**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 3 AUGUST 2022**

***PROCEEDINGS OF VIRTUAL (OR HYBRID) NATIONAL COUNCIL OF PROVINCES***

The Council met at 14:03.

The Chairperson took the Chair and requested members to observe a moment of silence for prayers or meditation.

The CHAIRPERSON OF THE NCOP: Let me take this opportunity to welcome everybody. And proceed on to announce the passing of Mr Mthunzi Calata. So, it is with sadness that I have to announce the untimely passing of one of our staff members, Mthunzi Calata. Mr Calata started working at Parliament on 1 January 1996 as a Language Practioner and at the time of his death he was employed as an Editor, dealt with Questions, here at the NCOP. We extend our deepest condolences to his family, loved ones and colleagues. May his soul rest in eternal peace. Allow me then to request all of us to bow our heads and observe a moment of silence. Thank you very much.

Hon delegates, before we proceed I would like to make the following announcements: That the hybrid sitting constitutes the sitting of the National Council of Provinces, so that we are properly reminded.

That delegates in the hybrid sitting enjoy the same powers and privileges that apply in a sitting of the National Council of Provinces.

That the interpretation facility is active. Permanent delegates, members of the executive, special delegates and the SA Local Government Association, Salga, representative are requested to ensure that the interpretation facilities on their gadgets are properly activated to facilitate access to the interpretation services.

That any delegate who wishes to speak must use the ‘raise your hand’ function.

That all delegates may participate in the discussion through the chartroom and that delegates who are physical in the chamber must connect to the virtual platform as well as insert their cards to register in the Chamber system.

That they must switch off the sounds of their gadgets and ensure that the microphones on their gadgets are muted and remain muted at all times.

That we must use the floor microphones. Hon delegates in accordance with Council Rule 2291, there will be no notices of motion or motions without notice.

So we will then have to proceed to the questions. But before we do so, I would like to take this opportunity to welcome the Deputy Ministers present in the House from the Governance cluster, specifically, Deputy Ministers of Cooperative Governance and Traditional Affairs, as well as the ... as for my notes indicate, the Minister of Public Service and Administration. The Members of Executive Council, MECs who may be present, all permanent and special delegates to the House as indicated.

Further, I would like to make the following remarks: Again largely a reminder to the House, that the time for reply by the Ministers to questions is five minutes. We really do emphasize this from time to time but members seem to forget an instance to create other difficulties.

Only four supplementary questions are allowed for questions, a member who has asked the initial question, will be the first to be afforded an opportunity to ask a supplementary question. The time for asking supplementary question is two minutes. The time for reply to supplementary questions is four minutes.

Sometimes, there’s a sense that Ministers and Deputy Ministers are being disadvantaged, so we must keep to the time. The time to reply for supplementary question is four minutes. The supplementary question must emanate from the initial question.

We will then move on, I now call on the Minister of Cooperative Governance and Traditional Affairs to respond to Question 9 which has been asked by Hon T S C Dodovu. Again a reminder, five minutes for a response to a question, hon Minister.

Question 9:

The MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL

AFFAIRS: Thank you very much, hon Chairperson of the House. The answer to the first question is yes. Government and the Department of Co-operative Governance and Traditional Affairs is indeed taking measures and contributing to the professionalization of local government to manage the

interface between the professional administration and political leadership of municipalities. These measures include regulations, the introduction of frameworks, as well as the deployment of technical and professional capacities, all of which will be enhanced by proposals related to the amendments.

The Minister introduced the following regulations: Professionalised local government administration by establishing uniform norms and standards. They also include minimal qualification and competency criteria which entails requirements for senior management such as tertiary qualifications, a minimum of five years’ management experience and certain critical leadership competencies, such as problem solving. They also delineate rules and responsibilities for councillors and officials. Was prohibiting councillors from participating in recruitment and selection processes. In addition to these regulations, Cabinet is considering the national implementation framework towards professionalization of public service as a whole, which is to be administered by the National School of Government.

To compliment these Municipal Infrastructure Support Agent, MISA works with municipalities and deploys professionals.

These includes registered engineers, planners, as well as

energy solid waste, water, sanitation, and routes and transport specialists, who work and provide on the job training and support to municipal staff. Such support includes enrolling the local community members and officials in the recognition of prior learning programme, apprentice programme, young graduates programme, amongst other professional development programmes. However, this support is far from being adequate because we are limited by resources that are at the disposal of MISA. Nonetheless, the participants are enabled to professionally register.

The answer to the second part of the question is no. The current measures do not adequately address questionable appointments. To address these, amongst others, Parliament on the 3 May 2022 passed the Municipal Systems Amendment Bill which prohibits all municipal officials from holding political office. Further, clause 2 and 3 of the Bill also empowers the MEC to take appropriate steps which may include the application of declaratory order on the validity of appointments to enforce compliance. The Municipal Systems Amendment Bill is currently before the President and once assented to, will bolster our efforts towards meeting these objectives. In the end, the governing political party and

other parties must also take responsibility in ensuring that all these are adhered to. Thank you.

Mr T S C DODOVU: Thank you very much, hon Chair. I am going to switch off my video as you can see that it is not very well so that I proceed with my question if you permit me. Having said that, we are happy that the Minister has provided a very clear and comprehensive response on how the department seeks to professionalise local government. This is quite important because if that happens, competent, skilful, experienced and qualified personnel will be recruited, and those who do not comply will be dealt with in the way that the Minister has explained. We are also happy that MISA has also come on board to ensure that it assist that particular process. Thank you very much Minister for that particular response. My question would be, because the provinces are going to support, they are going to monitor municipalities in terms of compliance in this particular process, what specific support will the national Department of Co-operative Governance and Traditional Affairs give to the provinces to ensure that these objectives are fulfilled. Thank you very much, hon Chair.

The MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL

AFFAIRS: Thank you very much, hon Dodovu for the follow up

question. CoGTA is reviewing the capacity building strategy for local government with a view to improve co-ordination of capacity support and better structuring initiatives across the sector. Each municipality will be bound to develop, adopt and implement capacity development plan which will be aligned to the integrated development plan. Each plan will serve as a single capacity support agreement through which all stakeholders will channel support to the municipality.

CoGTA will focus on designing generic capacity support programmes and mobilising resources for implementation by municipalities. MISA intends to continue with technical support for infrastructure development and service delivery through deployment of registered engineers and town planners. And of course, through the District Development Model we also intend mobilising other departments to come to the assistance of local government. Thank you.

Mr W A S AUCAMP: Thank you, hon Chairperson. Hon Minister, in absentia, we would like to have you here in the House next time. Hon Minister, the ANC’s cadre deployment committee has left South Africa bereft of competent managers in too many municipalities. Those who have the jobs do not have any skills other than the skills to produce a membership card. Those who

do have the skills have been kept out through the illegitimate cadre deployment scheme and by an aversion to the toxicity of working with manipulative and scheming corrupt politicians.

Hon Minister, would you ask the President of the ANC - the current President - President Cyril Ramaphosa, to drop his opposition to the cadre deployment court case that was brought by the DA? Thank you, Chairperson.

The MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL

AFFAIRS: Thank you for that question. No, I will not ask the President. Thank you.

*Setswana*:

Moh S B LEHIHI: Ke a leboga, Modulasetulo. Kgang ya go thapa batho gonne ele ke maloko a mokgatlho o o itseng, [cadre deployment] e dirile tlhobaboroko mo dipusongselegae. Mokgatlo wa lona, o romela batho ba ba senang ditlhokego le dithutego tse di maleba. Ke nngwe ya mabaka a a tlholang dikhuduego mo metse magaeng ka lebaka la gore batho ba ba maleba ga ba thapiwe. Ke a leboga, Modulasetulo.

*IsiZulu*:

UNGQONGQOSHE WEZOKUBUSA NGOKUBAMBISANA NEZINDABA ZOMDABU:

Ngiyabonga, Mhlali ngaphambili, ngiqeda ukusho nje ukuthi yini

esiyenzayo ukuze lezi zinto azishoyo zingenzeki ukuze omasipala baqashe abantu abaqeqeshekile abanaso isipiliyoni sokusebenza. Yilokhoke esikwenzayo ukuthi njalo uma umasipala uqasha uqashe umuntu onalo ulwazi ngaleyo nto aqashelwe yona onaso nesipiliyoni saleyo nto aqashelwe yona.

Mr S F DU TOIT: Thank you, hon Chair. Hon Minister, in 2021, the then Minister in the Presidency, hon Khumbudzo Ntshavheni mentioned that nearly half of South Africa’s senior municipal officials didn’t meet the government’s prescribed minimum competency levels. Out of 2 747 municipal officials, only

1. 065 of them, that’s 53% met the minimum competency levels.

In addition, 53,7% of senior managers achieved the minimum competency levels at the time.

Minister, the Auditor General’s report reiterated this year after year, and you have been aware of this and are well aware of the incompetency senior officials that were appointed in the ANC-led municipalities. Turning a blind eye makes one complacent. Minister, I want to know, knowing this, why haven’t you acted sooner to ensure that competent individuals were appointed in these crucial positions? Thank you, Chair.

The MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL

AFFAIRS: Thank you very much, hon Chair. First of all, I have just said that the Municipal System Amendment Act is in front of the President now. He is going to sign the Bill into an Act. That Bill came to Parliament, so we acted but we couldn’t change the law ourselves. We had to bring it to Parliament.

From Parliament, it came to the NCOP. Now, it is going to be assented by the President, which enables us to be able to take some responsibility through the NECs if the council is not doing the right thing. I have also just indicated that we have regulations that will force – in a way – municipalities to employ people who are experienced because we are going to be applying the same standardised norms and standards. Before, each municipality was doing what it wants, but now there are standard procedures for every municipality. Thank you.

Question 47:

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL

AFFAIRS: Hon Chairperson, however thank you for the question. The answer to the question is that there are many challenges. However, I probably, I will stick to five in the time I have.

One of the challenges is the underfunding of this sphere of local government as a whole. For when the local government

wall to wall was introduced, the assumption was that every municipality will be able to raise its own revenue. However, it is clear that not every municipality is able to raise its revenue, because a lot of the municipalities now which was not like that during the apartheid days are serving indigent communities who are not able to pay for the services.

So, if you serve indigent communities, then it becomes difficult to raise your own revenue.

The second challenge is that in some of the areas, there is widespread situation of hunger, poverty and unemployment which has been exacerbated by COVID-19, which makes it difficult for people to pay. However, we also noticed that some of the communities have not really being paying their dues to the municipalities. So, that is why municipalities are short of resources.

However, there are also issues and challenges of powers and functions that inherently do not sufficiently clarify and elaborate on the scope and functions allocated to local and district municipalities.

Typical some of them may be water service authorities and providers which require rationalisation or clarify at where authority and responsibility reside.

There are also political and governance challenges where there is an inappropriate interface between the council or council members and the administration.

There is also the issue that we have just discussed that in the past there were no norms and standards about who should be employed as a municipal manager or even technical people in the municipality.

So, those are some of the challenges, hon Chairperson.

Mr I M SILEKU: Hon Chairperson, allow me to greet the hon Minister in absentia and I hope the next time she will be joining us and also appreciate the Deputy Minister for making an effort to come and be with us.

Hon Minister, right at the beginning of the Zimbabwe crisis, your party the ANC, was adamant that Zimbabweans must be left alone to resolve their problems. To this day they have failed.

In your response regarding dysfunctional municipalities, you said and I quote:

Problems in municipalities are caused by us - referring to you as the ANC – and we should find solutions.

With the ANC’s disastrous record in resolving problems at home and abroad, it is no wonder our municipalities are in such a bad state.

In a typical ANC ran municipality the following is found: Experts are suspended without good reason and are replaced by unsuccessful cadres from the 2021 campaign.

To make matters worse, the ANC then set up parallel political structures with the intention to illegally direct the work of these cadres.

And finally to add insult to injury, incompetent councillors are then allocated personal security to protect themselves from the poverty stricken residents they are supposed to serve at exorbitant amounts, while our municipalities are underfunded.

Hon Minister, how are you going to reverse and rectify the problems your fellow cadres have caused in municipalities for a decade now? Thank you very much, Chairperson.

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL

AFFAIRS: Hon Chairperson, some of the things that the hon member said do not arise from my answer. However, let me say maybe he was not quite listening to what we have said.

We have said that there are regulations as we speak which municipalities must follow in employing officials. Those are standard across the length and breadth of this country. So, those regulations must then be followed. We have even said that if they do not comply, the Municipal Systems Amendment Bill, once it becomes an Act will empower the MEC to take measures if the council is not complying or if a councillor is not doing what they are supposed to do. They can even be suspended or even removed. When they are removed, they cannot even stand for elections at least for two years.

So we have put measures. Since I arrived in this Parliament, it is what we have been discussing, hon member. Thank you.

Ms N NDONGENI: Hon Chairperson, let me correct something. I do not know whether the hon Sileku is understanding when we are talking about the hybrid, the hon Minister is here. She is not in absentia. Thank you about that.

Thank you, hon Minister for your response to the questions. What role is the District Development Model playing in identifying and addressing some of the challenges that negatively affect the performance of municipalities? Thank you, hon Chairperson.

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL

AFFAIRS: Thank you very much, hon member for that question. As you have said, the District Development Model is actually there to canvas the whole of government and the whole of society to work together towards improving the work of local government. So, what we are doing is to get other departments as well, because local government business is everybody’s business. It is not just the Department of Co-operative Governance and Traditional Affairs and in any case we just co- ordinate not implementing projects except through Municipal Infrastructure Support Agent, Misa.

So, the District Development Model allows us to bring in, departments from the provinces and from national to assist local government. In fact, we just have the whole discussion with other departments chaired by the President. We had meetings with provinces and premiers, really at how all of us can assist local government so that it can do its work and discharge its responsibilities, but also improve the service delivery for our people. Thank you.

Mr N M HADEBE: Hon Chairperson and hon Minister, the high levels of vacancies in municipalities take a long-time to be filled and leave the public service vulnerable. Without compromising due diligence processes: What steps can be taken to fill these positions in a timeous fashion? I thank you.

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL

AFFAIRS: Hon member, I think you are correct, some of the vacancies and the turnaround time takes too long. We are of course discussing with the local government precisely that because besides the norms and standards about who should be employed, what qualification should they have, competencies, and experience we are also looking at the time that it should take to turn around the filling of vacancies. However, let me also say that that should be part of the oversight by the

council. So, political parties must also play their part. Thank you.

Mr A ARNOLDS: Hon House Chairperson and hon Minister, despite interventions taken to address challenges such as administrative incapacity, insufficient service delivery, underspending, corruption and lack of accountability, municipalities remain in a constant state of crisis and are unable to fulfil their constitutional mandate of service delivery.

Hon Minister how will interventions proposed to improve service delivery differ from all others which have failed before? Thank you.

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL

AFFAIRS: One I think the whole afternoon we have been discussing the issue of getting the right people in the right jobs. That is why we have put these regulations. For we have realised that in some of the municipalities and it is not in all of them, but in many municipalities they employ people without the necessary qualifications, experience and competencies. That is why we then there must be norms and standards to do that. That is the first thing.

Secondly, of course if you have the right people it means in the financial section of the municipality you will be able to get the right skills.

Of course they may be challenges in some of the municipalities, especially around planning, engineering and all that because some of the municipalities are small and do not have a big budget and therefore are unable to attract the skills that are needed. This is why we are saying, if Misa can even get more resources they can be able to help many more municipalities.

However, over and above that we are working very closely with water, waste management, transport and with other departments to say, local government is everybody’s business. We should all assist where local government is failing because, as I say really some of the municipalities are just too small to attract experienced engineers. Some of them have got engineers, but are not registered. So, Misa is working with them to assist them to get registration so that they can then able to do work properly.

It is also assisting with the planners, but it can only assist according to the budget it has and its budget is not that much. Thank you.

Question 46:

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL

AFFAIRS: Thank you very much Chairperson and thank you to the hon member for the question. The answer to the question is that at the moment the main purpose of Community Work’s Programme is poverty alleviation through the provision of work opportunities as a safety net to the most marginalised.

To date, more than 250 000 participants have undertaken projects which also entail useful work. The Community Work Programme, CWP, also has the secondary objective which is to contribute towards the development and maintenance of public assets such as crèches, roads and community centres. These objectives have been partially met with renovations, maintenance and repairs of infrastructure in places such as Mhlontlo Local Municipality, Collins Chabane Local Municipality and so on.

In seeking to improve the services and income levels in communities, the municipalities such as Ntabankulu Local

Municipality, the Community Work’s Programme, CWP, is engaged in the repair of potholes, the clearing of alien species, the clearing of dumping sites and the creation of community gardens. Additionally, through agrarian reform, piggery projects in Okhahlamba Local Municipality and there are others

... However, as I have said that this has been partially met and we are hoping that with time we will be able to do more with Community Work Programmes even including training them to get skills which will enable them to get jobs or even to start up small businesses. Thank you.

Ms A D MALEKA: Thank you, Chairperson. Thank you, hon Minister, for your response to the question. The Community Work’s Programme can play a very important role in the development of public assets and rendering services to poor communities. It is therefore encouraging to hear that the new Community Work’s Programme implementation policy is focusing on public assets and services. Hon Minister, is it not possible to make the development of public assets and services mandatory in the Community Work’s Programme side business plan? Thank you, Chairperson.

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL

AFFAIRS: Thank you very much for that follow up question. At

the moment, as the hon member would know, the decision tends to be taken by the municipality working with the non-profit organisations about what Community Work Programme members or participants should be involved in. However, what we are doing as the department now, is to say that for them to contribute meaningfully to the development of assets and so on, they should be trained. So, we are looking at making training an integral part of what should be done so that they can get a skill and go to maintain roads if their skill is on road maintenance.

If their skill is on building or on early childhood development, ECD, assistance and so on, they can go and assist. So, we are looking at not just them being unskilled but to get some skill which they can use even beyond being participants in the Community Work Programme. But of course, as you know, government policy changes and implementation take a bit of time but that is where we are now. Thank you.

Mr S F DU TOIT: Thank you, hon Chair. Hon Minister, the Community Work’s Programme is one of the Expanded Public Work Programme, EPWP, sub-programmes that was initiated to supplement government social grants. I want to know, Minister, what measures are in place to ensure that the employment

opportunities within the Community Work’s Programmes are allocated and monitored to be fair and just and also, when these people are employed for the periods that government actually gets value for money, that it is monitored and that the people that are employed do work? Thank you, Minister.

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL

AFFAIRS: Thank you, hon member. As you know, it will be impossible for the national department to go and look at whether they are working every day. It is the responsibility of the municipality working with non-profit organisations to make sure that the work that they are supposed to do is done. That they are monitored and that government gets value for money.

The Department of Co-operative Governance and Traditional Affairs at the national level, even if we wanted to do it, we are such a small department that there is no way we can do it ourselves but the municipalities are supposed to do that.

Thank you.

Mr S ZANDAMELA: Thank you, Chairperson. Minister, community development works has not achieved all the goals that are directly linked to poverty alleviation at programme level.

Which measures has the Minister undertaken to address challenges faced in the effective implementation of Community Work Programmes such as the implementation, poor co- ordination, inadequate infrastructure and resources to run programmes effectively? Thank you, Chair.

The CHAIRPERSON OF THE NCOP: Can I also ask members to, please, speak to the microphone. I know that hon member is capable of doing that. So, let us try and do that. Speak to the microphone and be loud enough.

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL

AFFAIRS: Thank you very much. Hon Chair, I have just said that the responsibility to ensure that everything works accordingly is at the municipal level because it is even the municipalities who choose what programs should be done. The national government cannot come down to the local government and dictate what program should be done, whether they should be looking after this road or cutting the grass. The responsibility is with the municipalities to do that.

However, as I am saying, we are trying to remodel it so that there is training because you cannot get those programmes to happen if you don’t train the participants to have the skills

to actually implement projects that are meaningful to the community. Thank you.

Mr I M SILEKU: Allow me Chair, to greet again to the Minister in absentia. Good afternoon again. South Africa unfortunately

... [Interjections.] ...

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL

AFFAIRS: ... Minister on the virtual platform not in absentia! I am on the virtual platform. Thank you.

Mr I M SILEKU: Can I be protected, Chair? Can I be protected?

The CHAIRPERSON OF THE NCOP: ... [Laughter.] ... I guess as you are saying, members have a right to protection. However, we also acknowledge that there is a bit of heckling from time to time. As long as it does not disturb the voice and the message that is being communicated. Please, proceed.

Mr A J NYAMBI: Chair, it is a point of order in terms of our Rules as the National Council of Provinces. When you started you explained that we are in a hybrid sitting. Since we have started, there has been a repetition that the Minister, who is on the virtual platform is somebody who is not part of the

sitting and that is totally against what you explained in the rules of a hybrid sitting.

The CHAIRPERSON OF THE NCOP: Yes. I am sure the point is noted and would not have a debate on that. Sileku, please proceed.

*IsiXhosa:*

Mnu I M SILEKU: Ndiyabulela, Sihlalo.

*English*:

South Africa unfortunately has a decreasing tax base and an increasing unemployment rate. This places more pressure and responsibility on government to utilise the finite resources optimally by making use of implementing agents to roll-out the community works programme. Instead of finding a more direct route, we are effectively losing millions along the way that should have gone to the most vulnerable. Apart from the above, some implementing agents pay out money to deceased individuals

- ghost employees, exacerbating the problem of funds that should be reaching the neediest. What will the Minister do to address the above? Thank you very much.

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL

AFFAIRS: Thank you very much. First of all, when we came to

the department that was one of the problems. However, what we have done now who have linked the system of payment to that of the Department of Home Affairs so that when we pay the participants we can check with the Department of Home Affairs, unless the death was not reported to Home Affairs, in that case there is nothing we can do. Those are the participants that are paid by government. But of course, the non-profit organisations do have people that they pay directly like those that they call supervisors beside managers. They are the ones that they pay directly.

Nevertheless, as far as the main participants who are paid by government, we now have that link with the Department of Home Affairs so that it eliminates the issue of paying deceased participants, as I said, unless that death is not reported to the Department of Home Affairs. Thank you.

Question 22:

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL

AFFAIRS: Chairperson, the answer is yes. Administrators appointed under section 139 of the Constitution are monitored by the provincial governments in line with the terms and reference of their own employment contracts.

I’m informed that the administrators have employment contracts and their performance is monitored through periodic progress reports that they submit to the provincial government; but also through the monitoring meetings with the provincial and national governments.

I’m further informed that performance agreements are monitored through monthly reports submitted by the administrators to the Member of Executive Council, MEC.

The second part of the question; the answer is yes. The administrators are held accountable through their employment contracts to fulfil their contractual obligations through submitting periodic reports on the intervention.

The provincial and national governments schedule meetings and reporting engagements with the administrators based on terms of reference for the intervention.

The administrators are subjected to a performance inquiry or disciplinary process, should the administrators fail to achieve the desired outcomes. If need be, the administrators’ employment contract may be terminated if it is found that they are not performing satisfactorily. Thank you.

Mr N M HADEBE: Hon Minister, section 139 of our Constitution relates to very serious matters of clean governance. As a result, it is seen as a failure when a municipality fails to fulfil an executive obligation in terms of the Constitution or legislation.

Administrators are instrumental in ensuring that clean governance and service delivery resume. We have noticed that certain administrators who have failed to adequately address the Auditor-General’s concerns and the recommendations outlined by section 139 are moved to other municipalities to continue the same work.

How is this consistent with the Minister’s previously

mentioned performance monitoring mechanisms? I thank you.

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL

AFFAIRS: Chairperson, first of all let me just say clearly that most of the section 139 interventions are done at a provincial level and are monitored mainly by the province, through the MEC and the executive.

So, it is indeed not correct if an administrator has been found not to be able to carry on with his contractual

obligations in one municipality to be taken to another municipality; that is not correct, it shouldn’t be done. But as I say, where we find that, that is the case, we advise as such, if we find that there is an administrator that is being appointed when we know that, that administrator hadn’t done a proper job elsewhere; we advise. But as I say, those are ... majority of those are at provincial level. Thank you.

Mr D R RYDER: Minister, the Mfuleni Municipality has been under provincial administration since July of 2017. Now, MEC Maile, through his colleague, MEC Jacob Mamabolo, who was the MEC before him, threw him under the bus by admitting that there were no improvements in the first two years of the administration.

By the submissions of the community, the Auditor-General, suppliers to the municipality, the Human Rights Commission and even the recent provincial report, there’s been no improvement in the last three years of the administration either, Minister.

Minister, the electricity system is failing as the municipality does not have the money to buy cables, breakers and fuses where they need to be replaced. We see short lens of

copper wire being used to bridge the system where fuses have blown. Electricity outages last for days. Non-revenue water exceeds 50%, sewerage flows in the streets and to the Vaal River and the billing and the collections are in total disarray.

The 20221 elections, Minister, saw a total erosion of experience in the ANC caucus with 86% of the councillors elected being first-time councillors, the other 14% were backbenchers before and they remain backbenchers.

This municipality needs rescuing, Minister. The province has failed. Please, will you use section 139(7) and intervene from national government’s side. Or alternatively invoke section 139(1)(c), dissolve the municipality and give the voters a chance to elect new leadership. Thank you.

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL

AFFAIRS: Chairperson, I think one of the things that are indeed a problem ... a challenge in the municipalities is the high turnover of councillors. And, of course, that is not in the government’s hands, it’s in the political party’s hands.

Secondly, it is indeed true that Mfuleni has been under administration for quite some time. But I’m not sure that the solution would be to dissolve because this council is not even a year old yet. So, the voters did express their views in November.

But I think maybe we will engage the province ... well, let me say we’ll engage the province and see if they think they can do better.

At some stage we did intervene when things were really bad with the sewerage, we even got the defence force to go and assist, as the national, but we were assisting the province. So, let me leave it at that for now. Thank you.

*IsiZulu*:

Nk S A LUTHULI: Sihlalo, ngiyabingelela, Ngqongqoshe siyakuqonda ukuthi uthi yizifundazwe ezithatha lezi zinqumo mayelana nokufaka imikhandlu ngaphansi kwesigaba 139. Kepha zindlela zini uMnyango wakho ozenzayo ukuqinisekisa ukuthi kwabona labo abafakiwe ukuthi bazobhekelela le mikhandlu okungabaphathi [administrators.] banolwazi olugcwele lokuphatha le mikhandlu kanye nabo bonke abasebenzi abakhona? Yiziphi izindawo lapho eniqinisekisa khona ukuthi le mikhandlu

izosebenza ngendlela okuyiyona yona uma ngabe senifake labaphathi [administrators.]? Ngiyabonga.

*English*:

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL

AFFAIRS: Hon member, I think your follow up question’s answer

...

*IsiZulu*:

... ilele kule nto ebengiyisho ekuqaleni ukuthi senzani ukuzama ukuthi ... kube ngcono komasipala, futhi senze ukuthi omasipala abaqasha abantu abanako ukuqeqesheka ku lento okufanele bayenze, abanako ukuthi babe nesipiliyoni salento okufanele bayenze, abanalo ikhono loku ... Ilele lapho impendulo yalo mbuzo. Ngiyabonga.

*English*:

Mr E M MTHETHWA: Minister, thank you for your response to the question and I’ve noticed that ... especially on the two latter speakers that you have been answering one and the same thing, trying to clarify it.

But, Minister, you also mentioned the issue of the administrators, that there are not all the administrators that

are performing their tasks very well and also assisting in establishing municipality, but other, Minister, add no value and sometimes create more problems.

Minister, is there any efficient process of intervention by the government in an events that the administrator is not fulfilling the performance agreement? May you please just explain that.

Once more again, I know you have answered the rest. Thank you, Minister.

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL

AFFAIRS: Hon member, but as I said, that responsibility lies with the sphere that is intervening. Most of the interventions are done by the provincial sphere, which means the provincial sphere is the one that monitors, that draws a contract in the first instance and they must draw the contract according to the terms of reference of the intervention, and then they must then monitor whether the administration is doing its work properly.

But my honest view is that maybe it’s not sufficient to send

an administrator in an intervention because you are sending

one person to intervene in a situation that, in my view, needs a team. Which is what we are now trying to do, at least at a national level.

We are in a way – if you like – piloting this idea in Mangaung, where, instead of just sending the Cabinet representative, we have sent a team. Of course, it was also occasioned by the terms of the intervention. We’ve sent a team which has, even officials from other departments, rather than just from Co-operative Governance and Traditional Affairs, CoGTA, and Treasury.

So, I think maybe it’s something that needs to be explored, whether it’s really sufficient to send one person to try and turn around the situation that is so difficult. But sometimes the powers of the council are still in place and if it’s the council’s ... if there is a problem in the council, then that will also create problems for the administrator. Thank you.

Question 18:

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL

AFFAIRS: Thank you, Chairperson. And thank you to the hon member for the question. Let me say that the answer is that essential services are being delivered in rural and challenge

municipalities and they are assisted. At the moment not all of them because we do not have the capacity to assist all of them by the Municipality Infrastructure Support Grant, Misa, as I said earlier in another question.

To date, 72 Misa professionals have been deployed to support municipalities. If we take municipalities where Misa has been of course they are only 72. So, you can see that they can only be to a few municipalities at a time. And giving the need this is not enough. I will be the first one to admit, it is not enough. But we can only do what we can with the resources we have. And it is for that reason that we are saying through the District Development Model, DDM, let get other departments to also assist. Also, Misa has collaborated with the University of Cape Town and has developed what we call a public Infrastructure unit course guideline. A unit course guideline is for cost municipality infrastructure. The unit course guideline was instrumental. For instance, in the floods damage assessment in KwaZulu-Natal, especially after the April floods. Misa has also purchased build environment software to ensure that low and medium capacity municipalities are also assisted to verify, designs standard done by third parties to perform engineering designs in house instead of outsourcing.

The use of this software is being piloted this financial year in the OR Tambo District Municipality in the Eastern Cape.

Misa also implements high impact projects upon request by low and medium capacity municipalities. For example, through its own budget the Misa assisted Makhanda Central Business District by repairing ... [Inaudible.] ... roads there in Makhanda Local Municipality in the Eastern Cape and in other municipalities. For instance, it has built a wastewater treatment plant in Abaqulusi Local municipality. And then through its budget again and in collaboration with the other to stakeholders like the Development Bank of South Africa, DBSA, Misa contributes to access to potable water supply in rural areas by either protracting springs or doing boreholes in order to utilise ground water where the people don’t have water. And in order to ensure that municipalities function in compliance with all the relevant legislation the department provides guidelines and frameworks for implementation by municipalities and the provincial members and deferent heads of departments in the executives.

The second part – the answer is, in order to ensure that ill- disciplined councillors do not contribute to the collapse of government services a code of conduct for councillors has been adopted and is being implemented. The code requires that a

councillor must perform the function of office in good faith, honestly and in a transparent manner at all times. This is to ensure that credible and integrity of the municipalities is not compromised. To entrench a culture of discipline in the municipalities an ethical leadership in councils the department is developing regulations to augment the implementation of the code. The code and the regulations further stipulate the investigation and disciplinary process to be embarked upon. This may lead to the suspension or removal of guilty councillor so the councillor be removed from office. The councillor may not stand for two years. In fact, this is in the municipal’s system Bill that is going to be Act soon. Thank you.

Ms C VISSER: Thank you, Chair. Minister, respectfully, we miss you and your magic in this historic day in the House today.

Minister, and we thank you for those words because really that is how they are. For 28 years, words did nothing for us. Lots of talk and no action allowing deterioration and complete collapse of municipalities. All your paper plans failed causing inhumane conditions to human beings. We have noted that your party only now has a policy of stepping aside when fought with criminal action.

In the DA, we have a policy of stepping aside when you are incompetent. So, Minister, respectfully, given that you are unable to fix our municipalities and I have clearly shown your incompetence. Please, why don’t you step aside? Thank you.

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL

AFFAIRS: That does not arise from my answer. Thank you.

Mr M A P DE BRUYN: Thank you, hon Chair. Hon Minister, it is common knowledge in municipalities across South Africa that overtime is being abused and essential services is being used as an excuse to justify this unrealistic overtime payment. So, my question will be what procedures are in place to address this and how are officials that is guilty of approving this fraudulent overtime be reprimanded especially in the Mangaung Metro that fall under your administration? Thank you.

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL

AFFAIRS: Hon Chair, respectfully, may the hon member repeat especially the first part of the question.

Mr M A P DE BRUYN: Yes, hon Minister, what I have said, it is common knowledge that municipalities across South Africa that overtime is being abused and essential services are being used

as an excused to justify this unrealistic over payment. So, my question will be, what procedures are in place at this issue especially with overtime and essential services and will the officials that is guilty of approving this overtime payment be reprimanded especially in the Mangaung Metro as that is counted under administration as we know there is a big problem with overtime payments especially with essential services?

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL

AFFAIRS: Thank you very much, hon member for that question. Yes, in fact, when the team went to Mangaung, which is only a a couple of months ago that was an issue that was raised with them and indeed, they are dealing with it. But of course, at a national level, we won’t know what overtime is being done by every municipality. The provinces will be the ones that would know what is going on a day to day. More or less on a day to day in a municipality. But indeed, in Mangaung the team there has been informed and has been instructed to deal with that.

But of course, that does not mean that we should then stop doing overtime for essential services. But you are right that it should not be abused. Thank you.

Ms B M BARTLETT: Thank you very much, hon Chairperson. Thank you, hon Minister, for your response to the question. I just want to ask, is the department not thinking about the

placement of young people while unemployment gradually dependent to us to assess in getting them to be professionally registered whiles improving the technical capacity on the municipality. I thank you very much, hon.

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL

AFFAIRS: Thank you very much. If I understood your question properly one of the things that we are already doing is getting young people through Misa to be trained but also the engineers who are not registered to be assisted to eventually get their registration. Of course, there is high unemployment and we need to do everything we can. But part of reasons for unemployment is because the young people don’t have skills.

And that is why all departments, the Basic Education is in the process of introducing the three streams so that young people don’t have to go through 12 years without getting a skill.

Those who may want to branch off and study something that will give them a skill so that they can get a job or create a job.

Higher Education is important that the Tvet and the State Information Technology Agency, Sita, work together and the municipalities must also work together with the Sita because the Sita have got training resources so that we can train young people to get skills that are going to be useful both in

the municipalities or even in the communities and they can have a portable skill themselves that they can use. For instance, we have been working on a pilot to try and get the construction Sita for instance to train young people to maintain roads. But of course, the construction Sita say, yes, we have the money for training but somebody else must buy the inputs like tar and so on the things they need. So, we have to pull in the different aspects and the different parts of government transport and so on. So, yes, we are looking at that and we are doing that within our capacity but we are asking other departments to do the same so that there could be more of that training. Thank you.

*Setswana:*

Moh S B LEHIHI: Ke a leboga, Modulasetilo.

*English*:

Chairperson, the achievement of public sector services delivery objectives is crucial to our people both individuals and collectively.

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL

AFFAIRS: Hon Chair, sorry. Can the hon member speak to the mic? She is very faint. The voice is very faint.

The CHAIRPERSON OF THE NCOP: I had already made a request, hon members. I am sure hon Lehihi will speak in a shop steward voice and be heard. [Interjections.]

*Setswana:*

Moh S B LEHIHI: A nka tswelelapele ka potso? Ke a leboga. Tona

...

*English*:

... the achievement of public sector services delivery objectives is crucial to our people both individually and collectively. Yet, over the past two decades in the hands of the ruling party. Local government has deteriorating dramatically as currently exist love of flag or total absent of leadership commitment which has been fundamental to the failure of municipalities. Please provide a detail plan of how such services will be implemented across all provinces.

*Setswana:*

Ke a leboga, Modulasetilo.

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL

AFFAIRS: Thank you very much, hon Chair. But the follow up question must arise from my answer.

Question 11:

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL

AFFAIRS: Thank you, hon Chair and thank you to the hon member for the question. Let me firstly say that the skills shortage in municipalities is also a reflection of the skills shortage elsewhere. There are efforts to try and improve skills in the municipalities. Of course, those efforts mean that, first of all, the municipalities themselves must employ people in their administration who have the skills, experience and the competencies to lead those departments or to lead the municipality itself.

If you would recall, the Municipal Systems Act also has in its amended version ... Oh no, it’s not an Act yet. The President will be assenting to it soon. However, it doesn’t allow people who hold positions in political parties to also hold leadership positions in the administration of municipalities. So, that is one of the things that is in that amendment.

We have also introduced the framework on how to ensure competencies in the municipality, and through that a total of

1. 894 persons have been subjected to competency assessments because we also want to ensure that these competencies are there. That’s why we are now putting those people through

competency assessments as one of the qualifying criteria for appointment. Suitably qualified senior managers need those competencies. Before it was not necessary to take people through competency tests.

The department, working in collaboration with provincial Co- Operative Governance and Traditional Affairs ... has also, as I said, introduced these regulations and we hope that the provincial Co-Operative Governance and Traditional Affairs ... will ensure that these regulations are adhered to, which will assist in the recruitment of competent, capable, qualified senior managers.

However, it is worth mentioning that the department is not able to support all municipalities in terms of what the Municipal Infrastructure Support Agent, Misa, can do because of the budgetary constraints. Therefore, it might be helpful for you as hon members to support us when we ask for a better budget for Misa. Thank you.

Ms B M BARTLETT: Thank you, hon Chair and thank you, hon Minister for the response to my question. It is clear that the department is engaged in a number of programmes to deal with the challenges of the skills gap. Is there any role played by

institutions of higher education to assist in addressing the skills gap?

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL

AFFAIRS: Thank you very much, hon member for that follow up. Let me say that the department of education is playing a role through the technical and vocational ... training colleges to provide in-class training for their apprentice programmes. It is also playing a role through working with us in terms of the sector education and training authorities, setas. We work closely with the Local Government Sector Education and Training Authority, LGSETA, in implementing the capacity- building programmes that I talked about, and the apprenticeship and experimental learnerships. The LGSETA also gives us bursaries to send some of the young people to study. However, I think it would still be important to maybe also discuss this directly with the Department of Higher Education. Thank you.

*Xitsonga*:

Man B T MATHEVULA: Ndza khensa, Mutshamaxitulu.

*English*:

Minister, there is a skills shortage crisis in local government, which is one of the reasons for nondelivery by municipalities. Municipalities are in need of skills to plan and manage service delivery, infrastructure, asset management, as well as land. Skills needed also include strong political leadership skills, which are lacking in the ranks of the ruling party across all provinces. Which method of intervention have you taken to breach the leadership skills gap within the ruling party? Thank you.

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL

AFFAIRS: Thank you. That does not arise from my answer. Thank you, Chair. [Laughter.]

The CHAIRPERSON OF THE NCOP: Thank you very much, hon ... Yes, why are you rising, hon Mathevula? Yes, okay.

*Xitsonga*:

Man B T MATHEVULA: Mutshamaxitulu, Holobye a va hlamuli swivutiso swa hina leswi hi va vutisaka swona. Laha ndzi vulavurile hi nkayivelo wa swikili. Sweswi a ndzi swi twisisi leswaku hikwalahokayini va vula leswaku leswi a swi humi eka xivutiso lexi fambelanaka. Ndza khensa, Mutshamaxitulu.

*English*:

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL

AFFAIRS: Should I answer, Chair?

The CHAIRPERSON OF THE NCOP: Tim, I see your hand is up. Are you also rising on a point of order? What’s the point of order?

Mr T J BRAUTESETH: Yes, hon Chairperson. It occurs to me that the prohibition on irrelevant questions relates to ... that it must relate to the original question. It does not have to relate to the answer. So, if the member is asking a question that is connected to or relates to the original question posed, the Minister’s answer is irrelevant. So, I don’t believe that the Minister can say, this does not relate to my answer. She is misdirecting herself, hon Chairperson. Thank you.

The CHAIRPERSON OF THE NCOP: I guess we will have to come back to this question. No, no ... must first hear what it is that I’m going to say. I’m saying that we will have to come back to this matter. If I say question, I may not come across properly. We would like to come back to this matter because

from time to time the questions that get asked are not related to the issue at hand. So, we need to look at that.

The other thing that we should also note is that there is no very, very clear explanation or a standard as to what the answers from the Ministers ought to be, which is a very, very difficult matter. So, for now what I will urge we should do is to really look at this question quite thoroughly, so that we minimise the kind of interaction that sometimes takes place.

Now I see the EFF’s hands there. I want to know on what point you are rising. Let’s start with you.

Mr S ZANDAMELA: Chairperson, all that we are asking is that the Minister must answer questions. The question speaks about skills development and her follow up question was about skills. So, the Minister shouldn’t dodge questions. She must answer questions. We cannot go to that matter at a later stage. We are waiting for answers. Hence, we are here in this House. Thank you.

The CHAIRPERSON OF THE NCOP: No, no, no, I’m not saying questions should not be answered. All I’m saying is that, for ourselves, we need to clarify this matter a bit further so that we are able to engage on these issues to our satisfaction

and we get the kind of responses that really assist us in our debates and in our own engagements. Sileku, let’s try you. [Interjections.]

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL

AFFAIRS: Hon Chair, may I answer the question? The question that the hon member is asking ...

The CHAIRPERSON OF THE NCOP: Just wait a bit, Minister.

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL

AFFAIRS: ... is there skills in the ruling party? There is nothing in the question that talks about skills in the ruling party. Thank you.

Mr T S C DODOVU: Yes, that’s the point, Chair. [Inaudible.]

... allow me to speak, Chair?

The CHAIRPERSON OF THE NCOP: Sileku, what’s the point of

order?

*IsiXhosa*:

Mnu M I SILEKU: Sihlalo, into ebalulekileyo xa uMphathiswa engayazi impendulo kukusixelela ukuba akayazi. Loo nto

ayinakuze isothuse, kuba yile nto ibangela ukuba oomasipala babe kule meko bakuyo ngoku, yokungabinazo izisombululo.

*English*:

The CHAIRPERSON OF THE NCOP: Unfortunately, Sileku, that’s not

a point of order.

Mr T S C DODOVU: Point of order, Chair.

The CHAIRPERSON OF THE NCOP: Hon members, we will proceed.

Mr T S C DODOVU: Chair? I was on the platform as well.

The CHAIRPERSON OF THE NCOP: Yes, I’ve made my ruling. We will proceed. What’s the point of order?

Mr T S C DODOVU: I’m saying that all these points of order ...

[Inaudible.] ... wasting our time.

Ms B T MATHEVULA: I’m rising of a point of order, Chair.

Mr T S C DODOVU: This is the Minister of Co-operative Governance and Traditional Affairs who is capable and competent to respond to the questions that are at hand.

The CHAIRPERSON OF THE NCOP: Yes, yes ... Mathevula, point of order?

Ms B T MATHEVULA: I’m rising on a point of order, Chair.

*Xitsonga*:

Mutshamaxitulu, ndzi vutisile xivutiso xo landzelerisa lexi eka xona ndzi nga hlamuriwangiki. Loko ma ha ya ku ya tihlanganisa na van’wana, xana xivutiso xa mina xi ya hlamuriwa rini? Ndzi vutisile xivutiso xo landzelerisa lexi xi lavaka nhlamulo sweswi hi mayelana na nkayivelo wa swikili.

Xana ndzi ya xi vutisa nkarhi wihi loko ndzi nga hlamuriwi sweswi kwala eka Yindlu leyi?

*English*:

The CHAIRPERSON OF THE NCOP: Can I make a ruling hon members and just repeat it again? This issue requires us to sit down and to try and move in the direction of ensuring that this matter is dealt with in such a manner that it enhances our own level of debate and engagement in the House. For starters ... just emphasise one little point that I raised earlier on.

There is no standard ... agreed upon way in which Ministers or Deputy Ministers are expected to answer questions. There is no such thing. There is no such thing. However, I’m saying this

not to encourage a culture where questions are not answered. All I’m saying is that we need to look at this matter a bit more as we move into the future. Thank you very much.

We now move to the IFP. The IFP? Please sit down. Please sit. Please sit. I’ve not given you permission to speak. Please sit. I’ve not given you permission to speak. Yes. A member shall not stand and insist on speaking unless he is given permission to do so by the presiding officer. The IFP? Please proceed. Please proceed.

Mr N M HADEBE: Thank you, hon Chairperson. Hon Minister, the IFP has long advocated for the professionalisation of the Public Service through skills and competency. I would like to know what monitoring tools is your department using to assess the success of the set interventions to address the skills gap in respect of reaching the desired levels of service delivery on the ground.

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL

AFFAIRS: Thank you very much for that question, hon member. As I say, with the regulations that we have put in place, we will monitor, but the monitoring is done both by us and the province. However, there is a department in government that

does monitoring and evaluation. So, yes we will monitor to an extent ourselves, but government as a whole will also monitor. However, it’s important for the members of councils themselves to monitor whether for instance, the city manager or the municipal manager is following the procedures in terms of employing people who report to them. It’s important for councils to follow the procedures as they employ the city managers and the municipal managers because those norms and standards must be implemented by councils and by the city managers and municipal managers. The councils must do their own proper oversight as well. Thank you.

Mr M NHANHA: Thank you, hon Chairperson. Please allow me to ask my question without my video on. In the majority of responses given by the Minister, she has on numerous occasions mentioned the name Misa, Misa, Misa. To me it would seem she really overrelies on the capabilities of Misa. I am not underestimating Misa but my worry is that if you throw all your eggs in one basket, which is Misa, will you not overstretch Misa and this whole thing fails? Now, Chair ... [no audio]

The CHAIRPERSON OF THE NCOP: Hon Nhanha, we have lost you. Hon Nhanha, can you try again?

Mr M NHANHA: Chair?

The CHAIRPERSON OF THE NCOP: Please proceed.

Mr M NHANHA: My question to the Minister is as follows. Minister, it is unthinkable that the substantial amount of salaries paid to municipal officials ... that can be handed out to people who do not have the ability to do their jobs. You are now promising to send Misa officials to help municipalities. That means that there will be two people earning salaries to do one job. Will you dismiss incompetent officials through incapacity processes or will you reduce their remuneration to a stipend whilst they are upskilled to a point where they are able to function as their job description, grading and salary level demands? Thank you.

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL

AFFAIRS: Thank you very much, hon member. With regard to the first part of your follow up about relying on Misa, I think I must remind this House that Co-operative Governance and Traditional Affairs is not a department that delivers in terms of projects. We are a co-ordinating department. I just want to stress that.

When it comes to Misa, we are not relying on Misa. We are relying on the municipalities to do their work, and the provinces and national departments. However, Misa is helping. It’s small. If you had listened to me carefully, I kept saying it has a small budget. So, it cannot do a lot more. It can only do according to its own resources. However, it also doesn’t have to go to a metro where there are engineers, planners and all the necessary professionals. It’s assisting those municipalities that on the whole are not able to attract and do not have engineers, planners and so on. They are also assisting in municipalities where ... Sometimes there is no water in a village and they assist by drilling a borehole. It doesn’t mean that they have taken somebody else’s job, but they have delivered a service to the people who need it. If there are people who drill boreholes in that municipality, they could be drilling in another village while Misa is drilling in another area. So, I just want to clarify that.

Thank you.

Question 13:

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Thank you

Chairperson and thank you to the hon Mmoiemang for the question. Indeed, we have to root out corruption in government. We must also nip it in the bud, and we are doing

just that. Government heads the Public Administration Ethics Integrity and Disciplinary Technical Assistance Unit which officially came into existence in March 2020. Strategic priorities of this body is to build an ethical public administration to address corruption in the public administration as we are busy building a capable ethical and developmental state.

This body contributes to efforts of government to put in place measures to ensure the growing consciousness amongst the public servants to become stewards of protection and guardians of the public resources. Again, this structure is also responsible for discipline management norms and standards as well as monitoring the implementation thereof to ensure consequence management for unethical and corrupt conduct.

As we speak, we have a compulsory course on ethics of public servants covering the code of conduct as outlined in chapter 2 of the Public Service Regulations of 2016. And at first it was recourse for internal auditors guiding them to audit the ethics management programmes in government. A total of 159 ethics officers were designated for managing ethics in the national departments and government components. Seventy four national and provincial departments have established ethics

committees or they designated other committees to perform the

ethics oversight. That’s the response, Chairperson.

The CHAIRPERSON OF THE NCOP: Thank you very much, Minister. We will then have the first follow-up question from the hon Mmoiemang. Hon Mmoiemang?

Mr M K MMOIEMANG: Thank you national Chairperson of the National Council of Provinces. Let me extend the word of appreciation to the hon Minister for a comprehensive response to the question posed. I believe that definitely the Minister will agree with me that corruption in itself is a pandemic and requires extraordinary measures to ensure that there is identification in addressing the manner in which it is threatening the committee led by the ANC-led government to clean governance.

I agree Minister that one of the challenges and gaps that has been identified is the fact that there is a delay in most cases to finalise disciplinary processes for the officials involved. The second one is the fact that in other cases when these officials are supposed to be charged, they resign.

Therefore, in other cases also, the resignation is followed up by the appointment of these officials in other departments.

The question that I want to pose to the hon Minister is whether any review has been considered, amongst them, to expedite the capacity and capability of vetting processes so that these officials do not fall through the cracks. Thank you, hon Minister and thank you national Chair.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Thank you

very much, hon Chair and thank you hon member for the follow- up question. There is a need, hon Mmoiemang, to review the current regulatory frameworks. The Department of Public Service and Administration is in the process therefore to review the public service regulations to address exactly these identified gaps. The State Security Agency is responsible for vetting and should be able to address the question of vetting these people so that they do not just easily resign this side and get into the other side. The exchange of information is also very important from any department which is employing somebody who was employed before. We are clear about closing those gaps so that people should not take advantage of this particular situation. Thank you, Chair.

The CHAIRPERSON OF THE NCOP: Thank you very much, Minister. The next supplementary question comes from the DA. The DA?

Mr T J BRAUTESETH: Thank you, hon Chairperson. Hon Minister, you and I had many conversations in ... [Inaudible.] ... over the past few years and so I am very disappointed that you are jot here today. I was really hoping that I will give you a handshake and a hug - but anyway, the NCOP is back at work, boss. We are here and we would love to see you with us.

Minister, one of the many recommendations made by the Zondo Commission was to professionalise the procurement service, and I quote: “To create a procurement officers’ profession complete with minimum qualifications, standards and training”. Members of the profession will be subject to a tribunal which will adjudicate any irregular behaviour and have the power to remove offending actors from the sectors. In that light, Minister, what steps will you take to pursue the establishment of a degree qualification in procurement as per the recommendations of the Zondo Commission? I thank you, hon Chairperson.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Thank you

very much, Chairperson. I must indicate that the issue of the qualifications is very important. But we must also say that it is not just about qualifications. You can be qualified academically but not have the necessary competencies. So, it is a combination of the two. That experience is needed. If you

emphasise qualifications, you should know that there are people who have worked in this system for a number of years and are highly experienced. You can’t just throw them away. I can tell you that today we had a Cabinet committee. That is why Minister Nkosazana Dlamini-Zuma and I are here because we had big issues with debating, amongst others, the issue of professionalisation of the public service. The whole issue of skilling through the National School of Government and all related matters is that we are very serious about training and retraining the public servants in order for them to have the right competencies and deliver the service that is needed.

Thank you.

Mr S ZANDAMELA: Thank you, Chairperson. This ... No, it will be ... The microphones are not working properly. I think we should bring that to your attention or the attention of the Chief Whip.

The CHAIRPERSON OF THE NCOP: Can you just switch on?

Mr S ZANDAMELA: Okay. Thank you, Chairperson. Minister, corruption remains the greatest challenge facing local government as it deprives millions of South Africans of essential services. As a country, we also have to admit that

the centre of our problem is the directionless, corrupt and ideologically bankrupt former liberation movement which does not know how to steer South Africa forward. Now, in light of that Minister, which measures will public servants take in implementing and monitoring corruption, reforms of financial systems and the prevention of wasteful and irregular expenditure. Thank you, Chair.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: I think the

hon member should note that the very concept of state capture and putting a commission was also the resolve of the ruling party. Secondly, we have already introduced the lifestyle audit, starting at the highest level and moving down and forcing people to declare their interests and the businesses they are doing. It’s still a long way to go. Dealing with the lifestyle audit is exposing a number of people. But when we are talking about corruption – corruption knows no political party. Corruption knows no difference between a politician and a public servant.

So, all of us have to be subjected to that, including members if the opposition when we deal with this particular matter.

So, there are therefore various measures which we are putting in place to try and deal with this corruption. And you are

correct that corruption in the public service is stealing from the poor, denying them the service they are supposed to be getting. And you know that the Auditor-General has come up very strongly in terms of consequence management, whether you are talking about wasteful expenditure and so on.

So, consequence management is very key in various departments when it comes to service delivery or abusing the resources of government. That arm has to be strengthened by all departments and if you look at the initiatives we have been taking in order to strengthen these ethics officers I have been talking about in the various departments. One of the strategies which we are implementing on top of the other strategies which have already been put. Thank you, sir.

Mr N M HADEBE: Thank you, hon Chair. Hon Minister, the national anti-corruption strategy is a vital component for ensuring the consciousness regarding the ills of corruption and maladministration. I would like to know the role your department is playing to fully support and integrate its work with the national anti-corruption strategy and to capacitate all its objectives. Thank you.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: It is very

clear that we have been talking about the norms and standards in order to deal with the rot as one of our responsibilities as this department in order to guide other departments. I can tell you now that the Department of Public Service and Administration, working with the SAPS and the National Prosecuting Authority, NPA, formed a task team to address some of the issues where departments were guided on the process on how to investigate these cases. Some of them which are criminal cases. And then they are handed over for prosecution to the NPA to prosecute.

So, I have indicated also that the Department of Public Service and Administration have had sessions with ethics officers to commence with ethics officers and labour relations officials of the implicated departments so that we can commence with the disciplinary cases. This is a situation monitored by the body I talked about, which I said is an ethics body. It looks on how the department are able to follow up and forcing the department to provide feedback on the implementations. Thank you.

Question 20:

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION:

Chairperson, in response to Question 20, a multidepartmental task team consisting of the SAPS, the National Prosecuting Authority, NPA, and the Public Administration Ethics, Integrity and Disciplinary Technical Unit which I referred to was established which is co-ordinating these investigations and the prosecutions of the public service employees who are conducting business with the state.

I can be able to say 15 of 579 cases were identified and prioritised there by the team to pilot the process and to establish the case law in relation to this and seven public service employees implicated in the 579 cases involving the public servants conducting business with the state, they were deemed to have merit and were successfully investigated and prosecuted.

These seven officials are all employed by the SA Police Service. The recovery of the money in cases involving employees conducting business with the state is directed through a court process. This is because the service rendered is typically not with the department where the person is employed but with another department or municipality or even an entity.

So the body I have talked about, this technical assistant unit, requested all the departments to report by October 2022 on the progress regarding their cases and to include any amounts of reporting. We can be able, once those have been submitted, to give the details of what departments have given by that particular date. Thank you, Chairperson.

Mr T J BRAUTESETH: Minister, yeah, you know, Minister, once again, we have the classic South African story, great plans, rich on policy but poverty-stricken on implementation.

Minister, let us just recap your answer, 579 cases, of that you prioritised 15. You were very proud of that. I have seen that response. Of that, you have prosecuted seven. So out of 579, there are 572 cases that have had no action. That is absolutely incredible, Minister. So, it is clear that the ridiculously named Public Administration, Ethics, Integrity and Disciplinary Technical Assistance Unit, the acronym is unpronounceable, is either not taking their work seriously or is incompetent or in fact is complicit with the criminal elements still holding sway in the public service. The reality is that since this unit was brought into law in 2016, with the adoption of the Public Service Regulations, and in that time has achieved very little if anything. Minister, what will you do to accelerate, at a great pace, the investigations and

prosecutions? And if you cannot take the size of the action, will you step aside and allow somebody competent to do the job? Thank you.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION:

Chairperson, I want the hon member to understand that investigation need lots of resources. Investigations would need experienced people in that particular field. It is not like grabbing any other public servant to do that. So faced with a number of cases, you have to prioritise the cases you have to deal with.

And of course, some of them which are criminally referred to the people with the necessary skills. This is very important. And also dealing with the disciplinary processes, you have to make sure in our legislation that you follow those processes to the letter. There are no shortcuts. Sometimes some of those can take you up to a year because you are dealing with an official who is also going to come with his own legal representatives who are going to be able to raise all the procedural issues even before you come to the substantive issues. It is not easy as that, that you simply act as you want to. So you must take this very seriously. And when you prioritise, it does not necessarily mean you have ignored the

other cases. You take them in terms of that particular priority. I think that is what we need to understand, and especially that we have put some of these new measures and we are going to continue testing them as the officials get experienced they will be able to move at a faster pace in dealing with all these issues. Thank you, Chairperson.

Mr M DANGOR: Thank you very much, Chairperson, thank you, hon Minister. As you have pointed out for government officials to do business with the state is not only unethical but an act of criminality. How many of these cases have been investigated internally with possible internal disciplinary measures against the affected officials? Thank you very much, Minister, if you can please reply to that question.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Thank you

very much, sir, I have indicated that the different departments are still going to give us detailed information, especially in relation to this particular financial year. I have indicated that we have requested these departments to give us the total information, the numbers, as we indicated, and those reports must be received by us by October 2022 with regard to the various cases and the number which we indicated earlier on was very minimal. But this time around when all the

other departments are submitting we will have all the information and submit it to Parliament. Thank you.

Mr M A P DE BRUYN: Hon Chair, hon Minister, will your department be willing to adopt a zero-tolerance policy regarding public servants and officials that are conducting business with the state and will they be criminally charged where is needed and applicable instead of just going through internal disciplinary actions? Thank you.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Thank you,

hon member, well the cases differ. If it is a case of misconduct, we take it through the disciplinary processes and we come up with the necessary penalty. It will depend then on the nature of the case. But if it is a criminal case, definitely it becomes a case which needs criminal charges.

That is why we bring in the SAPS. We also bring in the NPA to guide us on how to deal with that. And certainly, we would want to see people wearing the orange overalls when they have committed such crimes. Thank you.

*IsiZulu*:

Nk S A LUTHULI: Sihlalo, amacala angu-15 emacaleni angu-579 kuyihlazo nje ukuthi uNgqongqoshe angeza azosibikela leso

sibalo ukuthi babeke eqhulwini amacala angu-15, kepha-ke asidlule lapho. Izibalo zabasebenzi ababonakala behweba ngaphakathi kuHulumeni ziyanda usuku nosuku, nawo lo-579 esikhuluma ngawo singathola ukuthi isibalo sakhona sesidlulile kulokho.

Kungani kuthathe isikhathi eside kangaka kungasetshenziswa isigaba 13(c)se-Public Service Regulation ukuthi kuqedwe lawa macala kuphele nje ngawo? Ngiyabonga.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Hon member

...

*IsiZulu*:

... sengishilo ukuthi umangabe uzoshushisa abasebenzi bakaHulumeni kunemithetho okumele uyilandele. Awuvele nje uvuke, uvuke uthi uyaxosha ngoba lo muntu lo ...

*English*:

... has the rights and can use those rights if proper processes have not been followed, the person can be able to take you to the cleaners through the various dispute resolving mechanisms. And I have already indicated we are talking about very complex disciplinary committee procedures which have to

be followed to the letter. We are talking about even resourcing these cases. In some of these cases, you end up spending millions sometimes engaging the lawyers. So you are not going to move at the pace that you want when you are dealing with this because you are also dealing with the people who are responding and they respond legally. We are looking at the law in terms of dealing with this matter of how do we expedite our cases whenever we are faced with them because the concern, to a certain extent, is a genuine concern. It takes very long in the public service to deal with some of the cases. But unfortunately, it has to do with the law and we would be the last not to respect the procedures which means we would be the last to violate the law.

Question 14:

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Hon

Chairperson, let me thank hon Moshodi and indicate that there are 3 681 officials that were found guilty of misconduct related to some corrupt activities, which were reported through the National Anti—Corruption Hotline. It is different from the one which we were talking about before, in the period of September 2004 until now, 2022. Many of the officials, who were subjected to disciplinary code, DC, processes, were given

final warnings, were demoted, or were required to pay money, whilst some have been dismissed from the public service.

During the 2021-22 financial year, the National Anti- Corruption Hotline received a total of 1 563 complains. Most of these cases relate to the fraudulent use of Sassa cards, as a result of the information received through the National

Anti-Corruption Hotline. These were referred to the Tshwane Metro Police. Suspects sometimes used 13 Sassa cards fraudulently and they were arrested at one of the malls, called the Colonnade Mall. Further investigations led to the arrest of five more suspects in this very same mall. This is just one example that we are talking about and ... [Inaudible.] ... instead of the rightful beneficiaries. We also referred it to SAPS for investigation.

In respect of the National Anti-Corruption Hotline complains related to pension benefits were also referred to the Government Pension Administration Agency. Forty beneficiaries were paid their pension benefits. Thank you.

Ms M L MOSHODI: Chairperson, a word of thanks to the Minister for his comprehensive response. My follow-up question: What is the role that the National Anti-Corruption Hotline is playing

in encouraging a culture that promotes openness? I also just want to check how the National Anti-Corruption Hotline ensures that the whistle blower’s identity remains protected. Thank you very much.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Hon

Chairperson, we think that the National Anti-Corruption Hotline played a very crucial role because a number of cases have been reported and followed up and we have been able to find credible information with integrity and started following up the people. It also helps with protecting the whistle blowers who are not easily exposed and who have to be protected by us. Am I still audible, Chairperson?

The CHAIRPERSON OF THE NCOP: Yes, please, proceed.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Okay, so,

we think that this hotline is a very valuable tool, which is able to give us the necessary information, so that we can investigate and act very quickly when we can. That is what I can say.

Mr N M HADEBE: Hon Chairperson, hon Minister, it has been stressed that inefficient investigations by government

departments caused undue prejudice to whistle blowers. This is made worst by a delay in feedback by departments on the progress of investigations. Want steps can be taken to facilitate better support and feedback to whistle blowers that report corruption via the hotline? Thank you.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Hon member,

I have indicated that, first of all, it is very difficult to expose those people who are giving the information through the hotline and it is our policy that we must not expose the whistle blowers who are giving us that information. They must be protected as much as possible. Once the matter is beyond us and people have been exposed for some reason or the other, it is a matter that we must report to the State Security Agency who has the expertise to deal with the protection of such whistle blowers.

Mr M S MOLETSANE: Hon Chairperson, for it to function as an effective tool of combatting corruption, a hotline must promote its services and be easily accessible. However, the usefulness of this hotline remains unclear, as the general public is unaware of its existence. Minister, on which provincial platforms has this hotline been publicised and

which service delivery issues have directly resolved as a result of this hotline in provinces? Thank you.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: The hotline

is very useful. The fact that there have been responses of the numbers that I have been talking about is an indication that the hotline is useful and the numbers are accessible to our people.

However, I think, we need to intensify what you are raising. There might be people who might not have this information. We need therefore to intensify and we need to use all forms of media, including social media, to help people to access this particular number.

You know, we keep on advertising this particular information through the different radio stations and various newspapers. It is also led by the various departments at various central points, be it at the premier offices or the various Ministries. The fact that we have been able to receive such high numbers shows that this is very, very useful to the public. Thank you.

Mr D R RYDER: Hon Chair, Minister, thank you for that response. I want to pick up where Mr Moletsane left off. Yes, there is National Corruption Helpline and it is not well publicised. Minister, do you know the number? I actually googled it and when I googled it, I dialled it and I have dialled it actually 15 times in the last two days and each time I dialled it out of the 15 times, I received this, [sound of phone ringing], and an answer once. The rest of the time, it goes straight through to a problematic thing that says, the system is not available. Let us wait for it. It is going to come to us now. If hon Mahlangu can use her phone, we can ... [Interjections.]

The CHAIRPERSON OF THE NCOP: Hon Ryder, order! Hon members, let us not do what hon Ryder is doing. We have spoken here before about inadmissibility if other media, such as placards and t-shirts and so on. So, let us not use gadgets that are not supposed to be used in the House. If you want to engage the Minister, please, do so, but not in the way that you have just done now.

Mr D R RYDER: I just tried to test the availability, but I take your point. If we can consistency with the Rules, it would be welcomed. Minister, the point is, the corruption line

is not answered sufficiently. How can it be useful to our people, if the line is not answered regularly? You say that we have had all these cases reported, but have they again led to any convictions. Thank you.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Hon member,

I think you need to understand that when you are dealing with such a hotline, you might find that there is very heavy traffic at the time that you want to get in. You might not be able to immediately get in and you have to be patient, in order for you to register the point. If it is a hotline used by millions of people, you must expect that you might not get in very quickly.

I think also you are suggesting that we must have a way of improving our system, so that it is continuous improvement. We will take that point. It is going to need people who are patient.

You were asking me if I know the number. Yes, I know the number is 0800701701. I know that number. Thank you very much.

Question 7:

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Thank you

very much to hon Moletsane. A multidepartmental task team again, consisting of SA Police Service, SAPS, the National Prosecuting Authority, the NPA, and the Public Administration Ethics Integrity and Disciplinary Technical Assistance Unit, which I indicated that it was established to deal with these investigations and prosecution of the public service employees conducting business with the state.

This was necessary, as section 8 of the Public Administration Management Act 11 of 2014, which we call Pama 2014, made it a criminal offence for public administration to conduct business with the state. The team identified almost 597 cases where public servants may have been breaching the policy regarding conducting business with the state.

I indicated that because the questions are related. Some of the cases were prioritised so that we establish the case law, and at the SAPS, where there were people who were involved.

They were found guilty and convicted in terms of the Public Administration Management Act. Most of the cases involving employees conducting business with the state also involves provincial departments.

To ensure departments act against the identified employees, letters were addressed to these departments on 30 June 2022. Ethics officers and labour relations officers from these departments - whom we have indicated that we had invited for further training, during the training sessions conducted - were also trained on how to conduct those investigations. They required disciplinary management processes to be followed.

Again, we have put the same date of 31 October 2022 regarding reports on the general progress and the steps taken, criminal and disciplinary. During the indicated training session, the NPA shared the list of prosecutors at the various provincial departments and their contacts, if needed. Even the SAPS has shared a list of names of officers that can be contacted to assist departments with investigations and the opening of criminal cases.

On the second part, which talks about how many public servants have been found, the conflicts of interest are detected through these lifestyle audit processes. This includes the detection of the employees conducting business with the state and those performing other remunerative work outside the public service.

In January 2022, departments were required to submit information on the template to the Public Administrations Ethics Body, outlining the conflicts of interest. We are still pulling those numbers because Social Development, for instance, investigated seven cases and six of the cases were concluded.

The Department of Small Business Development investigated seven cases that resulted in disciplinary action and five of those people were dismissed. This process start before the lifestyle audit process. The Statistics SA indicated that they have commenced with investigations. One of the employees was interviewed and referred for investigation.

So, I can go on and on, but what we could be able to do, Chairperson, is to submit that information in detail, department by department. Remember, we are dealing with 161 departments if I am correct. However, we will be able to do that and have a consolidated number. For now, I cannot be able to give that consolidated number.

Mr M S MOLETSANE: Thank you, Chairperson. The Minister has answered some of the questions that I had, but then, I wanted to be specific to him when coming to number of cases, because

he was able to explain the number of cases in general and the number of cases prioritised.

Now, I wanted him to come to say how many are convicted. So, he only talked about seven that were convicted from the Department of Social Development. So, I wanted to know because that number is a drop in the ocean. I wanted him to be specific to say: Presently in South Africa or per province, so many have been convicted as per department. Thank you.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION:

Chairperson, I can be able to consolidate this information as per all 161 departments, but all I can add is that the Western Cape Department of Health indicated that they had identified 744 employees with the possible conflicts of interest, especially for nondisclosure of assets, including the issue of vehicles and companies.

Investigations were conducted and most of the information was attributed to outdated data that was contained on the third party database. So, I don’t want to give to the hon member the information which we still need to verify. I must apologise for that, but we will be able to give that information

department by department. We can be able to send it to the NCOP by next week.

Mr T J BRAUTESETH: Thank you again, Chairperson. Minister, Question 7 is essentially the same as Question 20, with predictably the same answer - the same waffle! You say you could go on and on. Well, most of you do not. Let’s go back to the basics again. The fact remains that in six years - 2016 - your department identified 579 employees that did business with the state - these are your own words. Your department say those incredible claims, yet only seven have been prosecuted. Only seven! Let us just let that sink in!

Minister, you and I know that this is a joke, and it inspires zero confidence in the people of our country. This fact alone, which you have told us today, could be the concluding paragraph of the *Zondo Commission* report. It would certainly sum it up. The absolute lack of action against people in our country involved in corrupt activities.

So, Minister, you also indicated in your previous answer that corruption is not limited to political parties. I would agree with that: It certainly is not limited to political parties or

demographics, but it certainly knows your party the best. That us for sure!

Minister, my final question is: What are you going to do to start nailing public officials involved in corrupt activities, regardless of political affiliation? Thank you.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Thank you,

Chairperson. Hon member, I mentioned a few departments talking about a certain number of cases. I did not mention the total number in the public service starting from a particular year. I have even indicated that we are awaiting these processes as we have put a deadline of October 2022. I think you are going to get a national picture once we obtain such statistics.

To reply to the question: When we are dealing with the people who are violating prescripts of the law, we do not look at the political affiliation thereof. We are just dealing with those who have violated. We are just dealing with the criminals.

That is all. We don’t care about which party does the public servant belong or don’t belong. We are deal with them in terms of the public service prescripts. Let us not project politics into this.

Mr M A P DE BRUYN: Thank you, Chair. Minister, regarding officials undergoing disciplinary actions, once again I have to ask: How many of these cases actually resulted in criminal prosecution? I ask this because of the tendency where officials that are investigated end up resigning before the disciplinary process is completed.

Then, as a result of this, all processes are stopped without any prosecution. I am sure this has happened in hundreds of instances: The former Municipal Manager of Mangaung Metropolitan Municipality is a prime example of this. Thank you.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: If there is

an official who has jumped because he is facing some disciplinary processes, that is why we have said that when people get employed into other departments or other provinces, there needs to be some declaration or some tracking of the particular person by the employing departments. Definitely, a person going into another area will have a persal number which can easily be followed up.

Now that we have started this process and we have talked about co-ordination between the various spheres of government, we

think that we are starting to be able to track some of the people who think that they would just do something, then resign and run into other departments and other spheres of government.

It is a matter which we are very strict upon and we are tracking the history of each and every candidate that we are employing, regardless of the level. All along, the focus had been at the management level, but now it is clear that we must focus at all levels.

Ms M L MAMAREGANE: Thank you, hon Chairperson, and thank you, hon Minister for your response to the question. Hon Minister, have all the departments and provinces submitted their reports on the possible conflicts of interest by public servants to your department? If not, when are they supposed to send their reports?

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: We know for

a fact that they have indicated that they have done this necessary work. And, I would repeat, hon member: We have requested them to provide the feedback by 31 October 2022, on all the cases they have - criminal or disciplinary - and the steps which they have taken in dealing with this particular

matter. Once that information is available, we would then be able to share it with the NCOP.

Question 21:

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Thank you,

hon Chairperson, lifestyle audits are compulsory since 1st April 2021 after the approval of the Guide to implement lifestyle audits in the Public Service, outlining the process to conduct such. So, yes, hon member, lifestyle audits were conducted for senior management in the Public Service and the government component since the approval of the Guide. Having stated all that hon member, I must hasten to indicate that the DPSA through the very body I’ve been quoting Public Administration Ethics, Integrity and Disciplinary Technical Assistance Unit deeds on National and provincial departments. This is a decentralised responsibility residing with the departments in terms of Regulation 22 of the Public Service Regulations of 2016. So the national and the provincial departments are responsible to conduct lifestyle audits starting with lifestyle reviews which were to be conducted by the departmental Ethics officers, which we were talking about that they have been trained when we were answering the other questions.

The lifestyle reviews processes entail the verification of financial disclosures submitted by designated officials during those prescribed periods - that is the senior management members -that was in April and levels 9 to 12 and other designated categories it was in June and July. And when departments detect conflicts of interest or unexplained wealth, the second process is to embark on the lifestyle investigation. This is conducted by the departmental investigators and when the corrupt and the criminal conduct is detected the case is reported to the police for further investigation. In instances where the investigation becomes complex due to concealed assets, external auditors may be involved to conduct a thorough lifestyle audit. When corruption is detected, the outcome of the audit is shared with the police and the criminal case is opened against the employee. The police will then continue with their own investigation. If the ethics officer is verified, submitted financial disclosures and no conflict of interest or unexplained wealth is detected, the lifestyle audit process is considered completed.

There are 24 national departments that have conducted the lifestyle audits on their sms and other designated categories. The 21 provincial departments have conducted lifestyle audits

on their sms and other designated categories. And some of the outcomes of investigations that one may be able to give the information thus far is not yet full but we are expecting that information on that particular date. Once its available, then will share it in October or in November with the Parliament.

Thank you, Chairperson.

Mr T J BRAUTESETH: Thank you, Chairperson and thank you once again, hon Minister, but once again, let’s go back to the facts. So in 2016 the Public Service Regulations were passed. It took a full five years for the Guide on how to do lifestyle audits came in. Now Minister, we are aware what lifestyle audits entail, but thank you very much for the explanation.

However, you have missed point 21B that says: How many audits? So, you have said to us. Yes, we’ve done audits here – we’ve done audits to the provinces. We’ve done audits all over the place, but you have not given us: How many? Maybe you can help me in the follow up of ... and then what was the outcome of the investigations? Just like the 579, maybe you also prioritised three and you’ve done one. But could you please tell us how many audits have actually being conducted? Give us a figure, Minister. Thank you.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Thank you

very much, hon Chairperson and the hon member. I am requesting the hon member just to bear with me so that I am able to get the proper and full statistics and be able to give that information. I didn’t have that information with me.

Mr N M HADEBE: Thank you, hon Chair, and hon Minister, we appreciate the lifestyle audits that have been completed, noting that there are still many to be concluded. What were the unforeseen challenges your department faced when conducting these audits and what measures were taken to address these issues? Thank you.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: The major

issue, it might even speak to the issue why we’ve been moving very slowly in this particular area. It has been the capacity. If you listened ... [Inaudible.] I was saying the biggest challenge has been to ensure that you empower your investigators, the ethics officers I was talking about and that needed us to spend a lot of time on training them and if you are going to do an individual investigation not knowing exactly what procedures you are supposed to follow and what you are looking for. You must not be found to be on the wrong side of the law. You must be seen to be doing exactly what you

are supposed to be doing. Remember, people have rights and if you violate their rights, then you will see yourself faced with a problem. That’s why we had to do a thorough training. We had to involve the prosecutors, the people from justice who are going to be able to take people step by step on how this has to be done. So that was a major problem, but now we have been able to start that particular training in order to obviate what I am talking about. We think that the process now is going to pick up and move forward with speed.

Mr M DANGOR: Hon Minister, the issue of the lifestyle audits and the scale currently required is welcomed. Policy interventions by the state and the fight against corruption, given the complexity of this process has the Department of Public Service and Administration consider uniform, national norms and standards both in terms of process and institutional arrangement across the departments and spheres of the state?

Thank you very much, Minister.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Precisely

on that, hon Dangor that’s where we have had to train our people in order to be able to follow the proper processes. That’s why we are talking about this capable state. We are saying, it means human capabilities. It needs institutional

capacity, the service processes and also including the technological platforms which the NDP was talking about. Whatever we do, it must be driven by the constitutional values and driven by the principles of the public administration and of course, the rule of law focusing on what we would call the progressing realisation of socioeconomic rights and social justice. To us, that is very important. The process must be seen to be transparent not a process of just trying to follow the individual. So, as you’ve said we are building the institutions, as we go along and we are going to strengthen that capacity, those processes and even the institutions. It’s a very important area, we are dealing with.

I have spoken, for instance, about the multidepartmental task team consisting of SAPS, NPA and in dealing with all sorts of malfeasance. The mere fact that the body we have has all these organisations and bodies speaks to how serious the government is in dealing with this, but also how complex this particular process and is not just an easy thing that we do it like that. That’s where we are coming from. So to us, we are building it. It’s a gradual process until we are there, until the process comes to ... fruition and it’s able to run on its own.

*IsiZulu:*

Nk S A LUTHULI: Sihlalo, Ngqongqoshe lowo owaye kade enguNgqongqoshe eHhovisi likaMongameli ongasekho emhlabeni uJackson Mthembu wathi enkulumeni yakhe yangoNovemba 2020 ucwaningo lwendlela yokuphila [ lifestyle audit.] luzophuthulwa ngoMashi 2021. Sekuphele unyaka nohhafu lo hulumeni ka-ANC ehluleka kulokhu kade esibekele kona.

Ngqongqoshe isiphi isizathu esenza ukuthi nihambe ngonyawo lonwabu ukufeza ucwaningo lwendlela yokuphila kweZemisebenzi Yomphakathi [Public Service.]? Ngiyabonga.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Thank you,

hon Chairperson and hon member, I thought I was very clear that this is a process not an event, which needs training officials. Training and training on the procedures to be followed. It’s not just we wake up and do the lifestyle audit tomorrow. I will leave it there, Chair. Thank you.

Question 15:

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Thank you,

Chairperson, the government has lobbied the growth in the public sector wage bill through cost containment measures introduced since the 2020 Budget. A share of compensation of employees to the total consolidated expenditure has decreased from 34,5% in 2019-20 financial year to 31,6% in 2022-23. This

is said to be further reduced to 30,8% in 2024-25 financial year.

In the 2022 Budget, the 2021 Public Service Wage Agreement was higher than the budgeted one. It was R20,5 billion in 2021-22 and 2022-23. However, it consists of a cash gratuity rather than a permanent adjustment of salaries which will result in long-term savings in the public sector wage bill. I am very careful here because we are in the negotiations. I am also avoiding to be accused as Acting Minister to be negotiating through Parliament.

I also need to say that as part of the measures to curb the public sector wage bill growth, departments are also expected to manage the filling of both critical and noncritical posts within the staff establishments whilst remaining within budgets and still delivering in their mandate.

The public service wage negotiations for the financial year 2022-23 commenced on 22nd April at the Public Service Co- ordinating Bargaining Council, PSCBC, and are in progress with government having presented the country’s economic outlook to labour during the prenegotiation session. There are currently no clashes at the bargaining council as negotiations are still

in progress with the hope to conclude this round amicably. Should any dispute arise out of this negotiations – it is normal during negotiations to have tensions running up – it is normal that you will have disputes but there are dispute resolving mechanisms which must be followed whenever they arise. We always say that the bargaining season is a silly season in almost all the sectors. Thank you very much.

Mr M I RAYI: Thank you very much, hon Chairperson and thank you to hon Minister for the response. Hon Minister, the post- COVID-19 global economic recovery and the ongoing Ukrainian- Russian war have precipitated a hike in the general cost of living for public service workers in particular. In light of this, did the department consider other alternative monetary incentives to offer public workers? But also for future, hon Minister, would the department or government consider having these negotiations held before the tabling of the budget so that it is meaningful because what frustrates unions is that when they start negotiations, already the budget has been tabled and they already know how much is budgeted for that, and therefore it defeats the meaningfulness of the negotiations? Thank you very much.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Thank you

very much, Chairperson and to hon Rayi, what we have agreed upon with the unions is that for this round of negotiations – remember we are coming from a big dispute which ended in court where we were accused of not implementing the last leg of the agreement and you will also appreciate that the trust levels are very low - what we have agreed upon after we have gone to a Public Service Summit, which was a breakthrough led by my predecessor, Minister Dlodlo, that this year, we will focus on what we call the cost of living adjustment only. We wanted to finish these negotiations very quickly and start the negotiations for the coming years being 2023-24 where we will deal with all the other issues like the incentives, the housing allowances and so on. For now, we are just focusing on the cost of living adjustment. Precisely, on the issue which you are raising, we are saying it is not useful that we negotiate after the Budget has been passed by Parliament. It is negotiating after the fact. There is very little you can be able to influence what has been put in place. What we have suggested and agreed upon with the unions in terms of our timetable is that once we finish this one-year negotiation and have an agreement on that, we will come back to all the other issues which they have raised and try and negotiate parallel to the budget processes so that when the Budget is passed, we

can be able to make the recommendation as per the outcome of the negotiations, then the Ministry of Finance can take that into consideration.

The Ministry of Finance has agreed to that particular approach. I am handling these negotiations together with the Minister of Finance and his officials. We want to go into a new process which we will negotiate prior to finalizing the Budget, so that the Budget can take into consideration those issues and I think we have learned from the past where we have been trying to influence the cake but it is after the cake is done. Thank you.

*IsiXhosa*:

Mnu T APLENI: Ndiyabulela kakhulu Sihlalo, ndiyaxolisa andizivezanga. Mphathiswa, kuyabonakala ukuba izinga lemivuzo yabasebenzi kweli lizwe liye lisehla ngokwehla ngendlela enganqandekiyo. Njengoko sesibonile ke Mphathiswa kwezi ngxoxo zikhoyo phakathi kukarhulumente nemibutho emele abasebenzi abakwi-1,3 yezigidi, urhulumente usikhabile isiphakamiso se- 10% waza waphakamisa u-5%, ngolo hlobo ebuya umva kwizithembiso nzangowama-2020.

Umbuzo wam ke Mphathiswa ngulo: Ingaba ukungenelela oku uthetha ngako nokuzama ukulungisa, kuza kubanakho kusini na ukuphakamisa izinga lemivuzo yabasebenzi, ukuze babone impilo zabo ziphucuka, ingakumbi abasebenzi abamnyama? Ndiyabulela kakhulu Mphathiswa.

UMPHATHISWA WEENKONZO ZOLUNTU NOLAWULO: Ndiyabulela Sihlalo.

Mandithi kwilungu elihloniphekileyo, ndiyithethile into ethi, kulo nyaka sijonge le nto kuthiwa yi ...

*English*:

... cost of living adjustment.

*IsiXhosa*:

Elo zinga ke leli uthetha ngalo. Eli zinga ke ...

*English*:

... is influenced by a number of factors. We must be honest; it is also influenced in the main by the affordability of the country, the demands to the country. Remember, we are talking about the floods, which were never budgeted for, which hit KwaZulu-Natal and government has to respond. We are talking about the violence which destroyed workplaces and jobs. We are talking about the pandemic, which destroyed two million jobs.

We are talking about the economy, which was going down prior the COVID-19 pandemic, which therefore says anything which we are giving to the public servants must be properly calculated.

You are also talking about positions which must be filled in the public service. We need teachers, health workers and police. That must be taken into consideration as we are dealing with the wages. It is not only wages which are facing us, service delivery is also going to depend on a number of these issues which I am talking about. I am not sure. I will wait for the negotiations. I cannot be able to say we can afford this or we cannot afford. Otherwise, I will be seen to be negotiating or abusing Parliament for negotiations. I just want to say to you, it is not about just a very high figure which will come and think we will be able to settle at that particular level, it must take into consideration all the issues we are talking about.

Workers have been saying they are overburdened because they have not been able to fill in a number of posts. All these are coming from the very same budget. Those are the considerations we have to make. For now, let’s leave the issues to the negotiations. Thank you.

Mr S F DU TOIT: Thank you, hon Chair, hon Minister, with reference to the already high public sector wage bill, and the role that unions play in demanding high remuneration packages that might seem unrealistic for many, as well as tripartite alliance between the unions and the ANC, will government contain the public sector wage bill in the interest of the economy and the country even if it results in damaging government’s ties with the unions? Will you act in the best interest of the country at all times? Thank you, Minister.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Thank you

very much, Chairperson, on the negotiation table, the parties to these negotiations - the employer and the employee – the employees’ side is by different unions with different strengths. We have the biggest union being the Public Servants Association of SA, PSA, we have the South African Democratic Teachers’ Union, Sadtu, the National Education, Health, and Allied Workers’ Union, Nehawu, the Police and Prisons Civil Rights Union, Popcru, and the SA Policing Union, Sapu. These are the different unions which are there and some of them are independent unions whilst some are affiliates of the Federation on Unions of SA, Fedusa. Some of them are affiliates of Cosatu. There is no alliance with the governing party. We are dealing with them as employees, unions and

bargaining. We take them into consideration ... What I have said is affordability to the country. That’s our position. We are not there to talk about any alliance issues. I can be able to tell you that if you looked at the settlement patterns in the other sectors, it is clear that employers can understand. Workers had to go on strikes, which are not necessary, which are very damaging. We should not take unions as a threat but take them as stabilising, giving us a platform to be able to negotiate with all the workers. We must accept that there will be times of tensions and conflict because once you start talking about money, even with business, you are talking about something very sensitive ... [Inaudible.] ... dispute resolving mechanisms which in our law must be followed to deal with those disputes. We are not talking any alliance there. We are talking the right to bargain by the employers and the employees. Thank you.

Mr W A S AUCAMP: Thank you, hon Chairperson, hon Minister, we are all aware that your party is going through a very traumatic divorce from your voters. Has the time not arrived to wake up from the unrealistic Marxist dream and smell the coffee of economic reality? Hon Minister, the economy is not doing well and there is no room for errors. Would you agree that we have to remove the deadwood and wastage in the public

sector? Would the hon Minister agree that the public sector and service is bloated and inefficient and that there is an urgent need to cut the fat and remove the deadwood regardless of the fallout with unions and the possible loss of patronage to the ANC or will you again with the needs of the ANC before the needs of the people of South Africa? Thank you, hon Chairperson.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: I don’t

understand who is the deadwood in the public service unless you are referring to the majority of the black workers who were denied training, who were kept at the lower levels of the public service by the apartheid system and whether you are referring to that particular deadwood which has been caused by the apartheid government. I don’t understand the concept of a bloated public service. It’s more of an ideological construct. You can’t talk about a bloated public service when we have a shortage of the police, a shortage of nurses and doctors in the clinics and the hospitals, when you have a shortage in schools of teachers. The bloated public service is a myth in the South African context. Yes, you can talk about bloated at the level of the administration, the level of the higher management echelons, many chief directors and many whatever, and many administrators in the offices. Where you talk about

service delivery to the schools, the clinics and the police stations, you can’t talk about a bloated civil service. That’s the issue which we have to deal with and say how do we realign our public service to ensure that we improve service delivery and we appoint more personnel at the points of service delivery. I reject this concept of a bloated civil service.

It’s not there. Thank you very much.

The Council adjourned at 17:21.