enable meaningful participation of black people into

the mainstream economy of our country, given the history of

South Africa.

Enabling participation of black people in the mainstream

economy requires a focused intervention and a national effort

by all stakeholders including government, labour, business and

civil society.

Hon members, much of the discussion about BBBEE is on whether

it is still relevant and if it has met its declared

objectives? The quick answer is that BBBEE is now more

important than ever.

According to the World Bank analysis, as many people have

indicated in this platform, South Africa is the world’s most

unequal country ranking number one out of 164 in the World

Bank’s global poverty database.

Hon Chair, although we must acknowledge that it is a sound

policy designed to successfully promote much needed



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 52**

transition, there have been implementation flaws that have

been detected in the process.

In terms of ownership and management, BBBEE has not made much

progress even though many businesses claim to have employment

equity policies that they seemingly follow, this is not the

case.

The Broad-Based Black Economic Empowerment Commission’s report

on the national status and trends on BBBEE for 2019 showed a

slight change in the levels of transformation with the overall

black ownership reflecting a 4% increase to 29%. Management

control was at 39% overall and among Johannesburg Stock

Exchange, JSE, listed entities, board control is at 43,6%.

Only 3,3% of entities listed on the JSE are 100% black-owned,

which is an improvement on the 1,2% reported in 2018 and the

1% in 2017.

These numbers and/or statistics are far low when considering

what the BBBEE policy intends to achieve. In light of that,

regarding to access to state-related procurement contracts, a

lot more is needed to support the targeted entities to ensure

that their bids are packaged in a manner that stands them a

chance to win the bid.



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 53**

Given the complexity required to ensure that from a state

perspective all administrative processes will pass the master

of vigorous audits and ensure compliance, we have noted in

some of the work done by entities under our authority such as

the special economic zones, Coega Development Corporation,

CDC, and the East London Industrial Development Zone, ELIDZ,

that in the construction bids there is a number of

administrative errors made by these entities in their bid

submissions, which show weaknesses or lack of knowledge or

skill required to understand the requirements of the bid and

respond accordingly.

There is a huge difference between the quality of bids

submitted by well-established entities and small and emerging

ones.

Without seeing to argue that black-owned entities are the only

ones who are SOEs, in the main we do find that they are mainly

in the Small, Medium and Micro Enterprise, SMME, category.

Out of the total procurement preference points that are used

to determine the lowest acceptable tender, only 10% for 90/10

and 20% for 80/20 preference points system is allocated for

BBBEE. This, therefore, means that even if the entity comes



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 54**

from targeted group as defined by the BBBEE Act, they are not

guaranteed award unless their bid was also the lowest in terms

of pricing; which is not a frequent case.

Noting that there is a current uncertainty with how better

targeted methods can be looked at following the recent

judgement of the Constitutional Court on the issue of the

procurement regulations, it is quite clear that a lot of work

will have to be done with respect to state procurement to

advance further the objectives of BBBEE.

One of the critical issues that is emerging for a rural

province like ours, which, historically, say for the

industrial centres of Nelson Mandela Bay and Buffalo City, is

a need to look at more innovative ways of getting

participation of the targeted groups in the economy beyond the

issue of state contracts, which, admittedly, do play their

role. And as the province there are critical interventions

that we are looking at, but saving time, I will not dwell on

them now.

Hon members, the 20th annual Commission on Employment Equity

report revealed that white men still dominate senior

management levels, with their representation being far above



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 55**

their share of the economically active population. Black

representation at this level has actually decreased over the

years since 2001.

Although moderate, there have been pockets of improvement in

representation in both the public and private sectors.

There is a more balanced representation in terms of

demographic representation in the public sector and progress

is being made towards accomplishing equitable levels for

women.

Disability representation in both the private and public

sectors remains a matter of concern. Since introducing the

principle of equal pay for equal work for equal value, it has

become much easier for vulnerable groups to report instances

of unfair discrimination and pay disparities in the workplace.

It is also very encouraging to see that the Labour Court and

Commission for Conciliation, Mediation and Arbitration, CCMA,

have played their part in ensuring that these cases receive

the attention they deserve.



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 56**

In our context we believe that more effort needs to still be

placed around the issue of the advancement of women especially

in traditionally male-dominated sectors.

Hon Chairperson, through the implementation of the current

policies, we have made a lot of progress to support our SMMEs

to grow the economy. In transforming the environment within

which SMMEs operate, more so in access to funding, we are

implementing the Local and Regional Development Fund. The

purpose of the fund is to provide the grant-funding to

enterprises which are not able to access funding from the

commercial banks and other developmental funding institutions

to start up enterprises or expand existing ones.

Under the broad banner of BBBEE, the Department of Energy’s

Independent Power Producers, IPP, office set its procurement

rules for the first four rounds of wind and solar power

purchase agreements at a special ratio of 70/30. This means

that wind and solar farms were scored and awarded contracts

based 70% on price and 30% on economic development

commitments. These have included scores for job creation,

local content, local ownership, socioeconomic development,

preferential procurement, management control and enterprise

development.



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 57**

An outcome of this is that the 16 wind farms and one solar

farm that have been constructed to date have already spent

R90 million to date on enterprise development initiatives in

their local communities. They’ve also spent R330 million to

date on socioeconomic development initiatives in their local

communities. They’ve also achieved 45% of South Africa’s local

content and 9 517 jobs to date. These figures are also

indicative in our province as we have quite a large number of

these Independent Power Producers.

As I conclude, hon Chairperson, I believe that both employment

equity and BBBEE were meant and continue to undo the

injustices of the past and get the disadvantaged groups to

participate and be represented in the economy. These tools

have somewhat made a difference, however, there is still a lot

to do to achieve the transformational agenda. With many

businesses regarding it as little more than a matter of

compliance, economic change on the other hand is a moral and

social concern.

We trust that under President Ramaphosa’s leadership, who was

central to the establishment of BBBEE, there is a real

possibility for BBBEE to re-emerge as a top corporate priority



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 58**

and there is no better moment to raise awareness of the need

for economic change than now.

State-owned institutions must continue to play an active role

in driving BBBEE for meaningful transformation to take place.

Entrepreneurs are essential to any country’s innovation,

economic growth and creation of jobs.

However, in the end, both public and private sector

enterprises must consider whether they are actively

contributing to transformation of South Africa and if they are

actively supporting BBBEE and employment equity. Thank you

very much, hon Chairperson.

Mr T J BRAUTESETH: Hon Chairperson, hon Deputy Ministers, hon

members and fellow South Africans, good day.

A handy definition of public participation is found on the

Parliamentary Monitoring Group, PMG, website: It is a process

wherein South Africans exercise their collective and

individual initiatives to promote their interests in decision-

making and oversight processes. Public participation is a



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 59**

process by which Parliament connects with the people, consults

with the people, before decisions are made.

In this vein, the Select Committee on Employment and Labour

called for written submissions on the proposed Employment

Equity Amendment Bill and the Compensation for Occupational

Injuries and Diseases Amendment Bill.

Those making submissions were then asked to attend a number of

virtual meetings with the select committee in order to present

the arguments submitted. The participants involved can be

divided into those who prioritise economic growth and those

who drain resources.

The participants who drive economic growth included Businesses

Unity SA, BUSA, Banking Association of SA, BASA, Financial

Intermediaries Association of SA, FIASA, Association for

Savings and Investment SA, ASISA, SA Insurance Association,

SAIA, Master Builders SA, Construction Alliance SA, CASA, SA

Civil Engineering Contractors, CompSol, COIDlink and the

Injured Workers Action Group.

On the other hand of the ideological debate are the

participants who slavishly follow the alliance agenda:



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 60**

Congress of SA Trade Unions, Cosatu, and the Black Business

Council in the Built Environment, BBCBE.

My colleagues, hon Boshoff and hon Londt, will no doubt cover

the details of the arguments from these actors who drive

economic growth, but the following patterns emerged: 10 of

these participants accepted and welcomed the need for

transformation; 10 of the agents for economic growth

questioned the rationality of allowing a Minister to make

sweeping, unilateral changes to the working environment; 10 of

the progressive participants questioned the right of the

Minister to make these changes without any consultation with

the parties involved; 10 of the participants foresaw

constitutional challenges to the legislation.

Concerns were also raised that the version presented to

Parliament and National Economic Development and Labour

Council, Nedlac, were different, indicating legislative

subterfuge.

Another element to note is that it appears that Ministers have

developed a fond taste for the concept of a National Command

Council from where they can rule by decree and side step

Parliament and its checks and balances.



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 61**

Hon Chairperson, the essential point to note is that of the 12

submissions that were received in written and oral form,

albeit in a courteous and gracious manner, from veritable

heavyweights in the business and professional sector were

simply brushed aside as if they were meaningless. And then as

if to placate an unruly child, concessions were made to

consult with the caveat that this would only happen if the

Minister saw fit to do so.

This practice renders meaningless and undermines the fabric of

public participation. It leaves little or no incentive to

involve oneself in an exercise that will bear little, if any,

fruit.

Hon Chairperson, let me be clear, the DA agrees that

transformation is required. The difference between the ANC-led

alliance and us is that we do not see this problem from the

point of view of race exclusively.

We view the challenge from the starting point that targets the

vulnerable and disadvantaged directly, the majority of whom

are black. This direct approach to assist those deserving of

state intervention also makes it more difficult for those



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 62**

self-enrichment hyenas who do not require benefits. This will

effectively also stem rampant corruption and patronage.

Simply put, Chairperson, the DA has the solution. It is time

for the ANC to step aside and abandon their Stalinist era

social policies and engage on ideas that can bring real change

to all deserving South Africans and not just the already rich,

connected golden circle. I thank you.

Mr K M MMOIEMANG: Chairperson, I greet all members of the NCOP

and all visitors ... [Inaudible.] ... on behalf of the ANC to

also take part, Chair, appreciating the fact that broad-based

black economic empowerment has to be understood against the

broader approach of the ANC with regard to the economic

balance of the nation.

As the ANC, we are categorical. We are saying that the matter

of economic activity must not be understood for its own sake

or as it is there. Although some things are serious that exist

outside parts of history, we are saying that the matter of

economic activity must be seen as a bread-and-butter issue of

our community.



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 63**

Therefore, this is at the centre of our economic policy, of

which broad-based black economic empowerment is one component

thereof. I think what is critically fundamental to our

economic policy is the matter of political economy. In

essence, it is a matter of the distribution of income and

assets to our historically disadvantaged black majority.

What is important, Chair, is to also understand that fact that

the socioeconomic challenges we experience today must be

understood as being institutionalised by the colonial system

that thrived due to the super exploitation by a ruling class

that enabled huge differences in income and wealth to exist

between white and black, which are today some of the largest

differences in the world. Hence, the relevance and importance

of BBBEE.

At the level of the constitutional imperative, it is important

to understand that the ANC has always said that the main

objective of the struggle of our people – and subsequent

policies that we are implementing as the ANC-led government –

has always been to open up opportunities for all historically

disadvantaged people of South Africa. Hence even our

Constitution, as pointed out by the Deputy Minister, is to

show the divisions of the past and establish a society based



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 64**

on democratic values to show justice and fundamental human

rights to improve also the quality of life of all citizens.

More so, the preamble to our Constitution is very instructive:

that we need to build a country and an economy that is

developmental and inclusive for all South Africans. No wonder

section 217 of the Constitution, which was referred to by the

Minister, is instructive to organs of state to pursue

procurement policies that seek to advance certain categories

of people who were disadvantaged by apartheid. More so,

section 9(2) of the Constitution states that equality includes

the full and equal enjoyment of all rights and freedoms, and

therefore it becomes important that we invoke the platform,

both at the level of Parliament and government, to promote

equality legislatively and other measures designed to protect

or advance persons or category of persons that were

disadvantaged by unfair discrimination.

Therefore, the section takes into consideration that

deliberate action is required from the state and other

stakeholders to correct the imbalances of the past. Therefore,

broad-based black economic empowerment is therefore a

transformational and constitutional imperative.



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 65**

It is important to make a distinction between formal equality

and substantive equality in pursuance of our broader programme

to empower our historically disadvantaged people. One can draw

a distinction just by outlining that formal equality means

that people should be treated equitably regardless of their

particular circumstances. Formal equality simply requires that

people should have the same rights and entitlements. Equality

is therefore achievable if people are afforded the opportunity

to compete on the basis of individual talent. It does not take

into account the social and community disparities between

groups and individuals. This is apolitical and ahistorical –

this is a narrow posture and understanding that the FF Plus

wants the members of this House to accept. On the other hand,

substantive equality provides that equality can only be

achieved if people’s actual social and chronic conditions are

examined. This approach guides the ANC in terms of particular

problems, targeting people that were historically

disadvantaged. For that reason, section 9(2) is an instrument

for transformation, and the creation of a truly equal society

is a powerful tool of transformation.

It is also important to understand that the broad-based black

economic empowerment programme has been implemented, among

other reasons, to ensure the participation of previously



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 66**

disadvantaged individuals. What is quite critical is to ensure

that those individuals participate in the mainstream economy

in the reduction of this inequality.

It is also important to raise to the fore that BBBEE has three

imperatives: a moral imperative, a social imperative and an

economic imperative. The moral imperative measure is to

correct the imbalances created by colonialism of a special

type. As a social issue, the world is divided between the rich

and the poor which are delineated by racial categories and is

the cause of various social ills. It has to be corrected

through BBBEE. At an economic imperative level, BBBEE is not

merely a moral or a social issue, but, most importantly, a

pragmatic growth strategy which aims to realise the country’s

economic growth. It is insufficient for the Constitution just

to ensure that the discriminatory treatment of the past is

eliminated. Rather, it is important that we have to put in

place concrete measures like BBBEE to be able to address the

imbalances of the past.

More so, since apartheid was first and foremost a system of

... [Inaudible.] ... exploitation, that preserved the fruits

of South Africa’s enormous natural resources mainly for white

people, it obstructed the emergence of a local black business



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 67**

class and a middle stratum. As a result, our democratic

breakthrough came with these huge disparities and ...

[Inaudible.]

What is also important is for us to understand that the ANC,

in redressing poverty and inequality, are focused mainly in

relation to access to productive assets, wealth income,

skills, development and employment. The benefits thereof must

be shared across society and impact as widely as possible.

The transformation of our economy will occur only if the South

African economy builds on the full potential of all persons

and communities across the length and breadth of our country.

Unfortunately, this grand vision of our economy has largely

not been achieved. Our country today is grappling with

multiple challenges, but it is important is that we are able

to accelerate this implementation of BBBEE.

The challenges of poverty, unemployment and equality are due

to the unique socioeconomic characteristics created by the ...

[Inaudible.] ... of colonialism. What is also important is

that we realised that when democratic took office in 1994, the

South African economy was characterised by high ...

[Inaudible.] ... small and insular business sector, a small



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 68**

education and FET sector, focused disproportionally on

benefiting the whites and heavily reliant on raw mineral

exports.

Since 1994, BBBEE has been a major thrust of all government

policies, but there were inconsistent strategies in its

implementation. The South African economy still excludes the

vast majority of its people from ownership of productive

assets and advanced skills. So therefore the economy performs

below its potential because of the lower level of income

earned and generated by the majority of our people.

It is important that social partners must implement BBBEE and

ensure that there is accountability in order to increase the

effective participation of the majority of South Africans in

the economy. This is the only way we will truly integrate all

South Africans socially and economically. Part of the reason

why our economy is still untransformed and characterised by

high levels of concentration is simply that the apartheid

government consciously and actively supported champions in

different sectors, developed industrial state-owned

enterprises and monopolies and agricultural practices that

were later privatised and condoned industry cartels in its

effort to promote the self-sufficiency and economic interests



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 69**

of the white minority. We are in the process of correcting

this historical injustice to ensure that everyone has

equitable access to resources, effectively building an

inclusive society.

In conclusion, it is important that we note that with high

levels of poverty and employment and inequality inherited from

the past, it is disgraceful and unapologetically racist for

people who benefited from a system that perpetrated genocide

against the indigenous people of this country to challenge

policies in attempts to transform our society to make it

inclusive for everyone who lives in it.

Members of the FF Plus and the DA believe they are the only

ones entitled to live a dignified life. You must know that

everyone has the right to live a dignified life. Everyone has

a right to participate in the economic life of their country,

and it is our responsibility as the ANC that represents the

majority of the people of South Africa to ensure that this

indeed becomes a reality. Therefore, broad-based black

economic empowerment is such a tool to deal with the

structural challenges of our economy. Thank you, Chairperson.



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 70**

Mr M F P TAU (Gauteng): Hon Chairperson of the NCOP, Deputy

Ministers, MECs, hon members, ladies and gentlemen, thank you

for the opportunity to reflect on the theme of the relevance

and success of Broad-based Black Economic Empowerment, BBBE,

and employment and the progressive and the progressive Broad-

based Black Economic Empowerment Act enacted in 2003 to drive

forward transformation and industrialisation in the country.

The objective of the Broad-based Black Economic Empowerment

Act is clear in seeking to increase a number of previously

disadvantaged social groups, to participate meaningfully in

the mainstream economy, through various interventions.

Hon Chairperson, today is a momentous day in affirming

practically for the citizens and communities of townships and

informal settlements in the Gauteng City-Region. With the

Gauteng provincial legislature, passing the game changing

Township Economic Development Bill, setting in law a new deal

for Gauteng townships an in action a new economic geography in

our province.

In fact, the Broad-based Black Economic Empowerment Act does

for disadvantaged black people what the Township Economic

Development Act will do for disadvantaged black spaces.



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 71**

Mention is made of the Township Economic Development Bill,

since it aims to affirm South African citizens and communities

to certain classes of benefits, including changing how

townships are regulated and governed. Setting up better

procurement rules and programmatic support. Deploying a

dedicated financing mechanism for firms engaged in Township

Economic Revitalisation activities. Providing legal framing

for the taxi economy initiatives. Providing legal framing for

the commercial rapid land release initiatives and provide

legal framing for the township backyard real estate

initiative.

Hon members, with regard to the Broad-based Black Economic

Empowerment Act, as a legislative and policy support of

previously disadvantaged groups, of which the majority are

black, it was necessitated by the historical fact that in 994,

more than 80% of the economy was owned by the minority and

black people were owning less than 20% of the economy.

Most importantly, the Broad-based Black Economic Empowerment

Act was not conceptualised and subsequently implemented from

an ideological vacuum. It was informed by the 1955 Freedom

Charter, premised on the principles of promoting equal rights



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 72**

and shared opportunities and also redress, redistribution,

social, economic and Spatial Justice.

Equally, it was informed by the 1996 Constitution, which

enjoins the democratic government to improve the quality of

life of all citizens and free the potential of each person.

Therefore, the seminal question before us, is whether we have

made substantial and quantifiable progress, since 2003 when

that Act was enacted.

Likewise, we have to pause and reflect on what programmatic

measures we are making to reverse the gains rolled back by the

COVID-19 health and economic pandemic. Obviously, we cannot

deny that these two crisis points also serve as an opportunity

to address the persistent, structural, economic inequities

that have existed in post-apartheid South Africa.

As the Sixth Administration, led by our Premier David Makhura,

we have an opportunity to do things differently. In the words

of Mariana Mazzucato and I quote:

The post pandemic trajectory demands that we do capitalism

differently. This requires a rethink of what governments

are for.



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 73**

In her estimation, governments should ensure the partnerships

with business involving government funds are driven by public

interest, not primarily profit.

If the 2021 July civil unrest have highlighted anything it is

that wealth and income inequality, if they are not addressed

decisively, will remain a time bomb that threatens our

country’s democracy dividend.

As such, the Broad-based Black Economic Empowerment

legislative and policy framework remains relevant in 2022 as

it was in 2003, and indeed before then.

If we are to save the project of building and refashioning

South Africa, to reflect the ideals enshrined in the Freedom

Charter and our Constitution, it is a non-negotiable, we stand

full square, behind this policy and implement it as compulsory

to all public institutions and private sector institutions.

Hon Chairperson, what progress has been made since 2003? The

implementation of the BBBE policy has not been satisfactorily

implemented in the country by both public and private sectors

since 2003. The public sector noncompliance has created a

situation where private sector does what can best be



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 74**

characterised as malicious compliance, whereby their very

minimum benefits to intended beneficiaries and the impact is

reasonable miniscule.

With regard to the current state of the BBBE compliance, in

most public institutions, there is relatively little

compliance. By the BBBE compliance, it refers to the effective

and efficient implementation of the five BBBE elements, by the

private sector and the four elements by the public sector as

prescribed in the quotes of good practice.

To remind us of these elements, these are: Ownership, only

applicable to the private sector, of course. Management

control, skills development, enterprise and supplier

development and socioeconomic development. These elements are

very important in driving transformation and enabling black

people to play a meaningful role in the economy of the

province.

Ladies and gentlemen, how is the Gauteng provincial government

fared in in connection to BBBE? Here is the promising

narrative to tell. In 2021 the Gauteng Department of Economic

Development decided to take the implementation of the BBBE

policy with arguably decisive political will. The department



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 75**

and its group which consist of the Gauteng Growth and

Development Agency, GGDA, the Gauteng Enterprise Propeller and

others contributed an immediate R14 million towards the

implementation of the Act in the 2021-22, financial year.

This budget covers the BBBE elements mentioned above of skills

development, supplier development, enterprise development and

socioeconomic development. We have decided to do this through

targeted partnerships with civil society institutions. The

three implementing partners that are appointed to implement

these elements are the Tshwane University of Technology,

Family Tree and the Gauteng City-Region Academy.

Hon Chairperson, in conclusion, the Gauteng province will be

the first province to implement the BBBE policy in the country

whereby all public institutions are contributing towards the

BBBE budget and managed centrally in a provincial war room as

from the next financial year. We estimate that this decisive

approach will enable the province to implement sizable

empowerment projects in high-growth sectors and meaningfully

empower previously disadvantaged social groups. By the end of

the financial year, the province is expected to make a

significant impact in terms of economic growth, job creation

and closing the inequality gap. This important task will be



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 76**

done by the Gauteng provincial government, GPG, war room using

resources provided by public institutions and willing private

sector stakeholders.

Undoubtedly, what has been achieved in the current financial

year by the Gauteng Department of Economic Development and its

related agencies is ground breaking and serves as a benchmark.

The province is on course to upscale BBBE implementation in

the next financial year and beyond. As the National

Development Plan guides us, no political democracy can survive

and flourish if the masses of our people remains in poverty

without tangible prospects for a better life.

Hon Chairperson, as I indicated in the introduction that today

is a momentous day in the passing of the Township Economic

Development Bill, by the provincial legislature which is an

enabling legislative and policy framework to implement

decisively the ideals of the National Development Plan. Thank

you very much.

Mr T APLENI: Thank you, Chair. South Africa has since 1994

embarked on a number of approaches aimed at addressing

inequalities which exist as a result of past discrimination.

Broad-based black economic empowerment is one of a number of



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 77**

policies introduced to promote the economic participation of

black people in the South African economy. Despite

government’s efforts on black economic empowerment, change has

been very slow. So slow that racial inequality and white

supremacy will remain a vivid reality in South Africa.

At inception, the introduction of the broad-based black

economic empowerment, BBBEE, policy was considered important

in promoting the participation of black individuals in the

local economy. It has also emerged as a policy aimed at

increasing black ownership of shares in major corporations.

With employment equity legislation focusing mainly on

employment opportunity redress in workplace practices. Both

the BBBEE employment equity legislation remain necessary to

remedy the economic imbalances perpetuated during apartheid,

as one of the major consequences of apartheid was the

deliberate exclusion of black people from meaningful

participation in the economy.

Chairperson, these two pieces of legislation were intended to

be instruments through which to forward economic, political

and social interests of black South Africans in order to

rectify social and economic inequalities. However, 28 years

later, we stand here faced with the stark reality that, the



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 78**

economic and social marginalisation and impoverishment of the

black majority has persisted and has instead been reproduced.

Black economic empowerment in its current form has failed

dismally to transform the pattern of South Africa’s economic

ownership.

As BBBEE and the so called ‘black empowerment laws’ are

largely about few black male elites who are fronting for white

established owned companies. It has enriched only a small

number of well-connected politicians and businessmen such as

Mr Cyril Ramaphosa and his acquaintances. Therefore, the share

of blacks, in the lowest income categories has remained high.

After 28 years since the introduction of the BBBEE Charter and

legislation, there has been no measurable and visible change

of any economic ownership in South Africa.

Blacks remain poor and unemployed, despite the emergence of a

so called ‘middle class’. Therefore, those deprived of a

decent education by the apartheid regime, appear to have no

better income opportunities now than they did before BBBEE. In

the hands of the ruling party, black economic empowerment

legislation has been, but a system which seeks to form a black

capitalist class for the sole purpose of creating legitimacy

of a neoliberal economic and political system, leading to very



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 79**

limited results. There has been a failure to deliver

meaningful change in areas that need it the most such as land,

skills development and employment. There also still exist

differences in performance between historically white and

black institutions in education, health care, with high levels

of inequality and unemployment throughout the country.

Chairperson, the reality that we are faced with once again, is

that South Africa’s economic resources will never be

transferred to the majority of the people, or deployed for

their benefit, unless decisive steps and actions are taken to

address the crises of economic racial inequalities in the

financial sector. The BBBEE in its current form will never

achieve any major changes of the South African economic

patterns. For what is required is leadership which is willing

to enforce it to its fullest. In the absence of decisive

leadership, the Founding Manifesto of the Economic Freedom

Fighters, has laid out a roadmap on what constitutes the

economic transformation in South Africa.

South Africa needs to create a state bank which will serve as

a means to guarantee the majority’s access to cheaper

financial services. State-owned banks have played an important

role in the economies that have had to catch up with the



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 80**

industrialised world. In other nations such as the East Asian

economies, state intervention was also critical to economic

performance. The Constitution needs to be amended to

forcefully speak to addressing economic patterns to reflect

demographics of South African population.

We need to pass enforceable legislations and laws that will

guarantee black economic ownership and control and the success

of women-owned businesses in South Africa. For current

policies have proved very weak in principle and practice. We

need a radical economic revolution programme premised on the

consensus of all political parties in South Africa.

Legislation and other measures designed to protect or advance

persons, disadvantaged by unfair discrimination must be taken.

Enforceable economic legislation is the most correct way of

beginning to achieve economic inclusion because the record of

social contracts and compacts aimed at achieving black

ownership and control of the economy have failed dismally for

the vast majority, while enriching a black elite to be found

across both the economic and political domains. Therefore,

most importantly, Chairperson, the land question needs to be

resolved, for without land, there is no economic policy that

will survive. Thank you very much, Chair.



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 81**

Mr R PILLAY(KWAZULU-NATAL): Hon Chairperson, Deputy Ministers,

MECs, hon members, other distinguished guests, ladies and

gentlemen, I am pleased to be part of this important debate

and the opportunity to reflect on broad-based black economic

empowerment, BBBEE, which is unmistakably a key part of our

government's integrated policy instrument for economic

transformation.

It is a matter of common cause that various studies reveal

that despite our success from a broad range of government

policies, strategy, interventions, the entrenched inequalities

continue to characterise our economy. And we argue act as a

barrier to economic growth, development and employment

creation. Inequalities continue to manifest themselves in a

number of ways, which are race, gender, and youth

unemployment. The 2019 BBBEE National Status Report released

by the ... [Interjections.] ...

*IsiZulu*:

USIHLALO WENDLU (Nk W Ngwenya): Angisezwa, kufuneka ngivale

ividiyo.

*English*:



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 82**

Mr R PILLAY – KWAZULU-NATAL – MEC - ECONOMIC DEVELOPMENT,

TOURISM AND ENVIRONMENTAL AFFAIRS: ... BBBEE Commission in

2020 shows a slight change in the levels of transformation

with the overall black ownership reflecting a 4% increase from

25% in 2018 to 29%. Management control was sitting at 39%

overall. And the Johannesburg Stock Exchange, JSE-listed

entities under board control, was at 43,6%. The report

indicated black South Africans held directorships in the JSE-

listed entities but only 3,3% of the entities listed are 100%

black owned, which was 1,2% in 2018 and 1% in 2017.

The three least performing sectors and ownership were AgriBEE

at 12%; financial at 25%; forestry at 26%; But with

construction at 44%, property at 42% and ICT at 36% showing a

relatively better performance. Women ownership in 2019 remains

around 10% in all sectors except property at 11%; transport at

12%; tourism at 14% and construction at 16%. On average,

contributions towards skills development and enterprise and

supplier development ranged between 50% to 60% in 2018 and

2019. This is indicative, however, of just benefit from

bursaries, partnerships and incubation opportunities. However,

absorption into sustainable jobs or supply chain remains a

challenge for many young black youth entrepreneurs. This

analysis has not expanded to assess the impact and



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 83**

sustainability of the initiative. And this is a clear

indication that while there is progress made in the

implementation of the BBBEE policy, however, we have not

achieved our objective, in fact, far from it. And we are under

no illusion that when we introduced the policy that the

transformation challenges were going to be solved overnight.

At the same time, we cannot at any point stagnate and simply

watch a build-up of frustration by a new generation

exacerbated by population growth. I would, however, like to

point out from the outset there is a lot of misconceptions and

misinterpretations of our policy and economic transformation.

Some of it deliberate, and some of it is simply uninformed. We

refuse to associate BEE with corruption. Or the fact that

success depends on knowing somebody in a higher place.

I submit total transparency is the first tool to overcoming

this distortion. So one of our first tasks is to defeat this

narrative, but also to expose corruption wherever it may

occur. It is therefore proper to start and emphasise this

point that these amiss conceptions must be dealt with head-on

and I would like to stress the following points. We reject all

the misconceptions associating economic transformation with

malpractices that have nothing to do with the policy. Broad-



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 84**

Based Black Economic Empowerment, as we understand it, is a

strategy designed for black people to have much greater

ownership proportionate to the population of our people. This

relates to black people in management, in control, and

equitable representation in the workplace. It relates to

skills development and enterprise and supplier development.

Furthermore, BEE Codes of Good Practice prescribed that we

must apply BBBEE measures whenever the government is involved

in the areas of ownership, supplier, and enterprise

development, and even licensing in concessions, just to

mention a few.

It is perhaps appropriate to comment on the debate around the

Preferential Procurement Regulations which are subject to the

Constitutional Court re-examination, hopefully sooner rather

than later. We are quite clear that there is nothing wrong

with the Constitution. There is nothing wrong with the Act. In

fact, the Act itself is not under attack. It is the

regulations on a technical interpretation or whether they lay

within the power of the Minister is the issue. So we do not

want that issue to be confused in any way. In fact, we are

clear that section 217(1) of the Constitution provides an

overarching basis for fairness and competitiveness and cost

effectiveness amongst other principles.



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 85**

Section 217(2) is a clear authorisation of measures that are

designed to effect transformation having regard to our

historic apartheid past. Section 217(3) simply says that those

measures must be set down in law. It is, therefore, I want to

say, make it clear that we reject any unscrupulous individuals

who work against the objectives of the BBE policy but

benefiting themselves at the expense of our people. In fact,

we are quite categorical that those people are stealing from

the poor. We, therefore, urge anyone with any information or

evidence regarding malpractices, whether in government or in

the private sector, to come forward and report such

occurrences.

It is appropriate to reflect on this phenomenon of business

forums that have arisen in our country and in our provinces.

We want to be clear, as we have said repeatedly to them

directly in engagement, if you want to behave in a mafia

protection type of racket, then the law must take its course.

If you are interested in genuine empowerment and that our

doors are open and we will engage with you. We, therefore,

urge anyone, as I indicated, to come forward to expose anyone

engaged in such wrongdoing. I am saying all of this to

demonstrate the fact that our government is faced with tasks

that require our collective efforts. Yes, we will also deal



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 86**

with issues of improving supplier payment turnaround times. At

the same time, we expect black suppliers are given

opportunities to provide services. They will also produce

quality and deliver on time. We are definitely not going to

compromise on that. So again, I want to say that we will

reject the narrative that seeks to vulgarise our

transformation. Seeks to criminalise our transformation. Seeks

to compromise and subvert our genuine transformation efforts.

We have designed very effective and targeted programmes in our

province.

We have established energetic coalitions with labour, business

and civil society in the form of the KwaZulu-Natal Economic

Council and the Growth Coalition. I have heard other speakers

decrying the concept of the social compact, but we believe

strongly that it is only when we work together as a nation

that we are most likely to succeed.

So in this social compact we have responsibilities for which

we are accountable for as the government, to create the

capable, effective state. On business, to create

transformation opportunities, as well as on labour and civil

society. We are living in an era where people across the globe

are despondent about establishments that are not bearing



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 87**

tangible benefits for them. People are no longer satisfied

with just flowery speeches, grandiose plans, economic

theories, and endless promises of a better life. They want to

see their lives changing for the better. Unfortunately, this

wave of anger is also becoming a breeding ground for

demagogues who are exploiting the legitimate concerns of the

people for their own ends. Therefore, it is incumbent upon all

of us as patriotic South Africans to rally and unite behind a

credible, sensible plan that seeks to transform our economy in

a sustainable way. In this regard, we take the view that our

economy is 30% in the hands of the state directly or

indirectly and 70% in the hands of the private sector.

In the public sector, we seek to use our procurement spend in

a way that will advance our BEE agenda. In KwaZulu-Natal we

have several specific programmes. One of them is the Vula

Fund. At the moment, we have just rolled out the Vula Fund,

which benefits 1 018 SMMEs throughout the length and breadth

of the province. This seeks to counter that argument directly

that BEE seeks to benefit an elite few; 1 018 SMMEs

beneficiaries across the province is a significant number.

We hope soon later this year to open what we call Vula window

two to assist a similar number. But also we are not just



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 88**

giving out money. We are supplying equipment to a particular

value to empower these SMMES. And we have three tiers in that

benefit from R20 000 to R500 000, and tier three at

R2 million. But are still in the SMME category. We have a

youth fund. We have a Radical Agrarian Socio-Economic

Transformation, RASET, programme. This seeks to go to the

small growths, the subsistence farmers and take them from

subsistence to small holding and then to commercial farms. The

last two quarters that we have measured, we have benefited 450

farmers who have generated R31 millions of production where we

have provided market access.

In conclusion, no rational, patriotic South African can

question the principle and objectives of BBBEE. It is an

absolute imperative for our sustainable future. Certainly we

can debate the methods, obstacles and solutions, but not the

principle. Thank you for the opportunity.

Ms H S BOSHOFF: House Chair, hon Deputy Ministers, hon members

and fellow South Africans, good day. In 2019, government

published a 25-year review focusing on the progress made by

South Africa since democracy in 1994. However, inequality

remains, making South Africa one of the most unequal societies

in the world, and the gap between the rich and the poor is the



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 89**

highest in the world, according to the World Bank Report.

This, despite the ANC’s mandate to redress inequality. If it

wasn’t so sad, it would be laughable that the ANC’s slogan is

“A Better Life for All”.

Two of the key ways that government aims to redistribute

wealth post 1994, was through employment equity schemes and

taxes. And doing so, they want to overcome the economic legacy

of apartheid. While taxes were effective, to some degree,

government admits that empowerment schemes have largely not

been successful. The policy of affirmative action in both the

public and private sectors was aimed at providing redress so

that more black people and women were able to access job

opportunities, especially on a professional and management

levels.

Empowerment schemes as part of Black Economic Empowerment

included inter alia and unfair emphasis on race and workers,

rather than qualifications and experience. The shortage of

essential skills due to the plight and unemployment of skilled

workers, which resulted in a weakened economy, doomed millions

of job seekers to the despair of unemployment, has only

enriched the politically connected elite. Which now brings me

to the Employment Equity Amendment Bill. This proposed Bill is



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 90**

nothing but the means of the ANC to bestow untoward pass on

the Minister of Unemployment and Labour to allow him to wield

the workforce into a shape that is deemed, racially acceptable

by them.

This Bill wreak havoc on an already failing economy. Investors

will be deterred, growth will be stunted and jobs will

continue to dwindle. No one in their right mind will want to

invest in this country or start a business when a politician

is given the powers to decide what the labour force must look

like and how the labour market should operate.

[Inaudible.], the numerical sectoral targets which will now be

set by the Minister is nothing short of ... [Inaudible.] ...

which is in contravention of the Constitution. They ANC must

admit that they have lost the battle on job creation. The

President finally came around to what the DA has been

preaching that government doesn’t create jobs, businesses

create jobs. House Chair, mark my words, the repercussions

with the enacting of this Bill will be felt for generations to

come.

The ruling party should rather shift its focus to increasing

the pool of available skills through the establishment of a



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 91**

first grade education system. To fix a problem, you start at

the root of it, but ... [Inaudible.] ... that is not the way

of thinking for the ANC. Three years of incoherent ANC

policies, stringent regulations, red tape, corruption, and

last but not least, state capture. The economy has been

severely damaged. We saw the economy slump by a whopping 7% in

2020, the biggest since 1946. And who was to blame, no one

else but COVID-19.

Unfortunately, South Africa was in a crisis long before COVID-

19, but like the ANC is, they always shift the blame and never

look at themselves. Since 2012 the economy has not grown by

more than 3% per annum. In 2021 we saw the loss of over

1 million jobs, with unemployment rate sitting at a whopping

46,6% on the expanded definition. About 25,5 million South

Africans are unemployed and not economically active, with many

skilled workers and capital leaving the country.

The question we must ask ourselves is, will we ever get these

people and their skills back to the shores of South Africa? It

is time that the ANC realises that the proposed Employment

Equity Amendment Bill will do nothing for the poor or the

marginalised, all the masses in the rural areas, on whose

behalf the ANC prefers to speak. This Bill will only assist



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 92**

the politically connected elite, widening the already huge

inequality gap.

What the Minister and his government should be doing is

explaining to the 21,6 million black South Africans who are

unemployed and not economically active and unlikely to find

jobs; how the implementation of this Bill will lessen their

plight and provide them with the necessary jobs rather than

relying on a ... [Inaudible.] ... social grant?

The proposed Employment Equity Amendment Bill as it stands

now, does not target or advance the disadvantage, and will

most definitely not promote the achievement of a quality and

foreseeable future. Government should rather concentrate its

efforts on fixing education, freeing the labour market from

excessive regulations, building competitiveness and making the

country more attractive to local and foreign investors.

However, I have a feeling the ANC is not very good at

multitasking.

I would like to make it clear that the DA is committed to real

black empowerment and is continuing with seeking ways to

broaden economic inclusion for the previously disadvantaged

and deliberately excluded by virtue of their race, but also



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 93**

gender equality and disability. One of the DA’s core values is

a fair society and that remains imperative for us to build

both a moral and economic society and take steps to redress

the painful legacy of apartheid. That is why the DA will seek

to table a Private Member's Bill called the Social Impact

Bill, that will seek to scrap the Broad-based Black Economic

Empowerment Act, BBBEE and introduce criteria based on

sustainable development goals.

Crucially, we have always maintained that we aim to achieve a

society in which race is not a determinant of opportunity. We

have argued that empowerment policies need to become less race

focused over time as policies begin to do their work in

redressing the legacy of apartheid. The only reason the ANC

government has had to focus ever increasingly on narrow racial

categorisation, is because the empowerment policy has failed

so dismally and empowerment framework must be one that does

not speak to race but equal opportunities for all South

Africans. We believe that it is possible to design an

empowerment framework that will deliver equality of

opportunity for all South Africans over time and we will seek

to prove that with our Private Member's Bill.



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 94**

In conclusion, I wish to unequivocally state that with the DA

steering the ship with regard to employment equity, it is the

only way South Africa will see a bright future as we believe

in a fair, open opportunity and diverse society for all. I end

with a quote from Ellen Wilkinson:

Unemployment is bigger than a political party. It is a

national danger and a national scandal

It would therefore, ... [Inaudible.] ... the ruling party well

to digest the words of Ellen Wilkinson. I thank you.

Mr N M HADEBE: House Chair, colleagues, the IFP has always

been in support of ... [Inaudible.] ... which is specifically

defined in the words of his Excellency, our parliamentary

leader, the hon Prince Mangosuthu Buthelezi: “To give a hand

up and not a hand out”. This means that the Broad Based Black

Economic Empowerment and employment equity must not be used as

a vehicle for a get rich quick scheme for certain individuals.

It needs to be more comprehensive than that. It must go on to

create a foundation upon which black owned run and inclusive

businesses that are permanently featured in our economy.



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 95**

Further, it means that businesses and employment of black

South Africans is sustainable and valuable. Only once this is

achieved can we start seeing meaningful integration and

ownership of our economies at local levels. If we look at

South East Asia economies, we will see that it is the local

residents who have complete control of the informal and formal

sectors. Their ability to grow their economies comes from the

ability to create a large population consumer base. This is

done through locally owned businesses, which employ local

people that benefits their own economy.

Currently, what is being observed is that only a few have

managed to capture and exploit the system by turning it into a

get rich quick scheme. We need to start seeing greater

attention ... [Inaudible.] ... to targets at local and rural

level of the Broad Based Black Economic Empowerment. Policies

starting to be met, greater emphases must be placed on how to

assist rural based people in accessing a growing economy with

sustainable jobs.

The BBBEE policy is also one that is not very well publicised

and translated to people at grass root level. We need to start

seeing a consistent monitoring and evaluation whereby year on

year, we are able to adapt our targets and strategies for the



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 96**

best possible reach to rural, poverty struck communities. I

thank you, House Chair.

The DEPUTY MINISTER OF SMALL BUSINESS: Hon House Chairperson,

and good afternoon to the other Deputy Ministers, DMs, the

Members of Executive Council, MECs and other members of the

NCOP. Firstly, it is important that we must remind ourselves

that that Broad-Based Black Economic Empowerment Legislation

was born out the commitment to address the historical

injustices in our country. The revised BBBEE codes were

introduced in 2015 after an evaluation of the impact in which

it was concluded that the majority was still being side-lined

by the then BEE Legislation interventions.

Secondly, the BEE Legislation mirrored the intentional and

decisive state intervention policies implemented by the

colonial and apartheid government which were aimed at

reaffirming the white Afrikaners and white British over the

black and African majority.

Thirdly, the colonial and apartheid state legislations were

always intentional and decisive to support Afrikaners and so

must be the legislations of a democratic government. Our

legislations must continue to target the historically



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 97**

disadvantaged individuals, the majority of whom happened to be

black and African.

We cannot ignore history, for an example among the measures

the apartheid government took to discourage the growth of

African business in the urban areas included that, the plot on

which an African could set up a business was limited to an

area scarcely bigger than that of a matchbox township house,

in the businessman was not allowed to own more than one

business nor was he allowed to form partnerships or companies.

If a businessman or businesswoman wished to expand his

business or her activities, he was given the option of doing

so in the Bantustans.

The democratic government must learn from this history and

ensure that it remains duty bound to affirm the historically

disadvantaged people of our country, in particular black

people who are Africans, Coloureds and Indians, women, youth

and rural communities and people living with disabilities.

The BBBEE Legislation remain relevant, I say - particularly

for small businesses given the fact that most of them are

black, African in particular which include women. They are

registered as either Small, Medium and Micro Enterprises,



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 98**

SMMEs, or cooperatives. In terms of the BBBEE, these are

classified either as Exempted Micro Enterprise with an annual

turnover of R10 million or less. Qualifying Small Enterprise

with an annual turnover of R10 million and R50 million.

The application of BBBEE is guided by 11 relevant Sector Codes

of Good Practice which on amongst others determine

qualification criteria for the issuing of licences,

concessions, or other authorisations in respect of economic

activity in terms of any law, develop and implement

preferential procurement policy, determine qualification

criterion for the sale of state-owned enterprises, determine

criteria for the awarding of incentives, grants, and

investment schemes in support of B-BBEE etc.

The revised BBBEE Codes of Good Practice came into effect on 1

May 2015 and is meant to re-orientate the framework and re-

position the BBBEE as a catalyst for economic growth and

development and to set the record straight regarding the myth

that the BBBEE is counterproductive and does not assist in

growing the economy.

The Enterprise and Supplier Development Element is one of the

priority elements in which measured entities are required to



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 99**

meet 40% of the targets on enterprise development, supplier

development of the categories will result in overall achieved

BBBEE status level being discounted.

The new trajectory of the BBBEE codes is to encourage and

cultivate the following in the South African economy: 1.

Change South African business culture to be supportive of

entrepreneurship and diversification of value chains,

concerted effort in linking BBBEE with other government

economic development strategies such as Industrial Policy

Competitive Supplier Development Programmes, New Growth Path,

3. Empowerment efforts should result in the promotion of a

culture of venturing into new territories, operational

excellence and risk taking.

Focus on businesses and industries that result in significant

job creation and addressing socio economic challenges. The

last one, is the symbiotic relationship between the public and

the private sector and amongst private sector players, and

large and small enterprises to unlock opportunities for

smaller enterprises and cooperatives.

Our department, Small Business Development will explore the

following: 1. A mutually beneficial relationship with private



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 100**

sector for supplier development opportunities for SMMEs, 2.

the department and its agencies which are the Small Enterprise

Development Agency, Seda and the Small Enterprise Finance

Agency Sefa, to provide financial and non-financial support to

participating in businesses growth through variety of

programmes, e.g. Small Enterprise Manufacturing Support

Programme, Technology Transfer Facility, asset finance,

bridging loan, etc.

Third one, that the department its agencies have a pipeline of

small businesses that are ready to provide products and

services to markets in various sectors of the economy. The

last one, potential partners be prepared to provide a

financial and non-financial - especially quality and standards

training, support to participating in small businesses, as per

the BBBEE Codes of Good Practice. Focus of supplier

development opportunities to be of assistance with scale,

growth, and sustainability.

In conclusion, House Chairperson, the BBBEE Legislation

remains the main government legislation informed by the

Constitution whose aim is to advance the economic

transformation, enhance the participation of historically

disadvantaged individuals. Therefore, I put the point, it’s

ooxWord://word/media/image101.jpegooxWord://word/media/image102.jpegooxWord://word/media/image103.jpegooxWord://word/media/image104.jpeg

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 101**

still remains relevant this BBBEE. Africans in particular,

Black people in general, Coloured and Indian, women, youth,

rural communities and persons with disabilities, should be

covered and we must work hard to ensure that more people can

be assisted through this policy. I thank you very much, House

Chairperson.

Mr M A P DE BRUYN: Hon Chair, a good education and proper

training are measures that bring about real empowerment

because knowledge is power and knowledge is also a virtue.

Therefore, the right thing to do will be to give our people

power through technology and the wrong thing to do will be to

focus just on the outputs of racial representation, while

neglecting the input of a decent education. Currently,

affirmative action fails to solve the real problems of

disempowered people in South Africa, and these realities are

apparently not seen by the ANC-led government.

The battle against poverty and unemployment under all South

Africa’s people is being lost because of the chronic skills

shortages. People are just not trained for the type of jobs

the South African economy can provide. And, if the government

is genuinely committed to solving poverty and unemployment it



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 102**

will find it has no choice but to make use of all the skilled

workers regardless of the colour of their skins.

The skills shortages are a crippling constraint on the

economic growth and we can’t be forced to pick and choose

among job applicants on the racial grounds at the time that

South Africa needs every person they can contribute. Let us

rather appoint the best person for the job in terms of

qualification, skills and abilities.

Hon Chair, Eskom is one of the companies in the country

driving affirmative action the hardest. Without realising that

you can only drive the issue if you can get the people with

the right skills and the right knowledge to do the work. But

this is not the case with Eskom. It is clearly visible if you

look at the state of Eskom and the state of load shedding.

Skilled people with years of experience are leaving Eskom, due

to the fact that there is no future for them because

promotions are rewarded based on race and instead of

competence.

This is also the case with every company and institution in

South Africa where affirmative action is being implemented.

Especially at state-owned enterprises like Denel, South



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 103**

African Airways, the post office, South African Broadcasting

Corporation, SABC, Transnet, only to name a few. And, not to

mention the state of municipalities all over South Africa

where service delivery is almost non-existent, infrastructure

has deteriorated and corruption is the order of the day. All

of this is because the right people are not employed based on

skill and experience but rather based on the experience but

rather based on the colour of their skin.

Black Economic Empowerment, BEE, is increasing the number of

incompetent companies skewing the economy and promoting tender

corruption. And, BEE companies are being rewarded tenders even

though they do not meet the relevant criterions. This is why

legitimate competent companies are being denied the

opportunity to tender, forcing them to eventually close their

doors. And, by doing so contributing to unemployment and

economic distress.

Hon Chair, I would like to use the example of a Free State

based construction company I was in contact with over the past

few years. Every single tender that this company applied for

was awarded to a BEE company instead. But at the end of the

day, they still ended up doing the job as a subcontractor



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 104**

because the awarded contractor did not have the capacity to do

the job.

So, what does this mean? It means that the BEE contractors

make millions in profit without lifting a finger and without

at least contributing to job creation or skills development.

How can this be fair?

Rather than ensuring equality over the past 28-years, BEE

became a tool to .... [Inaudible.] ... tenders and wealth to

the elite black business owners, politicians and ANC cadres,

instead of distributing opportunities for all South Africans.

And, if you look at the number of tenders awarded annually to

BEE companies compared to the number of black-owned companies

in South Africa, it is evident that the ANC has failed to

ensure empowerment and that BEE has become black elite

empowerment.

Hon Chair, next month we are in our 28th year of democracy.

That adds up to 12-years of basic education, four years of

tertiary education, and 12-years of experience in other work

places and the business court.



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 105**

Surely, there is a so called lack of equality in South Africa.

It can’t be blamed on the minority or the past any more. You

can’t fight racism with more racism. You will lose the moral

high ground and you can call it what you want. But at the end

of the day it is still racism based on race discrimination.

Last year, the President stated that black people must be

included in the economy and that BEE is here to stay. I can’t

help but wonder what economy the President was referring to.

Because surely he couldn’t have meant the economy of South

Africa seeing that our economy is already down to the drain.

As I conclude, South Africa desperately need skilled workers.

Therefore, affirmative action and BEE is already being

disregarded by more and more private companies and becoming

increasingly irrelevant in South Africa today.

If government truly wants to empower black people in South

Africa and not only the black elite, it will have to invest in

quality education and skills development to ensure sustainable

economy that will provide enough opportunities for all in

South Africa. Without the need to implement and force down the

racist policies on the white minority of South Africa. Thank

you.



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 106**

Mr F V MLOMBO (Mpumalanga): Hon Chair, let me greet you and

also greet ... [Interjections.] ...

The HOUSE CHAIRPERSON OF THE NCOP (Ms W Ngwenya): I can’t hear

you. Can you speak louder or come closer to the mic?

Mr F V MLOMBO (Mpumalanga): ... Thank you very much, hon

Chairperson. I think you can hear me now.

The HOUSE CHAIRPERSON OF THE NCOP (Ms W Ngwenya): Yes, Chief

Whip.

Mr F V MLOMBO (Mpumalanga): Let me greet you and the

Chairperson of the NCOP, the Deputy Ministers that are here,

the MECs and my colleagues from the different provinces who

are here as special delegates.

I am here to participate in this debate and through my debate

I will be arguing that Black Economic Empowerment, BEE, and

employment equity are the necessary interventions strategies

to transform our economy to serve the majority of this

country.



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 107**

I will further argue, Chair, that BEE is on track to achieve

its objectives for transforming our economy. I will further

argue that the South African economy is on the right path with

regard to the transformation agenda. Lastly, Chair, you will

allow me to argue that the BEE is a progressive tool to undo

the injustices of colonialism and apartheid that destroyed the

African continent and our country for more than 300-years.

Who can argue against the fact that South Africa is one of

those African countries that has suffered the brutality for

colonialism that made the people of Africa to be economically

disempowered? Who can argue that colonialism was a brutal

practice that ensured that the people of Africa and South

Africa were politically and economically dominated? That

colonialism was an instrument that dehumanised the people of

Africa, that destroyed the family units, that turned our

people into slaves, and introduced the apartheid brutal

policies of unpaid labour and forced labour?

It is this colonialism that transformed black man and women

into commodities that can be sold and exchanged for cheap

labour. It is this colonialism that subjected the African

people to be the hewers of wood and drawers of water in the

land of their birth. So, it is against this background that



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 108**

the people of South Africa are thankful to the ANC for having

introduced this transformative legislation whose objective is

to begin to undo all these injustices for apartheid and

colonialism that has affected our people for more than 30-

years.

I want to argue, Chair, that it is only through the

introductions of the policies like the BEE that we can ensure

that the black people of this country they own and control the

commanding heights of our economy. It is only through the

introduction of the BEE that the majority of the people of

this country can be able to own and control the levers of our

economy.

It is only through the introduction of the BEE and Employment

Equity that we can show that the economic and imbalances of

the past are attended to. And, it is only through the

introduction of progressive policies that we can be able to

build a better life of prosperity for all South Africans

irrespective of race, colour ... [Interjections.] ...

The HOUSE CHAIRPERSON OF THE NCOP (Ms W Ngwenya): Excuse me

hon member, can you please move to the right because ...



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 109**

*IsiZulu*:

... uyasithela manje.

Mr F V MLOMBO (Mpumalanga): ... Am I fine now?

The HOUSE CHAIRPERSON OF THE NCOP (Ms W Ngwenya): Yes. Thank

you.

*IsiZulu*:

Ngibona uloku uyasithela, thina asisakuboni ngapha. Phakamisa

izwi kancane, lunga elihloniphekile.

Mr F V MLOMBO (Mpumalanga): Thank you very much. I was still

elaborating on the importance for this progressive policies

which is the BEE, the Employment Equity and others, that it is

through them that we can be able to build a better life and

prosperity for all South Africans without regard to their

race, colour and gender.

It is only through these policies that we can be able to

eradicate the legacy of colonialism and apartheid. And, to

ensure that our country achieves an all-round emancipation and

upliftment of the people of this country. If we are serious

about building a truly united, non-racial, non-sexist,



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 110**

democratic and prosperous South Africa, all of us irrespective

of our ideological differences, we need to join hands and

support the introduction of these progressive policies.

In my province, I can say without mincing my words that we

have already seen the progress that has been achieved because

of the introduction of these policies. Because of our

government supporting these progressive policies, we have seen

thousands of our people getting their footprints in the

different sectors of our economy.

If you go to the tourism sector, there are a number of black

people who are there and contributing positively to the

economy of this country and creating jobs. They are leaders

and they are owners in the tourism sector. The same applies to

construction sector, the mining sector, and to the information

technology, IT, industry.

So, it is correct for us to argue that we have already seen in

our province that BEE and Employment Equity legislations are

able to transform our country to a better country, a country

that benefits all its people.



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 111**

It is only through the BEE that we are able to see the

promotion of economic transformation in different sectors in

our province. That we are able to experience the achievement

of a substantial change in the composition of ownership in all

these different sectors. It is only through the support of

this progressive legislations that we are able to experience

the active participation of women in the different sector of

our economy. That we have seen the promotion of investment

that has led to BEE in our province. And, the empowering, most

importantly because our province is a rural province, through

the support of these important legislations, we have seen the

radical empowerment of rural communities and local communities

so that they can have access to economic activities in our

province.

So, it is correct for us to argue, that because of all this

progress that has been achieved, the increased representation

of black people in management positions in different sectors,

the increased representation of women and youth and, because

of the increase ownership of black people in different

sectors, we can argue as I did when I open my debate that BEE

is in fact slowly achieving its objectives. That the South

African economy is on the right track of transformation. That

the BEE is the progressive tool to begin to undo the



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 112**

injustices of the past and lead us all to the South Africa

that we can truly be proud of, a South Africa which

accommodates all people irrespective of their racial

differences, gender and all the other measures of

inequalities. I thank you, Chair.

Mr I NTSUBE: Hon House Chairperson Ngwenya, Chief Whip of the

Council Tate Mohai, the Minister, the Deputy Minister, MECs

and hon members of the Council, the ANC’s version for the

South African economy is guided by the Freedom Charter’s

clarion call that the people shall share in the country’s

wealth. The ANC is committed to building a more equal society

in which all can find decent work and enjoy sustainable

livelihoods.

The ANC recognises the dialectical and mutually reinforcing

nature of the relationship between economic growth and human

development. Inclusive growth must necessarily create

opportunities for those who are excluded and it is also by

creating new opportunities for those who were excluded that

growth becomes truly inclusive.

The need to effect redress in the interests of equity is also

embodied in our Constitution. The South African Constitution



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 113**

laid the foundation for a coherent and inclusive economy that

is inclusive for all its citizens.

Broad-based black economic empowerment is one of the

interventions to transform the economy that seeks to achieve

this inclusiveness. The purpose of unpacking the need for this

and its impact will provide members of the FF Plus with the

basic explanation of what broad-based black economic

empowerment means. Simply put, it is an integrated and

coherent socioeconomic process located within the context of a

national transformation by seeking to substantially and

equitably transfer the ownership, management and control of

South Africa’s financial and economic resources to the

majority of its citizens, which are mainly Africans – blacks.

From 2003, the BBBEE Act was firstly promulgated to 2013,

which marked 10 years of BBBEE policy implementation. There

were some significant achievements. This includes R600 billion

worth of BBBEE transactions and 500 publicly announced BBBEE

ownership transactions worth at least R533 billion. The

representation of blacks and women in senior management

positions in the private sector had increased from less than

10% in the 1990s to more than 40% at the time. The National

Empowerment Fund had improved transactions worth more than



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 114**

R5 billion to 60% of beneficiaries being SMMEs and support

given to the creation of 44 000 jobs.

According to the Value of BBBEE Deals Report published by

Intellidex in June 2015, BBBEE deals by the JSE 100 largest

companies since 2000 generated R317 billion in total value

attributable to beneficiaries as at 31 December 2014. Of this

amount, R52 billion, which is 16%, is attributable to staff

schemes, R196 billion which is 62% of strategic investment

partners and R69 billion and 22% to broad-based community

schemes, which have featured in several financial sectors’

ownership deals.

BBE share ownership programmes are some of the widely

recognised forms of ownership by broad-based group members in

corporate South Africa. This allows business to divest equity

rights to its key stakeholders such as workers and surrounding

communities. The footprint of the impact of such a collective

scheme ownership transaction fast spreads larger than

traditional equity partnerships.

It is important to note that the impact of such ventures have

benefited many black beneficiaries in terms of their access to

the economy, whilst simultaneously increasing the black



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 115**

ownership profile of the South African business landscape.

This is real empowerment. It is quite telling that some

members of this House would have preferred that we continue

with life as if apartheid discrimination never occurred.

Multinational companies that cannot sell their equity to black

South Africans and have never sold equity outside their

country of origin are allowed to make contributions towards

equity-equivalent investment programmes, in return to be

awarded full BBE ownership points for an agreed period of time

based on investment amount.

Hon members, the value of Equity Equivalent Investment

Programme, EEIP, contributions may be measured against 25% of

the business value of the South African operation or against

4% of the total revenue of its South African operations

annually over the period of continued measurement. These

investments are focused on enterprise and supply development,

critical skills development and research and development. The

beneficiaries of the programme are black South Africans and

black-owned South African companies.

To date, 22 multinational companies across different sectors

have been granted final approval to participate in the EEIP.



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 116**

Of the approved number, 32% is the automotive industry, 27%

the ICT sector, 18% in manufacturing and 23% split between

construction and health care and the maritime, financial and

agricultural sectors, with a total investment of more than

R8 billion. More than 200 000 jobs, both direct and indirect,

have been created since the inception of the programme and

supported 87 emerging black-owned businesses including black

women and youth-owned businesses.

On the funding front, the National Empowerment Fund, the NEF,

is one of the institutions that government established in

order to support inclusive growth and broaden black economic

participation in the economy. The NEF recognises the

stimulation and support of township economies as a key

priority, so much so that it maintains a specialised and

standalone programme in their annual performance plan,

referred to as the Rural and Township Development Fund.

Further, to support provided to rural and township-based

businesses in this programme, support may also be provided

through the other programme. Since its inception, the NEF has

approved a total number of 1 230 ... [Inaudible.] ... which

are worth a total R11,9 billion, with a total project value of

R20,37 billion. As a result of these approved funds by the NEF



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 117**

... [Inaudible.] ... managed to disperse a total R7,7 billion,

creating and sustaining in excess of 100 000 jobs and more

than 70 000 new jobs to date. The NEF has approved

R2,8 billion and disbursed R1,7 billion to support 356 rural-

and township-based businesses, creating and supporting more

than 31 000 jobs.

From the financial years 2019-20 and 2020-21, more than

R500 million has been approved in support of 83 businesses,

creating and sustaining more than 4 000 jobs in township- and

rural-based businesses.

The financial sector is the lifeblood of the economy and is

important to enable implementation of BEE. The Financial

Services Sector Charter is an instrument that the sector uses

to implement BEE and to transform the sector. A 2017 report

developed by ... [Inaudible.] ... committee on finance and the

Portfolio Committee on Trade and Industry as well as a study

undergone by the Association of Black Securities and

Investment Professionals ... in 2018 the following was

identified for the financial services sector. There were 48

black asset managers operating in South Africa. An amount of

R490 billion of total assets was managed by black asset

managers. Since 2009 there has been a 243% increase in growth



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 118**

for black asset managers. [Inaudible.] ... percent of firms

believe that current BEE targets under the BEE financial

services sector “of good practice” are the right ...

[Inaudible.] Forty-nine percent of the total industries are

represented by women. Twenty-five percent of external service

providers used are level 1 BEE contributors. Seventy-two

percent out of 1 584 unit trusts are managed by black firms.

Ninety-six percent of firms have either a level 1 or level 2

BEE contributor status. Forty-four percent of firms procured

less than 25% of services from suppliers that have level 1 or

2 BEE rating. More people now have access to financial

products than ever, citing an increase from 42% in 2003 to 58%

in 2016 if SA Social Security Agency cardholders were

excluded.

According to a study by the NEF of JSE-listed companies, which

sample the top 17 financial services companies by market

capitalisation, black ownership was at 6% against the

Financial Services Commission target of 10%. The latest report

of the status of the financial sector is being concluded by

the Financial Sector Charter Council.

With regard to youth unemployment, on 28 August 2018 the Youth

Employment Services Initiative was gazetted and incorporated



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 119**

in the BEE quotes for implementation. The Yes Initiative was

one of the initiatives presented in the 2018 state of the

nation address by the current President, President Matamela

Cyril Ramaphosa. Its primary objective is to improve the

employment outlook for young work seekers by offering work

opportunities and therefore inclusion in the South African

economy. Its intention is to create one million equality work

experiences for unemployed youth and its purpose is to improve

their chances of meaningful participation through affording

the employment of business opportunities. Whilst the

initiative is still ... [Inaudible.] ... through the

engagement with industry leaders and consistent partners, the

awareness has created a strong platform for growth and

delivery for its objectives.

The number of jobs created through these initiatives as at 15

March 2022 is more than 73 000 and 1 947 companies have signed

up. More jobs are expected to be created in this regard.

The balance of evidence indicates that a significant advance

has been made since the implementation of the BEE policy.

Anyone who wants to suggest that there has been no advance

made in increasing the participation of previously oppressed

and disadvantaged people would really be dishonest. However,



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 120**

notwithstanding the economic advances of the past 28 years of

freedom and democracy, the legacy of colonialism and apartheid

is deeply entrenched in our society and in the structure of

the South African economy. More needs to be done to expand the

participation of the poor and marginalised in the economy.

These are weaknesses that have been acknowledged by the

government and their efforts to overcome these must be

ceaseless.

In conclusion, the ANC is committed to managing the South

African economy in such a way as to promote inclusive

participation and employment-creating inclusive growth. Thank

you very much, House Chairperson.

Ms D M BAARTMAN (Western Cape): Hon Chairperson, fellow South

Africans, no other area of the Lord we see the acute impact of

the Broad-based Black Economic Empowerment, BBBEE, as we do in

public procurement. In fact, this affects approximately 22% of

our GDP in South Africa. Given that the status funded by the

taxpayer through various taxes be it income tax, value added

tax, VAT, or the fuel levy, it is thus important for the state

to have certain principles by which it procures taking to

consideration that the beneficiaries of this procurements are

the people of South Africa.



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 121**

Public procurement set up the rules by which the state is

allowed to use the people’s money to buy goods, works and

services. Our Constitution requires that public procurement

system is fair, equitable, transparent, comparative and cost-

effective in section 217, and that national legislation must

have its framework.

In 1999 in the Cash Paymaster Services versus Eastern Cape

province case, the concurring judgement emphasised the factors

when making this decision as per the Constitution and made it

clear that the board disregarded the values of fairness,

transparency, comparativeness and cost-effectiveness to the

sole benefit of equity when in fact the Constitution does not

allow one to pick and choose between the values but holds in

an obligatory manner that all these values are equal and need

to be implemented in a balanced manner.

When this assessing procurement decision in terms of general

AllPay versus the SA Social Security Agency, Sassa, 2014 court

case methodology, we must look at all five principles in

section 217 of the Constitution and they must be read together

not in isolation. In what has been a progressively the Zondo

Commission were not only spoke out about the impact of

corruption on the public procurement regime but published a



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 122**

full chapter analysing the current fragmented landscape and

identify patterns of abuse within the procurement cycle. In

terms of abuse are preferential procurement, which is more

specific to our conversation today.

The Zondo Commission halt that code. “However, average shows

that the ideals of empowerment with grossly manipulated an

abuse to advance the interest of a few individuals”. At

Transnet regiment received contracts without ever going

through a procurement process but China South Rail, Transnet

even change the requirement that China South Rail needed a

BBBEE certificate because they would have scored zero in this

regard.

At the SA Airways, SAA, the former chief procurement officer

was instructed to signed letters with Swissport and engine

amongst others for contract renewal and set aside 30% of the

contract value for BBBEE entities, which was not lawful and

matching line with open tender procurement procedures to quote

procure the most cost-effective provider for SAA controls. In

fact, the corruption runs so deeper that SAA bid in a 63%.

Black-owned company was informed that they must set aside 30%

of their contract to quote an unspecified SAA nominated black-

owned small business for clothes.



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 123**

In the City of Johannesburg, Ending On-Hand (inventory), EOH,

received a heads up and confidential information wherever

tenders were coming out and was specifically asked to donate

funds to the ANC before and after the awarding of the tender.

In this regard, the Zondo Commission established a pattern of

what they considered irregular solicitation of donations

coupled with the award of tenders.

Similarly, in the Free State Provincial Government the Zondo

Commission found that black head consulting was mocking the

province with asbestos tenders and they also were donating

more advancing to the ANC.

Chairperson, in the Western Cape province we have reduced the

procurement disclosure report on Covid-19 expenses and within

our Annual Procurement Discloser you would find 67% of small

medium micro enterprises are suppliers, 60% BBBEE suppliers

and 63% are suppliers within the Western Cape province who

benefited from Covid-19 funding from provincial department and

entities. However, despite the Western Cape overachieving on

the bench marks and targets set by the national government, we

are currently limited by a fragmented legislative environment.



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 124**

In 2020, the much anticipated Draft Public Procurement Bill

was published for public comment by the National Treasury with

the aim of consolidating this current fragmented environment

in South Africa. The Bill will amend substantive provisions of

the current BBBEE legislation. And in its current form the

draft Bill is very vague on a few matters, including the

independence of the regulator.

Electronic procurement rules for local government procurement

when there are repealed and a decision of repeals and

centralises all over the power regulating preferential

procurement in the hands of the National Minister of Finance.

The Western Cape Provincial Treasury commented on the Draft

Public Procurement Bill, a 255-page document, which indicated

in brief that in its current form the province cannot support

the draft Bill. One comment in the submission sums up our

concerns in our province and it holds, I quote: “The draft

Bill loses sight of the core imperative of attaining value for

money in public procurement and that it does not provide for

any systems or approach on which value for money can be

transparently assessed relative to other procurement

objectives”.



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 125**

Now that the Afribusiness Constitutional Court case has

concluded which confirm the unconstitutionality of the 2017

preferential procurement regulations. The National Treasury

has issued new draft regulations in this regard.

And the Western Cape budget committee has requested that our

Provincial Treasury submit inputs regarding these new

regulations. In the Constitutional Court, the debate on

whether pre-qualification should be allowed ended up riding on

whether or not the National Minister of Finance may determine

preferential procurement policy for each organ of state as a

blanket role through regulations and the court found out that

each organ of state is empowered to determine its own

preferential procurement policy.

And that the Minister cannot make regulations to cover the

same field. Given this judgement it makes me wonder whether

employment equity will soon see similar developments.

So now we are between a rock and a hard place with vague draft

regulations and vague draft Bill repealing or amending almost

all of the procurement and almost all of the BBBEE legislation

being debated within an already fragmented public procurement



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 126**

legal regime which favours corruption and nepotism of a

transparency and cost-effectiveness.

So, amongst others this turmoil it is important to ensure

price and functionality remain the most important factors

within the legislative framework. After all, we are spending

the people’s money. And in spending it, we need to ensure that

we deliver services at the lowest cost closest to the people.

Well this will not be an easy task or an easy road to walk. It

is up to each and every one of us to focus on achieving the

values as set out by our Constitution not just fairness or

equity or transparency or competitiveness or cost-

effectiveness, but a balance of all five of them. This

Chairperson, is non negotiable. I thank you.

Mr M MOHALE (Free State): House Chair, to all members of the

committee, representatives from the provinces, MECs and all

other members protocol observes, we take an honour to also

partake in this important debate. Let’s one start by saying

that the relevance of the broad-based black economic

empowerment, BBBEE, and the employment equity legislations is

beyond question given the history of our country. Their

relevance is derived from section 9(2) of the Constitution of

the Republic which provides that equality includes the full



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 127**

and equal enjoyment of all rights and freedoms. To promote the

achievement of equality legislatives and other measures

designed to protect or advance persons or categories of

persons disadvantaged by unfair discrimination made be taken.

The question that could be debated is whether these pieces of

legislations have been successful in its entirety in

addressing the transformative imperatives enshrined in the

Constitution.

Based on our own experience and data from various government

institutions the success stories are uneven. The 25-year

review cites that the black economic empowerment, BEE,

Commission report of 20218, shows a decline in black ownership

within the Johannesburg Stock Exchange, JSE, listed companies

from 33% in 2015 to 27% in 2017. Black directorships increased

by 113% between 2006 and 2016 when both direct and indirect

ownerships are considered. Direct black ownership constitutes

only 3% in 2015. Ownership by black females also declined from

11% to 9% during the same period. The 25-year review also

cites the finding in the World Bank report which concluded

that in overall being white or South African Indian for whom

apartheid legislation was measured remains a strong

determinant of wealth. It is indeed a fact that our economy is

still taking a racial character.



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 128**

It further cites that the Wealth Inequality Reports included

that, I quote:

Since the end of apartheid in 1994 top income shares have

increased considerably in spite of several reforms

targeting the poorest and fighting the segregation

heritage. Race is still a key determinant of differences

in income levels, educational attainments, job

opportunities and wealth.

Accordingly, the same review made the determination that

comparatively South Africa remains the most unequal society in

the world with the wealth share of the top 10% receiving two-

thirds of national income while the top 1% receives 20% of the

national oncome in 2014.

While we acknowledge the following BEE challenges that relates

to ramification, there is still a shortage of black

industrialist in the country. The next step of development of

the BBBEE should be about grooming more black industrialists.

The shortcomings on the site of implementation has made the

BBBEE not to progress very well in terms of ownership and

management despite many companies claiming to have employment

policies which they were supposed to implement strictly. This



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 129**

is because there is no willingness on the part of the majority

of the white-owned companies to come to the party in order to

play their role in ensuring that there is inclusivity in the

economy. Due to the fact that it is not enforced mostly in

some of the corporates, those corporates don’t do it. There is

no sense of willingness as one has indicated especially if

they don’t have transformation at their heart or do it but not

to effect meaningful change. Most corporates would either

focus on the enterprise and supply development pillar by

supporting training initiatives for small, medium and micro

enterprises, SMMEs, or rolling out enterprise development

programmes. However, SMMEs don’t survive those programmes but

revenue generation. Here the corporates will be able to tick a

box and get the BBBEE points. Corporates also focus on the

socioeconomic pillar through supporting the nongovernment

organisations, NGOs.

Under the enterprise and supply element measured entities are

still not able to transform the value chain by developing

sustainable black-owned entities utilising the supply

development and enterprise developments aspect of the element.

Whereas supply or enterprise development focusses on creating

sustainable black-owned entities, most initiatives are



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 130**

increasingly implemented through a third party intermedia with

less focus on the needs of the beneficial.

One notes that the verification agencies are still

predominately white and could be questions on how effectively

they do verify to the benefit of the previously marginalised.

The report shows a slight change in the levels of

transformation with the overall black ownership reflecting

only 4% increase from 25% black ownership in 2018 to 29%. The

report found management control to be sitting at 39% overall

and JSE listed entities bought control at 43,6%, where males

constitutes 23,08% and the female 20,5%. Only 3,3% of entities

listed on the JSE are 100% black owned which was 1,2% in 2018

and 1% in 2017. The three least performing sectors on

ownership in 2018 were AgriBEE with 11%, financial sector with

21,64%, construction sector at 48,3%, transport 40% and

forestry 33% showing relatively good progress.

In 2019, women ownership remains at around 10% on average

across sectors at subproperty 11%, in transport was 12%, in

tourism was 14% and 17% in information and communications

technology, ICT.



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 131**

Some of the successful BBBEE projects one can note in the Free

State province is Grain Field Chickens which was addressing

around the issues of ownership and management.

On the employment equity the important positions at the

workplace are still occupied by those who were previously

privileged. In the absence of the employment equity

legislation the situation might have been worse than the

current one. Employment equity legislation will remain

relevant for as long as the same skilled and unskilled

position remain the reserve of the majority who were

previously disadvantaged.

To illustrate this point, the 2019 and 2020 Employment

Commission reports that only 29% of Africans occupy top

management positions. Out of this 19% were men and 9,6 were

women. Whites made up 67% of top management positions out of

which 54% were men and only 13% were women. At the senior

management level 34% were Africans of which 23% were men and

women only constitute 10%. Whites were overwhelmingly at 59%

of which 49% was for men and only 18% is for women. In

relation to professionally qualify 55% were Africans of which

men constitute 30% thereof. Amongst the skills category 72%

were Africans out of which 33% were men.



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 132**

In conclusion, it is our very firm view that it is still way

early to can discuss about whether the legislation still has

relevance. In fact, we are of the strong view that as we

engage in this type of debates we must discuss how best do we

strengthen it because we cannot undo what colonialism has

done, we cannot undo what apartheid has done which spread over

many decades by only trying to do that in a period of less

than three decades. So, BBBEE is more than ever relevant.

Employment equity is more than ever relevant. [Time expired.]

Mr J J LONDT: Hon Chair, Ministers and member, good afternoon.

The moral fable of the frog in the boiling water is up when it

comes to broad-based black economic empowerment and how it was

implemented by the governing party. The ANC is slowly boiling

and burning the South African economy to death with their

policies. And if we don’t get out of the ANC pot soon the

economy will die. As I prepared my notes for the swim I knew

that the ANC Members of Parliament, MPs, like the MEC Mohale

will defend his party and especially that his province was the

corruption capital. He would defend his party and its

disastrous policies by finding every excuse under the sun

except taking ownership of their incompetence in running this

beautiful country. I asked myself how do you convey to voters

that this party cannot be trusted any further to lead?



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 133**

As the debate continue however I realised yet again that South

Africans already know that the yellow, black and green party

cannot be trusted. The most recent election results showed

that the citizens of South Africa judge parties based on their

words and their actions. The majority of voters in this

country have already rejected the ANC.

It is well known how corrupt the governing party is. But for

this week I will highlight few phrases and actions that are

generally known or that base repeating. One thing it is

absolutely amazing that two years after we have been going

online and using Zoom, the Members of Parliament, MPs, from

the ANC still do not know how to use the devices properly but

you expect him to run this country or provinces properly. That

should be an indication. We should actually create a

compilation on how you struggle to log on before every plenary

and play that.

Hon Mmoiemang, you say that broad-base black economic

empowerment should be seen as a bread and butter issue of our

communities. It should decrease the gap between rich and poor

yet years after the implementation thereof there are many more

millions South Africans that are unemployment and the gap is



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 134**

even bigger. You state that it should open opportunities for

more South Africans yet it is only the same ANC elite that

benefit time and time again.

The member of executive council, MEC, Mvoko you said that

Cyril Ramaphosa was settled in establishing broad-based black

economic empowerment. But who do you think profited the most

when the majority of South African won’t earn in their

lifetime while his brother-in-law spend on buying cattle from

him? There is something wrong. There is only a few that

profit.

Hon Pillay, you lament the fact that broad-based black

economic empowerment is associated with corruption, but it is

your doing - it is your party. You cannot even unscrew a light

bulb without trying to get a multimillion rand tender from a

comrade. The problem is now with a shambolic management of

Eskom light bulbs often become obsolete. On Pillay, you

invited people to come forward with any evidence of corruption

and malpractice. I don’t know maybe you were off work or you

were away visiting the Guptas for a few months. Please,

provide me with your email address so that I can just send you

the Zondo reports if you are willing to listen or read it. You

asked what the DA is doing.



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 135**

With us as the hon Boshof has mentioned. Within the next few

weeks the DA will start the process to introduce a private

members Bill termed the social impact Bill. It is time to

unite behind workable solutions. Those ANC members not aligned

with the radical economic transformation faction or the red

party, you don’t have to work with us. But all other parties

that want this country to succeed, that want to address the

root causes of inequality and opportunity across South Africa,

unite behind the DA policy.

Hon Du Toit, it is an important debate that you brought in

today. The question is, will you support the DA’s solution?

Our socioimpact Bill will amend sections and introduce

criteria based on sustainable development goals. This will

better serve social and economic development for the most

vulnerable people in the country.

In conclusion, Hon Deputy Minister Dlamini, you correctly

state that you cannot ignore history. Your children and your

grandchildren will hang their heads in shame. History will

judge the ANC harshly. Deputy Minister Dlamini, history will

judge you harshly. You have an opportunity to be better. You

can start by supporting this DA policy. Your president has



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 136**

already started supporting our policies. It is time you do

that too. I thank you.

Mr M RAYI: Thank you very much hon House Chairperson, hon

Chairperson of the NCOP, hon members, special delegates, MECs,

permanent delegates, Deputy Minister of Small Business

Development, Deputy Minister of Trade Industry and

Competition, Deputy Minister of Employment and Labour.

This debate was brought to this House by the FF Plus, a party

that is a relic of our painful apartheid past provides an

opportunity for a country to reflect critically on the road we

have travelled together as South African nation since the

democratic gate through was achieved in 1994 after centuries

of struggle against colonialism and apartheid.

We may not fully understand the motive of the FF Plus for

bringing this debate to the House but we suspect that this

party of unashamed white privilege is sending a signal to its

consecutive right wing constituency that it has the courage to

broche any topic even the ones that open old wounds and

inflict the pain of bitter memories of apartheid in many of

us.



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 137**

We owe it to our forbearers to advance the struggle for an

equal South Africa. Our gallant fighters against unequal South

Africa many of whom sacrificed life and will suffered bullets,

teargas and dogs being set on them in Sharpeville and KwaLanga

in March 1960.

For us to be where we are today, they would not rest in peace

if the struggle fails. When we took the bait from them, we

committed that we would transform our country in its entirety.

When we adopted the Constitution of the Republic of South

Africa on the 8th of May 1986, one of our aims was to

establish as spring broad from which to perpetually transform

our society using the instrument of legislation in order for

all South Africans to enjoy the fruits of freedom, liberty,

justice, humanity and equality.

I want to emphasize that section 9 of the Supreme Law of the

Republic of South Africa which all of us here have taken an

oath of affirmation to abide by, affirm the centrality of the

full and equal enjoyment of all rights and freedoms. Our role

as law makers in this regard have a mandate to take

legislative and other measures designed to protect or advance

persons of categories of persons disadvantaged by unfair



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 138**

discrimination in order to make the stated goal of equality

more meaningful.

A Constitution does not enjoin us to strive for equality only,

it goes further and unambiguously prescribes to us as to how

to carry out the instruction. It says laws must be made to

ensure that former and the de facto apartheid reminisce are

dismantled and buried.

Back in 1998, we started that process, we developed

legislation called the Employment Equity Act 155 of 1998. This

is one of the laws that give the children and grandchildren of

H.F Verwoed and P.W Botha sleepless nights.

Employment Equity Act is a labour law that its intention is to

promote equity in the work place. This law is intended to

ensure that all employees receive equal opportunities as the

Freedom Charter says to enter trades and careers of their

choice. This is a piece of legislation that is aimed at

ensuring that employees are treated fairly by their employers.

Hon House Chairperson, people who are opposed to the

Employment Equity Act are enemies of our Constitution, they

are enemies of our democracy who long for as well racist South



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 139**

African govern that reign the country bankrupt with racist

discriminatory laws, apartheid laws deemed the calm against

humanity by the United Nations promoted one particular race

group and suffocated and trampled upon and destroy others.

People who are opposed to the redress of the passing balances

must rethink the implication of their reactionary ideas. Hon

House Chairperson, many people have forgotten that the first

people who captive affirmative action and improvement of the

career opportunities for certain groups of people were the

colonialists and apartheid architects.

In fact, we have to stand back and admire those people because

when they implemented this unjust laws, they were very clear

in their minds about the long term outcomes.

In colonial apartheid South Africa, we have laws like the

Industrial Conciliation Act 11 of 1924 which provided for the

job reservation and laws like the Minimal Wage Act of 1925

that promoted employment of white people only.

There was even a law that allowed farm owners to beat farm

workers and tenants called Native Service Contract Act. But,

today, we are told we must not pass laws that reverse all the



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 140**

gruesome, vicious and brutal laws because some among us are

still comfortable with them and are rejecting the ones that we

are coming up with which promote justice, fairness and

equality.

Secondly, like the biblical story of Israelites teaches us

that we cannot go back to Egypt, the land of the Pharos even

though this transformation and democratisation path is long

and hard.

Fellow South Africans, the fact that we are entering this

debate is a sign of maturity of our democracy and the strength

of the Constitution of our institution such as Parliament.

Hon members, this theme has brought this debate never even

allowed us to speak about the illegitimate rights as black

workers when they [Inaudible.] this country with an iron fist.

They put many of us in jail and many freedom fighters died. It

is a pity that our laws do not bide in a manner which they

should but the comforting part is that we continue to amend to

ensure that we realise the intended outcomes.

As we speak, the employment equity is being amended. We have

been processing it in the select committee, we have just



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 141**

adopted the committee report on Tuesday 22 March 2022. We hope

that the NCOP plenary will pass it in the next term as today

is our last plenary session in this first term.

Hon House Chairperson, when we are doing something that is

right, equitable and just, you dare not hesitate because

hesitation perceived by the enemies of progress and inclusions

as an opportunity sow doubt and discall. That is what the FF

Plus, its alley white cousin the DA, their civil society such

as the Institute for Race Relations are trying to do. They are

trying to scare South Africans. They allege that the

Employment Equity Amendment Bill will damage our country’s

chances of attaining higher rates of growth and lowering the

rate of unemployment if implemented.

Hon members, we have to admit that the pace of transformation

in the labour market has been regrettably slow. Employers were

given powers and authorities to implement our employment

equity laws in their sectors but most of them have failed

dismally. We must commend the department for bringing the

Employment Equity Amendment Bill to Parliament over a year

ago.



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 142**

This Bill will have to fast-track the employment equity and

fair representation of our people in the work place. Those who

have not heard of our splendid work in our select committee

will wake up and only see dust.

South African government does not operate like the Afrikaner

broederbond which was a secret, exclusively white mil

organisation in South Africa which was dedicated to the

advancement of the Afrikaner interest when they were at the

summit of their powers, all the pausing government and some

private companies went to broedebond members, particularly

those with the ideological commitment to separatism.

The electoral system itself was manipulated to reduce the

impact of the immigrant English speakers. It is this legacy

that the Employment Equity Amendment Bill that is before this

House seeks to undo. It is also, the same legacy that the FF

Plus, DA and their fellow travellers are seeking to present.

The ANC government seeks to be transparent democratic

developmental state. Scholars describe the developmental state

as one that is more independent or autonomous, political power

as well as more control over the economy. A developmental

state is characterised by having strong state intervention as



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 143**

well as relatively exclusive and extensive regulation and

planning. The developmental state is the opposite of a

predatory or weak state.

By the way building a developmental state is the objective

that binds almost all the hon members of the political parties

represented in this House not only those of us who are from

the ANC.

Hon House Chair, I just want to indicate that in the fourth

term the DA in the NA supported the Employment Amendment Bill

of 2012. The DA member after the NA, MP Sej Motau after the NA

adopted the Bill he was then moved from that Employment Labour

Committee because they said as a DA spokesperson for labour

failed to properly execute his duties and his poor performance

led the party to wrongfully vote for the employment equity as

well as the BBBEE Bill and they are trying to arrest the

situation when the Bills went to the NCOP but they dismally

failed.

Currently in all committees when you talk about the BBBEE or

labour laws, you find that it could be coincidental that you

don’t see any blacks in those committees especially Africans.



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 144**

They made sure that since then those committees consist of

only whites. Whether you’re talking about Employment and

Labour Committee you find that their representatives are two

whites, you go to the trade and industry, you find that there

are two whites but they also made sure that there are no

blacks in the select committee because they say MP Sej Motau

disappointed them.

This is the reason why Lindiwe Mazibuko was taken out because

Madam Zille was very furious when the NA, DA Caucus supported

this Bill. Thank you very much.

The DEPUTY MINISTER OF EMPLOYMENT AND LABOUR: Thank you very

much, hon House Chairperson. Allow me, hon House Chair, to

acknowledge the presence of the Chairperson of the NCOP, hon

Masondo, allow me also to acknowledge the Chief Whip of the

Majority Party in the NCOP, hon Mohai, let me acknowledge all

my colleagues, Deputy Ministers who are here present on this

platform, all MECs from various provinces of our country, and

all the permanent delegates to the NCOP, hon members of the

NCOP ...

*IsiZulu:*

... sanibonani,



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 145**

*Setswana*:

... dumelang.

*English:*

Chairperson, let it be known that, when we pass pieces of

legislation, we are advancing our democracy, we are giving

content to freedom, the laws that we formulate and pass must

empower the less empowered, those who are less privileged,

those who are marginalised and people who are discriminated

against at workplaces, hon members. What freedom they talk

about when there are people in workplaces who despite their

qualifications, skills and experience got jumped by others in

terms of outward mobility at work, and that is done, most

often than not, only because of the colour of their skin.

There is no caring and compassionate government that can fold

its arms and watch, we’ve got to do something, something has

got to give, hon members. I must say that, the promulgation of

the Employment Equity Act intended to provide for employment

equity in the world of work, solely needed due to the lasting

effects of apartheid and other discriminatory laws and

practices in the employment and occupations within the labour

market.



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 146**

This was done in order to promote constitutional rights of

equality in the workplace and to strengthen the exercise of

true democracy, eliminate unfair discrimination in employment,

and to give effect to the constitutional principles which

underpins the founding of the democratic Republic of South

Africa. Now, ladies and gentlemen, hon members, our laws are

as a result of both our past experiences and our present

condition. The Employment Equity Act was formulated and

enacted in 1998 because our past experiences demanded so. We

are today amending this Act because present conditions of

circumstances are leading us exactly to do that.

*Setswana*:

Motlotlegi Modulasetilo, ka Setswana ra re, molelo o fisa

baori. Ke rata go e boeletsa, ka Setswana fa re bua ra re,

molelo o fisa baori ba ba tsaletsweng, ba golela, ba

tsofalela, ba be ba šwela mo khumanegong, ke bone b aba itsing

tshotlego. Rona, ga mmogo le baagi ka kakaretso, segolo bogolo

batho b aba ntsho, re tshwanetse go mekamekana le kgwetlho e

re e boning e ...

*English:*

... because for the past 24 years, after the promulgation of

the Employment Equity Act, the pace of transformation in the



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 147**

labour market has been frustratingly low, with some resistance

from other quarters, and you could hear for yourselves from

this debate today from those who are actually resisting this

change, and as with the Broad Based Black Economic Empowerment

formation, we have put in place processes and requirements to

monitor and evaluate the progress of employment equity in the

workplace.

Now, hon Baartman, I think that we must agree with hon

Nkondlo, who put it succinctly on our chat now that, we should

just go to the Western Cape to witness the levels of

inequality for more than 10 years of the DA rule, I think it

is reality that, the levels of inequality in terms of the

discrimination of the DA rule against black people in the

Western Cape, it’s appalling.

The latest employment equity statistics, hon members,

contained in the 21st Commission for Employment Equity Annual

report of 2020-21, indicates that we have not addressed past

imbalances to uplift the most vulnerable groups in our

economy, which are Africans, women and persons with

disabilities. Hon MEC Mvoko, from the Eastern Cape, already

alluded to some of the figures, and I must say that, it’s a

fact that, top and senior management level of Africans, only



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 148**

accounted to 15,8% and 24,7% of all positions respectively,

whereas whites occupied 54% and 52,5% of all positions at both

top and senior management level.

We are not being racists when we come up with these figures

because, figures don’t lie, hon Boshoff, when we highlight the

obvious. In relation to women representation, hon members,

they only accounted for 24,9% and 35,7% of all positions at

top and senior management level respectively. So, hon Boshoff,

this is reality, it’s not fabrication and it’s not fiction. Of

great concern is that, representation of persons with

disabilities remained around 1% of the total work force. So,

it is evident from the data that, self-regulation by employers

to achieve the objective of this Act, has simply not worked

before, hence the urgent need to review the legislation and

regulation.

As we are aware, hon House Chairperson and hon members, the

Employment Equity Amendment Bill is still waiting to be

passed, and we are hopeful that the amendment will help in

effecting the much needed transformation in the labour market

and society, which is still marked by historical legacy of

colonialism, apartheid and patriarchy. Hon Boshoff, this Bill

provides for powers of the Minister to set the target on the



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 149**

sectoral basics after full consultation with all stakeholders.

It also bursts noncompliant employers from doing business with

the state agencies, and I think that this one we have to

enforce at all costs.

At operational level, hon members, the department is ready to

implement this amendment upon approval by Parliament and

enactment by the state President. We are at an advance stage

in relation to sector stakeholder engagement for the setting

of sector specific employment equity target. The ITC

development processes also underway to enable the automation

of the issuing of employment equity compliance certificate for

the convenience of employers. The Employment Equity Act is

still relevant, hon members, and much needed, in order to

allow everyone fair and equitable double access, here we are

talking under normal circumstances, regardless of race, gender

or disability in the labour market.

We are saying this because, the situation is not normal,

therefore, we need to continue being biased towards those

historically disadvantaged and those historically marginalised

because all is not well, hon members. I must hasten to say,

hon De Bruyn, from FF Plus, it is the considered you, of the

Ruling Party, the ANC, black, green and gold, not yellow and



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 150**

gold or the colour that you have mentioned, black, green and

gold, that employment equity and Broad Based Black Economic

Empowerment legislation, regulation and codes of good practice

remain highly relevant in a society and economy.

This still bears the imprint of apartheid, discrimination and

colonial exploitation, and such measures, the data have shown,

if we have to go back to it that, we still need to open up the

economy and the workplaces, to provide fair and equal access

for all, and in the work of the Broad Based Black Economic

Empowerment, BBBE, Commission, to bring into being, “an

inclusive economy for all, together.” Our laws from

conceptualisation, end point of checks and balances.

Now many have said that, there are those who say that we are

giving the Minister, like hon Boshoff, who said that we are

giving the Minister uncharted powers, and there are also the

ones who say that this Minister would be irresponsible, he

will just go to a particular sector and indicate that the

target is this much, and off he goes, our Minister, shame ...

*Afrikaans:*

... soos ’n mal hasie ...



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 151**

*English:*

... and that sector will just have to comply, failing which

it will be punished, really, hon members? This is absurd, it

is just so bizarre, it is ridiculous, it is so embarrassing, I

can’t actually describe it. I wonder, when will the DA and the

FF Plus stop their exaggeration of facts and their

misinformation. Hon members, I must say that, both the DA and

the FF Plus are actually blowing everything out of proportion,

and all the time they do this, and I will not ask, how many

spare codes they have, because I think I have already figured

it out on my own.

Also, I must say that, both the DA and the FF Plus must

listen, hon members, and they have to listen carefully that we

develop laws for this country. We do that meticulously and we

do proper job, and the pieces of legislation that we craft are

for a just cause, they promote fairness. To hon Boshoff, this

is the fact I want to say to you, and that you need to know

that, employers have to steer their own employment equity

targets in their own employment equity plan, through

consultation with their employees and trade unions. So, it’s

not a story, it’s not like a fiction, Muvhango, they have to

consult their union.



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 152**

We are no longer going to turn a blind eye, we must say, to a

failure to perform this task. We are now going to watch this

process with an eagle’s eye. We shall be proactive, and I am

sure that the Minister will set sectoral targets and the

roleplayers in the sector shall be interacted with in this

process. We will be holding workshops sooner rather than

later, we will make it happen, hon members, and if it is not

happening, and if we are not satisfied, we will intervene.

We will start by making those justifiable reasons as to why

targets have not been set or met. ... [Interjections.] ...

Thank you so much. If justifiable reasons are not there, we

are going to still work together to ensure that targets are

set and they are met. If all fail, consequences will then have

to follow, and in this way, we will be doing justice to the

aspirations and the needs of all the South Africans.

So, the debate, hon Chair as I conclude, must change the

narrative to make these measures more effective, pretty and

contribute to growth by unleashing the potential of all the

people of our country, not just a selected privileged few,

based on their colour of their skin. I thank you, hon House

Chairperson and audience. Thank you.



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 153**

*Afrikaans:*

Mnr S F DU TOIT: Agb Voorsitter, Soos verwag het die ANC en sy

vennote op die appelkar van voorheen benadeelde persone,

ongeregtighede van die verlede, sogenaamde ontneemde

geleenthede ...

The HOUSE CHAIRPERSON OF THE NCOP (Mr A Nyambi): The next

speaker is hon Du Toit.

Mr S F DU TOIT: I have already started.

*Afrikaans*:

Agb Voorsitter, Soos verwag het die ANC en sy vennote op die

appelkar van voorheen benadeelde persone, ongeregtighede van

die verlede, sogenaamde ontneemde geleenthede en

verontskuldigende dog beskuldigende stellings geklim.

Hulle skuil agter hierdie beskuldingings van sogenaamde wit-

monopolie-kapitaal en selfregverdiging, om hul eie

tekortkominge weg te steek. Skynheilig!

Suid-Afrika se ekonomie is groot genoeg dat alle rassegroepe,

eerlik kan besigheid doen, in ’n ekonomiese omgewing wat nie

deur die staat beheer en beperk word nie, ’n omgewing waar



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 154**

daar nie uitsluiting op gronde van ras is nie en waar gesonde

besigheidsrpaktye geleenthede skep en innovasie prikkel.

*English*:

Hon Tau, hon Mmoiemang, hon Pillay, hon Rai, hon Maloyi, is

broad-based black economic empowerment and equity legislation

still relevant after almost three decades of ANC rule and did

it yield the results the ANC hoped it would? No. you confirmed

it with the figures that you presented today. Did affirmative

action provide ANY economic stability in the country? No. Did

South Africa as a whole, benefit from the race-based Job

reservation legislation? No. Who benefited from this

legislation? Only the politically connected elite benefitted!

Hon Rayi, you confirmed today that you as the ANC avenged

yourself through race-based legislation instead of acting in

the best interest of all South Africans. Hon Londt, you asked

if we, as the FF Plus, will support the DA’s proposed Bill,

just minutes after your colleague, hon Boshoff, said in no

uncertain terms that, and I quote: “The DA is committed to

real black economic empowerment.” This is after the DA

assisted the ANC to vote the current affirmative action and

BEE legislation into effect. The FF Plus is constant in our

approach.



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 155**

*Afrikaans*:

Ons draai nie ons seile na die wind nie; ons is beginselvas en

ons glo in gelyke geleenthede vir almal, nie net vir sommiges

nie.

*English*:

If there is one good thing that came from race-based

employment legislation, it is the fact that the currently

disadvantaged minority ...

*Afrikaans*:

... die huidige benadeelde geroepering –

*English*:

... individuals that don’t benefit from BBBEE and affirmative

action still survive and adapt.

*Afrikaans*:

As ons na jong Suid-Afrikaners kyk wat die toekoms van die

land is, huidige benadeelde persone, kan ons onnself die vraag

afvra: Watter toekoms is daar vir hulle? Watter voorbeeld word

vir hulle gestel? Watter leuns word aan hul vertel? Watter

hoop word gebied? Die antwoorde voorsitter is verblydend!



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 156**

Ons het die afgelope 28 jaar nie onder die juk van hierdie

rasbehepte regering geknak nie; ons oorleef steeds! Ons glo

nie die leuns wat oor ons en van ons vertel word nie; ons is

hier om te bou, te oorleef! Ons is die hoop!

Baie jongmense vra gereeld, met ’n mate van vrees, watter

toekoms daar vir hulle is, hoekom hul moet presteer, hoekom

hul die morele hoëgrond moet behou, hoekom hulle nie met die

massas, die retoriek en aanvaarbare leuns meegesleur mag word

nie? Die antwoorde voorsitter is voor die hand liggend.

Jy as jong man en vrou het reeds bewys dat swart ekonomiese

bemagtiging. Jy het daar bo uitgestyg. Hierdie wetgewing maak

dat jy net meer innoverend in jou denke en optrede is!

Jy is die verskil in jou gemeenskap, jy is die een wat jou

studierigting verander het, aangesien die regering jou nie jou

eerste keuse gegun het nie, jy het, ten spyte daarvan ’n

sukses van jou lewe gemaak.

Jy is die een wat as entrepreneur kos op die tafel sit, werk

skep en ekonomiese groei verseker, nie net vir sommiges nie,

maar vir almal. Iets waarin die ANC-regering klaaglik misluk

het!



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 24 MARCH 2022**

**Page: 157**

Jy is ’n baken van hoop, jy is die bewys dat persone, ’n

groepering, ja selfs ’n regering se haatlike afkeur, jou nie

onder kry nie, nie bepaal wie jy is nie, want jy ag sy opinie

nie as bepalend van jou lot nie.

Ek is trots om deel van die VF Plus en ’n groepering te wees,

wat uitgesproke teen die regering se uitsluitende en

diskriminerende wetgewing is! Ons sal ons nie laat onderkry

nie! Gelyke regte, gelyke geleenthede, onbeperkte sukses met

vertroue in God! Dankie.

The HOUSE CHAIRPERSON (Mr A J Nyambi): That conclude the

business of the day. Allow me to thank Deputy Ministers, MECs,

special delegates, Salga representatives, all of them for

availing themselves for this very important debate.

The Council adjourned at 17:57.

