**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 1**

**TUESDAY, 31 MAY 2022**

\_\_\_\_

***PROCEEDINGS OF THE NATIONAL ASSEMBLY***

\_\_\_\_

The House met at 14:02.

House Chairperson Mr M L D Ntombela took the Chair and

requested members to observe a moment of silence for prayer or

meditation.

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Hon members, in the

interest of safety for all present in the Chamber, please keep

your masks on and sit in your designated areas. Thank you.

**CRIMINAL LAW (FORENSIC PROCEDURES) AMENDMENT BILL**

(Consideration of Report of Portfolio Committee on Police)

There was no debate.

The DEPUTY CHIEF WHIP OF THE MAJORITY PARTY: Thank you, hon

House Chairperson. I move that the report be adopted.



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 2**

Motion agreed to.

Report accordingly adopted.

**CRIMINAL LAW (FORENSIC PROCEDURES) AMENDMENT BILL**

(Second Reading debate)

The DEPUTY MINISTER OF POLICE: Thank you, House Chair and good

afternoon, Members of Parliament. Internationally, the value

of the use of DNA sampling and a DNA database is recognised as

major tools available for investigators to solve serious

violent crimes, as well as sexual-related offences and

offences against women and children. The Criminal Law

Amendment Act of 2013 was adopted to provide a legal framework

for the taking, use and keeping of DNA samples.

The Act provides for the power to take DNA samples in respect

of any offence, as well as the obligatory taking of DNA

samples in respect of schedule 8 offences, which include

murder, rape, culpable homicide, sexual assault when a

dangerous wound is inflicted and sexual assault. The

provisions relating to this obligatory taking of DNA samples

was put into operation from 31 January 2022, which will boost



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 3**

the expansion of the DNA database. In his budget speech

recently delivered, the Minister referred to the budgetary

steps being taken in order to address backlogs in the

analysing of DNA samples.

One of the aspects that was kept in mind with the drafting of

the Act was the issue of reoffending and to include previous

offenders on the database. This is assisting in solving

previous crimes committed by the person in question, as well

as when he or she reoffends. A transitional provision was

provided for in the Act to ensure that buccal samples are

taken from any person serving a sentence of imprisonment in

respect of any offence listed in the said schedule 8 to the

Criminal Procedure Act of 1977, before the release of the

person, if the buccal sample had not already been taken upon

his or her arrest, or who is released before his or her

sentence is completed either on parole or under correctional

supervision by a court.

This transitional provision expired within two years from the

date upon which the Act was implemented, namely on

31 January 2017. From that date, the Police Service was no

longer empowered to continue with the taking of DNA samples

from convicted schedule 8 offenders. During the transitional



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 4**

period, the experience was that some convicted offenders

refused that buccal samples be taken from them and the Act did

not provide for such an eventuality.

The Criminal Law Amendment Bill of 2021 was introduced to

again provide for the taking of DNA buccal samples of

convicted schedule 8 offenders, without any transitional time

limit and to provide for instances where a convicted offender

refuses to submit himself or herself to a buccal sample being

taken.

Following publication of the Bill by the Portfolio Committee

on Police for public comments and public hearings in that

regard, it was clear that the Bill was in principle supported,

not only by civil organisations but also political parties,

with a few concerns being expressed on the contents of the

Bill.

A concern was that the Bill only provides for the taking of

DNA samples of convicted offenders in respect of schedule 8

offences. It should, however, be understood that section

36 (d)(2) of the Criminal Procedure Act of 1977 provides for

the taking of a DNA sample from an arrested person or a

suspect in respect of any offence. A concern was also raised



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 5**

about the provision following minimum force being used when a

buccal sample is taken by a person without his or her consent.

This power must be understood within the context that, where a

convicted offender does not consent to the taking of a buccal

sample, the National Commissioner of the SA Police Service,

SAPS, or his or her delegate, must apply ex parte to a judge

or a magistrate for a warrant authorising the taking of the

buccal sample. The application must be supported by

information supplied under oath or solemn declaration,

establishing the facts on which the application is based. A

buccal sample in this regard may then be taken from a

convicted offender on the basis of such warrant from a judge

or magistrate. The Bill then further provides that an

authorised person, assisted by correctional officials, may use

minimum force against a person who refuses to submit to the

taking of a buccal sample under authority of a warrant.

Furthermore, section 32(5) and (6) of the Correctional

Services Act of 1998 applies when such minimum force is being

used, namely that the inmate concerned must undergo an

immediate medical examination and receive the treatment

prescribed by the correctional medical practitioner, and all



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 6**

instances of use of force must immediately be reported to the

inspecting judge. [Time expired.]

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Thank you very

much. I think that ... [Inaudible.] ... needs to be checked.

It just went into ... [Inaudible.] ... while the Deputy

Minister was speaking. It needs to be checked. Thank you, hon

Deputy Minister. The hon T M Joemat-Pettersson is the next

speaker.

Ms T M JOEMAT-PETTERSSON: Hon House Chairperson and hon

members of the House, the Criminal Law (Forensic Procedures)

Amendment Act will in fact be one of the best Acts our country

has ever passed to assist rape victims. At the time that the

DNA Act was enacted, it was not expected that the police would

be unable to complete the DNA sampling process within the two-

year period and thus this Act did not make allowance for an

extension of the timeframe. The sampling process had already

convicted schedule 8 offenders and had to stop because it was

no longer provided for in law.

The Act had to be amended to allow the SAPS to proceed with

the sampling process. However, due to various reasons the

amendment was delayed, which resulted in a significant number



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 7**

of already convicted schedule 8 offenders being released from

prison without their DNA samples taken. Prisoners were

released on parole without their DNA samples taken and the

committee was really extremely concerned about this ... even

South Africans.

To date, more than a million buccal samples have been taken

from persons arrested and charged in respect of prioritised

schedule 8 offences. This was a major gap in the Act. We

needed to fix it and I want to thank the Portfolio Committee

on Police and all political parties that were unanimous in

their agreement of this amendment Bill in the portfolio

committee.

The adoption of this Criminal Law (Forensic Procedures)

Amendment Bill is a massive step forward in bringing justice

to victims of crime, and especially to victims of gender based

violence, GBV. The power of this amendment Bill is truly

immense, hon members, hon politicians and hon members of the

public.

As I mentioned, the amendment Bill is a crucial investigative

tool in the fight against crime and is indispensable in

bringing justice to the survivors and victims of GBV. In an



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 8**

effort to intensify the fight against GBV, the Police Service

has allocated approximately 1,3 billion on its baseline

activities related to the resourcing of GBV fighting and the

resourcing of family violence, child protection and sexual

offences units. The allocation, together with the

implementation of the National Strategic Plan on GBV and other

measures, will go a long way to address the scourge and our

fight against what the President had also related to as a

pandemic.

It is without doubt that the ANC is leading the fight against

GBV and this amendment Bill is the fourth piece of legislation

brought to Parliament by the ANC-led government in a very

short space of time.

Earlier this year in January 2022, President Ramaphosa signed

three Acts into law aimed at tighter legislative controls. The

President assented to the Criminal and Related Matters

Amendment Act, the Criminal Law (Sexual Offences and Related

Matters) Act ... the amendment Act of 2021 and the Domestic

Violence Act 14 of 2021. It is the first time in the history

of our country that a President, in his term of office, signs

four amendment Bills. This is his fourth amendment Bill in the



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 9**

fight against the scourge of GBV. I think our President really

deserves our respect and admiration for this.

The amendments brought by the Criminal and Related Matters

Amendment Act to further regulate the granting and

cancellation of bail is of critical importance. Too often we

read about convicted sex offenders released on bail, only to

reoffend and commit an even more heinous sexual offence ...

even committing murder.

In March 2022, a Cape Town rapist was sentenced to two life

terms of imprisonment for rape. The unfortunate part of this

victory of his imprisonment is that the perpetrator was out on

bail. Convicted of rape and sexual offences ... a reoffender

... a rape and trauma that one woman could have been spared if

he had just not gotten bail. The victim was failed by the

criminal justice system. We will work as a committee of

police, with the criminal justice crime prevention cluster, to

ensure that this does not happen.

The Police Service has identified 30 GBV hotspot police

stations countrywide. This was done in consultation with the

Department of Women, Youth and Persons with Disabilities and

is based on the consideration of a number of variables: the



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 10**

reported incidents of crimes against women, domestic violence,

and reported incidents of related cases reported to health

facilities. Cases received were from *Kgomotso*, *Khuseleka* and

*Thuthuzela* care centres. Unfortunately, the majority of these

stations are in Gauteng, followed by the Western Cape and

KwaZulu-Natal.

Considering the demographics of these stations ... an

additional dedicated overtime budget of R18 million was

allocated to the forensic science laboratories for the

prioritisation of processing the DNA backlog. Many specialist

positions were advertised and filled, but it is still not

enough and we are still not happy.

We wish to thank our Minister of Finance and again our hon

President for prioritising this aspect and for increasing our

budget. I wish to thank the committee members for being

vociferous in their fight to ensure that this budget was

increased. I would also like to thank the committee members

for assisting when it comes to attending to the backlog in DNA

samples.

At the start of our engagements as a committee, the backlog

stood at more than 200 000 cases, and at the end of March 2022



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 11**

the DNA backlog had been decreased very significantly and will

be addressed with the oversight of the committee. It has to be

addressed. The committee has no choice. Unfortunately, we have

been hit by our floods in KwaZulu-Natal, in the Eastern Cape

and the North West, and the DNA backlogs have now once more

increased because those who have perished in the floods need

their DNA samples taken. It takes too long for us to do this

DNA sampling, with the result that those victims of the floods

are going to be deprived of dignified burials. We would really

and sincerely like to apologise for that. We convey our

sympathies to the families of those victims who cannot be

buried because they are still waiting on DNA samples. The

estimated cost for the implementation of the Act is now

estimated at R78,5 million.

Hon Chairperson, hon members, hon Deputy Ministers and

Ministers, we do however have serious concerns about the

capacity to implement this Act. We will again monitor the

building and the ensuring of capacity in the SAPS so that we

have a turnaround strategy, that our division’s operational

budget is spent, that there are no rollovers and that the

supply of consumables of a forensic nature is there on time.

We have had incidences where consumables were not delivered on

time. Police stations were without rape kits. It is



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 12**

unacceptable! We are doing our work. We are monitoring this

and we are saying that all rape victims declare a state of

emergency. We should, if there are no rape kits at a police

station when a victim arrives there.

During public hearings, the committee was told of one extreme

case that illustrates the importance of a Bill. Please listen

closely to the crimes. A convicted offender was found ... of

... because of a DNA database. He was found guilty of

12 counts of robbery just because of DNA sampling, with

aggravated circumstances ... 12 counts of robbery. He was

found guilty of six counts of attempted robbery, three counts

of assault with intent to commit grievous bodily harm,

27 counts of kidnapping and, I’m sad to say, 30 counts of

rape. It is almost unprecedented that all political parties

unanimously supported an amendment, without making any

changes.

I wish to thank hon Whitfield for proposing the adoption of

the Bill in the committee and for really ensuring that we work

speedily on the Bill. Based on the facts that I have presented

today, politics was set aside, and once more I hope that when

we are in this House today we will set politics aside. Yes, we

do have weaknesses. We do have problems and it is our



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 13**

commitment, hon members and hon Deputy Minister, to work with

you, the Minister, the SAPS and the National Commissioner, to

solve this problem. The ANC supports the Bill. I thank you.

Mr A G WHITFIELD: Thank you, hon House Chairperson. When this

House drafts and ultimately passes a legislation, we must

consider how the words we put on piece of paper can change our

country for the better. What is the impact of these words on

the lives of ordinary South Africans? Do these words make them

safer, healthier or more prosperous? Do they assist in

creating an enabling environment for individual South Africans

to realise their full potential and to contribute to the

prosperity of our society?

Today this House considers the Criminal Law Forensic

Procedures Amendment Bill. A more technical, simple and

nonpartisan piece of legislation you will struggle to find,

yet this one-page Amendment Bill will have a profound and long

lasting impact on our criminal justice system. These 500 words

before the House today has been drafted to strengthen our

justice system in an effort to create a safer society for all

South Africans where violent criminals are left with nowhere

to hide. To illustrate just how powerful this Amendment Bill

is, I would like to repeat a story that I told this House



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 14**

during the debate of national importance last year. It is a

story which the chairperson of the committee has just given

some examples from.

It is a story of a violent and unrepented criminal by the name

of Sikhangele Mki, who was arrested for assault with intent to

do grievous bodily harm. His arrest and subsequent sentencing

in 2017, triggered a deoxyribonucleic acid, DNA, test in terms

of the Criminal Law Forensic Procedures Act, and his profile

as a convicted offender was loaded onto the National

deoxyribonucleic acid, DNA, database. The Act required that

the national commissioner of police together with the national

commissioner of Correctional Services must ensure that the

buccal sample is taken within two years of any person serving

a sentence of imprisonment for a Schedule 8 offence.

However, because of this simple provision in the Act,

Sikhangele Mki was linked to 30 counts of rape, 27 counts of

kidnapping and 12 counts of robbery with aggravating

circumstances. Mki, who was set to serve a five-year suspended

sentence for assault to do grievous bodily harm, GBH, was

ultimately sentenced to 15 life terms and an additional 120

years in prison because of the provision in the Act which made



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 15**

it compulsory for Schedule 8 offenders to submit their

deoxyribonucleic acid, DNA.

This provision in the Act which saw Mki and many others linked

to a litany of crimes and therefore jailed for many more years

than would have been the case without it expired in January

2017. It was written into the Act as a transitional provision

for a two-year period and when it expired a draft amendment

was immediately written. However, that draft sat in Cabinet

for five years. Five years later, the amendment is before this

House today and only because of relentless pressure by the

members of the Portfolio Committee on Police who first

challenged the Minister to bring it to Parliament in 2019.

Countless requests, parliamentary questions, statements,

motions, debates, since the election of this sixth Parliament,

three years ago, have brought us here today. Now, we must ask

ourselves as legislators, why? Why should it take this long

for a Minister to bring a simple uncontroversial piece of

legislation to Parliament? What are the consequences of such

an unacceptable delay? How many Sikhangele Mkis have slipped

through the net because this simple, yet extremely effective

amendment was left to gather dust in Cabinet?



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 16**

Well, I’ll tell you how many, 96 875. From 2017 until June

last year, 96 875 violent Schedule 8 offenders were released

on parole without their deoxyribonucleic acid, DNA, being

taken and recorded on the convicted offenders’ database, with

thousands more likely to have been released in the last year.

That is close to 100 000 violent criminals who are wandering

the streets of our country just like Mki did. The only

difference is that we have no DNA record to link these

criminals’ future crimes to their criminal past. So, why would

cabinet not prioritise such an obviously important piece of

legislation? What reason could they possibly have to delay

this consequential piece of legislation?

The reason provided by the Ministry for the past few years has

been that Cabinet was considering a national DNA population

database, which would require every single citizen to submit

their deoxyribonucleic acid, DNA, to the state. Now, aside

from being entirely unaffordable it would most certainly be

unconstitutional. Even if Cabinet wanted to explore this

dystopian surveillance project, this does not have to stop

them from bringing the original draft Bill to Parliament.

The passage of this Bill from its original drafting in 2017 to

date should give all of us pause for thought. Why are we as



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 17**

the legislative arm of government so dependent on the

executive to bring legislation to us? Why are we surrendering

our primary function to the executive thereby betraying our

voters and our constitutional commitment? The reason is

because the African National Congress with their majority in

Parliament bypasses the constitutional imperative of

Parliament to hold the executive to account by allowing the

executive to draft almost all of our legislation.

Over 80% of all legislation in the last ten years, was drafted

by the executive. It is high time that Parliament start to

take Private Members Bills and committee Bills much more

seriously and to start to exercise our legitimate authority

over the executive so that we can do justice to the millions

of South Africans who have entrusted us with this

responsibility. The fact that the Police Portfolio Committee

unanimously supported this Amendment Bill and we united from

day one on this critically important issue, proves that we

could have drafted a committee Bill in 2019 already and passed

it in this House before the end of 2020, if we had drafted a

committee Bill while the executive ... [Inaudible.] ... it

thereby potentially saving hundreds of lives and preventing

hundreds if not thousands of rapes.



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 18**

It is therefore, with no thanks to the executive that we are

here today for without the dogged persistence of the portfolio

committee this Bill would not be before us. I would therefore,

like to thank every member of the committee for their support

for this Bill and for their ongoing efforts to fight for a

reduction in the deoxyribonucleic acid, DNA, backlog which

will ultimately strengthen the intent of this Bill.

Lastly, I would like to say that as we head towards 2024,

Parliament must start to recognise the critically important

role it plays, it would have to play in a post-ANC future. We

must all start preparing for this inevitability by identifying

opportunities for members and committees to draft legislation

in order to strengthen and empower the parliamentary process,

which will soon be at the heart of South Africa’s national

realignment. The DA fully supports this Bill. I thank you.

Mr H A SHEMBENI: Thank you, Chairperson. Chairperson, the EFF

is in full support of the measures this Amendment Bill

introduces in order to streamline the fight against violent

crimes in the country. We support the obligation that the Bill

will give to the authorities to take the buccal sample from

offenders convicted of Schedule 8 offences. These offences



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 19**

include; the rape, murder, human trafficking, culpable

homicide and other serious offences.

The history of crime in this country is a replete with

examples of repeat offenders who commit to the same kind of

crime over and over again. We now know that it is more likely

that people who commit crimes such as rape and murder are

likely to do these crimes again if measures are not put in

place to ensure that these criminals are locked up for a very

long time. The deoxyribonucleic acid, DNA, has proven to be a

key that can be used to apprehend these criminals,

particularly criminals who kill and rape women. The taking of

buccal sample is not an intrusive measure.

We feel that the amendment of section 7 of the Act, to provide

for a court application to compel an offender to consent to

having a sample taken from them is too lenient towards

offender and will lead to incurring on unnecessary cost by the

SA Police Service and the Correctional Services. The taking of

these samples must be obligatory and no offender must refuse

to have these samples taken from them. We also support the

amendment of section 32 of the Act, to provide for the use of

minimum force, by the SA Police Service and Correctional



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 20**

Services officers to compel offenders who may refuse to have

these samples taken from them.

This Bill could however, have gone even further to link the

biometric identification system that Home Affairs uses to an

identification database as at SA Police Service which would

help identify offenders who have not yet been arrested or

convicted of any crimes. It is foolish that SA Police Service

are not allowed to use the huge database that Home Affairs has

in order to resolve many court cases and bring justice to the

victims of crime. While this Bill is progressive and may

enable easy identification and apprehension of criminals, its

usefulness will remain only theoretical if SA Police Service

does not take rapid steps to resolve the crisis accident at

their deoxyribonucleic acid, DNA, laboratories.

Thousands of cases involving rape and murder risk being thrown

out of court because the leadership of SA Police Service has

not been able to resolve the deoxyribonucleic acid, DNA,

backlog crisis that has been building up over the past couple

of years. Minister, this negligent is of treasonous

proportions. It allows criminals free range because they know

that SA Police Service is mismanaged and has no capacity to

trace them and link them to their crimes.



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 21**

It is the same mismanagement that has embroil the management

at the central firearms registry which has surrender to the

registration and licensing of firearms a very dangerous joke.

Despite the misgivings we might have about the capacity of the

SA Police Service and Correctional Services to do what the

legislation empowers them to, we are in support of legislation

measures that may help in our fight against criminality. We

are in full support of the Bill as the EFF. I thank you,

Chairperson.

Mr N SINGH: Hon Chair, colleagues, hon Majozi served on this

committee, but unfortunately, she is on sick leave, so, I will

contribute on behalf of the IFP. During the period of October

to December 2021, the official SAPS crime statistics stated

the 11 315 rapes were recorded. The same report indicates that

6 859 murders were committed.

If we step away from the statistics for a moment and count the

human cost, we are left with thousands of families mourning a

loved one and thousands of lives destroyed by a violent

aggressive act.

As the IFP, making communities safer is one of our top

priorities where we govern. Our Women’s Brigade is visible and



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 22**

vocal when it comes to providing support and advocating for

harsh sentences and no parole for perpetrators of gender-based

violence.

For these reasons, we welcome and are in full support of the

portfolio committee’s report, as well as the adoption of this

Bill. The adoption of this Bill will, amongst others, provide

for the taking of buccal samples from any person serving a

sentence of imprisonment in respect of any offence listed in

schedule 8 of the Criminal Procedure Act 51 of 1977. This is

before the release of the person, if the buccal sample had not

already been taken upon his or her arrest, and also, I quote:”

before the release of a person, either on parole or under

correctional supervision by a court”.

Importantly, the Bill also provides for measures to be

followed in the event that a convicted offender refuses

consent for a buccal sample to be taken. These measures are

intended to ensure that all persons convicted for schedule 8

offenses, which include rape, murder, human trafficking,

robbery and culpable homicide will have a DNA sample included

on the convicted offender’s database. This is a welcomed move.



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 23**

According to NGO, Action Society, and I quote: “Almost 100 000

violent criminals have been released since 2016, without

submitting a DNA sample.” In part, this is due to the delay

with passing this legislation. DNA samples have become

essential evidence for building cases and convicting

perpetrators. Therefore, it is equally essential that DNA

samples of all those with schedule 8 convictions are available

on the database. This will not only assist when building a

case, but hopefully also act as a deterrent for repeat

offenders.

The next essential step would be to clear the SAPS DNA

analysis backlog, to ensure swift justice for the victims of

GBV and other schedule 8 offenses.

I agree with the hon chairperson of the committee who said in

the beginning that this is probably one of the best Acts that

have been passed and I see the others have supported it, but

the question will always revolve around the issue of

implementation. If implementation can be effected timeously

and effectively, then I think people of South Africa who have

been victims of crime can sleep more peacefully, knowing that

the perpetrators will get the day in court and will be put

behind bars, if they are found guilty.



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 24**

We also need to look at parole regulations, because too many

people are released on parole and become repeat offenders. So,

all in all, the IFP also takes pleasure in supporting this

piece of legislation. Thank you.

*Afrikaans*:

Dr P J GROENEWALD: Agb Voorsitter, ...

*English*:

... to understand this Bill and to see it in its correct

perspective, we must go back to see where it actually

originated from. This Bill originated in 2009, but in the

wisdom of the majority party, the ANC in the portfolio

committee, it was decided in 2009 that the forensics part must

be separated from the fingerprint section. And only in 2013,

we got the Criminal Law Forensic Procedures Act. Then it took

another two years for the Minister to put regulations in place

to give effect to this Bill.

Yes, only two years remain in terms of that Bill to get the

samples from the criminals. Then in 2017, the hands were

chopped off. Now, we are in 2022. We must ask ourselves, why

it took the governing party 13 years to be here today with the

Amendment Bill on the Criminal Law Forensic Procedures.



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 25**

I want to say, for 13 years, the ANC government failed,

specifically the victims, women and children, when it comes to

sexual offenses and the criminals. The question is: How long

is it going to take now to ensure that there is real effect to

this Bill? We have already heard that about 100 000 criminals

are running loose on the streets because of this lack of

urgency from the governing party.

The DNA backlog is more than 200 00 cases. Now, it is no use

we come here and tell the people of South Africa that we have

this fantastic Bill and that they are going to be protected,

but in reality, we are failing the people in South Africa.

*Afrikaans*:

Daarom wil ek vir u sê dat ons goeie wetgewing het, maar goeie

wetgewing beteken niks as jy dit nie in die praktyk kan toepas

nie. Hierdie Wysigingswetsontwerp is ’n perfekte voorbeeld van

’n goeie Wysigingswetsontwerp, ’n Wetsontwerp wat wel daarop

gerig is om juis veral vroue en kinders te beskerm, maar, ons

moet in die media lees van slagoffers van seksuele geweld,

waar die beskuldigde vir meer as twee jaar nog buite in die

straat rondloop.



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 26**

Meisies van 13 en 14 jaar oud wat verkrag is, is te bang om

uit hulle huise te kom, want die stelsel laat hulle in die

steek.

*English*:

Like they say, the proof of this Bill lies in the eating of

the pudding.

*Afrikaans*:

Dit help nie ons staan hier en probeer arrogant wees en vir

die mense sê dat ons hulle gaan beskerm nie, maar ons laat

hulle in die steek, want die adminstrasie is nie net ’n

frustrasie nie, maar die adminstrasie is besig om in duie te

stort.

Kry die adminstrasie reg, en dit is die taak van die regering

van die dag. Ek dank u.

Rev K R J MESHOE: Chairperson, the purpose of the Criminal Law

Forensic Procedures Act is to make provision for the full

implementation of certain transitional arrangements contained

in the Criminal Law Act of 2013, to provide for the

enforcement of the obligation, to submit to the taking of a

buccal sample, and to provide for matters connected therewith.



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 27**

Clearly, this Bill will add more pressure on SAPS and the

forensic science laboratories, and on their budget, in

particular. It is crucial that sufficient resources be

allocated for the Bill that has been costed at an estimated

R78,5 million.

We were all shocked last year when the DNA backlog reached a

staggering 240 000 cases, largely due to underresourced

forensic labs. This resulted in unacceptable delays in

finalising criminal cases, with victims of horrendous rape and

murder cases not seeing justice. This cannot be allowed to

happen again. The ACDP would like to commend those staff at

the forensic labs who have since then worked double shifts to

reduce the backlog and are aiming to eradicate it totally.

The ACDP particularly welcomes clause 2(a) that removes the

time limitation on the taking of buccal samples from already

convicted and imprisoned persons on schedule 8 offences, thus

making it possible to ensure that those persons who were

previously convicted without any DNA or buccal samples taken

from them can now have additional charges added to their

sentences if buccal samples connect them to other crimes.



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 28**

Clause 2(b) focuses on convicted schedule 8 offenders who

refuse consent to have buccal samples taken from them.

Subsection (7)(b) allows for an authorised person – a police

officer in this case - assisted by correctional officials, to

use minimum force against a person who refuses to submit to

the taking of a buccal sample under authority of a warrant.

The ACDP believes that the adoption of the Criminal Law

Forensic Procedures Amendment Bill without any amendments is

proof that the Portfolio Committee on Police is convinced that

the taking of buccal samples for all schedule 8 offences is

going to drastically increase the number of convictions of all

offenders accused and convicted of such crimes within a much

shorter time frame. The ACDP will support the Bill. Thank you.

Mr N L S KWANKWA: House Chair, the UDM supports the Criminal

Law Forensic Procedures Amendment Bill. South Africans we have

a crisis on our hands, and it is important that we have a

response that is commensurate to the challenges that we face

as a country. One example is that SA Police Service, SAPS

quarterly crime statistics released in February showed that,

11 315 people were raped between October and December 2021. It

also shows that over 120 women were raped each day in South

Africa. This is in addition to other violent crimes that we



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 29**

experience on a daily basis as a country that require a

response from us as a leadership.

The taking of the DNA tests is one of the most effective tools

in the fight against crime. Therefore, having a mandatory

taking of DNA tests, especially for those who are already

convicted, or imprisoned is very vital in terms of trying to

identify repeat offenders, assist in successful prosecution of

murderers, rapists and to ensure that unresolved crimes are

indeed resolved. It is important that as we make this

legislative amendments, that SAPS stations must be adequately

equipped with the needed consumables to take the DNA samples.

We do not expect a situation where prisoners whose DNA samples

are not taken due to shortages of resources.

We understand as we make this point that budgetary allocations

have been made in order to ensure that they do not have

resource constraints. However, they might need to be reviewed

as and when the need arises to ensure that we don’t experience

the backlogs that we experienced in the past.

*IsiXhosa*:

Maqabane lo mba unzulu. Bendikwenye yezitishi zikanomathotholo

eMpuma Koloni emva kokuba kubulewe uNamhla Mtwa.



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 30**

*English*:

This is one of the questions that our people asked ...

*IsiXhosa*:

... ukuba lo mthetho siqinisekisa nini na ukuba uyalungiswa,

ukuze abantu abaninzi ababaleka ezitratweni, bephuma besihla

besenyuka bebulele abantu, bebadlwengule kungakhange kuthathwe

isampulu bakwazi ukuba babambeke ukuze bakwazi ukudontsa

izigwebo ezibafaneleyo entolongweni. Nale ye ...

*English*:

... minimum force ...

I*siXhosa*:

... siyayixhasa, kodwa kufuneka siyiqwalasele kwimeko enjalo

kuxhomekeka ekubeni lo ungafuniyo ebesenza ntoni na yena.

*English*:

It means once we have evidence, empirical evidence of whether

it's working we need to be able to say, what parameters can be

developed in the future informed by challenges that we see on

the ground.

*IsiXhos*a:



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 31**

Siyabulela

*English*:

Thank you very much.

Mr A M SHAIK EMAM: Chairperson, one of those rare occasions

when all political parties in this beautiful Portfolio

Committee on Police, came together and put their differences

and supported this particular amendment to this Bill, in the

best interest of our country, and particularly our women and

children that are raped and murdered. Indeed, I don’t want to

concentrate on what we should have done and when we ought to

have done it, but I think the positive thing is that we have

managed to do it. And yes, indeed, it is going to take us

forward, no doubt about that.

Yes, we I want to emphasize the fact that this Bill only if it

is implemented effectively, will we reap the benefits of

which. We know that the SA Police Service does have capacity

constraints, financial resource constraints, and I think it is

up to this portfolio committee to once again come together to

ensure that we support the department, particularly so that

they have the necessary skills and resources to be able to

deal with this. Previously remember at one stage you were able



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 32**

to take samples until, of course the process expired. And

particularly, I think, with the amendment that we have

currently is not going to be restricted to schedule 8

offences, but any criminal.

Chairperson, if you look at the statistics that we have of the

number of women who have been raped or whose rights were

violated and children, and where cases were withdrawn as a

result of not getting DNA samples, I think this Bill is going

to go a long way to prevent that situation. I think

particularly the victims in this country must now feel more

comfortable and have more confidence that it is going to

protect them, it is going to provide DNA samples timeously, so

that even the courts, the justice system will not withdraw or

summarily withdraw many of these cases because of the absence

of the DNA samples being provided.

So yes indeed, the NFP wants to thank all members of the

committee, the chairperson, the department, and all role-

players in bringing this together. And indeed, we ...

[Inaudible] ... wholeheartedly. Thank you very much

Mr S M JAFTA: Chairperson, we welcome this amendment to the

Criminal Law Amendment Act as the AIC. It is common cause that



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 33**

violent crimes such as rape, murder, and grievous bodily harm

can only be fought through the application of forensic DNA

analysis. The Bill inserts section 36(d)(1) of the Criminal

Procedure Act 51 of 1977. This section deals with the powers

in respect of crime scene samples and bodily samples, amongst

others. The creation of a national forensic DNA database must

ease the current DNA backlog in the SA Police Service.

The spirit of the Bill in allowing forensic DNA profiles to be

used in crime investigation and court proceedings, will

certainly aid the work of the police, the National Prosecuting

Authority, NPA and the judicial system. Hon Chair, we are

pleased that, this amendment also introduces certain

amendments to the current Firearms Control Act of 2000 and

Explosives Act of 1956 respectively.

At the rate at which firearms offenses are being committed,

scaling up forensic DNA in this regard is commendable. We

equally support the amendment for providing protection of the

rights of women and children in the taking of DNA samples. We

know that there may be concerns about the applicability of the

Popi Act of 2021 apps to this amendment. However, we wish to

assure members that the Popi Act of 2021 doesn’t apply in



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 34**

cases where the processing or personnel information is in the

public interest.

However, we wish to remind members that this Bill is not a

license to violate anyone’s personal information in terms of

section 99 of the Popi Act of 2021, anyone whose information

has been breached without justification, may institute a civil

action for damages. We will support this Bill hon Chair. I

thank you.

Mr M G E HENDRICKS: Hon House Chair. Al Jama- ah looks forward

to President Ramaphosa signing the amendments as soon as

possible, hot on the heels of the other three acts that he has

already signed to deal with gender-based violence. We have

seen a perfect example of what President Ramaphosa calls a

social compact, where different political parties in the

portfolio committee came together and did what was best for

the country.

We now have to take the social compact further. Many

government departments, nearly 40 of them and the Ministers

and Deputy Ministers have money available in their budgets to

combat gender-based violence. They should allocate some of

that money to fund a DNA test and we know that there is a



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 35**

tremendous backlog. We need to get funding for at least

1 million DNA tests going forward. So talking about the social

compact, it is also important that the corporate world come to

the party and also fund DNA tests and fund more laboratories.

I don’t want to say that every police station must have its

own mini laboratory, but that is what we should be striving

for, so that we can deal with especially gender-based

violence. Al Jama- ah therefore, supports a very short

amendment that will have a very big impact hon House Chair.

Thank you very much.

Ms N P PEACOCK: Hon House Chair, before I get into what’s

important I would like to state that whenever we are busy

doing something correct for the South Africans, we should

avoid coming here at the podium to grandstand. What we are

doing today is for the betterment of the South Africans that

voted us to be here, and not to come and ask why ...

*Afrikaans*:

... waarom en hoekom, soos die ander members [lede] hier kom

praat het en gevra het ...

*English*:



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 36**

... because the best thing that we did was to make sure that

this is tabled here today. So, before I could get into this we

need to be very focussed on what we are here for, and not to

derail from what we are expected to do.

Hon Chairperson, in recent years we have witnessed the rise of

gender-based violence globally. The lock down in different

countries was one event that demonstrated the increase as

reported by the United Nations. This is to prove that

challenges that are faced by South Africa are not immune to

other countries.

The Criminal Law (Forensic Procedures) Amendment Bill is one

of those incidents that prove the commitment of the ANC to

create safer communities. I believe the hon member Groenewald

is listening. This further proves that we are resolute and

unshaken in the fight against gender-based violence.

The recent alleged killing of Namhla Mtwa by her boyfriend is

one of many incidents that occur in our society. Our women and

children continue to live in fear. However, the legislative

amendment creates fertile space for the strengthening of the

fight against gender-based violence. The Criminal Law

(Forensic Procedures) Amendment Bill will be instrumental in



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 37**

resolving many unresolved criminal cases, in particular the

schedule 8 cases which include murder and sexual offences

cases.

There has been DNA backlogs over the years and this was a

serious challenge. It was a serious setback in the fight

against gender-based violence. However, there is a lot of

progress made in this regard. The commitment of the SA Police

Service continues to yield positive results as we have

witnessed the DNA backlogs reduced by 38% which is a

significant drop.

The Criminal Law (Forensic Procedures) Amendment Bill will

enhance this meaningful progress and with no doubt. The

results will improve.

The provisions in the amendment Bill, in particular, section

7, empowers the police to take the saliva of the people or the

person convicted of schedule 8 crime for DNA testing to check

whether they have not been involved in other serious crimes

that have not been resolved. This will be of great help in

ensuring that the backlog continues to be reduced and those

responsible should be prosecuted and sentenced.



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 38**

In the recent Budget Vote delivered by the Minister of Police

an amount of R50 million has been set aside for the buccal

samples and the collection of kits. This is done to ensure

that the DNA backlog continue to be reduced and those guilty

of these crimes are taken to task. We are sending a strong

message to the perpetrators of gender-based violence that

their days are numbered. We are committed and prepared to do

all in our power to create safe communities for our people.

We have witnessed something different about this amendment

Bill. The different political parties were able to take aside

their political differences aside hence I am so shocked today

with what they have said now. They have said in the portfolio

committee that they agree with us. They set their political

and ideological differences aside, but the gender-based

violence became a common enemy. All the members of the Police

portfolio committee unanimously supported the amendment Bill.

This is one of the many efforts that are in place to fight

gender-based violence.

However, it is the root cause of gender-based violence that

must be taken out. The fight against gender-based violence can

only be won when, like in this Bill, all political parties

work together, civil societies come on board, the private



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 39**

sector play its role, faith-based organisations and the

society at large must work together. Women should never fight

gender-based violence alone however men should be able to be

the centre of the struggle. The amendment Bill will bring

everyone together and join hands in the fight against gender-

based violence.

The amendment Bill seeks to provide a new provision to enable

section 7 of the Act which provides for taking of the person’s

saliva in person’s mouth in this regard to any person

convicted of crime listed in schedule 8, which is murder,

rape, sexual assault and sexual offences commuted on children

and mentally disable people as well. This, according to the

Act, should however be done within two years from the date of

commencement of the Act. However, there was no possibility to

extend this period in terms of the Act. In the process the SA

Police Service was not able to process the taking of the

buccal samples from the convicted offenders within a specified

timeframe, which was two years. This failure results in

several convicted and sentenced people serving their sentence

and later being released without having the DNA samples

extracted from them.



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 40**

The amendment Bill further enhances the SA Police Service by

granting them the authority of getting the DNA samples from

the convicted people in the process where offenders refuse.

The Bill will provide an opportunity for the SA Police Service

to be able to conclude even other cases these offenders might

have been involved in but were not convicted for serious cases

like murder.

The specified timeframe for the taking of the buccal sample on

the convicted offender and refusal by the convicted offender

to taken the DNA samples created difficulties to conclude

forensic investigations. This lacuna necessitated the

amendment. This legislation seeks to regulate the procedural

process. In a nutshell the embedment Bill seeks to make a new

provision for the full implementation of the transitional

arrangements it contained. The Act further provide room for

the enforcement and obligations to submit to the taking of the

DNA sample.

In conclusion, the amendment Bill has come a long way since

its introduction. The amendment Bill is progressive as it

seeks to ensure that there is justice in the part of the

amendment Bill of the criminal justice system in ensuring that

the fight against crime and gender-based violence is



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 41**

strengthened. The amendment Bill enhances the forensic

investigation process to move more effectively and

efficiently. The amendment Bill provides measures to collect

DNA buccal samples outside within the year of two years and

provide power to authorise officials to use minimum force in

the event of some offenders refusing their samples to be

taken.

The National Development Plan in Chapter 12, titled Building

Safer Communities, affirms that the South African national

government must ensures that South African people live in safe

communities. The National Development Plan provides the vision

2030 of the government and this vision says, I quote:

In 2030, people living in South Africa feel safe and have

no fear of crime. They are safe at home, at school, at

work and they enjoy an active community life free of

fear. Walking in the streets and children playing

outside.

This is the kind of South Africa the South African government

is striving towards. This amendment Bill is walking towards

ensuring that this vision becomes a reality. I thank you. The

ANC supports it.



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 42**

The DEPUTY MINISTER OF POLICE: Chairperson, afternoon to all

members of the House again. We want to thank members of the

committee, in particular the chair and all political parties,

for having supported the Bill. Chair, we also want to commit

to the House that once the Bill is assented to, as the SA

Police Service we are ready to implement this legislation.

It is also important that we should dispel the matter that

says the leadership of the SA Police Service is not committed

to deal with the challenges that we found within the

department. We are committed led by the Minister together with

the National Commissioner to deal with the challenges that are

there in the SA National Police. We will never claim that

everything is 100% perfect. There are challenges, we are aware

of that and we will deal with them accordingly.

It is also incorrect to create an impression that the

Constitution of the Republic of South Africa preclude other

members from passing legislation unless if it is the executive

– it is very much incorrect. I want to say that it is the same

executive that made sure that this piece of legislation serves

before the committee and today as the House we are processing

it.



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 43**

It is true that at the same time we did have discussions led

by the Department of Home Affairs to ensure that we expand

this tool to include other areas that we work with as

government. But it is the same executive that took a decision

that we should proceed and not wait for that process to unfold

because we thought it is an important piece of legislation to

pass.

Once more we want to thank all political parties for the

support. Chairperson, thanks for the opportunity.

Debate concluded.

Bill read the second time.

Ms N T MKHATSHWA: Hon House Chairperson, hon members, citizens

of South Africa ...

*Afrikaans*:

... goeie dag. Weet julle wat? Ek moet dit nou sê dat hierdie

vyf minute nie vir my genoeg is om vir julle te vertel wat ons

alles in die Noord-Kaap gesien het nie. Ons het vir vyf dae

vroeg opgestaan en laat gaan slaap, om al hierdie plekke te

sien.



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 44**

*English*:

So, what I would like to suggest from the onset, is that let

us take time to read this report in our spare time. I would

like to believe that many at times in the line of duty that we

are in the African proverb which says “Seeing is different to

being told.” is often very true. Thus we often say ...

*IsiZulu*:

... sikholwa ngokubona.

*English*:

Therefore, physical oversight becomes very important.

Today, hon members, I want to believe that we as the Portfolio

Committee on Higher Education, Science and Innovation, across

political lines, have a very good story to tell.

At the beginning of the year, the committee set itself on a

five-day trip from the very top of Northern Cape moving down

towards the Western Cape.

On day one we started in Kimberly at Sol Plaatje University

touching down in De Aar, then we visited the Northern Cape

Technical and Vocational Education and Training, TVET College



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 45**

and the Northern Cape Central University of Technology, CUT,

College. On day three we moved towards the Square Kilometre

Array, SKA, in Carnarvon then landing in Sutherland on day

four and five where the South African largest telescope is

hosted.

Out trip ended in the Western Cape where hon members of course

retired to their villages. All in all, over five days’ hon

members covered approximately 1 200 kilometres of oversight,

visiting over 10 locations.

As we moved from one side to the other, one could only wish

that all members of this august House were part of that

oversight. It is really unfortunate that some members of the

committee in particular of the opposition were not be able to

be part of this oversight.

Sol Plaatje University for us remains a great story to tell

particularly in relation to infrastructure development. Often

at times we see that infrastructure is delayed. There is

horrible workmanship. However, in the case of Sol Plaatje

University, hon members we saw a solid world prize winning

building or buildings that are named after characters of the

writings of Sol Plaatje.



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 46**

In the words of President Mbeki, it seems as though we as

South Africans in this particular case, lived up to the need

for us to respond to the call to create for ourselves a

glorious future.

I say a glorious future because, if we say infrastructure is

essential in creating a conducive environment for teaching and

learning to harness skills and knowledge for citizens to build

themselves a better future then we must make sure we build

more institutions of higher learning like we are doing in

Ekuruleni and sustainable institutions like in the case of Sol

Plaatje University because Sol Plaatje University is just

that.

Equal effort must of course be put into TVET and CUT colleges.

Hon members we were often told by the Director-General, DG,

Mjwarha that there was this amazing project called the SKA and

the *Meerkat* and we often wondered why so much funding was

allocated towards these particular projects?

Hon members, we saw it. It was remarkable to see the type of

project that can be done by us as South Africans and by us as

Africans. When we see these telescopes that detect sound and

we see these telescopes that they call optical telescopes, we



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 47**

are assured of the fact that in fact in South Africa, there is

a good story to tell.

What is even more important is: I knew that I was not going to

be able to take you through these five visits in the five

minutes that I have.

However, what becomes important is that these optical

telescopes that are being worked on, we need South African

young people to have access to higher education and

engineering and astronomy studies which must be offered at Sol

Plaatje University, that must be coupled by TVET students who

must be trained to be able to build these massive telescopes.

However, these young people must come from Carnarvon,

Sutherland, because there is no need hon Letsie for us to

bring in skills from outside when we are able to harness our

own capacities locally.

We must be able to tell a good story that these world-renowned

telescopes, where other countries are coming to host their

telescopes in our country because our African skies have a

geographic advantage like no other in the rest of the world.



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 48**

It is South African researchers and astronomers that are

leading in this sector and it must be the young girl and boy

from a small town of Sutherland. A young girl and boy from a

small town of Carnarvon, a small *dorpie* in the Northern Cape

that must be able to spearhead these projects. We do not need

internationals to come and lead such amazing projects in our

country.

Hon members, I really do not know even rehabilitation – when

we were there – I hardly needed a speech. Our colleagues from

the National Research Foundation, NRF, said to us you must

invite hon members to come and see what we are doing here

because of the tranquillity because you cannot have any noise

collusion or any sound collusion, otherwise it will distort

the observations taking place there. The tranquillity there

can assist us in rehabilitating young people whose souls have

been traumatised by the social collusions that they are

experiencing in our country.

Even community health care and the work that is done by our

scientists in our country can assist us.

Hon members, please go and read the report. I will not be able

to do justice to this report, but indeed in South Africa led



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 49**

by this democratic government, we have a good story to tell.

Thank you so much. [Applause.]

*Declarations of vote*:

Ms N I TARABELLA-MARCHESI: Hon House Chairperson, the

oversight commenced at the Sol Plaatje University. A state-of-

the-art institution which is a true beacon of the people of

the Northern Cape. Being a new institution, we quickly learned

of the low intake of students, due to inadequate courses and

in fact they have a very limited number of courses offered in

the institution.

It was then proposed that the staff component be increased in

line with growth trajectory of student intake and even venture

into health sciences that could solve the intake challenges.

What was also concerning was of the national application for

National Student Financial Aid Scheme, NSFAS. Only 1% of NSFAS

applicants were from Northern Cape. We therefore urge NSFAS to

embark on advocacy and out ridge programme around the Northern

Cape to educate learners, members of the public as well as

troubleshoot challenges faced by NSFAS applicants.



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 50**

We were also concerned about the mandatory vaccination that

the institution was going to impose to all students at the

beginning of this year. We advised the university to take a

consensus with students where necessary in order for them to

continue with either hybrid and blended learning were

possible.

Hon House Chairperson, as we all know the financial exclusion

of the missing middle issue is span throughout of our

universities. This institution is not immune to financial

exclusion for registration of returning students. As the DA we

believe that there is a need for a revised policy that is

inclusive to address missing middle crisis.

Hon members, we also proceeded to visit the Northern Cape

Rural, Technical Vocational Education and Training, NCR, TVET,

College. At that TVET we were informed about the late payments

NSFAS funding and allowances and how that contributes to

dropouts at the college. This is of grave concern as it

impacts on the development of the community and it perpetuates

poverty and unemployment in the province.

In addition, NSFAS funding guidelines for transport does not

take into consideration the vastness in the province and



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 51**

therefore makes no provision for travelling beyond 40

kilometres. The geographical span of communities away from the

college is on average between 60 to 70 kilometres. This

highlight the accommodation needs for these students.

We also visited the Northern Cape Community Education and

Training College. We were extremely disturbed by the lack of

physical infrastructure and lack of unqualified teachers, and

how the budget allocation did not accommodate the uptake of

the buildings.

Furthermore, we moved on to the SA Astronomy Observatory which

is the Square Kilometre Array, SKA, MeerKAT side in Carnarvon

and also at the facility of the SA Astronomical Observatory in

Sutherland.

As the committee we applauded the work that is done at these

sides and especially their socioeconomic impact was for me the

most outstanding. For instance, at the Clairefonteine support

base from which the engineering activities and operation of SA

Radio Astronomy Observatory, Sarao, are managed. The Sarao

facilitates and develop skills across various disciplines

including the Carnarvon Primary School where they provide

bursaries for leaners that have shown an aptitude of



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 52**

mathematics and science and also introduced coding and

robotics.

It was also encouraging to see how children with foetal

alcohol syndrome are included and participating in this

programme. Hon House Chairperson, I do not think there is

enough focus around foetal alcohol syndrome. South Africa has

the highest prevalence rate in the world. To see programmes

like that being inclusive of the children who are in numbers

in that area was encouraging, but more needs to be done by

this government to cab this preventable condition.

We also learn of the team of SA Astronomical Observatory,

Saao, who run the large telescope who are the most effective

in the world both in terms of construction and operation

costs. What we also learnt is that Saao managed to hire a

maths teacher for a primary school with their limited budget

and provide a licence laboratory at the same school and a

community centre in town.

What we also learnt was a lack of social workers, a nurse at a

local clinic, a doctor and also at the closest hospital which

is in Sutherland that is where our final oversight was. We

discovered that there is no social worker, nurse and no doctor



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 53**

and also the closest hospital is miles away. Patients have to

travel on gravel road that can take them long to get to the

hospital.

We would like to urge the Minister to collaborate with his

colleagues to address the inefficiencies in the delivering of

these services.

It was indeed an eye opening and I have to agree that a lot

had to be learnt about the Northern Cape. It was truly an eye

opening for all of us. I thank you, House Chairperson.

Ms N N CHIRWA: Hon House Chairperson, the EFF has noted the

report on the oversight visit to the Northern Cape, as a

province that once stood as a beacon of mineral wealth

extraction which was stolen by those who continue to oppress

us. The Northern Cape presents a useful opportunity to

leverage local community development and agriculture.

The work that has been done in Sol Plaatje University where we

see a concerted effort to integrate the institution into the

agricultural and a revival of the once growing diamond is

actually commendable. There must be a deliberate effort to

explore any remaining possibilities of access to minerals in



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 54**

the province and the university must therefore create

programmes related to mining and engineering.

The university’s building of a sports field with synthetic

grass, the teaching and learning facilities and the state of

its residences is reflective of an institution that is

fighting to be on par with the rest of the universities in the

country.

True to form however, there will always be a dark lining in

this sector and that is the result of the neglect in the

Technical and Vocational Education and Training, TVET, sector.

The teaching and learning environment leaves much to be

desired. At places such as the Northern Cape Rural, TVET and

Central University of Technology, CUT, colleges, the poor

administration and financial management and TVET colleges is

as endemic in that college. The college 120% of its budget for

2020 however it achieved only 30% of its targets. The question

then becomes: What was then that significant amount of money

and of the budget spend on?

The college’s dropout rate stood at 56% for the National

Certificate Vocational, NCV, and 41% for enacted business



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 55**

studies respectably. This is because there is simply no

conducive environment for academic success.

It is on this basis that we say we cannot endorse this report

because that would perpetuate an endorsement of the separate

development between TVET colleges and universities. That will

undermine any agenda towards industrialisation and skills

development. Thank you very much, hon House Chairperson.

Mr S S ZONDO: Hon Chairperson, the oversight visit to Northern

Cape has shown us that there are cross cutting ...

[Inaudible.] ...

The HOUSE CHAIRPERSON (Mr C T Frolick) Hon member? Hon member?

Mr S S ZONDO: Yes.

The HOUSE CHAIRPERSON (Mr C T Frolick) You cannot display your

party colours in the background with the faces of your

leaders. If you cannot switch it off or remove it then I

suggest you simply turn off your screen. Thank you.

Mr S S ZONDO: Hon Chairperson, the oversight visit to the

Northern Cape has shown us that there are cross cutting and



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 56**

common problems with the National Student Financial Aid

Scheme, NSFAS. Yet, it remains a very important strategy to

fulfil for the development of our public education system.

While we recognise what NSFAS success, according to the report

made some headways in assisting students completing the

application process. We are concern by the scales of complex

that we are receiving as to this problem.

Many students still have outstanding fees from last year which

affect their promotions and registration fee for the next

coming year. The NSFAS office remains largely in accessible to

the public and as the IFP we share their same frustrations.

Once again, it cannot be acceptable that the students and

parents who bear the burden of non-payment of tuitions by the

NSFAS. This impact their progression in terms of completing

their studies in eluted time frame. For many students

progressing from studies into works place cannot come soon as

these households’ are dependent in the income from each and

family members.

We urge the Minister of Higher Education to consider this

budget allocation towards the NSFAS entity in order to upgrade



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 57**

their systems in order to improve their payment processes.

Additionally, further easy is the business system need to be

implemented such as online chart system and step-by step

submission where errors can be made clear to applicants.

In terms of staff managing this system must be sufficiently

trained with quarterly reporting measures in place to improve

this service by the NSFAS. The IFP support the report. Thank

you, Chairperson.

*Afrikaans*:

Dr W J BOSHOFF: Agb Huisvoorsitter, ek het al tevore genoem

dat ’n oorsigbesoek van hierdie portefeuljekomitee iets is om

na uit te sien. ’n Besoek aan die Noord-Kaap is nog meer so,

want dis lekker om my tuisprovinsie met mense te deel. Eerste

was die Sol Plaatje Universiteit in Kimberley. Kimberley is ’n

stad wat bo sy grootte presteer en die universiteit is ’n

voorbeeld daarvan.

*English*: On its way to De Aar the committee picked me up at

home in Orania and I enjoyed giving them a lightning tour of

this dynamic community. I wish we could spend a little more

time, but it was not part of the schedule.



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 58**

*Afrikaans*:

In De Aar het ons die Northern Cape Rural TVET College besoek.

Die prinsipaal het ons daar ontmoet, 435 km van sy tuiskampus

in Upington. Die komitee kon ’n voorsmakie kry van die

provinsie se lang afstande en yl bevolking. Ook die prinsipaal

van die Noord-Kaapse Community College het met aansteeklike

geesdrif sy werk met ons gedeel, asook die uitdagings waarmee

hulle te doen het.

In Carnarvon is op die Square Kilometer Array, SKA,

radioteleskoop wat in die vierkant tussen Carnarvon,

Williston, Brandvlei en Vanwyksvlei ontwikkel word, gefokus.

Van die mees gevorderde tegnologie op die aardbol word

ontplooi, maar in ’n omgewing van ernstige armoede. Daarom is

nuwe geleenthede vir opleiding en verbeterde onderwys

beklemtoon.

In Williston is die SKA se invloed op die boerderygemeenskap

uitgelig. Met die aanvang van die projek is beloof dat die

impak op boerdery baie klein sou wees, maar mettertyd het

geblyk dat meer as 130 000 hektaar aangekoop en geheel en al

uit produksie gehaal moes word. Vergoeding vir die grond was

billik, maar om langs die SKA te boer, is nie maklik nie.



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 59**

Probleemdiere sal eers beheer word wanneer SanParke die

terrein bestuur, maar eers moet die SKA ’n heining oprig. In

Februarie is dit aangebied as iets wat ophande is, maar tot

dusver is nog nie ’n paal geplant of ’n draad gespan nie.

Kommunikasie is nog ’n probleem. Die vereiste radiostilte

veroorsaak dat selfoontorings afgeskakel moet word, maar die

plaasvervangers is nog nie gereed nie.

Die komitee was getuie van die SKA se arrogante houding

teenoor boere. Terwyl een boer sy ervaring gedeel het, het die

SKA se stakeholder manager [belanghebbende bestuurder] hom

probeer stilmaak.

*English*:

In a commendable intervention the chairperson defended the

farmer’s right to be heard. When the manager responded, he

asserted that neither the farmer nor I should be present –

again he was overruled. The road to Sutherland had a theme

song: Never ending story.

*Afrikaans*:

Dit was egter die moeite werd en dit was ’n voorreg om te sien

hoe die sterrewag in Sutherland wêreldklas werk doen, maar ook



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 60**

in die gemeenskap betrokke is. Telkens is gesê: “Eendag moet

’n kind van Sutherland aan die hoof van hierdie sterrewag

staan”. Die voorsitter het ook so aangedui.

Die verslag is ’n akkurate weergawe van die oorsigbesoek en

die VF Plus ondersteun dit. Baie dankie.

Mr S N SWART: Thank you, House Chair. House Chair, the ACDP do

not participate in this oversight report but we have studied

it and we welcome the report. It was very good to see the

progress with a university in this case so quietly and

adversely and we understand the financial constraints facing

the university but we do look forward as other speakers have

indicated to new faculty that has been opened to accommodate a

wide diversity of student’s avenues and possible even as was

referred to a health medical health faculty as well.

We also appreciate the concerns that was expressed by NSFAS

that funding is for the deserving students and this clearly is

an issue which must be addressed given the fact there are so

many poor communities in the Northern Cape.

Chairperson we from the ACDP, we share the concerns about the

policy of mandatory vaccinations for any students and believe



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 61**

that reasonable accommodation for students who do not wants

for religious or for any reason to be vaccinated must then to

be implemented.

The ACDP also appreciate the visit to SKA Telescope Project

and we also appreciate the concerns. We appreciate the fact

that the committee allowed various concerns to be expressed

from the farming community in that regard as well. We would

like to express our gratitude to the committee for this very

effective oversight and we support this report. I thank you.

Mr S M JAFTA: Chairperson, the AIC was not part of this

oversight visit but we are convinced that the committee did a

good job. We therefore, welcome and support the report. Thank

you.

Mr M G E HENDRICKS: Thank you very much, hon House Chair. It

is so very nice here that Parliament visit the Norther Cape in

areas like Kimberley where the first political party was

established which led to the establishment later of the ANC.

It is nice to hear the name of Sol Plaatje. Maybe the

Telescope should have been named after him.



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 62**

Al-Jama-ah would like to thank the portfolio committee for the

visit and reporting back to Parliament. We have nine provinces

in the country and it is nice to hear our portfolio committee

visiting all of these provinces. And we appreciate the visit

to the Norther Cape. Thank you very much, hon House Chair.

Mr W T LETSIE: House Chair, an integral part of our

parliamentary responsibility is to ensure that we play an

evident oversight over the executive and implementation

progress by the government. It is important because it enables

the portfolio committee to respond to challenges affecting the

sector drawing from leap reality of the students, the workers

and management of this institution to enhance co-operative

governance where weak relations exist.

Our oversight visit to the Northern Cape to access readiness

for 2022 academic year to ensure a smooth beginning of the

academic year and to ensure institutions have a required

resources and support to enable the success of the students.

During our visit, we received the presentation from the

Department of Higher Education on the readiness of the post

schooling and education sector for the year. We must state

that the academic year 2022 was one of the most peaceful



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 63**

admissions period to date. And we should acknowledge the

efforts of the department for continuously engaging with

different stakeholders in our institutions. The students, the

workers and school organisations should continue to engage

with various stakeholders’ and institutional management to

support the smooth functioning of the universities while

management should also play a proactive role.

The North Cape is one of the vas test province with high

levels has unemployment and poverty. The province has a

significant backlog of social infrastructure and equitable

access to basic services.

The oversight visit to the Sol Plaatje University demonstrate

the strides and significant progress of the democratic

government in expanding the higher education landscape in

ensuring the spatial distribution of universities across the

nine provinces.

As the ANC, we pleased and elated by the beauty of that campus

in the middle of the City in Kimberley. The open university

concept in a City demonstrate the practicality of making

university accessible to the public. We commend the massive



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 64**

infrastructure development project of the university which are

contemporary and creative.

We have recommended that the university consider expanding its

qualification offering by establishing engineering faculty and

astronomy to support the innovation and engineering skills in

the province and need for the country.

The establishment of universities and Tvet as an urgent task

of the ANC government is to expand access to ensure that the

majority of South African youth can gain skills and knowledge

to contribute to the socio-political aspect of society and

economic development.

An area of concern has raised by the vice chancellor of that

university was the risk of financial sustainability. The

institution has budgetary deficit. This necessitate the need

for the institution to expand its third stream income and

other revenue generating mechanism to develop a university

with financial sustainability.

In the context of the NSFAS a potential negative impact of

their decision by NSFAS to stop allocating upfront payment to



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 65**

Institutions due to inadequate funding and post funding

reconciliation challenges.

The portfolio committee also focus on science and innovation.

As the portfolio committee, Chair, we would have taken us

through. We want to sault when and saw 1,1 metre optical

telescope at the Sutherland observatory Pala 2, and this

advance scientifically capability of the nation is our pride.

We also said there should be a local impact in the Northern

Cape, in the country and globally. One of the measure issues

we have there is what hon Boshoff was trying to talk about

stakeholder management. And we have asked them, our colleagues

there to try and dribble that part.

The NCR Tvet College that we visited in De Aar where on our

way we picked up hon Boshoff there in his country called

Orania. We went to NCR Tvet college. The big challenge we have

with NCR College is that they spent 120% of their their budget

and they only achieved 30% of their target. And hon Chirwa,

stands here and say we’re not funding, we are not putting

enough money on as if throwing money at Tvet colleges will

solve the problem. The problem here is capacity, hon Chirwa.

We ought to fix, you can’t spend 120% of your budget and only

achieved 30%. And you, you come here and say you reject



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 66**

because there is no money, just pour money. No, take us

serious as well.

The dropout rate at that institution is 56% of the NCV

dropouts is 41% of the noted studies. There is a problem of

leadership in that institution and we have also asked the

department to look into strengthening the leadership aspect of

it.

We are pleased by the integrated approach in ensuring that

they support local schools and other institutions within the

province. This is how and the NRC refurbish laboratories have

both Roggeveld primary school in Sutherland sold a school

funded and employment of a mathematics teacher for the two

schools in Sutherland is something that we are very happy

with.

We welcome the researchers with Doctorate degrees working at

Etsu who are there. I think maybe it’s also good to, Chair,

see that all political parties, including those of high

personality who are problematic have supported the report and

welcome that. Its only one who continuous to just come here,

we reject; we reject without even ... Inaudible.] ... Thank

you very much. [Applause.] [Time expired.]



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 67**

The DEPUTY CHIEF WHIP OF THE MAJORITY PARTY: Thank you, hon

House Chairperson. I move that the report be adopted.

Motion agreed to.

Report accordingly adopted.

**DECISION OF QUESTION ON REPORT OF PORTFOLIO COMMITTEE ON**

**HIGHER EDUCATION, SCIENCE AND INNOVATION ON OVERSIGHT VISIT TO**

**STELLENBOSCH UNIVERSITY**

There was no debate.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon members, I wish to

remind you that this matter was debated in a mini-plenary but

the decision thereon can only be taken in a full plenary. This

is also the case for others; decisions of questions, the House

will decide on when we consider Orders Five to Seven.

The Deputy Chief Whip of the Majority Party moved: That the

Report be adopted.

Motion agreed to (FF-Plus dissenting).



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 68**

Report accordingly adopted.

**DECISION OF QUESTION ON REPORT PORTFOLIO COMMITTEE ON HIGHER**

**EDUCATION, SCIENCE AND INNOVATION ON COMMISSION FOR GENDER**

**EQUALITY, CGE, REPORT ON FOLLOW-UP HEARINGS ON GENDER**

**TRANSFORMATION AT TERTIARY INSTITUTIONS 2019-20**

There was no debate.

The Deputy Chief Whip of the Majority Party moved: That the

Report be noted.

Motion agreed to.

Report accordingly noted.

**DECISION OF QUESTION ON REPORT PORTFOLIO COMMITTEE ON TRADE**

**AND INDUSTRY ON PUBLIC PROTECTOR REPORT (NO 37 OF 2018-19) ON**

**A SYSTEMIC INVESTIGATION INTO ALLEGATIONS OF ILLEGAL**

**CONVERSION OF GOODS-CARRYING TOYOTA QUANTUM PANEL VANS INTO**

**PASSENGER-CARRYING MINIBUS TAXIS TO TRANSPORT MEMBERS OF THE**

**PUBLIC FOR REWARD**

There was no debate.



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 69**

The Deputy Chief Whip of the Majority Party moved: That the

Report be adopted.

Motion agreed to (FF-Plus dissenting).

Report accordingly adopted.

**DECISION OF QUESTION ON REPORT FOLIO COMMITTEE ON AGRICULTURE,**

**LAND REFORM AND RURAL DEVELOPMENT ON OVERSIGHT VISIT TO**

**PERISHABLE PRODUCTS EXPORT CONTROL BOARD AND DISTRICT SIX,**

**WESTERN CAPE PROVINCE ON 29 MARCH AND 1 APRIL 2022**

There was no debate.

The Deputy Chief Whip of the Majority Party moved: That the

Report be adopted.

Motion agreed to.

Report accordingly adopted.

**UNTIMELY PASSING OF LEGENDARY GOSPEL SINGER, DR DEBORAH FRASER**



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 70**

(Draft Resolution)

Mr A H M PAPO: Hon House Chair, I move without notice:

That the House –

(1) notes with shock and sadness the passing of the

legendary gospel singer, Dr Deborah Fraser, on

Sunday, 15 May 2022, after battling a short

illness;

(2) understands that the 56-year-old multi-award-

winning artist had been unwell and had not been

active in the industry for some time;

(3) recalls that Dr Fraser had been in the music

industry since 1985, first as a backup artist and

later released her much loved album *'Abanye*

*Bayombona'* in the year 2000 and sold more than

1 million copies;

(4) further recalls that she won the first SABC Crown

Gospel Music for Best Female Artist Award, as well



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 71**

as a SAMA and Metro FM awards for Best Gospel

Album, and a Kora Award for Best Gospel Artist;

(5) remembers that she obtained a doctorate of

Philosophy at the Trinity International Bible

University in October 2021; and

(6) conveys its heartfelt condolences to the Fraser

family and friends in the music industry.

I so move.

Agreed to.

**ELECTRICITY SUBSTATION FEEDING SPRINGS, EKURHULENI, BURNT DOWN**

(Draft Resolution)

Mr A N SARUPEN: House Chair, I move without notice:

That the House –



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 72**

(1) notes that the main electricity substation feeding

Springs burnt down on 20 May 2022, leaving 200 000

people without electricity;

(2) further notes that it took the Ekurhuleni

Metropolitan Municipality just five days to build

a temporary substation and restore power to the

affected areas;

(3) recalls that it often took much longer for

electrical faults to be fixed in Ekurhuleni in the

past;

(4) acknowledges the progress the Ekurhuleni

Metropolitan Municipality has made in focussing on

the needs of its residents and endeavouring to

deliver services faster and more efficiently; and

(5) commends the Executive Mayor of the Ekurhuleni

Metropolitan Municipality, Ms Tania Campbell,

Member of the Mayoral Committee, MMC, Cllr Senzi

Sibeko and the engineers and technicians of the

Ekurhuleni Metropolitan Municipality for building

an entire substation in just five days to ensure



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 73**

that power was restored to the 200 000 residents

left without electricity when the substation burnt

down.

I so move.

Motion not agreed to.

**LEGENDARY ACTRESS, SINGER AND PRODUCER THEMBI MTSHALI-JONES**

**HONOURED WITH AN HONORARY DOCTORAL DEGREE IN VISUAL AND**

**PERFORMING ARTS BY THE DURBAN UNIVERSITY OF TECHNOLOGY, DUT**

(Draft Resolution)

Ms K D MAHLATSI: House Chair, I move without notice:

That the House –

(1) notes that the legendary actress, singer and

producer, Thembi Mtshali-Jones, was honoured by

the Durban University of Technology, DUT, with an

honorary doctoral degree in Visual and Performing

Arts at their virtual autumn graduation on Monday,

16 May 2022;



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 74**

(2) remembers that Mtshali-Jones, who currently stars

as *MaNdlovu* on e-tv’s drama, “*Imbewu: The Seed”*,

has decades of ground-breaking achievements and

contributions to show for her dedication and

talent;

(3) recalls that her long and accomplished television

career includes starring in the popular sitcoms

*‘Sgudi Snaysi’* and *‘Stokvel’* which was nominated

for an international Emmy Award in 2004;

(4) acknowledges that she will join other legends such

as Joseph Shabalala and Welcome Nzimande, among

others, who also received the same award from DUT;

(5) congratulates Dr Thembi Mtshali-Jones for this

incredible award; and

(6) expresses its gratitude to DUT for recognising her

talent.

I so move.

Agreed to.



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 75**

**THOHOYANDOU TOWN IN THE THULAMELA LOCAL MUNICIOALITY IN A**

**DILAPIDATED STATE**

(Draft Resolution)

Ms M R MOHLALA: House Chair, I move without notice:

That the House –

(1) notes the dilapidated state of Thohoyandou town in

Thulamela Local Municipality in Limpopo;

(2) further notes that the town is surrounded with

litter of paper and plastic everywhere, there is

no amenities for the public to throw away litter

as dustbins have collapsed, public toilets don’t

work and the whole town is a health hazard;

(3) recognises that such state of dilapidation of a

town is not only a health hazard but also a

conducive place for criminals to operate with free

will;



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 76**

(4) further recognises that the failure of the local

municipality to build internal capacity has

resulted in such state of disaster;

(5) calls on civil society in the area, residents of

Thohoyandou and nearby areas and all stakeholders

to convene an urgent meeting to find solutions to

the disaster of litter; and

(6) further calls on the committee on forestry,

fisheries and environment to develop an oversight

plan to visit towns and take stock of the state of

litter and pollution.

I so move.

Motion not agreed to.

**THREE VEHICLE CRASHES COSTING LOSS OF 29 LIVES**

(Draft Resolution)

Mr N SINGH: I move without notice on behalf of the IFP:



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 77**

That the House-

(1) notes that a multivehicle collision occurred on the

N3 between Peter Brown Drive and the Chatterson Road

off-ramp in Pietermaritzburg in the early hours of

Saturday, 28 May;

(2) further notes that according to reports, 10 vehicles

were involved in the horrific crash, after the driver

of a truck lost control of the vehicle when the

wheels on the right side of the truck came off, which

resulted in the vehicle overturning onto the centre

embankment;

(3) acknowledges that a total of 29 people that we know

of, were killed in three separate crashes this past

weekend alone, 16 in Pietermaritzburg, nine on the

N3 between between Heidelberg and Villiers, and four

when two cars collided head-on on the R25 between

Verena and Dennilton in Mpumalanga;

(4) further acknowledges that the 16 fatalities in the

Pietermaritzburg accident are believed to have been



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 78**

passengers in a minibus taxi en route from

Johannesburg to Harding;

(5) extends its deepest condolences to those families

affected by these accidents as well as wishing a

speedy recovery to those injured; and

(6) calls upon government to conduct thorough

investigations in the circumstances surrounding these

gruesome accidents, and implement safety measures to

ensure that our roads are safe to travel.

I so move.

Agreed to.

**SOUTH AFRICA’S WEALTH OF CREATIVE AND INNOVATIVE INVENTORS**

(Draft Resolution)

Mr F J MULDER: House Chair, I move without notice on behalf of

the FFPlus:

That the House-



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 79**

(1) notes that regardless of its challenges, South Africa

is a country blessed with talented and creative people

and innovations that contributed throughout the world;

(2) further notes that the world’s first heart transplant

was performed in 1967 in Cape Town by Dr Chris Barnard

and his team and that the Computed Axial Tomography,

CAT, scan was developed in Cape Town by physicist Allan

Cormack and his associate Godfrey Hounsfield which

resulted in a Nobel Prize in Physiology and Medicine;

(3) also notes that minimal oil reserves led to the

establishment of the SA Coal Oil and Gas Corporation

better known as Sasol, the world’s first and largest

oil from coal refinery;

(4) acknowledges that the Kreepy Krauly vacuum pool cleaner

was invented by Ferdinand Chavier from Springs in

Gauteng, that Pratley Putty was invented by George

Pratley of Krugersdorp, which substance played a part

in the success of the Moon Landing in 1969 by holding

the bits of Apollo 11 landing craft together, we all

know that the Dolosse, which are large shaped concrete

blocks weighing up to 20 tons designed to break up wave



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 80**

action and protect harbour walls, were also designed by

a South African;

(5) recognises that Portia Mavhungu was the inventor of

Para-Tube, a retrofitted seat giving independence and

dignity to disabled people, and Musa Maluleka developed

the Diskjie shoe, a special South African soccer boot

brand with innovative features;

(6) realises that in South Africa 54,8% of industrial

enterprises were innovative, compared to the 41,5% on

the European Union; and

(7) acknowledges that in a low growth environment,

innovation can play a critical role to create jobs

through increased productivity and improve the lives of

the poor through providing better products and that the

FFPlus salutes South African inventors.

I so move.

Agreed to.



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 81**

**LEANNE MANAS AWARDED FRENCH NATIONAL ORDER OF MERIT BY FRENCH**

**EMBASSY**

(Draft Resolution)

Ms A H MTHEMBU: House Chair, the ANC move without notice:

That the House-

(1) notes that the media veteran and SABC’s *Morning Live*

presenter Ms Leanne Manas was awarded the French

National Order of Merit by the French Embassy for her

longstanding contribution to journalism, media and

various important charitable causes;

(2) further notes that Manas was bestowed with the honour

during a ceremony on behalf of French President

Emmanuel Macron at the French Embassy in Pretoria on

Tuesday, 17 May 2022;

(3) remembers that Leanne has interviewed an impressive

range of public figures, heads of state and local and

international celebrities over the last two decades;



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 82**

(4) further remembers that she has anchored some of the

most important milestones in this country’s history;

(5) acknowledges that this recognition celebrates and

highlights Leanne’s talent and continuous passion for

news; and

(6) congratulates Leanne Manas on her prestigious award and

also appreciates her enormous contribution to the media

industry.

I so move.

Agreed to.

**10 YEARS ON SINCE THE DECISION TO HOST SQUARE KILOMETRE ARRAY**

(Draft Resolution)

Mr S N SWART: House Chair, I move without notice on behalf of

the ACDP:

That the House-



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 83**

(1) notes that this month marks 10 years since the decision

taken that South Africa and Australia will host the

Square Kilometre Array, SKA, the international radio

astronomy project, which on completion, will be the

world’s largest radio telescope;

(2) further notes that South Africa is to host the mid-

frequency array of the SKA telescope in the Northern

Cape, where 133 more dishes will be added to the

existing 64-dish MeerKAT telescope;

(3) understands that South African companies and the SA

Radio Astronomy Observatory will benefit immensely from

the procurement contracts for the SKA;

(4) also understands that astronomy in Africa has seen a

growth spurt that is providing career opportunities for

young students interested in the sciences and

engineering with 2 000 bursaries having been granted

over the past 15 years mainly through the SKA bursary

programme the National Astronomy and Space Science

Programme for undergraduate and postgraduate studies in

astrophysics, data science, engineering and artisanal

skills; and



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 84**

(5) commends all public and private sector role-players

involved the SKA project these past 10 years, and

wishes them well in the successful completion of the

SKA project.

I thank you.

Agreed to.

**BRAILLE CLOTHING FOR THE VISUALLY IMPAIRED**

(Draft Resolution)

Ms M B HICKLIN: House Chair, I move without notice on behalf

of the DA:

That the House-

(1) notes that Balini Naidoo Engelbrecht is an

inspirational South African woman who has designed the

world’s first range of braille clothing to enable sight

impaired people to buy their own clothes without

assistance;



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 85**

(2) further notes that she was inspired by watching her

uncle’s dignity being eroded as he battled to pick out

clothing for himself when he lost his sight;

(3) also notes that she began designing a clothing range

incorporating colours, sizes, washing instructions and

style descriptions crafted in braille and woven into

the garment, ensuring sight impaired people can choose

their own clothes instead relying on others to do it

for them;

(4) acknowledges that 32% of South Africans suffer from

sight disabilities, 57% are women and 23% are aged

between 15 and 36;

(5) notes that Ms Naidoo Engelbrecht has registered a

business and wants to train other young designers to

manufacture garments that make a difference in society;

(6) notes that she makes bespoke garments, but to date,

cannot find investors as the cost of these items are

extremely high;



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 86**

(7) calls upon the Department of Small Business Development

to assist her to realise her dream of manufacturing

these clothes here, and assist her to open an academy

to train designers in Saldanha Bay to manufacture

braille clothes in South Africa; and

I so move.

Agreed to.

**DR NAMANE MAGAU PASSES ON IN HER JOHANNESBURG HOME**

(Draft Resolution)

Ms N T MKHATSHWA: House Chair, the ANC move without notice:

That the House-

(1) notes with deep sadness the passing of Dr Namane Magau,

who passed away in Johannesburg 20 May 2022 following a

brief illness;



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 87**

(2) further notes that she was an ardent scholar and

obtained her doctorate from Harvard University where

she also served on its board of educational review;

(3) acknowledges that she was a specialist in human

resources, education, and women’s development and

served in various capacities and roles for several

well-regarded institutions, which included the Council

for Scientific and Industrial Research, CSIR, the SA

Broadcasting Corporation, SABC, and the former

University of Durban-Westville, now referred to as

UKZN;

(4) further acknowledges that she also participated in the

development of national strategies such as the

Reconstruction and Development Programme, RDP, after

South Africa’s democratic transition;

(5) believes that we have lost a true patriot, a

stateswoman, an ethical leader, rigorous intellectual,

a seasoned media administrator, an accomplished banker,

gender and environmental activist; and



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 88**

(6) conveys its heartfelt condolences to her family,

friends and colleagues.

Thank you, House Chair

Agreed to.

**MULTIAWARD WINNING ACTOR JAMIE BARTLETT DIES AT AGE 55**

(Draft Resolution)

Ms S R VAN SCHALKWYK: House Chair, the ANC moves without

notice:

That the House-

(1) notes with sadness the passing of one of multiaward

winning South African stage and TV actor, Mr Jamie

Bartlett, at the age of 55 years, on Tuesday, 24 May;

(2) further notes that the actor was most well-known for

his role as TV villains Mike O’Reilly in *Isidingo* on

SABC3 and David Genaro in *Rhythm City* on e.tv, and as a

judge on *SA’s Got Talent* on e.tv;



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 89**

(3) acknowledges that his first major role was in the

United States film *American Ninja 2: The Confrontation*

in 1987 before making numerous appearances in both

international and local films;

(4) further acknowledge that most of Bartlett’s theatre

work happened at the Market Theatre, where he appeared

on stage in 1986 in *Cock and Bull Story*, portraying a

gay boxer, which won him a Vita Award for Most

Promising Actor and a year later, in 1987, he won the

Vita Best Actor Award for his Market Theatre role in

*The Satire East*;

(5) believes that his passing brings an end to a remarkable

career in the entertainment industry; and

(6) conveys its condolences to his family and friends.

I so move.

Agreed to.

**LEDLA STRUCTURAL DEVELOPMENT OPPOSES SIU TRIBUNAL**



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 90**

(Draft Resolution)

Mr S M JAFTA: House Chair, I move without notice on behalf of

the AIC:

That the House-

(1) notes a court challenge by Ledla Structural Development

setting aside a R38 million forfeiture order granted by

the Special Investigating Unit’ Special Tribunal;

(2) also notes that Ledla Structural Development has been

involved in the Gauteng Health Department’s personal

protective equipment, PPE, which was flagged as

irregular by the SIU;

(3) further appraises the House that Ledla Structural

Development is linked to Thandiswe Diko, the late

husband of presidential spokesperson Khusela Diko;

(4) records that R38,7 million was forfeited to the state

from Ledla following irregularity findings by the SIU;



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 91**

(5) also shocked that Ledla is appealing this order through

challenging the powers of the tribunal;

(6) informs this House that this challenge could set a bad

precedent for the work of the tribunal going forward;

and

(7) calls upon the House to support the work of the SIU and

its relevant bodies in uprooting corruption.

I so move.

The HOUSE CHAIRPERSON (Mr C T Frolick): If there are no

objections, I put the motion. [Interjections.]

Objection is noted.

**THE PASSING OF MS SINGWA NAMHLA MTWA IN A RAIN OF BULLETS**

(Draft Resolution)

Ms G P MAREKWA: House Chair, the ANC moves without notice:

That the House-



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 92**

(1) notes with sadness the passing of Ms Singwa Namhla

Mtwa, who was shot nine times outside her home in

Mthatha, on 21 April 2022, while returning from work;

(2) believes that the 34-year-old Namhla, who worked for

the OR Tambo Municipality, was reportedly trying to

leave an abusive relationship when unknown men rained

bullets on her;

(3) condemns the high rate of violence in the country

against women and children;

(4) trusts that law enforcement authorities will take all

the necessary steps in their investigation and bring

the perpetrators to book; and

(5) conveys its condolences to the family and friends of

Namhla Mtwa.

I thank you, Chair.

Agreed to.



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 93**

**WESTERN CAPE GOVERNMENT LAUNCHES THE 2022 CYCLE OF SMMES**

**BOOSTER FUND**

(Draft Resolution)

Mr Z N MBHELE: House Chair, I move without notice on behalf of

the DA:

That the House-

(1) notes that the Western Cape government launched the

2022 cycle of its Small, Medium and Micro Enterprises

SMME Booster Funds, last Thursday, 26 May, making

available R16 million for distribution to selected

organisations that deliver training programmes on

business development support and access to markets for

SMMEs;

(2) further notes that since the first iteration of the

SMME Booster Fund, in 2019, the fund has allocated

R59 million in funding and supported 730 SMMEs within

the Western Cape;



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 94**

(3) acknowledges that with targeted support programmes and

by making it easier to do business in the province, the

Western Cape government is helping entrepreneurs in

small businesses to enhance the sustainability and

success of rural, urban, township-based youth, people

with disabilities and women-owned SMMEs in the

province;

(4) affirms that the job of government is to make it easier

for the private sector, especially small businesses to

create jobs as stated by President Ramaphosa in his

2022 Sona address; and

(5) congratulates the Western Cape government for setting a

benchmarking example of how a capable and innovative

provincial government can support small businesses and

place job creation as the number one item on its

agenda.

I so move. [Applause.]

The HOUSE CHAIRPERSON (Mr C T Frolick): If there are no

objections, I put the motion. [Interjections.]



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 95**

There is an objection. The motion falls away.

**NATIONAL CHILD PROTECTION WEEK COMMEMORATED IN SOUTH AFRICA**

(Draft Resolution)

Mr M G E HENDRICKS: House Chair, Al Jama-ah moves without

notice:

That the House-

(1) notes that National Child Protection Week started on 29

May until 5 June 2022, and it is commemorated in South

Africa every year to raise awareness of the rights of

children;

(2) acknowledges that 90% of South African children do not

report incidents of sexual abuse;

(3) further acknowledges that South African children and

women live in constant fear daily from violent crime,

sexual abuse, and kidnappings;



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 96**

(4) understands there is an urgent need for social economic

intervention and programmes;

(5) further understands that the discriminatory clauses in

the Maintenance Act, which put women and children at a

disadvantage, and favours men are contributing factors

to child neglect and increasing poverty amongst

children;

(6) recognises the government’s swift and efficient

interventions to keep children safe in places of

learning, public spaces and in their homes; and

(7) understands that more is to be done and this is on the

radar.

I so move.

Agreed to.

**UNTIMELY DEATH OF FORMER JOHANNESBURG MAYOR MPHO MOERANE**

(Draft Resolution)



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 97**

Ms T MGWEBA: House Chair, the ANC moves without notice:

That the House-

(1) notes with shock and sadness the untimely passing of

the former Johannesburg mayor, Mpho Moerane on

Wednesday, 18 May 2022;

(2) further notes that Moerane had been at the Netcare

Milpark Hospital in Johannesburg for more than a week

after sustaining some serious injuries in a car

accident;

(3) recalls that Moerane was elected mayor in October 2021,

with only 30 days until the end of the term of office

as the city was preparing for municipal elections;

(4) remembers that he served in the ANC structures for many

years and was the regional treasurer;

(5) further remembers that he was leading the ANC caucus in

the City of Joburg after the polls last year;



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 98**

(6) acknowledges that he was an entrepreneurial,

multiskilled leader who placed his talents and creative

energy at the disposal of the citizens of Johannesburg;

and

(7) conveys its heartfelt condolences to the Moerane

family, friends and the ANC.

I so move.

Agreed to.

**NOTICES OF MOTIONS**

Mr F D XASA: Chairperson, I hereby give notice that at its

next sitting I shall move on behalf of the ANC:

That the House debates strengthening our disaster

prevention and emergency services to improve their

numbers and capacity to deal with more intense and more

frequent crises.

Mr C H H HUNSINGER: Chairperson, I hereby give notice that at

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



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 99**

That the House debates the current condition of bus rapid

transit in 13 of our largest cities as well as the

reasons for huge disparity in service supply to the

public given that these cities received more than R45

billion in funding since 2005.

Mr F D XASA: Chairperson, I hereby give notice that at its

next sitting I shall move on behalf of the ANC:

That the House debates upholding and building unity

across all sections of South Africans.

Ms S A BUTHELEZI: Chairperson, I hereby give notice that at

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

That the House debates the recent spate of violent crimes

committed around the country together with the concerned

that our police personnel are not being equipped with

skills and tools to provide the necessary service to the

public.

Mr I M GROENEWALD: Chairperson, I hereby give notice that at

its next sitting I shall move on behalf of the FF Plus:



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 100**

That the House debates the obstacles to economic growth

caused by the ANC government and its failed ideological

policies.

Ms A H MTHEMBU: Chairperson, I hereby give notice that at its

next sitting I shall move on behalf of the ANC:

That the House debates transforming the information and

communications technology, ICT, sector at all levels.

Mr W M THRING: Chairperson, I hereby give notice that at its

next sitting I shall move on behalf of the ACDP:

That the House debates legislative and other interventions

to mitigate continued damage to our infrastructure caused by

the theft and illegal sale of copper cables, noting the

increase in theft in illegal sale of copper cables in South

Africa and the detrimental effect this has on lives,

livelihoods and the economy.

The CHIEF WHIP OF THE OPPOSITION: Chairperson, I hereby give

notice that at its next sitting I shall move on behalf of the

DA:



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 101**

That the House debates the failure of the Department of

Minerals Resources and Energy to deliver a working

transparent mining cadastral system.

Mr M N PAULSEN: Chairperson, I hereby give notice that at its

next sitting I shall move on behalf of the EFF:

That the House debates how the ANC economic policies have

destroyed our fishing communities along the South African

coastline.

Ms K D MAHLATSI: Chairperson, I hereby give notice that at its

next sitting I shall move on behalf of the ANC:

That the House debates on ensuring food security for poor

families and maintain food security for South Africa as a

whole.

Ms K D MAHLATSI: Chairperson, I hereby give notice that at its

next sitting I shall move on behalf of the ANC:

That the House debates addressing food insecurities

through promoting sustainable farming practices.



**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 31 MAY 2022**

**Page: 102**

Ms M M GOMBA: Chairperson, I hereby give notice that at its

next sitting I shall move on behalf of the ANC:

That the House debates intensifying interventions to

support tourism industry.

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

next sitting I shall move on behalf of the DA:

That the House debates the impact of climate change on

the tourism sector in South Africa and its strategy to

mitigate these risks.

Mr H G APRIL: Chairperson, I hereby give notice that at its

next sitting I shall move on behalf of the ANC:

That the House debates advancing transformation in the

tourism sector.

The House adjourned at 16:20

