**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**TUESDAY, 25 OCTOBER 2022**

***PROCEEDINGS OF THE NATIONAL ASSEMBLY***

The House met at 14:02

The House Chairperson, Ms M G Boroto, took the Chair and requested members to observe a moment of silence for prayer or meditation.

# ELECTION OF MS N V MENTE TO SADC PARLIAMENTARY FORUM

(Draft Resolution)

Ms R M M Lesoma, on behalf of the Chief Whip of the Majority Party, moved: That the House elects Ms N V Mente to replace Ms H O Mkhaliphi as a member of the delegation representing Parliament in the Southern African Development Community Parliamentary Forum, in terms of Article 6(3) of the Constitution of the Forum.

Motion agreed to.

Ms N V Mente accordingly designated to represent Parliament in the Southern African Development Community Parliamentary Forum

# CONSIDERATION OF THE NATIONAL LAND TRANSPORT AMENDMENT BILL, THE PRESIDENT’S RESERVATIONS ON THE CONSTITUTIONALITY OF THE BILL AS SUBMITTED TO HIM AND THE REPORT OF PORTFOLIO COMMITTEE ON TRANSPORT THEREON

(Consideration of Bill and Report thereon)

Mr L N MANGCU: Good afternoon, House Chairperson, Ministers, Deputy Ministers, colleagues, and fellow South Africans, good afternoon. As we stand here like we did the last time, it is with sadness that seven people perished on our roads yesterday morning in Mpumalanga, around Secunda. Seven people died in a crash between a truck and a minibus taxi. We extend our condolences to the families ...

*IsiZulu*:

... sithi, mabalale ngoxolo.

*English*:

The Portfolio Committee on Transport resubmits to the National Assembly, the National Land Transport Amendment Bill, for

consideration by this House. The National Land Transport Amendment Bill was previously approved by the committee and the National Assembly on 9 March 2020. However, prior to the President assented to the Bill, it was referred to the committee due to the reservations of the President in relation to some clauses. Like the previous submission, the Bill has been tagged as a Section 76 Bill, and the portfolio committee has considered and after deliberations approved the proposed amendments to the Bill in response to the President's reservations.

The clauses for which reservations were raised by His Excellency the President impacted the separation of powers between the national, provincial and local governments. An example of such reservations can be found in Clause 7 (a) in that the Bill conferred powers on the national government to enter contracts which are not in this sphere of the national government which would be unconstitutional.

A similar clause arose in Clause 7 (b), which appeared to allow provinces to conclude public transport contracts with operators, and this again impacted the powers which are vested in the local sphere of government. The President's reservations extended to Clause 11 (6), the provision which

would allow the function of contracting land transport to the Minister of Transport instead of vesting the contracting authority with the province.

The reservations of the President were that it was inconsistent with the Constitution which the committee agreed with. During the deliberations, the committee was briefed by the Parliamentary Legal Services on the reservations of the President. The Portfolio Committee, having considered all facts before it, agreed with the reservations of the President and proceeded to incorporate the amendments to the Bill previously served in this House.

The committee is satisfied that the current amendments to effectively deal with the reservations raised by the President have been dealt with. The portfolio committee considered the amendments and approved such amendments to the clauses. The portfolio committee, therefore, submits this Amended Bill to this House for consideration, debate and approval, please. I thank you, House Chairperson.

*Declaration(s) of vote*:

Mr C H H HUNSINGER: House Chair, mistakes are not just made by taking bad decisions, mistakes are often also made by not

taking a decision at all. Spending six years on this National Land Transport Amendment Bill, not including the important matters the DA raised, is such a mistake. For the second time, when previously approved in March 2020, as in 2009, this Bill was rushed. Initially, it was rushed towards approval for the 2010 Soccer World Cup to comply with a public bus service and now again.

Today’s closure of this round started by tabling it in April 2016. We anticipated this opportunity to address much-needed shortfalls and improvements to South Africa’s current legislative and regulatory land transportation framework. This is the Bill which could have established a crucial operating space in the transportation of people and goods, services and service providers and public transportation shareholders which could have allowed for progressive solutions, improved stability, fiscal direction and an expanded enabling economic environment. This was the Bill that could have furthered meaningful integrated public transport networks and systems.

This was the ideal opportunity to introduce road clearance matters and improve the relationship amongst public transport participants, alleviate congestion, the chance to extend the usage life of road surfaces and get rail going. All of which were sadly totally ignored.

*Afrikaans*:

Die DA se voorstelle van kwantitatiewe en kwalitatiewe vervoerkontroles, praktiese oplossings soos enkelkaartjie gebruik vir verskillende tipes openbare vervoer, subsidies vir pensioenarisse, skoliere en persone met uitdagings, is geïgnoreer en nie in hierdie wetsontwerp opgeneem nie.

*English*:

At every possible opportunity, the DA warned about the statutory conflicts relating to overstepping on the constitutional principles of the three spheres of government, separation of powers and the delegated authority for providing public transport services as expressed in the Constitution.

The former Section 11 remained a cause of disagreement throughout the deliberations and it was, therefore, not a surprise to the DA when the Bill was not signed off by the President but embarrassingly returned to the portfolio committee for correction.

*Afrikaans*:

As ons in die geheel na hierdie wysigingswetsontwerp kyk, kon ons ses jaar verder gewees het maar ons is eintlik nou 12 jaar agter. Hardkoppigheid, die onvermoë om te prioritiseer en kortsigtigheid is die redes daarvoor.

*English*:

Dealing with legislation in this manner can be related to why we often struggle to solve 21st century problems with 18th century ideas. For instance, the 350 000 trucks on our roads contribute in excess of R120 billion to the South African economy. This Bill could have addressed the congestion, lack of safe truck stops, and the estimated R2 billion loss of assets due to ongoing attacks in the trucking sector. Road to rail, road maintenance and road safety will not be successful without a plan.

This Bill should have addressed these of shared land transportation use and the protection of road surfaces and lives, shortfalls that this ANC government is not prepared to address. From 2005 until 2021, more than R50 billion has been spent in 13 cities on public bus transport provision. Only four cities demonstrate an average expenditure ability of above 50%. Funding to four of the 13 bus transport participating cities has been stopped for about three years now, but the DA is asking, why should citizens be deprived of improved living conditions, opportunities and mobility in general. Where is the money? How could you, the ANC, ever allow this? The DA supports this report and we look forward to

fixing this Bill, amongst other things, when we return in 2024 as the government in South Africa

*IsiXhosa*:

Ndiyabulela ngexesha ... [Ngokungavakaliyo.]

*English*:

I thank you.

Ms N J NOLUTSHUNGU: Thank you, Chair. Chairperson, when the Bill was debated in this House, we opposed the adoption of the Bill because we were not happy with its failure to incorporate some key considerations affecting road transport in the country. Some of these included the tolling of highways, which is still an issue to this day, as exemplified by the still unresolved e-tolls in Gauteng. We were also not happy with the loose arrangement with regards to e-hailing services and emphasised that, as a country, we could not afford to have an unregulated form of transport as Uber and many others who have since joined. This would inevitably lead to violent confrontations, as it has done repeatedly in the past few years.

We also wanted the Bill to have very tight measures in place to control the proliferation of heavy trucks on the road, which are obviously as a result of the collapse of the railway system in the country. The many accidents involving trucks on the road are as a result of this lack of legislative restriction on the amount of goods transported by trucks, as well as the need for regulated training of truck drivers in the country. The concerns that the President had on the Bill, which led to him sending it back here, had nothing to do with our initial concerns, which still stand.

We also raised concerns about the intended consolidation of the Bus Rapid Transit, BRT, system, and how this would serve to exclude traditional transport providers in the form of taxi operators. While this system is collapsing in Cape Town, we have seen how laws have been used by an administration that is patently antiblack to harass taxi operators. We needed this Bill to create an enabling environment for a more progressive inclusion of taxis in all aspects of transportation, without creating a perception of competition between taxis and the BRT system.

We are still of the view that, the Bill misses a good opportunity to address many of the chronic and often fatal

problems facing road transportation in the country, which we have highlighted above. We therefore reject this Bill, once again.

Mr K P SITHOLE: Thank you, hon Chairperson. South Africa is currently facing one of its most difficult periods of steady decline in economic development and jobs. For about 26 million people, despair is a daily reality, as putting food on the table is becoming ever more a luxury. Being mindful of the hardships faced by many South Africans, it is our duty to ensure that legislation, and the implementation and success of all government entities, are at the apex of our agenda.

Unfortunately, for far long, the governing party has viewed the separate spheres of government with jealousy, over their constitutional right to manage affairs that are at the heart of their local communities.

There has been a consistent move by the Executive to erode the powers and functions of the local government sphere through various pieces of legislation that pass through this house.

Given the ills, we have witnessed during the last 28 years of democracy at the hands of the Ruling Party, the centralisation of powers will only work to the detriment of our country. We are currently experiencing the effects of the governing

party’s attempts to deny accountability and transparency over matters of maladministration, as seen in the Zondo Report on state capture. The consistent decline in our country’s already weak economic position should have signaled a wake-up call to the Executive to work with all spheres of local government, as well as opposition parties.

Chairperson, this Bill is a clear example of this, as it has been sent back to this House because it was rejected by the President on the grounds that it sought to take powers away from the local spheres, provinces and municipal government. The referral back by the President, due to the unconstitutionality of aspects of this Bill, may well have been avoided if the Ruling Party valued and engaged with opposition parties at committee level. We raised these very concerns and continue to do so on other pieces of legislation.

However, the Ruling Party, using its majority, pushes through its own agenda, instead of listening to the views of opposition parties, the people of this country and respecting our Constitution. The inconsistency of some of the Ruling Party members when opposition raise the same objections compared to when the President did so, is unacceptable and clearly shows their unwillingness to collaborate. Finally, the

IFP would like to raise its concerns around whether the government will, in fact, be able to enact the objectives of this Bill, given the serious challenges in the Department.

The transportation sector under government is worrisome, as most of the entities under the Department are completely dysfunctional due to key vacancies not being filled.

Generally, there is a lack of senior management at most of these entities, which accelerates their declining performance. We call on government to priorities competent individuals to fill these positions instead of trying to decide which cadre needs to be deployed. The IFP accepts this version of the Bill. I thank you.

*Afrikaans:*

Mnr P MEY: Dit is belangrik dat wetgewing verander soos omstandighede dit vereis. ’n Wet is dus nie staties nie en bied geleentheid vir verandering.

*English:*

The Bill has been in the making for more than five years, by...

*Afrikaans*:

... wat totaal onaanvaarbaar is.

*English:*

It was first introduced to Parliament in September 2016, and passed by the National Assembly in 2018. President Ramaphosa has declined signing into law, the National Land Transport Amendment Bill, which seeks to regulate land transport across South Africa. The President sent the legislation back to Parliament, as he expressed reservations about its constitutionality from 23 September 2021, the letter from President to the Speaker was referred to the portfolio committee for consideration and report.

In the main, the President is concerned that the Bill usurps powers of the municipalities and give them to national government and provinces, something that goes against the Constitution. The President said that, while section 11 of the existing National Land Transport Act, a 2009 law, sets out the respective responsibilities of the three spheres of government, national, provincial and local, regarding national land transport, clause 7 of the new Bill seeks to amend that section and, in doing so, will alter the statutory responsibilities of the three spheres.

Submission by SA Local Government Association, Salga, at the City of Cape Town, saying that they contended that the matter in which clause 7 did this, was not consistent with the Constitution. Cape Town had objected to the clause, asserting that the powers vested in municipalities by the Constitution to negotiate new contracts will be stripped by various subsections of the Bill. If they were not reversed. The city argues that, the section took away its power and assigned a default responsibility of concluding contracts to the province.

It argued that, municipalities had this responsibility in the past, and had demonstrated the ability to plan, implement and manage contracts under the Constitution. The municipalities have original constitutional powers. This has been made clear by the Constitutional Court. One of the matters over which the municipalities have competence, is municipal public transport. The Portfolio Committee of Transport, having considered the subject of the National Land Transport Amendment Bill, recommends that the House adopts the report of the National Land Transport Amendment Bill ...

*Afrikaans*:

Die VF Plus ondersteun die verslag. Dankie.

Mr S N SWART: Thank you, House Chair. House Chair, may I, with your permission, leave my camera on, due to connectivity issues?

The HOUSE CHAIRPERSON (Ms M G Boroto): Consider it done, sir.

Mr S N SWART: Thank you so much. House Chair, the ACDP does shares concerns about the delay in the finalisation of this Bill, but we are grateful that this constitutional issue has now been resolved. The report deals with the very interesting interaction of the powers and functions of the three levels of government, local, provincial and national, and as the other speakers have indicated, the President found and expressed reservations about the constitutionality of section 11(6) of the National Land Transport Amendment Bill.

In his view, he believed that it was inconsistent with the Constitution, and the principle that national and provincial governments are not committed by legislation to assume the local government functions for themselves. Bear in mind that Parliament passed this Bill prior to this, and that the state law advisors had certified that the Bill was, in fact, constitutional, and Parliament was of the view that it was constitutional. So, it is good that there is a further check

and balance when the Presidency also looks into the constitutionality of Bills, and in this case, believed it was unconstitutional and referred it back to Parliament.

But it does raise questions about the state law advisors’ certification of Bills being in compliance with the Constitution. To allay the concerns, Parliament suggested that the Bill be amended to make the national powers subject to contracts having to be concluded in agreement with the relevant provinces and municipalities, and this is set out in the report. If the parties cannot agree, the Intergovernmental Relations Framework Act should be applied, and if the matter is still not resolved, the national spheres of the department should be able to proceed to ensure adequate public transport to users.

So, this amendment, the ACDP clearly supports, bringing this Bill into line with the Constitution. However, there are far more other aspects that could have been addressed in this Bill, such as the road-to-rail aspects, the protection of road surfaces, and, of course, road safety as indicated by other speakers. But, given the fact that the constitutionality of this Bill has now been addressed both by the President and by Parliament, the ACDP will support this Bill. I thank you.

Mr B N HERRON: Chair, thank you. House Chair, the 2009 National Land Transport Act was a progressive piece of legislation, aimed at the development of a robust, integrated, affordable, and accessible intermodal public transport system in South Africa. With the Federation Internationale de Football Association, FIFA, 2010 World Cup, focussing minds on logistics, the Act was really at the cutting edge of providing solutions of urban mobility.

It correctly identified local government, and in particular, cities with transport authorities and credible transport plans as the most appropriate sphere of government to manage public transport functions. By providing for the devolution of public transport functions, it created potential for a public transport revolution in cities that were willing and able to reengineer their public transport networks to improve access and mobility for all residents.

It was the basis upon which cities could integrate all public transport services under one authority, and sow the seed for what has become conventional wisdom that, urban rail should be devolved to cities or city regions too. By also providing cities with the opportunities to use transport planning, infrastructure and services, to address apartheid legacy of

segregation and spatial injustice. It was an important flagbearer for intervention.

In short, it provided a framework for which to tackle urban inefficiencies that have kept the democratic country, its economy and people, shackled to the unwanted patterns of the past. The importance of these ideals were recognised in the 2016 Integrated Urban Development Framework, IUDF, but nonetheless, we’ve made precious little progress. The reason we haven’t made much progress is not due to a lack of policy failure or legislation, the blame lies squarely in the lack of political will, and the obstruction of the Department of Transport.

In 2014, the City of Cape Town, the Western Cape Provincial Government and the Golden Arrow Bus Services, GABS, signed multiple agreements ... [Inaudible.]... Chairperson, is there...

The HOUSE CHAIRPERSON (Ms M G Boroto): I am sorry, hon Herron. Hon Cachalia, please mute. Proceed, hon Herron.

Mr B N HERRON: Thank you, Chair. In 2014, the City of Cape Town, the Western Cape Provincial Government and the Golden

Arrow Bus Services, signed multiple agreements for the devolution of contracting authority function, and for its assignment of the contract from the province to the city. The city has approved Integrated Transport Plan at the time, sought to partner Golden Arrow Bus Services with the city’s My City service, to create one integrated seamless bus network where passengers produced one ticket as they commuted.

Golden Arrow has been providing services to the City of Cape Town on a month-to-month contract for decades, it has never tendered for the contract. The Integrated Transport Plan would ultimately put the bus transport network out to tender for multiple operators, including Golden Arrow, to compete for subsidised bus service contracts. After signing the contracts, the city applied for the devolution of the Contracting Authority and the Municipal Regulatory Entity functions, the latter which is responsible for issuing public transport operating licenses.

Although the Land Transport Act and government policy encouraged the devolution of these functions to metros, and although the devolution application was fully and lawfully processed, that’s where it got stuck. In 2017 the city

declared an intergovernmental dispute and, eventually, the then Minister of Transport agreed to the devolution process.

The HOUSE CHAIRPERSON (Ms M G Boroto): Thank you, hon Herron. Your time is up.

Mr B N HERRON: Thank you, Chair. I just want to let you know that, we support the Bill, but we note that, the legslation is meaningless without the political courage to implement it.

The HOUSE CHAIRPERSON (Ms M G Boroto): Thank you.

Mr A M SHAIK EMAM: Thank you very much, House Chairperson, the NFP notes the report before the House. However, we have serious reservations and concerns about the time period that it has taken to bring this Bill before the House. I think, the first question, Chairperson, we need to ask is: How were we advised by our state legal team when we had to go through this entire process only to find reservation by the President and then come back to amend this? Now the state law advisors are supposed to be the custodian of this. Yet, it would appear that the processes that were followed the legal advice that we were given was absolutely incorrect, which resulted in the ... [Inaudible.] ...that we found itself. I think that, we need to

take this more seriously. It’s clearly an indication, of course, as well of what the left hand is doing, the right hand does not know. We did not need to allow the process to go through for such a long period in this case, for over five years before we’ve dealt with ... However, the NFP welcomes the fact that the President has listened to the issues that were raised by stakeholders and as a constitutional matter. We note the report of the portfolio committee. What we would like also to ... [Inaudible.] There’s also some disturbances, Chairperson.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Tseke! All members on the virtual platform, please make sure that you check your gadgets now and mute. You come late and you just start by switching on without checking whether you are muted or not.

Please do not do that. Proceed, hon Shaik Emam.

Mr A M SHAIK EMAM: Thank you, Chairperson, we also note the report of the portfolio committee, but we would like to call on the Portfolio Committee on Transport to intervene and facilitate some level of engagement with stakeholders, particularly in the e-hailing industry to unpack some of the serious crimes and allegations by passengers and some drivers in some instances. In just three days, Chairperson a petition

on Change.Org tackling Bolt had garnered more than 58 000 signatures. This was just on Wednesday morning last week complained about the alleged rampant abused by drivers. So, we are urging the portfolio committee to deal with this matter.

In conclusion, we humbly request portfolio committee consider looking into this matter, but to ensure that laws are enacted to protect, particularly the travellers or passengers that are using public transport. The NFP supports the Bill as amended. Thank you.

Mr S M JAFTA: The AIC supports the Bill, hon Chair, with no further declarations.

Mr M NYHONTSO: No declarations from the PAC, Chair.

Mr M G E HENDRICKS: Thank you very much, hon House Chair, Al Jama-Ah supports the Report and would like to thank the Presidency for what they did. We also a bit disappointed by that the state advisors let the nation down. They mustn’t do that in the future. Hon Chair, we understand that there may have to be further changes to this Act and we are not going to wait until the DA makes those changes. Then we have to wait forever, forever and forever Amen. We need to start working on

it now already because the DA is not going to come to power. That means that the Act will never be changed.

Hon Chair, we haven’t taken into account intercontinental trade where roads will play a very important role going forward. At least during the 14 years, the first seven years where there would be hardship and the next seven years where there would be prosperity. We need to start preparing for the intercontinental trade where roads will play a very important part. May be we would have roads for trucks. The nation needs to support the trucks because there are going to be a prosperity to the country. Thank you very much, hon House Chair.

Ms F E KHUMALO: Thank you, House Chair and hon members, firstly, this is not true that the DA was on its own in raising concerns of the Bill that we are here for today. Secondly, the Bill cannot address congestion of the trucks in our roads. I want to say to my colleague on my left, hon Hunsinger, that t is the right for everyone to dream about 2024 when you are in government. That is a dream that you have a right to.

The Portfolio Committee on Transport, is tabling in the House for consideration and approval the National Land Transport Amendment Bill Reservations of the President. The Bill was tabled and passed by the National Assembly on 9 March 2020 and the Bill was sent to the President to assent to a legislation. On 23 September 2021, the President communicated with the Speaker of the National Assembly concerning the reservations

... National Land Amendment Bill. This was done in terms of section 79(1) of the Constitution of the Republic of South Africa of 1996. It is imperative that we understand the purpose and objectives of the National Land Transport Amendment Bill prior to dealing with the specific issues, which gave rise to the reservations of the state President with the Bill. The Bill said to amend the National Land Transport Act of 2009. The legislation sought to ensure that public transport was integrated through the development and integration public transport network, which includes the development of the road Rapid Bus Transit system and ensuring that this is integrated with other modes, such as rail as well as ensuring that pedestrians have access to the public transport system. The development of such a public transport system is critical for improving the lives and ensuring access to transport by the working class and poor communities. It is introduced transport regulator as a critical authority for the

licensing and regulation of public transport. Through the amendment, the power of the Minister was extended to enact the regulation to ensure the effective implementation of the legislation, like all the regulations and legislations in the transport sector. The Bill sought to reinforce safety in the sector for all road users.

The reservations of the President did not concern the aims and objectives of the National Land Transport Amendment Bill. The reservation of the President concerns some of the clauses in the Bill, which related to the role of national and provincial government in relation to local government. It is imperative that the reservations of the President be understood in its proper context. Post representation by parliamentary legal services the portfolio committee and select committee were in agreement with the reservations of the President and sought to deal with the reservation clauses which gave rise to the reservations of the President resulting in the President not assenting to the Bill, but to refer it to the Parliament to deal with the reservations and ensure that it is able to pass the constitutional and legal ... [Inaudible.]

The committee was correctly advised to seek the opinion of the department in relation to the reservation. This was based on

the fact that there are municipalities which may lack public transport as a result of the fact that the municipalities may not have the capacity and resources to manage such transport, contracts and roads.

The committee also sought to understand the department’s proposed policy in this regard. In the meeting between the committee and the Department of Transport on 23 February, the department made a number of concrete proposals which could amend the Bill in order to deal with reservations of the state President. The reservations of the state revolve around the separation of powers between the national, provincial and local government. Therefore, in terms of clause 7(a) granted the contracting powers of public transport to national government. The issue at stake was that while the Constitution allocates the function of public transport to all three spheres of government. National, provincial have concurrent powers, but local government still has municipal public transport, which cannot be performed by another sphere of government. However, this was amended to make the national powers in the Bill subject to the contracts having to be concluded in the agreement with the relevant provinces and municipalities.

In terms of clause (b) which dealt with the requirements for municipalities to meet the requirement and criteria for contracting on public transport which are to be determine by the Minister should be removed as it did not allow for separation of powers and function of local government to engage and contracting and developing of public transport.

The department agreed that proposed proviso section 11(1c) (xxvi)(b) deleted as well as the proposed amendment section 11(c) This will mean that principal act provisions about assigning the contract function to municipal water remain intact. The remained clauses which resulted in the reservation of the state President are set to the legislation.

The Portfolio Committee of Transport supported the amendments dealing with the reservation of the State President has submitted its Report for deliberation, consideration and approval by the House. The ANC supports the National Land Transport Amendment Bill and seek the approval of the House for the amendments of the reservations and the state president. The implementation of the Bill and seeking an efficient and integrated national transport system is a national priority. Thank you, Chair.

There was no debate.

*IsiZulu:*

IBAMBA LIKASOSWEBHU OMKHULU WEQEMBU ELIKHULU (Nk R M M

LESOMA): Sihlalo nginxusa le Ndlu ukuba iwambukele futhi iwuphasise lo Mbiko othulwe ngaphambili nezichibiyelo zalo mthetho obekwe ngaphambili. Ngiyabonga.

Declarations of vote made on behalf of the Democratic Alliance, Economic Freedom Fighters, Inkatha Freedom Party, Freedom Front Plus, African Christian Democratic Party, Good, National Freedom Party, Al Jama-ah and African National Congress.

Motion agreed to.

Report adopted and National Land Transport Amendment Bill accordingly passed (Economic Freedom Fighters dissenting).

# CONSIDERATION OF DRAFT NOTICE ON THE DETERMINATION OF REMUNERATION OF INDEPENDENT CONSTITUTIONAL INSTITUTIONS

Ms C N NDABA: Thank you very much; House Chairperson, hon members, hon Ministers and ...

*isiZulu*:

bahlali baseNingizimu.

*English*:

House Chairperson, we cannot deny that women and girls remain vulnerable in both private and public spaces. In one month’s time, we enter the 16 Days of Activism for no violence against women and children campaign. This campaign forms the center point of government’s comprehensive 365 days of activism for no violence against women and children. While this is something we should focus on every day as government, the private sector, communities and individuals we are urged to respond collectively to fight this scourge.

Through words and actions, we must reiterate our stand against gender-based violence and condemn all acts of violence against women. House Chairperson, the Portfolio Committee on Women, Youth and Persons with Disabilities having considered the draft notice of the President’s determination of the salaries and allowances of members of various institutions, including the Commission for Gender Equality reports as follows: A letter dated 10 June 2022, was received from the President of the Republic requesting the National Assembly to consider the draft notice of determination of the salaries and allowances

of members of various institutions, including the Commission for Gender Equality, CGE, in terms of determination of remuneration of office bearers of Independent Constitutional Institutions Laws Amendment Act 22 of 2014 for 2021-2022, usually, required by the end of the financial year.

The Act which came into operation on 01 April 2019, creates the necessary framework to determine the salaries of the office bearers of the Chapter 9 institution mentioned in the Constitution. On 13 June and 24 August 2022, the matter was referred to the committee for consideration and report as per the Announcements, Tabling and Committee Reports, ATC, number

124 of 2022. Section 8(1) of the Commission for Gender Equality Act 39 of 1996 provides that the full time and part- time commissioners of the Commission for Gender Equality are entitled to annual salaries and such allowances or benefits as determined by the President from time to time by notice in the Gazette and approved by the National Assembly.

The President has taken into consideration the economic challenges the country is experiencing as well as the current fiscal constraints and thus intended to make the determination on the matter with effect from 01 April 2021 as follows: Chairperson R1,184 207; deputy chairperson R1,013 687; full

time commissioners R943,293 and part-time commissioners R3,743 per day.

The committee’s consideration while being mindful of fiscal constraints, the Portfolio Committee on Women, Youth and Persons with Disabilities considered, supported and approved the intended determination by the President of the Republic. The committee recommends that the National Assembly approve the notice determining the remuneration of the Commissioners of the Commission for Gender Equality.

*isiZulu:*

Malibongwe!

*English*:

I thank you.

*Declarations of vote:*

Mr L MPHITHI: Thank you, House Chairperson. A very good afternoon to hon members. House Chairperson, it is always important to be reminded of the importance of independent constitutional institutions, particularly, the one like the Commission of Gender Equality, which has a significant role to play in promoting and protecting the rights of South Africans.

The Portfolio Committee on Women, Youth and Persons with Disabilities considered the draft notice on the determination of remuneration of independent constitutional institutions referred to it by the President of the Republic. In considering the Report, it was hard to forget the millions of South Africans who have been hardest hit by the increasing food prices, fuel and of course, the economic destruction that the ANC government has led us into. They have taken blow by blow. The current fiscal constraints and challenges continue to hit all South Africans.

The DA recognises that the country finds itself on the edge of a fiscal cliff. It is important for us to make financially sound decisions that take into cognisance the economic challenge we face. The recent revelations and allegations that the Commission of Gender Equality continued to pay former commissioners salaries while they were no longer in office should make all of us in this House concerned. According to the Auditor-General’s Report, the Commission of Gender Equality was found to have further paid commissioners for work that they could not verify have taken place to the tune of over R2,3 million. This compounded with the fact that the Commission of Gender Equality is no longer able to provide legal services to South Africans because it has lost its legal

license adds to the dire situation that the Commission of Gender Equality finds itself in.

This beckons Parliament to pay attention and to do something about the challenges facing this Chapter 9 institution. The Commission of Gender Equality is a constitutional entity relied upon to strengthen constitutional democracy and the desire for a free and equal society in all fundamental material aspects in life. As South Africans continue to grapple with the scourge of gender-based violence, it is imperative that institutions like the Commission of Gender Equality do not collapse under corruption.

The DA will continue to push for accountability as well as stand against activities that aim to dent the work of this important Chapter 9 institution. Thus, the DA notes the findings of the committee reports and reminds the ANC that a measured and responsible government is crucial at this time for all South Africans. Thank you.

Ms N K F HLONYANA: Thank you very much, House Chair. Chairperson, the Chapter 9 institutions are the vanguard of our democracy and must be protected and be safeguarded at all times. Their independence must be jealously guarded from the

growing gangster like the governance which seeks to subordinate all institutions of the state to the whims of the incumbent President. The Commission for Gender Equality is supposed to be committed to its mandate of contributing to the strengthening and deepening constitutional democracy in South Africa through the promotion, protection, development and attainment of gender equality.

The problems within the Commission of Gender Equality have prevented this Chapter 9 institution on delivering on its mandate of reaching its potential and meeting its targets within the period under review. The Commission of Gender Equality managed to conduct 81 outreach advocacy and access to justice interventions out of its 108 annual target and only managed a mere 25 stakeholder engagement within the like- minded organisation out of its annual target of 36.

Furthermore, 30 training workshops were conducted on gender and development out of the annual target of 36. The 24 sexual offence court were monitored when the annual target was 40.

These commissioners within the Commission of Gender Equality have demonstrated to all of us that they don’t take their duties seriously nor do they care about the service they render to the Republic of South Africa.

Honestly, the current remuneration given to these commissioners of the Commission of Gender Equality is more than the return on investment to us as the nation. The Commission of Gender Equality has been marred by one scandal to another within the commissioners reducing the Commission of Gender Equality to a battlefield. The EFF will, therefore, not support this increase. Thank you.

Ms M D HLENGWA: Thank you, House Chair. Hon House Chair, the South African Constitution in Chapter 2 section 27(1), state that:

Everyone has the right to have access to healthcare services, including reproductive health care; sufficient food and water; and social security, including, if they are unable to support themselves and their dependants, appropriate social assistance of property.

With this in mind, I want to direct your attention to one of the salaries outlined in the report of the relation of the Commission for Gender Equality. The report holds that per day rate part-time commissioners is roughly R3,700. Considering the relation to the Commission for Gender Equality Report for its annual and financial performance there is a specific issue

that the committee has raised as the concern that the IFP wishes to reiterate. Of great concern to us is the reported

100 hours’ flat rate which part-time commissioners were paid for 22 months whilst not having submitted timesheet as requested by the commissioner’s finance department.

The committee assessment indicated that a part-time commissioner only works between 11,7 hours minimum to 40,1 hours’ maximum. As such, the IFP does not only wish to question the justification of the 100 hours’ flat rate. We also believe that it is our duty to relate the overpayment of approximately 60 hours of work that was not done per part-time commissioner to the basic need of funds could be satisfied, for example, in 2018, the Human Sciences Research Council has estimated that between 100 000 to 200 000 people were homeless in South Africa.

Managers of homeless shelters in Messina and Limpopo said that they were battling to make space for increasing numbers of homeless people over the past year. Apart from bad space, those centers are also left without electricity due to unpaid electricity. [Time expired.] The IFP accept the Report. Thank you.

*IsiXhosa:*

*IziBhengezo phambi kokuba kuVotwe (The Declarations of Votes)*:

Mnu N L S KWANKWA: Sihlalo weNdlu, i-UDM iyayixhasa le ngxelo kwaye kubalulekile ukuba singajongi iipokotho zethu kuphela sisilele ekujongeni ezabanye abantu. Besibhiyoza apha sifumene isithathu ekhulwini kuchatha emivuzweni yethu, sibalula indlala yethu ngoku xa abanye abantu bekhankanya eyabo indlala sifuna ukubika imbiba sibike ibuzi. Yile nto kuthiwa ngesiNgesi yi...

*English:*

... hypocrisy.

*IsiXhosa*:

Eyona nto ekufuneka siyijonge, siyibeke iliso elibukhali yeyokuba ingaba le Komishoni yoLingano lweZini iyawenza kusini na umsebenzi wayo ngenene. Kufuneka kwakhona siqwalasele kumathuba amaninzi abona bantu bangaqeshwanga, beqesheka ngabantu abangoomama nabantu abacinezeleke kakhulu kulo Mzantsi Afrika ise kwangabantu abangoomama. Kufuneka thina siyile Palamente sigqale kwaye siqiniseke ukuba ezi komishoni azinyuselwa mali nje kuphela zibe zingawenzi umsebenzi wazo

...

*English*:

... in line with the mandate of this commission.

*IsiXhosa*:

Kuyafuneka futhi ukuba siqinisekise ukunyuselwa phezulu kwabantu abangoomama nophuhliso lwabo luyenzeka rhoqo. Ukuba ezonto azenzeki zokulinganiswa kobuni, asinakuze sikwazi ukuqubisana nemiceli-mngeni evelela oomama umhla nezolo.

Siyabulela.

Mr A M SHAIK EMAM: Thank you very much, House Chairperson. The NFP will support the report tabled here today. The President received the annual salary recommendations for public office bearers. The commission having considered, amongst others, the state’s wage Bill and the impact of public office bearers’ salary on the fiscus of the country recommended a 3% salary increment.

We know that we are sitting on a R4,4 trillion debt in this country, which will go up to R5,5 trillion in the medium term. We know that we are heading towards a fiscal cliff, something that we have been raising over a long period of time, which will affect the sovereign ... [Inaudible.]. It seems like soon we will be running to the International Monetary Fund for

further assistance. While we do appreciate that, there is inflation and the rising costs, particularly of food stuff and travel expenses, that we need to line that with increase salary. The question that we need to ask is, “Are we getting value for money?”

It is estimated that in South Africa, 50% if the budget is spent on compensation to employees, together with debt service costs, which is the interest that we are paying on the monies that we ... [Inaudible.]. Taking that into consideration and with the increases that is expected in the country and the very little value that you getting for money, particularly from this institution. This is a very important institution and it is for that reason that we are supporting. But the question is, “How do we measure the value we are getting?” And the intended purpose for having this particular institution is fulfilling its mandate.

If you look at the report that have unfolded in terms of them not meeting the targets, you will realise that it is a dismal performance. So, in line with supporting this, we are calling on the department putting measures to ensure that we get value for money from this institution, otherwise it is just a waste

of taxpayers’ money. The NFP will support this report. Thank you.

Mr S M JAFTA: Hon House Chair, we accept and support the report. Thank you.

*Tshivenḓa*:

Mufumakadzi Vho C M PHIRI: Mudzulatshidulo, ndo vha ndi tshi khou ri kha madzangano mahanedzi ane a dzulela u hanedza uri hezwi zwine vha khou amba zwauri Centre for Development and Enterprise, CDE, a i shumi a si zwone. Phambano dzi a vha hone fhedzi hu a shumiwa.

Mudzulatshidulo, arali ra sedza ṇaṅwaha u tambudziwa ha vhana hu nṱhesa kha shango lashu la Afrika Tshipembe.

*English:*

Just recently, during Women’s Month this year, numerous cases of gender-based violence and femicide made headlines across the country. This include, amongst others, the gang rape of eight women in the North West and the murder of two Grade 12 learners in KwaZulu-Natal between April and June 2022 this year. Nine thousand five hundred and sixteen rape cases were reported in South Africa. Almost 40% of these occurred in

private spaces and over 11 000 were victims of assault and gender-based violence during the same period.

Legislation amendments have recently been introduced which will contribute to ensure that the cases of gender-based violence and femicide are successfully prosecuted and that justice is obtained for victims. The committee also welcomes the tabling of the National Council on Gender-Based Violence and Femicide Bill which has been long overdue, while there is an extensive legislation as well as the National Strategic Plan to combat gender-based violence and femicide.

It is clear from the above police statistics that more needs to be done. To this end, institutions like the Commission for Gender Equality, CGE. have a pivotal role to play to ensure that both government and private sector are held to account in terms of the commitment that have been made to ensure women are safe and empowered. The CGE plays an important role in the fight against gender-based violence in our country of which the assessment of service under the police stations and Thuthuzela Care Centres.

Section 187 of the Constitution stipulates that the Commission for Gender Equality should promote respect for gender equity,

protect and develop its attainment as well as monitor, educate, lobby, advice and report on issues related to gender equality. In the context of increasing incidents of gender- based violence that occurs in our sphere of society, it is important that the Commission for Gender Equality is adequately capacitated and resourced to ensure that it fulfils and it is able to deliver on its vision of a society free from all forms of gender oppression and inequality.

The ANC moves in support of the report of the Portfolio Committee on Women, Youth and Persons with disability on the determination of remuneration and independent constitutional institutions. Hon Chair ...

*Sepedi*:

Ke kgopela gore ke dire piletio go maloko a komiti ye gore ba tlogele go no bolela fela ba sa tsebe gore ba reng ka gore ba bangwe ba bona ga ba tle dikopanong tia komiti ye, ba no tla mo ba bolela tie ba di ratago. Re tihaba go no re ke ditiiebadimo efela ga ba tle ba dule le rena re bontihane. Le ye ba e bolelago ya gore re kgone go lebelediiiia re bolediiane le maloko a khomiiene ga se yona. Bona a e be gore ba tle le maele ba se tlele go polotika. Rena re etela setihaba pele, ga re a tla go raloka.

Rena re le mokgatlo wa badimo le batho, re re go lena e tlang re thuianeng. Akere batho ba le file maatla - a re yeng!

Etlang kopanong ya komiti re tle re bolediiane. Hlonyane, o se ke wa tla mo wa bolela tieo wena o tsebago gabotse gore ga se tiona. A re ye go bolela ka kua komiting. Ke a leboga, Modulasetulo wa Ngwako. Amandla! [Power]

Report agreed to

# CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON MINERAL RESOURCES AND ENERGY ON OVERSIGHT VISIT TO JAGERSFONTEIN, FREE STATE PROVINCE

Mr S M KULA: Hon House Chairperson, greetings to the members of the House and special greetings to the members of the Portfolio Committee on Mineral Resources and Energy. The Portfolio Committee on Mineral Resources and Energy would like to table to the House for debate and adoption the report on the oversight visit to Jagersfontein in the Free State province, dated 23 of September 2022. Following the tailings dam burst which caused the mudslides and flooding in the town of Jagersfontein and the surrounding townships of Ipopeng and Charlesville on 11 of September 2022, the Portfolio Committee felt that it was necessary to undertake an oversight visit to

draw inferences about the impact of the tailings dam burst on the lives, the infrastructures, and the environment in the town of Jagersfontein and the surrounding townships.

The oversight visit attempted to determine the impact of the tailings dam burst in three respects. Firstly, we identified the real causes of the tailings dam burst. However, it is important to put it on record that the portfolio committee did not conduct any investigations, but rather relied on the presentations by the Mayor of Kopanong Local Municipality, the Mayor of Xhariep District Municipality, the Department of Mineral Resources and Energy and the walkabouts in Jagersfontein to ascertain the causes of the tailings dam burst.

Secondly, we analysed the relationship between the Jagersfontein Development, which is the owner of the tailings dam and the residents in the town of Jagersfontein. Thirdly, we assessed the lived experiences of the workers, as well as their relationship with the employer, Jagersfontein Development during the same community engagements.

From this bird’s eye view, there were several important observations made.

To begin with, there was empirical evidence that the mudslides and flooding were the direct consequence of the negligence as the tailings dam was leaking and showed signs that it would burst unless something was done to address it which was never done, Chair. But the Jagersfontein Development, I must say, ignored all the signals that were there. Arguably, the tailings dam burst could had been avoided had there been a regulatory framework aimed at regulating the tailings dam.

However, the Department of Mineral Resources and Energy indicated to the portfolio committee that the ruling by the High Court of South Africa that the regulation of the tailings dam was outside the scope of the Mineral and Petroleum Resources Development Act might had exacerbated the negligence on the part of the Jagersfontein Development. While the Department of Mineral Resources and Energy was not clear as to why it had never appealed such a ruling, questions remained unanswered on why the Department of Water and Sanitation ordered the Jagersfontein Development to close the tailings dam due to non-compliance and yet six months down the line the very same Department of Water and Sanitation reversed its decision and subsequently declared the tailings dam compliant, by implication that it is safe, with no explanation on why it was closed in the first instance.

In retrospect, the decision of the Department of Water and Sanitation was at odds with the safety requirements involved in the tailings dam mining. Nevertheless, the portfolio committee was not seeking to attribute the blame to the Department of Water and Sanitation as it noted that illegal mining activity was taking place adjacent to the tailings dam, and therefore this might have also impacted or caused the tailings dam burst.

The portfolio committee further noted that there was no social responsibility in place and that the Community Trust in place was not designed to serve the interests of the residents in Jagersfontein, implying that the Jagersfontein Development had no harmonious relations with the residents, the municipality, and the workers where it operated the tailings dam. The absence of harmonious relations had resulted in class action initiated by unidentified residents against the Jagersfontein Development. Another concern of the portfolio committee was that, the residents in Jagersfontein and the surrounding townships were in need of counselling, but the Department of Social Development did not immediately visit the area to provide counselling services to the affected residents. It is important for Members of Parliament to remember that the

trauma that witnessed by the people staying in that area is quite of an unprecedented nature.

Hon Chairperson, the portfolio committee could not reach firm conclusions on the way forward regarding the matter as the impact was too big to be assessed in one oversight visit, but some of the recommendations made included but not limited to the following – [Time expired.]

*Declarations of Votes*:

Mr J R B LORIMER: Hon House Chair, the report of the Portfolio Committee on Mineral Resources and Energy reveals a degree of work. Unfortunately, too much of that work is blame shifting, consequence dogging and jumping into conclusions. None of this is helpful and determining a reaction to this tragedy which will result in improvements to how tailings are handled. The Jagersfontein mine closed in 1971. The courts found the tailings dams were not in the purview of the Department of the Mineral Resources and Energy. In view of this, the DA does not believe that this committee should be taking a lead of this affair. It is primarily a Department of Water and Sanitation issue.

The big missing issue of the report is the mysterious activities of the Department of Water and Sanitation. I am going to quote here from the report:

It was stated by the workers that in 2021 the Department of Water and Sanitation ordered the owners of the facility to

... [Inaudible.] 10:44 – 15:00 compliance such as water levels were too high.

After six months the decision was reversed and the dam was declared safe. On what basis it was declared safe? It is not clear. So, why was the decision reversed? It seems obvious that the Department of Water and Sanitation should have been caught shed some light on what happened. Was there a major piece of evidence that would have indicated that the tailings dam was safe? If there was, it may have changed the conclusions of this report. Perhaps, there was corruption, perhaps, it was illegal mining and perhaps it was a special plea for inaction so for not to cause job losses. The report is not complete without that information.

To quote from the report again:

Other issues of noncompliance by the company including wanting to dump tailings generated into old mine pit which the community of Jagersfontein regard it as heritage.

How is this noncompliance? Noncompliance with what regulations? Issued by whom? This is just sloppy. If the community, whoever is meant by that in this context blocked the use of the old mine pit as the safe tailings disposal site, surely it is whoever blocked that proposal who must share the responsibility for what happened.

On a side note, there is a report of the tailings that are being returned to the pit which is a logical outcome. Somebody in the community showed very poor judgement and believing the so-called heritage site which would have valued the community that trumps the use of the pit for tailings disposal. Speaking of poor judgement. The report quotes the Mayor of Local Kopanang Municipality in some depth. It is a sorry tale. No disaster management, no fire service and complaints about the tailings dam. But to who? What did the municipality do? The municipality took no responsibility, despite being the representatives of government on the spot. Instead, the mayor made unsubstantiated allegations of criminality against the company which this report seems to have accepted it without

question. Then, this is the Kopanong Local Municipality with its audit disclaimers. So, we should not expect too much. The ANC is not sending its best but then again maybe it is.

This report accepts without question the notion that the court was wrong when it ruled in 2007 that the tailings dams were not the concern of the Department of the Mineral Resources and Energy. Nobody seemed to have engaged as to why the court took that decision and as to why it may not be a good idea to make tailings the responsibility of the department right now. The report calls for a new legislation to reverse this. We need to think very carefully before we rush to legislature.

The remark has been made that control by the Department of the Mineral Resources and Energy would have allowed inspections of the tailings dam but evidence and experience show that inspections by the Department of the Mineral Resources and Energy do not necessarily make things better. The department is over stretched and will not take on board another major responsibility that needs planning and budget.

If you need examples of how current Department of the Mineral Resources and Energy inspections are effective, you can look at Shiva Uranium Mine, Minetell or Brakfontein Coal Mine just

for start. Tailings do need to be regulated. There will be no better place to start than to look at the International Council on Mining and Metals, ICMM, the Global Industry Standard on Tailings Management which South African mining companies help drew up but we are not making compliance of that standard apart from mining license conditions.

On the face of it, it would seem that the owners of the dump tailings bear responsibility for what happened. They should be liable for any criminal negligence that is found and for the cost of redress. But that was not obscure the part played by the Department of Water and Sanitation and by the local community including the municipality. The line was clearly a dangerous situation to get to the point of disaster. This report is badly thought through and incomplete. We will not support.

Ms P MADOKWE: Hon House Chairperson, the EFF supports the report on the oversight. However, it is important to note that over a month has passed since and government has utterly failed the people of Jagersfontein. It is disappointing that the Minister has not visited the people of Jagersfontein despite the fact that tailings dams are a responsibility of the Department of Water and Sanitation. After the tragedy, we

saw numerous press alerts mentioning the visits of government officials including the premier, Ministers and the President.

The EFF called this out as a photoshoot that did not benefit the people of Jagersfontein. As we assemble here, Chairperson, the dam is still leaking and mining is still going on especially at night. No one has been detained or charged in relation to the incident. The people of Jagersfontein are homeless and squatting with families and friends. The number of houses that will be rebuilt is far less than the number of houses that are destroyed. Some houses will only be renovated even though they are in the brink of collapse.

Food, clothes and all other donations made towards the community are being redirected to friends and community members of those who are politically connected. The millions of rand that have been pledged are unaccounted for and affected community members ...

*IsiXhosa:*

... bathi oko bebambe iliwa.

*English:*

The provincial government is pulling in one direction and the local municipality is pulling in another in a power struggle between these two. We all know what happens to the grass when two elephants fight. The reality is that the ANC in the Free State has turned the tragedy into a money making scheme while our people are suffering and do not know where they will get their next meal and where they will be celebrating Christmas with their loved ones. Christmas has come very early for the political elite in that province and that must be put into an end.

The community has been submitting the memorandum after memorandum to the mine and to all the departments only to be ignored and be told by the mine managers that they are protected by the politicians and they will not be touched.

Those utterances are sadly playing themselves out today. We call on everyone here and the entire nation to demand justice for the people of Jagersfontein. This ruling party will not do so alone because there are seriously compromised and are in the pockets of the mining bosses. I thank you.

Prof C T MSIMANG: Hon House Chairperson and hon members, the disaster that took place in the Jagersfontein represent a complete failure of governance and was entirely avoidable. The

already vulnerable population of Jagersfontein well traumatised by the burst of the tailings dam and resulting mudslides which swept through Ipopeng and Charlesville townships. The provincial roads were inaccessible, 15 houses were completely demolished, 85 people in total were admitted in various hospitals and one fatality has been recorded.

Both the Eskom substations, the waste water treatment works, sanitation tanks were covered in sludge resulting in electricity failure, water contamination and sewerage blockages resulting in a back flow of human waste. Having no district disaster management person or centre, no fire services and no budget, the municipality simply not equipped to handle a catastrophe of this scale. The tragedy and costly consequences of this disaster are almost overshadowed by the details of monstrous negligence that led to this incident.

This negligence must be answered for.

Prior to this incident, the Department of Water and Sanitation ordered the owners of the facility to close it due to noncompliance. After six months, the decision was reversed and the dam was declared safe. the Department of Water and Sanitation must report to the relevant portfolio committee and account for the closure and reopening of the dam. It must also

be required to produce the compliant report issued when it declared the dam safe in 2021. This is of particular importance as both the mayor and the employees of the tailings company reported leaks and signals that the dam would break.

To make matters worse, management of the tailings dam were made aware hours before the dam. The IFP supports the report.

*Afrikaans*:

Dr W J BOSHOFF: Agb Huisvoorsitter, soos die nageslag van Kaptein Jager, op wie se grond hierdie myn gebou is, sal ek vandag Afrikaans praat, ander dae ook. Die aard van mynbou is dat dit iets waardevol uit die grond haal, wat nie weer teruggeplaas kan word nie. Die sosio-ekonomiese impak daarvan is dat dit welvaart skep, maar net vir ’n beperkte tyd.

Wanneer mynbou beteken dat elkeen met ’n pik, ’n graaf en ’n sif die een of ander kosbare metaal of edelsteen kan uithaal, skep dit groot geleenthede vir gewone mense. Sodra die delfstof egter tientalle meters onder die grond gevind moet word en tonne erts deurgewerk moet word om dit in die hande te kry, raak mynbou gesofistikeerd, gevaarlik en baie duur. Dan word gewone mense bloot loonarbeiders.

Mynbou in Suid-Afrika is van die duur, gevaarlike soort en ook in Jagersfontein. Jagersfontein het nooit tot ’n stad gegroei soos Kimberley nie. Dis steeds ’n klein dorpie wat bloot tekens toon, dat daar eens op ’n tyd geld was. Die base bly immers nie daar nie.

Hierdie verslag gaan oor die slikdam by Jagersfontein, wat op

11 September vanjaar meegegee het. Dit was tragies in mense se lewens en duur in infrastruktuur. Die slik word gevorm wanneer erts gemaal en gewas word om diamante uit te sif. Anders as wat die verslag aan die hand doen, is hierdie slik nie giftig of radio-aktief nie, maar oor die korttermyn help dit min as jy daaronder lê.

In Suid-Afrika het die slikdam in 1994 by Merriespruit meegegee, teen die koste van 17 lewens en tientalle huise. Wêreldwyd is daar twee tot drie ernstige vaalings van slikdamme per jaar en 30 tot 35 minder ernstig. Hierdie was dus glad nie ’n onvoorsienbare gebeurtenis nie. Na die Merriespruitramp het swaar boetes en nuwe wetgewing die doel gehad om te keer dat so iets weer sou gebeur, maar toe nie.

In 2020 reeds het die Universiteit van Pretoria ’n “civil tronics-metode” bekenkgestel, om rampe by slikdammme te

voorspel. Die komplekse gedrag en kenmerke van slik word elektronies gemeet en verset. Die verslag soek verkeerliks skuld by die feit dat die Departement van Minerale Hulpbronne beheer oor die slikdamme verloor het. Daardie hofsaak het nie beheer oor die veiligheidstandaarde uit die staat se hande geneem nie; dit het net gesê dat die slik die myn s’n is en die eienaars van die myn kan dit verkoop, en nie die staat nie.

Dit wil lyk of die of die Departement van Water en Sanitasie gevaal het, nes die dam bietjie later. Die verslag suggereer dat die Departement van Minerale Hulpbronne en Energie beter sou vaar. Ek twyfel. Die kern van die verslag is dat daar ’n deeglike ondersoek gedoen moet word en dit moet inderdaad gebeur en dit sal miskien ’n bietjie minder deurspek van populisme wees. Daarom ondersteun die VF Plus hierdie verslag

Mr S N SWART: Hon House Chair, on 11 September 2022, a tailings dam in the Jagersfontein mining area in the Free State burst, causing a mudslide and flooding in several areas in the town of Jagersfontein and surrounds, which led to the loss of lives, injuries and a devastation to the local community, many of whom are still dealing with the trauma of this tragic event.

The ACDP would like to express its condolences to those who lost loved ones and trust that those who suffered emotional and psychological injuries as a result of this tragedy will receive the necessary counselling and support.

It appears that certain tailings dams in the country may pose risks to communities, due to legal uncertainty about the regulatory environment and this follows a high court decision, which found that the Mineral and Petroleum Resources Development Act did not empower the department to regulate tailings. This should be addressed, but one needs to bear in mind that inspections by DMR do not necessarily take place.

So, this might not be the solution to this issue, but, at last, it will be some progression and therefore, the ACDP supports the recommendation that a broader investigation should be conducted both by the authorities, which obviously will be done, as well as by the missing link in this whole issue and that is the Portfolio Committee on Water and Sanitation on the status on tailings dams. And a report must be tabled in Parliament. Steps must be taken to ensure that this regulatory environment and the legal uncertainty are addressed.

So, we have read the report and the observations and the question arises: How could the Department of Water and Sanitation have declared firstly, that the dam is not safe and closed it and then six months later, allowed it to be re- opened and ordered it to be so done, a few months before this tragedy?

Now, this is deeply concerning and a full investigation into why the dam was first closed and what the reasons were, and then re-opened must be conducted, which will include the role of the company, its directors and of course, whether the illegal miners in the area contributed to the situation in any manner.

It is also shocking that there was no disaster management sent in the time, despite the community requesting this a number of years ago.

The ACDP commends the support provided by various NGOs and the critical role played by the mine rescue services during after this tragedy. However, we also have concerns that six days after the event, counselling services had still not been provided. Social development must ensure that such support is provided.

So, clearly, government failed the community in a number of critical ways, by not ensuring that the dam was safe, by not providing a disaster management centre, by not ensuring that the regulatory environment was in place and by not providing psychological assistance to the traumatised community.

Lastly, the ACDP welcomes the fact that the Minerals Council of South Africa has raised R50 million for Jagersfontein. The ACDP supports this report. Thank you.

Mr A M SHAIK EMAM: Hon House Chair, on 11 September 2022, a tailings dam in the Jagersfontein mining areas in the Free State burst, causing a mudslide and flooding in several areas in the town of Jagersfontein. Tailings are the waste products from mining waste. Depending on the type of mining, tailings can be liquid, solid or a bit of both.

The tailing dam burst occurred in an old mine previously owned by De Beers and deprogrammed as a mine in 1972. Post 1972, what was left, was the tailings, which remained stored in the tailings dam.

The court ruled in favour of De Beers in a matter that was brought before the court, in terms of the Mineral and

Petroleum Resources Development Act of 2002, which did not empower the Department of Mineral and Energy to regulate tailings.

The tailings dam collapsed despite the mine being notified two years ago that it had exceeded the allowable volume of water for disposal into the dam. It is exactly the same thing and I want to remind this House that you can expect it in the Rivalry and Bosmont areas, particularly, where there is a dam and they have exactly the same situation. Unless we deal with it timeously, we are going to have a repeat of what has happened in Jagersfontein.

The mayor himself informed the community that the township is full of mudslides as early as 6:20 in the morning. The community was alerted to evacuate the area, despite knowing two years before that there are risks attached to it. Nothing has happened.

The question is: Why do need to wait for crisis situations like this before we act? And the reason that I am telling you this specifically is because right now, as we are speaking, there is a ticking time bomb again in the areas of Rivalry and Bosmont, where there is fuel pipelines and gas pipelines

running through, from Benoni in the East Rand to West Rand. Nothing is being done and I can tell you, with the explosives that have been detonated underneath, on a daily basis, these people are living in shocking conditions. And if this has to explode, I can assure you, tens of thousands of people are going to lose their lives.

So, must we now wait for another tragedy before we act? I think the time has come that now that the committee particularly has been looking into all these areas where there has been illegal mining or mining activities being conducted illegally or where there is a risk particularly with dams, they need to act appropriately and timeously, rather than waiting for people to lose their lives and their homes. The NFP will support the report tabled here. Thank you.

Mr S M JAFTA: Hon House Chair, we firstly wish to past our condolences to the entire Jagersfontein community for the loss of their loved ones in the mudslide incident that took place on 11 September in the Free State. The Committee on Mineral Resources and Energy visited the area six days after the incident, demonstrating its commitment to its own constitutional responsibilities of deepening accountability

and maintaining strict oversight over the activities of active players in the mineral and energy sector.

The committee held multilateral meetings with community members, the Kopanong local government and the DMRE. The committee left no stone unturned. We had consensus that there was a need to broadened the scope of the investigation into this matter and to also rope in the Committee on Water and Sanitation.

There was also a need to monitor progress on the mine, including assessing the extent of compliance with water closure by the mine owner. What also emerged was an urgent need to refined the current Mineral and Petroleum Resources Development Act, MPRDA, with the view to regulate tailing dams or mine dumps.

There is a sharp trend emerging in our country involving negligence around closed mines? Primarily, we see mine owners neglecting their closure and rehabilitation duties in some of the derelict mines. It is for this reason that we will submit before the committee to make an argument for the restructuring of the Department of Mineral Resources and Energy, DMRE, and or for the amendment of the MPRDA, in order to introduce a

unit dealing with the closure and the rehabilitation of derelict mines.

It must be properly resourced and staffed with professionals and all industry players. We welcome all the recommendations of the committee on this matter and support the report. I thank you.

Mr M NYHONTSO: Hon Chair, the PAC supports this report and there is no further declaration.

Mr M G E HENDRICKS: Hon House Chair, Al Jama-ah feels that the same thing that happened to Steinhoff must happen to owners of this mine. There must be forfeiture and that must take place immediately. Everything must be ceased. Management can continue doing the work. All the profits will also be ceased until all the harm that has been done to residents of Jagersfontein has been remedied.

It cannot be that mine owners and mine bosses can get away with this. It is important for Parliament to send a very strong message that we must deal very harshly and the Minister of Justice must do what he has to do and support the efforts

to do to mine owners what has been done to Steinhoff. Thank you very much.

Mr M J WOLMARANS: Hon House Chair, the report from the portfolio committee was discussed thoroughly by the portfolio committee. The report was unanimously accepted by the committee.

The oversight visit to Jagersfontein by the Portfolio Committee on Minerals and Energy follows the tailings dam burst, which caused massive mudslides and flooding in several areas surrounding the town of Jagersfontein. This painted a chilling picture of the rise of negligence in the mining industry around mining towns in the country.

This is also a threat to the lives of residents and as well the environment. The mudslides from the burst tailings dam had dire ramifications on the housing, electricity and water infrastructure, as well as human development and the human beings in Jagersfontein, more especially the people from Ekhupeng and Charlesville.

We were informed that more than 15 houses were affected in Charlesville township and 87 people were admitted in the

various hospitals, including Albert Nzula and Pelonomi Hospital.

It is with great sadness that we inform this House that during the processing of this report, one person was reported to have lost their live. Also, this morning, we heard again of the discovery of another person who had lost their lives in this tragic incident. We extend our condolences to the families and residents of Jagersfontein.

While Kopanong Local Municipality was unable to detect the damages done by the mudslides within a short space of time, due to fiscal constraints and insufficient budget allocations to disaster management, the portfolio committee appreciates the multiple forms of support provided to the affected residents by various donors. Amongst those were the Office of the Premium in the Free State, the Mayor of Letsemeng Local Municipality who provided aid, including food packages, dignity bags, hygiene bags and blankets.

The need for counselling was also identified and a request of that nature was made from the residents to the Department of Social Development.

The Jagersfontein Developments, which owns this tailings dam offered an amount R20 million for the immediate needs of the affected victims and the community. This amount excluded the restoration of Jagersfontein and the surrounding townships.

The community harshly and strongly criticised Jagersfontein Developments, because they created the problem and now claims through the amounts paid to have solutions for the same problems that they have created, as evidence shows that the tailings dam was a direct consequence of their oversight or lack of it on the side of the Development.

The community, the workers and the mayor informed the committee that there were signs that the dam was going to burst at some point, but the owners ignored such. Amongst other issues, it is alleged in the area that no social responsibility had been in place or undertaken by the Jagersfontein Developments, who are the owners of mine.

Instead, they opened a community trust, which they themselves operate and disguise it as operating it on behalf of the community. Indeed, they have taken a number school kids on courses, but unfortunately those courses are being done at ...

The HOUSE CHAIRPERSON (Ms M G Boroto): You have muted yourself or you have been muted. I am not sure. Try to unmute and proceed.

Mr M J WOLMARANS: Chair, I was at the point where I indicated that there is a community trust opened by the mine owners on behalf of the community, but the benefits go directly to the mine owners, or it is alleged. For example, kids are being taken to institutions for training, but those institutions are owned by the same directors who are also the trustees. So, not much has been happening with regard to the obligations that the mine or the Developments has taken for the people to believe.

It does give us a problem in understanding whether we were in the same gathering where we had meetings with the community, as they expressly said how they were ill-treated as workers and community. Some of them have borne the brunt of talking openly, because shortly after we left the place, we got reports that they were either suspended or fired from the same mine.

So, we are not sure where hon Lorimer gets the audacity to protect the mine owners to the extent where there is disregard

for the atrocities and some of the issues that the communities have raised.

I must categorically state that the business opportunities that the mine was said to give to the community are profiting the same mine as well. While there is mounting evidence that

... [Time expired.] We support the report with all the departments that were involved. Thank you.

Ms R M M Lesoma moved: That the Report be adopted.

Motion agreed to (Democratic Alliance dissenting).

Report accordingly adopted.

# CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON PUBLIC SERVICE AND ADMINISTRATION - ON OVERSIGHT VISIT TO GAUTENG PROVINCE FROM 19 – 22 APRIL 2022

Mr T H JAMES: Hon HOUSE Chairperson, hon members of the National Assembly, ladies and gentlemen, on 19 to 20 April 2022 the Portfolio Committee on Public Service and Administration undertook an oversight visit to the Office of the Premier in Gauteng province to discuss the state of the

province in terms of provincial administration and governance matters with the main focus on the service delivery improvement plan, Thusong Service Centres, payment of service providers within 30 days and disciplinary cases.

The Public Service Commission has enlightened the committee on the state of public service in the province in terms of the implementation of the constitutional values and principles enshrined in section 195 of the Constitution. The committee further conducted an inspection in logo in the frontline service delivery facilities, which was both unannounced visits in hospitals and announced in Home Affairs centres. The committee held its first meeting with the representatives from the following: Office of the Premier and heads of provincial departments, Public service Commission, the Department of Public Service and Administration and the Department of Planning, Monitoring and Evaluation.

The meeting held with the provincial departments and department was fruitful as it has empowered and provide the committee with a snap shot on the state of the administration and governance in the province. Based on the oversight visit, we have proposed numerous measures in the report and we are of the view that the province and department should consider the

recommendations in order to ameliorate the quality of lives of the citizens of Gauteng. I therefore support the report, hon House Chair. Thank you.

There was no debate.

*Declaration of votes*:

Dr M M GONDWE: House Chairperson, one of the very first interactions that we had as a committee during the oversight to Gauteng was with the Office of the Premier and the Department of Public Service and Administration on the status of disciplinary cases in the province. This interaction confirmed the obvious that our provincial departments much like our national departments are spending huge amounts of money in paying out the salaries of public servants that are on precautionary suspension.

According to the Office of the Premier in April this year a total of 30 public servants were on precautionary suspension at a cost of R7 million to the province. What is even more discomforting and unsettling, House Chairperson, is that the Provincial Department of Education accounted for the majority of these precautionary suspensions, which pertain mainly to sexual assaults to learners.

House Chairperson, we therefore, made an urgent and earnest appeal to the Gauteng Provincial Department of Education to ensure that these precautionary suspensions are speedily resolved.

Our country is engulfed in unprecedented and horrifying levels of gender-based violence, GBV, and provincial departments have to be constantly alive to this fact and be more proactive in their effort to protect our women and children from the scourge of GBV.

House Chairperson, Thusong Service Centres have a history that stands over 20 years and were initiated by government in an effort to ensure the delivery of government services and information to our more disadvantaged and underserviced communities. As such the presence of these centres in some communities has had a positive impact and in some instances a life changing impact.

The committee visited the Alexandra and Tembisa Thusong Centres for purposes of assessing the quality of services offered by key government departments at the centres. Prior to undertaking this visit to the centres we were informed by the Department of Public Service and Administration that there

were 14 operational Thusong Service Centres in the province. However, upon our arrival to the centres we were disappointed and dissolution to learned that key government departments such as Social Development, Home Affairs and Labour had pulled out of these centres due to challenges related to amongst other things the lack of funding and co-ordination. And as a result the centres were no longer operating as Thusong Service Centres but rather as service shared centres providing access only to municipal services.

House Chairperson, this possible points the fact that most if not all of the sporting Thusong Service Centres in the province are virtually non-operational and absolute. We suspect that the state of the Thusong Service Centres in Gauteng is a reflection or a mirror of a state of these centres right across the country. We consequently call upon the Interdepartmental Steering Committee that is task with ensuring the repositioning of these Thusong Service Centres to conclude its engagement in this regard as the very existence of these centres is evidently under threats.

For the majority of our people, House Chairperson, in particular those in rural and remote parts of our country

these centres represent the only and closes access they have to national government services and information.

The committee also conducted visit to two offices of the Department of Home Affairs in the province learning their offices is in the Pretoria central business district, CBD, and Kempton Park. The purpose of this visit was to access the efficiency of front line services. And upon our arrival at these offices we were met by long making queues. Our interactions with the officials of the department revealed that the long making queues inside and outside their offices were mainly due to staff shortages and budget constraint. The officials further informed the committee that the inefficient and unreliable ITC system of the department has also a huge contributing factor to the long queues.

House Chairperson, it is high time that the Department of Home Affairs really got its act together and actually prioritise the issue of improving its IT system, which is fundamentally at the nucleus of the core of the stability to deliver quality services. This long standing issue needs to receive the urgent and undivided attention that it deserves as it is having a mass impact on the department ability to provide critical frontlines services to our people.

In conclusion, House Chairperson, what was perhaps the highlight of our oversight with the unannounced visit we made to Mamelodi Regional Hospital end at evaluating the efficacy of frontline services at the hospital. The Chief Executive Officer of the hospital, Dr Soe, took the committee into confidence in relation to some of the challenges facing the hospital and the impact of these challenges on a stability to effectively rollout frontlines services such as ensuring a shorter waiting time for patience.

House Chairperson, we were encouraged to know that despite the challenges facing the hospital such as the shortage of staff the chief executive officer and the staff of this very beautiful and well maintained hospital continue to serve with distinction, pride and more importantly with a smile.

House Chairperson, please allow me to salute the chief executive officer and the entire staff of Mamelodi Hospital. I thank you. [Time expired.]

Ms C C S MOTSEPE: House Chairperson, we partook in this oversight visit and was horrified at the state of decay at the key institution responsible for providing service to our people. During the meeting with the Office of the Premier, for

example, we identified that departments are not meeting their time frame on finalising disciplinary cases against suspended employees leading to having these employees’ on paid suspension for extended period of time. Departments are also not adhering to the collective agreement and resolutions.

Information is currently received manually making transactions take time and with the risk of losing key information in the process.

We also found that some departments utilises legal representatives as a norm rather than an exception resulting in long delays and additional cost in analysing cases. These drains the public purse and some law firms have made a killing out of this incompetence by the departments.

At Home Affairs, we found that most of their offices were chronically understaffed making it impossible for the workers to provide efficient service to the people.

The provincial hospitals in Gauteng are in a serious state of crisis and may collapse at any time because the demands for public health service is not met by a quality supplier of these services. Nurses and doctors are overworked leading to long queues at these hospitals and often preventable that

because of the delays in people getting healthcare. Overall, Gauteng is a typical example of the rot that the ANC administration has become to public service into this country. There is absolutely nothing they touch which works. They have destroyed everything thorough incompetence and are leaving a trail of destructions everywhere.

Parliament can no longer afford to protect this failing executives and our people must kick these people out of power in 2024. I thank you, House Chairperson.

The CHAIRPERSON (Mr Q R Dyantyi): The IFP.

Inkosi R N CEBEKHULU: Hon Chairperson, the IFP acknowledges, that service delivery is at the ...

The CHAIRPERSON (Mr Q R Dyantyi): Hon member, just take a pause. The hon Papo, there is a speaker on the podium. You are drowning the speaker. Please continue, hon member.

Inkosi R N CEBEKHULU: Thank you, hon Chairperson. The IFP acknowledges that service delivery is at the centre of all issues presented in the oversight report.

South African Constitution states that municipalities have the responsibility to make sure that all citizens are provided with services to satisfy their basic needs. The mandate and the responsibility of the National School of Governance is to ensure that the public servants comply with the provisions that establish legislation, regulations and systems and can exercise proper discretion and innovation in solving routine and complex and delivering problems.

The institution is tasked with ensuring that all public servants, participate and complete education, training and development initiative as per relevant legislation and Cabinet directives.

Furthermore, it is expected to ensure service delivery impact by supporting institutional performance delivery segments to assess numerous areas concerning frontline services with the aim of changing the lives of the citizens.

The Public Service Administration, PSA, oversight report reflects that both Alexander and Thembisa Thusong Service Centres have been converted to the shared service centres. The outcome of this conversion was that all government departments pulled their services out of the shared service centres

resulting in township citizens having to travel long distances to acquire services.

Therefore, the IFP welcomes that the interdepartmental steering committee has been tasked with repositioning these centres. Acknowledge challenges faced by provincial departments. Shortages in budgets have resulted in the Department of Health not paying their service providers within the prescribed 30 days. This is accompanied by high levels of crime and robberies to hospitals which has become an almost an insurmountable challenge to the provision of health care to citizens.

Common challenges to service provision within the Department of Home Affairs are rooted on the unreliable system network and result in poor service and long queues.

One of the recommendations in the report is that the Department of Health should frequently monitor service delivery improvements and develop an improvement plan.

As the IFP we believe in the privatisation, well-equipped and professionally staffed health care facilities that are acceptable to all. Therefore, the IFP welcomes this

recommendation including the other recommendation made by the PSA in this oversight visit.

*IsiZulu*:

Noma kunjalo, siyawuxhasa lombiko.

*English*:

[Time expired.]

Mr A M SHAIK EMAM: Hon Chairperson, the NFP notes the report of the Portfolio Committee on Public Service and Administration on the oversight visit to Gauteng province. We note the recommendation, but we want to reiterate recommendations mean very little or nothing if you do not ensure compliance and that they are implemented.

Now, some of the observations of the committee is that provincial departments are not meeting timeframes in finalising disciplinary cases. This is costing the government billions of rand while employees are suspended with full pay.

This is something I think hon Chairperson we need to relook because time and time again you find there are those that are suspended for nonperformance, but because of labour relations,

and the labour Act these people are continuously paid, and we are not able to recover that money. There was no uniformity amongst departments in approaching disciplinary cases. Some departments are using external legal practitioners, while others are using internal labour relations offers. This has been flagged as the contributor of the time lacking finalising the designated for that 60 to 90 days. Disciplinary cases are not loaded on the Persal system as a mandatory requirement of the public service regulations of 2016.

There is a need to reduce the red tape in improving submissions related to disciplinary cases.

Thirty days’ payment to service providers, hon Chairperson, once again not adhered to. If you remember the Public Service Commission, many years ago raised this concern about service providers not being paid timeously. It would appear that the recreation of both departments contributed to a point of decline of 28% in performance. Both departments owe three billion rand on unpaid invoices.

In Alexander Health Care Centre and Clinic, people que up to seven hours before acquiring health care services at this particular clinic.

Aging infrastructure; another matter of concern and this again has been raised time and time again that whilst you putting up new facilities and particularly and the Department of Health must take note of this. Very little or no attention is being paid to maintenance and as a result most of these infrastructure crumble.

Shortage of staff in health care clinics. I think and hope that the Minister of Finance is going to deal with this shortage and capacity particularly in the health sector in his Medium-Term Budget Policy Statement and more importantly on the division of revenue.

Vacancies continue to exist in the Department of Health, which simply means it continues to impact in particularly the primary health care.

With regard to Kempton Park and Tshwane Department of Home Affairs service and once again there has been shortages there. Hon Chairperson, you know South Africa spend so much money on the Public Sector Wage Bill and we are told that the numbers that we have are in line with the ... The NFP supports the report. [Time expired.]

Ms T MGWEBA: Hon House Chairperson and hon members, good afternoon. The value of oversight visit for the ANC Is to assess whether government policy that we have oversight over is having the necessary impact for which the policy intended and whether the budget which is allocated to a department or an entity is being utilised for the purposes it was provided for, by Parliament agreeing to a particular Vote of funds.

Let us therefore critically examine what we found and assess the recommendations of the report in this light, we further want to say to this House Chair, kindly ensure your office studies our recommendations, so that the Gauteng province responds appropriately to our findings and recommendations.

Hon members, at the centre of the oversight visit, was whether the service delivery improvement plans, were in fact delivering on their stated objectives. We are guided in this regard by the inspection reports of the Gauteng Provincial Public Service Commission. What we have experienced are areas of good work that is being carried out and have credit to the planning and monitoring of the Office of the Premier. We acknowledge this work and those responsible for it.

House Chairperson, along these are areas that require substantial improvement. We know as the committee, in our engagement with the Department of Planning, Monitoring and Evaluation that three common areas and the weaknesses in the public service are those of the project planning, management and financial management which leads to poor quality of expenditure, underspending and overspending.

Hon Chairperson, we raise these matters because this is what we discovered during the oversight visit. Once again the quality of expenditure and wasteful expenditure is occurring in the provincial departments, especially around human resource matters.

Disciplinary cases are not dealt with efficiently. We understand the complexity of certain cases under investigation. However, it is costing the provincial government billions in paying staff who are not at work due to suspensions.

Hon members, government policy on empowerment of small businesses whilst progressive design with important intension really suffers when small businesses carry out the contract work, yet struggle to get payment thereafter. We appreciate

the need to assess whether the contract has been honoured in terms of the contractual agreement, but however, none of these are new matters and the delays experienced are unacceptable.

The Department of Health and the Department of Infrastructure and Property Development are the worst performers in this regard. Serious attention has to be given to both going forward. It cannot be that the three billion rand in unpaid invoices has been allowed to accumulate where there is a system to deal with the vetting performance of contracts and payments and thereafter, especially in relation to the 30-day payment principle.

House Chairperson, on the matters of service delivery improvement plans, we have noted mixed results, certainly there is a progress, but in departments such as health and the Department of Roads and Transport, there is a serious level of noncompliance with these agreements. What we did find was a lack of prioritisation of service delivery improvement plans which really undermines the collective decisions that have been arrived at and the policy priority that the province is attached to its own assessment of what needs to be changed through service delivery. It is however, incorrect to

generalise, as across departments we found varying degrees of the manner in which the plans are being implemented.

In some departments there has been a conscious effort achieved through systematic planning execution and consistent monitoring and evaluation.

House Chairperson, on the financing through the division of revenue, we need to express our ongoing concern of the impact on frontline service delivery projects like the Thusong Service Centres in the province who has been changed to service shared service centres under municipalities due to adequate funding. Funding and lack of connectivity were the major impediments towards the success of the policy of Thusong Service Centres as a delivery model. Whilst the argument that the reprioritisation has meant that the centres still function, but under a different sphere. We could see the impact of these institutions during the visit.

Municipalities are struggling across a range of issues. Adding the centres has not helped.

House Chairperson, the other impact was on health where we were informed that the shortage of staff in health care

clinics was due to the limited budget. With some hospital operating at 50% capacity.

Hon members given that our oversight visit, focused a lot on service delivery improvement plans, we need to raise the Department of Public Service and Administration that they consistently monitor and effective implementation of the approved service delivery improvement plans in line with the departmental annual performance plans and seriously address challenges in their implementation.

House Chairperson, as the ANC we present the report and calls for the implementation of its recommendation. Thank you very much, House Chairperson.

*IsiXhosa*:

IBAMBELA LOMBHEXESHI OYINTLOKO WEQELA ELILAWULAYO (Nks R M M

LESOMA): Sihlalo weNdlu, ndiphakamisa ukuba le ngxelo yamkelwe yile Ndlu. Enkosi.

Report accordingly adopted.

# CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON TOURISM - ON OVERSIGHT VISIT TO MOPANI AND VHEMBE DISTRICT MUNICIPALITIES, LIMPOPO PROVINCE

Ms S T MANELI: House Chairperson, the Portfolio Committee on Tourism undertook an oversight visit in Mopani and Vhembe District in Limpopo province from 19 to 22 April 2022. This provided the committee with a unique opportunity to access through physical interaction and observation whether the tourism infrastructure and skills development projects of the department. Underworking for tourism programme, we are adequately implemented and had the necessary impact on the communities.

While the Phiphiḓi Waterfall Project was operational with a kitchen, a restaurant and a laundry facility, it was of concerned that the kitchen, restaurant and laundry facilities were not operational due to lack of equipment and internal capacity that affected the profit generation.

Hon House Chair, some of the glaring observations made by the portfolio committee during this oversight visit was that there were several infrastructure challenges in the province of Limpopo.

The committee also noted with grave concerns that there was poor planning and financial mismanagement particularly as it relates to the Ngovhe project. This was the most problematic project that the committee visited as the project seems to be neglected and there was an apparent disjuncture and lack of co-ordination of the project amongst the three spheres of government.

House Chair, to this end, the committee has made the following recommendations, amongst others: That the Minister must ensure that there are consequences for deviation without community consultation from the original concept of the cultural village to a lounge and conference centre at the Ngovhe facility.

Also, there must be a consequence management for the wasteful and fruitless expenditure for escalating project cost over the years. A repeat visit must be undertaken by the portfolio committee and the Minister to the Ngovhe lounge to engage with the community on the implementation of the project. The project is incorporated into the district and local plans through the District Development Model.

And lastly, there is improve corporation governance amongst the three spheres of government in the implementation of the project.

House Chair, we remain confident that the Development Bank of Southern Africa, DPSA, as an organ of state in section 139 of the Constitution has the requisite capacity to better manage and execute the infrastructure delivery programmes of the department. The DPSA has government system and control in place as a state entity that operates within the provisions of the Public Finance Management Act, PFMA.

Given that DPSA core function especially in build environment, it has established system, staffing and experience to provide efficient and effective planning and procurement to enable programme, project initiation and execution, provision of client centric instruction delivery including planning design construction and maintenance solutions through a multi- disciplinary team of professionals and technical specialist, exercising adequate project controls, monitoring and reporting in line with applicable norms and standards. And also that the DPSA has experience in transferring developing capacity, which the department will be drawing on the process of executing specific projects.

House Chair, it is incumbent on the Ministry and the department to ensure that clear communication among the three spheres of government through the effective use of District

Development Model. There is a coherence and signage in conducting this work.

Community leaders also have the responsibilities to involve people at all times through the duration of the project.

Working together we can do more and we can do better.

Lastly, Chairperson, we urge on all fellow South Africans that we employ them to collectively address the growing crime in our communities and vandalism with infrastructure that is meant to benefit us all as well as attract investment into our country. As we continuously wage war against the triple challenges of poverty, unemployment and inequality that bedevil our society we need to safeguard our democratic gains and an unwavering patriotism for our country and our communities. House Chairperson, we table the report. Thank you.

Ms N K F HLONYANA: House Chairperson, can I please address you. House Chair, can you please deal with the issues which are happening in this side of people who are just chewing sweets. They know that they should not be eating anything in the House but they are busy chewing from this side to that side. Can you please deal with that? Thank you so much.

The CHAIRPERSON (Mr R Q Dyantyi): Thank you, hon member. We are getting there. Issues are noted.

There was no debate.

*Declarations of vote*:

Mr H S GUMBI: Hon House Chair, this report looks at specific infrastructure projects being implemented by the Department of Tourism specifically in Limpopo that highlighted serous challenges faced by the department in implementing its own projects. Now as stated in the report it is true that members of the committee have constantly raised issues around projects having poor workmanship, poor project management, no value for money, operational deficiencies and others. And it is stated. But the difference though is that more often and not projects we have raised concerns about were often because other departments and municipalities were unable to do their basic functions. And that’s what affected tourism. For example, in our previous visit to KwaZulu-Natal, it’s how it folds where the then ANC-led municipalities couldn’t even keep the place clean, couldn’t secure the surroundings and together with SAPS couldn’t keep people safe.

This time however, it is a direct result from this visit by us as a direct result that the department itself is unable to implement its projects. So much so that the department has to appoint the Development Bank of Southern Africa as its implementing agent with the sole reason to hope fix the previous errors it made in the projects and for managing all its projects now across the country. This is a sad and clear admission of failure.

As the DA, we believe tourism has a massive role in helping people out of poverty and into a meaningful job. It is why it is clear and evident for all to see the world of difference between tourist destination in the DA and places where we govern and those in Limpopo and places where the ANC govern.

We are serious about such projects because they help residence and communities. But the truth is, we are not surprised with the findings of the oversight visit. It is common in areas that the ANC were they are elected.

We are however, concerned with whether the Minister herself can turn this around and whether she has an eye on the ball in the department. Minister Sisulu has shown herself more interested in preparing for the ANC Conference in December

than even attending Portfolio committees. Something the portfolio committee and also the chairperson of the portfolio committee has rightful called her out as the Minister ...

Mr H G APRIL: Chairperson? Chairperson?

The CHAIRPERSON (Mr R Q Dyantyi): Just take a pause, Hon member. Take your seat. Hon member, take your seat. I recognise the member. Is that a point of order?

Mr H G APRIL: Yes, Chairperson. I would like to know if the member will take a question.

The CHAIRPERSON (Mr R Q Dyantyi): Okay. Are you prepared to take a question, hon member?

Mr H S GUMBI: No, I have more important things to say.

The CHAIRPERSON (Mr R Q Dyantyi): Okay. Thank you. Proceed. Proceed, hon member.

Mr H S GUMBI: Minister Sisulu has shown herself more interested in preparing for the ANC Conference than into attending the portfolio committee. And is something even the

chairperson of the portfolio committee has rightly now called her the Minister for sending apologies. And so that does not give us confidence that she will be able to fix these challenges. Our tourism attractions, businesses and communities need a competent government to look after our infrastructure across our country. Too many people are siting to the side-lines of no jobs to have a Minister more interested in self-promotion in her party than the job at hand and a government not serious about tourism infrastructure and its contribution to the economy.

Speaker, we adopt the report and its message that the government has failed in this regard. Thank you.

*Tshivenḓa*:

Vho A MATUMBA: Mudzulatshidulo, hoyu muvhigo u khou to u sumbedza u ri Muhasho wa Vhuendelamashango a u ho tsini na u khwinifhadza vhuendelamashango kha disiṱiriki ya Vhembe. Kha zwoṱhe zwine zwa khou ambiwa hafha kha houno muvhigo a hu khou ambiwa zwithu zwine zwa ḓo sia zwo khwinifhadza u itela u ri Vhembe hu sikiwe mishumo nga ha vhuendelamashango.

Vhembe ndi disiṱiriki ya vhuḓi nga maanḓa ine ya takadza vhaendelamashango u fana na Durban, Cape Town na maṅwe

mashango fhedzi a hu na zwithu zwine zwa nga takadza vhaendelamashango zwi tshi ḓa kha u tshimbila ngauri bada dzoṱhe dzi na madindi fhedzi hoyu muvhigo a u khou amba nga uri hu ḓo itiwa mini u ri hu khwinifhadziwe nḓila dzine vhathu vha vho riṇe vha ḓo tshimbila khadzo musi vha tshi ḓa Vhembe. Arali mvula ya nga thoma u na ya u wana u Ha-Tshivhasa a huna hune wa ḓo ya hone ngauri u ḓo sala wo ḓala nga thophe. Fhethu hu fanaho na Mahovhohovhoni, Phiphiḓi na Thathe na Vonḓo na Fundudzi ndi fhethu hu ne ho vha ho fanela ho no khwinifhadziwa kale. Hafha fhethu ndi hone hu ne ha tea u kunga vhaendelamashango kha Vhembe fhedzi a hu na na tshithu na tshithihi tshine tsha khou itiwa u khwinifhadza hafho fhethu u itela uri vhaendelamashango vha ḓi wane vha tshi kho u ḓa u endela Venḓa.

*Xitsonga***:**

Hambiloko hi nga ya eka Mhinga na le Giyani. Vanhu lava vhakaka eKruger National Park ku hava na xin’we lexi va nga siyaka mali eka xona eka Mhinga na le Saselamani hikuva ku hava nhluvuko.

Loko hi languta purojeke ya le ka Ngove ku ve hava ku vulavurisana loku ku nga endliwa loko ku cinciwa kusuka eka “cultural site” kuya eka ku va “lodge”. Vanhu a va byeriwangi

leswaku se ha yi cinca. Purojeke liya a yi ta pfuna vanhu va ka Ngove ...

*English*:

... but there was no consultation. Chair, it is very much disturbing that we sit in the committee every time and the political head do not even bother to come to such a point that as a committee we had to invoke the Constitutional Act in order for her to come and participate.

We know that this recommendation doesn’t speak anything to that and it should have been speaking most to that. As the EFF, we reject the report. Thank you.

Mr K P SITHOLE: Hon Chair, we can all attest to the wonders of tourism and its impact on the lives of South Africans and the economy. Our ability to display and exchange our amazing cultures with others affords us the opportunity to provide citizens with employment, grow the revenue of the country for service delivery and to develop our infrastructure. The collapse of one of these can lead to the total destruction of this entire structure, and more so, our country and the opportunities our people can access. This is what this oversight visit and committee report has shown to be true.

Having multiple tourism projects running in parallel, as well as having them be a matter of concern when it comes to their completion and the management of their infrastructure is highly problematic.

There is a persistent problem which the IFP has been raising regarding coordination and implementation by the department and all other government departments across the board.

The committee’s report reveals a lack of maintenance and sustainability in these projects, highlighting the issues such as poor roads around the projects they visited and the protracted time it takes to implement projects. If we say that the main premise of such projects is for infrastructure development and to drive employment, then we cannot allow the government to create silos that destroy any opportunities for those goals to be realised and exclude communities who are meant to benefit the most from them.

We must hold the government accountable in creating the conditions for these projects to thrive. Infrastructure such as roads would allow for a smooth flow into the destinations where these projects are located. Unfortunately, the

government’s failure to secure such is a clear indication of the government’s passivity towards development in general.

As the committee has pointed out, lack of roads not only puts tourists in danger but also the lives of surrounding communities that are in dire need of the same roads to come and go.

The department has neglected the community. Its consistent lack of consultation with the community and traditional leaders on changes made throughout the projects, the imposing of their own model of what the Ngovhe project was to look like, as well as taking over structures erected by the community for the Phiphidi Waterfall Project, showed a total disregard for the community and their contributions to these projects. The very same lack of courtesy and disrespect, which was pointed out by the communities during the oversight visits and lamented in the report by the committee, needs to be stopped, immediately.

The IFP continues to support the notion that the government keeps showing itself to be unreliable, with no regard for the people. To make promises and raise the hopes of a proactive community and the youth who have had to bear the brunt of

unemployment, only to let them down in the way the leadership of this project has done is quite upsetting.

We all know how prevalent unemployment in this country is and to have a government that delays and compromises the possible employment of many while racking up a bill of projects [Time expired.] The IFP supports the committee’s report. We want ... [Inaudible.]

Mr W M THRING: Hon House Chairperson, the ACDP has said that this report paints such a vivid picture that one is able to immerse themselves into the projects visited, namely, the Ngovhe and the Phiphidi waterfall projects.

It must be stated that what is reflected on in this report is a microcosm of the lived reality of many South Africans and a repetition of the numerous challenges that have led to the demise and/or failure of our state-owned enterprises.

As early as 2013 recommendations were made to the Department of Tourism for a turnaround strategy for all the Working for Tourism infrastructure projects.

Perhaps some have misunderstood the term ‘turnaround strategy’ as they have turnaround so many times that they have become disorientated and incapable of performing their responsibilities. This is captured in the report where it is stated that little progress was achieved in regard to the turnaround strategy.

Additionally, with regard to the tourism infrastructure projects the Auditor-General has raised concerns regarding the supply chain management processes and poor project management.

These concerns are played out at the Ngovhe lodge project where, six years ago, the project had an estimated cost of R6 million with the new implementing agent in the Development Bank of SA, DBSA, and R29,3 million already spent, the completed project is now estimated to cost some R50 million.

The financial overruns at Eskom, Passenger Rail Agency of SA, Prasa, Transnet, SA Airways, SAA, amongst others, is repeating itself in this department.

At Ngovhe what was initially proposed and applied for was a cultural village and community centre. This was unilaterally

changed to a lodge and conference facility without consulting the community.

The atrociously dangerous conditions of the roads, poor signage and a lack of intergovernmental relations, no consequence management for the numerous budget overruns in the Limpopo projects does not bode well for the tourism sector in the province.

In supporting this report, and because the ACDP cares, we call for improved project management, reduced time frames to implement infrastructure projects, an increased operational support so that the lives of the people can be changed at a community level. I thank you.

Mr A M SHAIK EMAM: Chairperson, the NFP will support the report as tabled here by the Portfolio Committee on Tourism on their oversight visit to Mopani and Vhembe Municipality in the Limpopo province.

Let me start off by raising a concern particularly with the high levels of crime and the impact that crimes does not necessarily only have on the lives but on the economic impact it has on the country. And that is why we call upon the

department to work with the necessary law enforcement agencies to ensure, given what has happened in the Mpumalanga province recently and the negative impact that has had with the negative publicity, particularly worldwide, that we can expect a drop into visiting this country.

On the issue of the visit that was made and, of course, we all know that we have a serious problem in the country when it comes infrastructure implementation. Often monies are set aside but it seems like we either don’t have the capacity or we don’t get value for money and this is another opportunity for criminals to make money out of it.

So, we call on the Minister, who we have a lot of confidence in, particularly she has inherited the department that already had challenges and weaknesses. And given her past experience and performance, I think the Minister has what it takes to be able to turn this particular department around and deal with this and ensure there’s consequence management for not adhering to supply chain management and policies that we have actually put in place.

We do acknowledge that consequence management seems to be a major problem in all departments countrywide. But I think the

time has come, now that we dealing with the state capture report and we talk about consequences. Let us rollout consequences to anybody and everybody that does not comply, that is I think what it is about.

But what we are calling on, on the department is to take cognisance of the fact that tourism is going to fall as a result of the negative publicity, they need to put in a lot of hard work in to be able to attract more and more tourists into the country to boost economic growth and particularly the tourism sector. The NFP will support the report. Thank you.

Mr M G E HENDRICKS: Hon Chair, we would like to thank the portfolio committee for doing their oversight, especially to give overseas tourists peace of mind that Parliament and government are on top of any negative publicity that is getting out of the country especially via official opposition parties. We need to paint a positive picture of South Africa and all its tourism facilities and the Portfolio Committee on Tourism is setting an example and we hope that they will up the game and we’ll visit all the tourist sights which are being portrayed negatively overseas.

It is, therefore, Al Jama-ah’s pleasure to support the report and to encourage the Portfolio Committee on tourism and the Minister to continue these oversight visits because it will give peace of mind to tourists all over the world. Thank you very much.

Ms S T XEGO: Hon House Chair, hon members, fellow South Africans, ndi masiari, dumelang, molweni. Hon House Chair, last month we celebrated tourism month under the theme “Rethinking Tourism — Opportunities Await”. Minister Lindiwe Sisulu reported that domestic travel figures exceeded those of 2019, and South Africa recorded over a 100% increase in domestic trips compared to the same period in 2021.

Domestic tourism has truly been leading the sector’s recovery and continues to be the cornerstone of this sector. This is a result of a concerted effort by the tourism sector to place greater focus on boosting domestic tourism and thereby boosting the local economy. Local travel demand has surged following the easing of COVID-19 travel restrictions and the removal of travel bans, and a significant increase in domestic spending has also been registered. Many small tourism businesses that struggled during the travel restrictions are now benefiting from this spending.

Hon House Chair and members, the ANC holds a firm belief that the village, township and small dorpies approach that has been adopted by the portfolio committee is key to the transformation of local economy, and it seeks to empower the marginalised and previously disadvantaged communities. Tourism development has always been skewed in favour of big cities and towns. It was to this end that we welcomed and appreciated the opportunity to conduct physical oversight in the Mopani and Vhembe districts in Limpopo province from 19 to 22 April 2022. This oversight visit has influenced my Sepedi attire. We had a wonderful experience in Phiphidi waterfalls which is one of the sacred tourist site in Venda Thohoyandou. The community of Sibasa has made strides against all odds to ensure the success of their project under the stewardship of their headman, Ntate Dibakwane.

Hon House Chair, let me take this opportunity and share with the House that it is misleading to inform this House that the hon chairperson was absent during the visits. She was on sick leave and all the parties that have been raising their concerns about the absence of the Minister and the chairperson, it is not true. [Interjections.] They were not even part of the visit. Those of us who were there have

experienced Limpopo and we are mindful of the challenges that are confronting the community.

The ANC remains concerned about the lack of co-ordination and workmanship around such programmes that seeks to uplift and provide opportunities for communities, particularly the youth and women who carry the brunt of the high levels of unemployment and poverty we are confronted with on a daily basis. It is with regret that we witnessed that some structures within the provincial and local government structures were not even aware of the Ngovhe project, and the service providers appointed were not fit for the purpose. As a result there has been mismanagement of funds allocated to the project. To date R29,3 million has been spent on the project and yet it remains halted and requires more funding in addition to that provision has been made for sustainability model at an estimated cost of R72,7 million and the Minister made a commitment to that end.

The ANC welcomes the decision of the department to appoint the Development Bank of South Africa, DBSA, as an implementing agent for all its infrastructure projects throughout the country. Such poor management of infrastructure projects should not persist under our watch. We implore the DBSA to

speed up the execution of these projects and that they are done within the legislative framework. The Ministry and the department need to pay close attention to this implementation and have mechanisms to detect when things are not going according to plan. We call on the department to adopt a more proactive approach to dealing with challenges experienced in executing such projects.

Hon members, we have emphatically raised that for tourism to realise its full potential we need to adopt a whole government approach while the Department of Environmental Affairs is doing a study to rationalise the community projects, the Department of Transport, through the Vala Zonke campaign, should be able to help with speedily fixing the road infrastructure and provide synergy, and the Department of Police should help us address the issue of crime, the list goes on and on. All departments contribute to the wellbeing of our tourism and it also cuts across all spheres of government.

The ANC supports the committee recommendations to incorporate all the tourism projects implemented in Limpopo province in the District Development Model to harness full project support for all the projects implemented in the province. This

approach should be adopted by all provinces to ensure a coherent strategy in the execution of the projects.

It is the view of the ANC that members of the trust running the various projects have to be supported and equipped with all the necessary skills to efficiently and effectively run their projects. This will help them better manage projects and contribute to their sustainability. The ANC supports the report and all its recommendations, House Chair. Thank you very much.

*Tshivenḓa*:

Ndo livhuwa nga maanḓa.

The ACTING CHIEF WHIP OF THE MAJORITY PARTY (Ms R M M LESOMA):

Hon House Chair, I request and I move that this House accept the report. Thank you.

Motion agreed to.

Report adopted and National Land Transport Amendment Bill accordingly passed (Economic Freedom Fighters dissenting).

# CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON TRADE AND INDUSTRY ON OVERSIGHT VISIT TO GAUTENG AND MPUMALANGA FROM 19 TO 22 APRIL 2022

Ms J HERMANS: Thank you very much, House Chair. As part of the committee’s constitutional mandate of oversight, the Portfolio Committee of Trade, Industry and Competition visited the National Regulator for Compulsory Specifications and the SA Bureau of Standards in Gauteng to assess the progress in terms of implementing the turnaround strategies and the resolution of the audit findings. We noted that the National Regulator for Compulsory Specifications, NRCS, 2021-22 ... [Inaudible.]

... report reflects an unqualified audit with findings which shows an improvement on this matter and significant progress that has been made in terms of the implementation of the NRCS, information and communications technology, ICT, modernisation project, and its undertaking to complete its modernisation process during the 2022-23 financial year as this is essential to improve efficiency of the NRCS services to its customers.

In terms of the SA Bureau of Standards, SABS, the committee welcomed the progress made by SABS since it had been placed under administration in 2018. The turnaround strategy has yielded significant results with initial stabilisation of the

organisation addressing its operational challenges and placing SABS on a new strategic course going forward. The success of its sales strategy that has contributed to the improvement of the financial support performance of SABS commercial, the retention of more clients and the growth of its client base is appreciated. We note the significant investment in maintenance at the Groenkloof Campus, however, it is noted that the urgency with which SABS has to address its aging auxiliary pipeline networks and its financial constrains to replace the pipelines.

The Mpumalanga visit focus on industrialisation and the expansion of the manufacturing base to ensure economic development and transformation and job creation in Mpumalanga. We visited the Mpumalanga Department of Economic Development and Tourism to engage on the progress made with the development of the Nkomazi Special Economic Zone, SEZ, and the Ekandustria Industrial Park. We also visited a number of private enterprises that have received funding from the Department of Trade, Industry and Competition and National Empowerment Fund, NEF. These included Mixcorp (Pty) Ltd, Gegana Business Enterprises and Roadgrass Investments.

We were concerned by the slow progress in the development of the Nkomazi SEZ since its designation in 2018. We are of the view that there was no clear plan that outline the cost of and timeframes for developing the SEZ as well as the strategy to attract investors. The committee welcomed the support of the Department of Trade, Industry and Competition to revitalise industrial parks to stimulate rural economies and create rural employment. However, it is concerned that Mpumalanga Economic Growth Agency, Mega, is inadequate management and human resource capacity at Ekandustria and the lack of financial resources to maintain the park as well as the debt owed to the City of Tshwane for bulk electricity supply.

Given the challenges associated with structural constraints in the economy the committee urged the Department of Trade, Industry and Competition and the development finance institutions Industrial Development Corporation, IDC, and NEF to offer more nonfinancial support to black industrialists to navigate and resolve challenges such as unblocking policy constraints and access to markets. The committee commended the addition of primary agricultures, one of the industrial development corporation priority sectors in support of the poultry master plan. Furthermore, the committee welcomed the partnership being developed by IDC and the private sector to

leverage financing in support of primary agricultural sector and to overcome barriers to market access for emerging farmers. I present this report of the portfolio to the House. Thank you, House Chair.

There was no debate.

Declarations of vote made on behalf of the Democratic Alliance, Economic Freedom Fighters, Inkatha Freedom Party, African Christian Democratic Party, National Freedom Party and African National Congress.

*Declaration of votes*:

Mr M J CUTHBERT: Thank you very much, House Chairperson. The portfolio committee the significance amount of grant and content over the cost of this oversight visit visiting various locations in Gauteng and Mpumalanga with a focus on issues ranging from the SA Bureau of Standards to Industrial Development Corporation funded businesses. Our first stop on the visit was to the National Regulator for Compulsory Specifications and SABS where we found that a few amount of progress has been made despite the apparent resource constraints at these institutions. We welcome the steps by the NRCS as leadership team to improve the turnaround time for

Letters of Authority, LOAs, with 92% of applications finalised within 120 Days. However, we remain concerned about both the underfunded and unfunded mandates of Legal Metrology processed meats and the National Building Regulations and Standards.

In the case of SABS it appears that the maintenance and upgrading of the Groenkloof facility has continued steadily since we last visited in 2020. However, the remained significance shortfall in funding for future upgrades that require urgent attention such as the auxiliary pipe networks which we found in a parlous state. Well the administrators of SABS have managed to stabilise the entity for the time being. We call on the Minister to finalise the appointment of the chief executive officer, CEO, and leadership team. Technical infrastructure entities such as these are critical components of the economic policy toolkit that has taken many years of serious investment to create the capabilities that they possess. However, this can quickly be lost if the facilities and instruments become obsolete due to technological advances. The Minister needs to prioritise these entities and ensure that despite the constrained fiscal environment that they are adequately funded and given the necessary attention of his Ministry.

Hon House Chair, during the Mpumalanga legal the oversight visit we ... [Inaudible.] ... of an imaginary special economic zone out in Nkomazi. In a ... [Inaudible.] ... presented on PowerPoint the officials of the Mpumalanga Department of Economic Development and Tourism attempted to bamboozle the portfolio committee starting a list of potential investors and infinite set of plans laced with a strong dose of snake oil.

It is no wonder that we didn’t physically visit the site as I’m certain that we wouldn’t have been much more than an open piece of ground that didn’t get much better for our Mpumalanga colleagues as they proceeded to take us to the dilapidated Ekandustria Industrial Park which revealed use of chronic mismanagement and underfunding. We were told that they were unable to pay their bulk electricity bill to the City of Tshwane and it failed to implement debt collection policies in order to settle their debts.

This had a significant impact on the businesses located in the area which despite a lack of support from the province who are trying their best to create jobs and stimulate the local economy. Our last location for the day was to the power station known for its regular contributions to rolling blackouts and sell them operation. Sabotage, mismanagement and corruption at the power station meant that local businesses

reliance on Eskom supply chain will soon to default on the loans to the IDC. Thankfully, however, we ended for our time on a relatively positive note where we encountered in agricultural technology company funded by the IDC have made great strides in mechanising the planting and fertilisation process. We also met with the National Empowerment Fund funded business in the electromechanical fuel which supplied a months with various forms of equipment.

I was fortunate enough to spend a few amount of time discussing the business with its owner and I was shocked by his admission that he didn’t need to obtain funding on the basis of his race and that he was a sound businessman on his own right. I suppose that just goes to show the members in the opposition benches are South Africans resent being reduced to an identity market. Hon House Chairperson, this report accurately reflects the contents of the oversight visit and, therefore, the DA agrees to the support. I thank you.

Mr M TSHWAKU: House Chairperson, there can no longer be any doubt that there is a concerted effort to collapse the state- owned enterprises. The SABS is one of them, and the entity was placed under administration due to disclaimer audit finding that was obtained in 2017-18 financial year due to the lack of

leadership not able to attract the critical skills. The main function of SABS is to maintain the South African National Standard, SANS and to promote equality of products and commodities manufactured. A collapse would mean new manufactured goods will not be able to be tested and can pose danger to the society.

There is an aging auxiliary pipeline networks that transports utilities that are needed in the testing labs that must be supported by the government with urgency before there is a total collapse of the system. The security must be tightened to ensure that the theft of electricity cables of compass on operations of laboratories is minimised. Also, there must be standing generators, solar panels must be installed as a mitigation factor to ensure that there is always electricity in the testing labs.

SABS has not had a proper board for almost five years and there are just administrators in acting positions who are not sure whether they are coming or going. So, this is an indication that Minister Ebrahim Patel has no sense of urgency in anything in the Department of Trade and Industry and Competition. SABS must be properly funded and the competent

board must be appointed to ensure that this state-owned enterprise goes back to its predates.

Now, as far as the Special Economic Zones are concerned, there is not even a slow progress. Nothing is happening - none whatsoever - in all the SEZ that the department is trying to develop. We must not lie to ourselves. It is not a surprise that even on this one that we did an oversight on, the Nkomazi SEZ, it will never take off. There is confusion in the terms of reference between the national and provincial government.

They are claiming - in terms of the project - who owns it or not. They have no clear plan that is outlined with cost and time frames for developing this Nkomazi SEZ, as well as a strategy to attract these investors and all of that.

This is true for all the SEZ that the department is doing. There is always a concept that is going to come up. They are going to do this. They are all having problems, similar electricity problems. They can’t have access to the labs. Now the main one; lack of access to the land by government has been one of the major contributors also in the slow development of these SEZ because government does not have the land. We have been saying that land must be expropriated for exactly these sort of problems because it is only white people

who actually owns the land. And they block the development initiatives from taking place.

Now, a developmentally-orientated state will pay a specific attention to these SEZ and use them to catalyse long lasting developments. Sadly, the focus of the ruling clique, the ANC, is only on handing over key institutions of the state to their friends and businesses. So all these SEZ, in all the reports that we actually got, do not even own Nkomazi. There have always been problems.

All these reports that have been coming in, people complaining with no solutions at all, and we know that these SEZ are one of the key areas that we are able to really do the job. You know, the creation. So as the EFF, we support the report because it actually accurately depicts the state of the SABS that is happening there; and also the non-functionality of the SEZ which the department is claiming that they are happening and they will create jobs. I thank you.

Inkosi R N CEBEKHULU: House Chairperson, in a country with increasing unemployment, initiatives aimed at countering this crisis are of paramount importance, as they could potentially prevent the unravelling of our country’s fragile stability.

Therefore, the Department of Trade, Industry and Competition’s initiative to develop Special Economic Zones and Industrial Parks is incredibly important, as it will help ...

The CHAIRPERSON (Mr Q R DYANTYI): We ask that please come closer to the mic so that we can hear you.

Inkosi R N CEBEKHULU: However, this initiative faces many challenges, such as a lack of skilled persons to fill vacancies, keeping up to date with technology, missing targets, lack of implementation of plans and timeframes, and better audit performance. The report highlights that the National Regulator for Compulsory Specifications has been faced with two main challenges, namely the audit qualification linked to levy revenue collection; and the slow implementation of the ICT Modernisation Project, which is meant to assist in addressing some of the challenges that the department faces.

The ICT Modernisation Project has been fraught with delays, in spite of some progress that has been made. The National Regulator for Compulsory Specifications still experiences challenges in terms of inadequate internal capacity in implementing the Modernisation Project; as well as inefficient

functional processes and inadequate capacity to support and drive the project’s key initiatives.

We are satisfied that the previous matters that gave the SA Bureau of Standards a qualified audit opinion for the 2018-19 financial year have been resolved, and it has received unqualified audit opinions for the 2019-20 and 2020-21 financial years. The SABS has had some success with increased sales and marketing strategy, which has contributed to the improvement of the financial performance of SABS commercial, the retention of more clients, and the growth of its client base.

However, as the IFP, we are concerned that the entity of the SABS has functioned without a board and, more importantly, a permanent Chief Executive Officer for far too long, which has resulted in a lack of decision-making capacity. Steps should have been taken to rectify the matter and the appointment of a board should have been treated with urgency. The future and success of these initiatives hang in the balance, due to the displayed lack of commitment to the SABS. This entity has been under administration for four years, yet the appointment of a board is only scheduled for March of next year. [Time expired.]

Mr W M THRING: House Chairperson, as we consider this report, the ACDP notes that it’s against backdrop of high unemployment and diminishing foreign and domestic investment in South Africa. The ACDP is further cognisant of the fact that the economies of the developing world were built on the implementation of successful industrial development programmes where structural changes were initiated to guide policy certainty. It is our view that unless we see similar structural changes, our economy will continue to limp along producing jobless ... [Inaudible.] ... and ... [Inaudible.]

... millions of South Africans unemployed.

Against this backdrop, the ACDP notes that our oversight visit to Gauteng and Mpumalanga was important. As the committee visited and interacted with the National Regulator for Compulsory Specifications NRCS, SABS, Mpumalanga Mpumalanga Department of Economic Development and Tourism, Nkomazi SEZ, Ekandustria Industrial Park and private enterprises, we have received funding form the department. The visit to the NRCS and SABS was to check on progress made in implementing their turnaround strategies resolving inaccurate estimations of levy revenue, implementation of an ICT, modernisation project and financial viability of SABS.

While the ACDP values progress made by the NRCS in implementing its ICT modernisation project, there still remains hurdles in the inaccurate estimation of levy revenue, resulting in recurring audit qualifications that needs to be overcome. The ACDP also appreciates the progress made at SABS resulting in the stabilisation of the entity. While there are joint meetings between SABS and the NRCS to deal with operational issues to foster collaboration and co-operation, it is the view of the ACDP that these two entities should be assimilated under one umbrella body to further enhance efficiencies.

Time will not allow me to deal with the aspect of this extensive report or the aspects. So I will conclude by highlighting the concern raised by the committee on the slow progress in the development of the Nkomazi SEZ, designated in 2018 with millions of rands spent but not much to show for it. So while the committee was recently appraised on the cost and timeframes for the developing of this SEZ, the ACDP certainly will not be holding its breath on this, but will keep a close eye on the Nkomazi SEZ to ensure that our taxpayers receive value for money invested. The ACDP supports this detailed and extensive report. I thank you.

Mr A M SHAIK EMAM: House Chairperson, the NFP will support the report of the Portfolio Committee on Trade and Industry.

However, we want to raise some concerns. This entity SABS, was created in 1945, fifty years later the new government took over, and 28 years later it is in a crisis. The committee visited the National Regulator for Compulsory Specification and the South African Bureau of Standards to follow up on progress made in implementing their turnaround strategy as part of ongoing oversight over these two entities.

In terms of the NRCS, key focus area is the implementation of system and processes to resolve the inaccurate estimation of levy revenue and the implementation of the information and communication technology modernisation. In terms of SABS, the key focus area is the resolution affecting the financial viability of the SABS. Let us not forget that the Auditor- General is now telling us that this entity is perhaps not an ongoing concern at this point in time – its technically insolvent. And of course, as well as the implementation of turnaround processes and new business model to improve its financial viable; and the management of its property at the Groenkloof campus in terms of the maintenance of its aging infrastructure.

Very importantly, when you talk about the SABS, the number of complains and concerns you get from the ground, particularly on small businesses, the red tape, and how they are treated by the SABS leaves a lot to be desired. According to the Auditor- General in a presentation to the Portfolio Committee on Trade and Industry, the SABS was the only entity in the portfolio present that had an audit outcome with findings. The entity is experiencing governance issue.

The public entity is still operating without a fully constituted and functional board of directors as the executive authority has not finalised the appointment of a full time board. This is in contravention of the Standard Act. The entity last had a full board in July 2018 and thus the entity has been operating under administration for the last four years.

Furthermore, the entity has operated without a permanent CEO since 2018. Some of the challenges experienced by SABS includes revenue generation that has decline and was exacerbated by operation inefficiently which resulted in a significant loss of costs. Continued incurrence by losses ... [Inaudible.] ... since 2017-18 financial year. For 2021 they realised a proper ... [Inaudible.] ... of R100 000, and notice

of consultation in terms of Section 189 of the Labour Relations Act 66 of 1995, was issued as part of ... The NFP supports the report. [Time expired.]

The CHAIRPERSON (Mr Q R DYANTYI): Your time has expired just on that Act. We will read in further. Thank you.

Mr S M JAFTA: Hon Chair, the AIC supports the report without any further declarations.

Mr M NYHONTSO: Chair, the PAC supports the report. Thank you.

Mr M G E HENDRICKS: Hon Chair, we support the report.

Mr S H MBUYANE: Chairperson, happy birthday to you. History fraught the evidence that the market economies [Interjections.] [Laughter.] The trickled down economies are unable to solve the problem and the poverty underdevelopment that characterise the South African economy. Therefore the role of the state becomes critical in reversing poverty and underdevelopment.

At the start of the Sixth Parliament the ANC identified the National Regulator for Compulsory Specifications and the SA

Bureau of Standards, SABS, as part of the key oversight priorities due to challenges experienced by this entity. Historically, the National Regulator for Compulsory Specifications, NRCS, has been faced with two main challenges. Among others, namely, the audit qualification linked to levy revenue collection and the slow implementation in the information and communications technology, ICT, modernisation which is meant that it assists in addressing some of the challenges that the entity is faced with.

In 2018, the NRC developed and started implementing a turnaround strategy to overcome these challenges. We are pleased that the turnaround strategy has progressively been implemented as a result revolutionary progress has been registered by the NRCS in resolving the inaccuracy estimated of levy revenue which has resulted in recurring audit qualification.

The ICT modernisation project meant amongst others improves the efficiency and its service to its customers and integrate support to core function that will assist the company registration process and levy payments. Substantial progress has also been registered in this regard.

Although we believe there is sufficient progress needed to ensure that the entity operate in its best and we are pleased with the progress made and believe that this entity will exceed the expectation and play an important role in our economy and also in the reindustrialisation efforts.

Similarly, the SABS has progressively and successfully implementing its turnaround strategy which has enabled the entity to record a R6,4 million profit in 2021 compared to an expected net loss of R2,2 million. This happened against a very tough domestic and international economic backdrop.

While appreciating the continuous improvement is recorded to achieve long-term financial sustainability. The financial performance of the entity indicates the positive outlook and projected profit after five years of losses.

The ANC introduced the special economic zones to enable spatial decentralisation of economic activities from the three traditional economic hubs such as Gauteng, KwaZulu-Natal and the Western Cape to include more rural provinces to ensure a more inclusive economy that serves all South Africans where they live. The Nkomazi special economic zone, SEZ, conceptualised in the rural province as an agro-processing and

logistic services activity hub. The targeted value chain of the SEZ include secondary and tertiary stages of the processing of citrus and subtropical foods, aromatic herb, ground and tree nuts, sugar cane and meat processing amongst others. The processing of agriculture in the SEZ will be based on automated and semiautomated as well as high tech manufacturing technology through the use of green and renewable energy sources. The support services will include logistic and warehousing facility which also seeks to improve the utilisation of green source of energy.

Furthermore, the development of Small and medium-sized enterprise, SME, in one of the condition is established as an SEZ will house and incubation hub to facilitate this. The SEZ is expected to contribute R97,6 billion to gross domestic products and yield 8 275 jobs in construction, 9 505 industrial job and 81 765 agricultural jobs. The entity has developed a five-year strategic plan and an annual performance plan. It will manage performance through performing agreements and also monitoring and evaluation and quarterly reports to be submitted to the Mpumalanga Department of Trade and also the DTIC.

The successful implementation of the SEZ will require a collaborative effort to establish public-private partnership in the development and also in the operation of the SEZ. The DTIC has already provided between R26 million and R28 million for operational and setup cost. Although this SEZ has enormous potential to create jobs and contribute to our development and industrial efforts, we are concerned that there is an inadequate leadership and project management capacity despite secondment to assist SEZ. Consequently, there has been a slow progress in the implementation. We call on the department to ensure sufficient support is provided to SEZ and ensure that investments are directed to the SEZ and its essential for the poor and unemployed people of Mpumalanga.

Industrial park catalyst for broader economic] and industrial development is in the township and rural areas through diversification of economic activities attracting investment and job creation in addressing inequality.

The orthodox neoliberal postulation by our friend here at the DA table that seeks to subordinate the role of the state in a highly inequality society is ours to the most inconvincible and reactionary thing. Nowhere in the world have the economies developed by leaving development to whim in off the market. We

therefore have to support this industrial parks for the sake of our people.

We are however concerned that the state of affairs in Ekandustria Industrial Park has deteriorated and intervention is needed to ensure the industrial park serves its antedated purpose. The industrial park has an occupancy rate of 53% with

2 239 people employed and this amount has dropped from 5 000 in 2015. We cannot continue approving Budget year in and year out to be impacting changes of the lives of many of our people and unemployed South Africans, but yet we do not see progress as it relates to development. The department should be given substantial power to intervene where provincial and local governments are failing to execute their responsibilities. We will continue to keep a close eye in the development of this

... [Time expired.] Thank you very much, Chairperson.

The ACTING CHIEF WHIP OF THE MAJORITY PARTY (Ms R M M Lesoma):

Hon House Chair, I move:

That the Report be adopted.

Motion agreed to.

Report accordingly adopted.

The House adjourned at 17:18